

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB585

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Dunnavant

3. Committee: Passed Both Houses

4. Title: Guardianship; supported decision making.

5. Summary: Provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court, and it requires the Superintendent of Public Instruction to make available transitional materials prepared by the Department of Education that include information about guardianship to be provided to students and parents during the student's annual IEP meeting.

The bill also requires the guardian ad litem to consider whether a less restrictive alternative, including the use of an advance directive or durable power of attorney, is available to provide assistance to the respondent.

The bill requires the court, upon appointment of a guardian or conservator, to inform such person of his duties and that the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights. The bill sets out specific language to be included in all orders of appointment of a guardian.

Finally, the bill requires the Department of Behavioral Health and Developmental Services to convene a group of stakeholders to study the use of supported decision-making agreements.

As introduced, the bill was a recommendation of the Joint Commission on Health Care.

6. Budget Amendment Necessary: Yes, Item 138.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	\$20,000	0.0	General (01000)
2022	\$0	0.0	General (01000)
2023	\$0	0.0	General (01000)
2024	\$0	0.0	General (01000)

2025	\$0	0.0	General (01000)
2026	\$0	0.0	General (01000)

- 8. Fiscal Implications:** The enrolled version of this bill includes a House amendment which alters the language so that the Department of Education (VDOE) is responsible for the preparation of the materials required by this legislation. In order to adhere to the requirements of the special education transition materials as outlined in the bill, VDOE has estimated that it would need three months of consultant support for \$15,000. VDOE would also convene two meetings of stakeholders for an additional \$5,000. The total state support required for VDOE to comply with the provisions of the legislation is estimated at \$20,000.
- 9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services; Department of Education
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.