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SENATE BILL NO. 514

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to direct the Office of the Executive Secretary of the Supreme Court of Virginia to perform certain tasks related to adult guardianship and conservatorship cases; to amend and reenact §§ 51.5-150, 64.2-2004, 64.2-2009, 64.2-2019, and 64.2-2020 of the Code of Virginia; and to amend the Code of Virginia by adding sections numbered 64.2-2009.1 and 64.2-2019.1, relating to guardianship and conservatorship of incapacitated persons.*

Patrons—McPike, Mason and McClellan

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Office of the Executive Secretary of the Supreme Court of Virginia shall (i) maintain and update as needed training for circuit court judges on adult guardianship and conservatorship cases held pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 of the Code of Virginia; (ii) identify one or more entities that could develop and offer a continuing legal education course for guardians ad litem appointed in such adult guardianship and conservatorship cases that focuses on litigation in contested guardianship and conservatorship cases and facilitate the creation and offering of such course; (iii) include on the list of attorneys admitted to practice law in Virginia who are qualified to serve as guardians ad litem in such cases the years of experience and specific expertise of each such attorney; and (iv) formally communicate to all circuit court judges the availability, accuracy, and timeliness of such list provided to them.

2. That §§ 51.5-150, 64.2-2004, 64.2-2009, 64.2-2019, and 64.2-2020 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 64.2-2009.1 and 64.2-2019.1 as follows:

§ 51.5-150. Powers and duties of the Department with respect to public guardian and conservator program; certain powers and duties to provide support, oversight, and guidance with respect to private guardianships.

A. The Department shall fund from appropriations received for such purpose a statewide system of local or regional public guardian and conservator programs.

B. The Department shall:

1. Make and enter into all contracts necessary or incidental to the performance of its duties and in furtherance of the purposes as specified in this article in conformance with the Public Procurement Act (§ 2.2-4300 et seq.);

2. Contract with local or regional public or private entities to provide services as guardians and conservators operating as local or regional Virginia public guardian and conservator programs in those cases in which a court, pursuant to §§ 64.2-2010 and 64.2-2015, determines that a person is eligible to have a public guardian or conservator appointed;

3. Adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) as appropriate to implement, administer, and manage the state and local or regional programs authorized by this article, including, but not limited to, the adoption of:

a. Minimum training and experience requirements for volunteers and professional staff of the local and regional programs;

b. An ideal range of staff to client ratios for the programs, and adoption of procedures to be followed whenever a local or regional program falls below or exceeds the ideal range of staff to client ratios, which shall include, but not be limited to, procedures to ensure that services shall continue to be available to those in need and that appropriate notice is given to the courts, sheriffs, where appropriate, and the Department;

c. Procedures governing disqualification of any program falling below or exceeding the ideal range of staff to client ratios, which shall include a process for evaluating any program that has exceeded the ratio to assess the effects falling below or exceeding the ideal range of ratios has, had, or is having upon the program and upon the incapacitated persons served by the program.

The regulations shall require that evaluations occur no less frequently than every six months and shall continue until the staff to client ratio returns to within the ideal range; and

d. Person-centered practice procedures that shall:

(1) Focus on the preferences and needs of the individual receiving public guardianship services; and

(2) Empower and support the individual receiving public guardianship services, to the extent feasible,

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59 in defining the direction for his life and promoting self-determination and community involvement.

60 4. Establish procedures and administrative guidelines to ensure the separation of local or regional
61 Virginia public guardian and conservator programs from any other guardian or conservator program
62 operated by the entity with whom the Department contracts, specifically addressing the need for
63 separation in programs that may be fee-generating;

64 5. Establish recordkeeping and accounting procedures to ensure that each local or regional program
65 (i) maintains confidential, accurate, and up-to-date records of the personal and property matters over
66 which it has control for each incapacitated person for whom it is appointed guardian or conservator and
67 (ii) files with the Department an account of all public and private funds received;

68 6. Establish criteria for the conduct of and filing with the Department and as otherwise required by
69 law: values history surveys, annual decisional accounting and assessment reports, the care plan designed
70 for the incapacitated person, and such other information as the Department may by regulation require;

71 7. Establish criteria to be used by the local and regional programs in setting priorities with regard to
72 services to be provided;

73 8. Take such other actions as are necessary to ensure coordinated services and a reasonable review of
74 all local and regional programs;

75 9. Maintain statistical data on the operation of the programs and report such data to the General
76 Assembly on or before January 1 of each even-numbered year as provided in the procedures of the
77 Division of Legislative Automated Systems for the processing of legislative documents regarding the
78 status of the Virginia Public Guardian and Conservator Program and the identified operational needs of
79 the program. Such report shall be posted on the Department's website. In addition, the Department shall
80 enter into a contract with an appropriate research entity with expertise in gerontology, disabilities, and
81 public administration to conduct an evaluation of local public guardian and conservator programs from
82 funds specifically appropriated and allocated for this purpose, and the evaluator shall provide a report
83 with recommendations to the Department and to the Public Guardian and Conservator Advisory Board
84 established pursuant to § 51.5-149.1. Trends identified in the report, including the need for public
85 guardians, conservators, and other types of surrogate decision-making services, shall be presented to the
86 General Assembly. The Department shall request such a report from an appropriate research entity every
87 four years, provided the General Assembly appropriates funds for that purpose; and

88 10. Recommend appropriate legislative or executive actions; and

89 11. *Provide support, oversight, and guidance with respect to guardianships administered pursuant to*
90 *Chapter 20 (§ 63.2-2000 et seq.) of Title 64.2 by:*

91 a. *Developing and providing training for guardians appointed pursuant to Chapter 20 (§ 64.2-2000*
92 *et seq.) of Title 64.2, which shall include training on the responsibilities and duties of guardians, how to*
93 *complete annual guardianship reports, and how to involve and encourage participation of incapacitated*
94 *adults in decisions made by such guardians;*

95 b. *Developing a process for providing information to guardians ad litem appointed pursuant to §*
96 *64.2-2003 on any valid report of adult abuse, neglect, or exploitation made pursuant to Article 2*
97 *(§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2 regarding a prospective or appointed guardian as*
98 *permitted by law;*

99 c. *Developing and providing a training program for local departments of social services on how to*
100 *review annual guardianship reports;*

101 d. *Providing guidance to local departments of social services on identifying areas of concern that*
102 *should prompt a more in-depth review of a guardianship appointment;*

103 e. *Facilitating additional monitoring of guardians through developing a proposal regarding*
104 *conducting visits by the Department or another designated entity to certain incapacitated persons under*
105 *a guardianship to ensure that such persons are receiving quality care from both the guardian and any*
106 *other provider involved in their care. The proposal shall describe (i) criteria for determining which*
107 *adults under guardianship should receive visits, (ii) who should conduct the visits, (iii) the purpose of*
108 *the visits, (iv) what the individual conducting the visit should monitor during a visit, (v) when to request*
109 *and review additional documents regarding the incapacitated person, and (vi) potential actions to take*
110 *when problems or concerns are identified in the course of a visit. The proposal shall also include an*
111 *estimate of one-time and ongoing total costs of such visits and be submitted to the House Committee on*
112 *Appropriations and Senate Committee on Finance and Appropriations no later than December 31, 2022;*

113 f. *Taking any actions necessary to assist in improving the Commonwealth's data tracking and*
114 *reporting system on guardianships; and*

115 g. *Creating and administering a process for receiving complaints against appointed guardians.*

116 C. Nothing in this article shall prohibit the Department from contracting pursuant to subdivision B 2
117 with an entity that may also provide privately funded surrogate decision-making services, including
118 guardian and conservator services funded with fees generated by the estates of incapacitated persons,
119 provided such private programs are administered by the contracting entity entirely separately from the
120 local or regional Virginia public guardian and conservator programs, in conformity with regulations

established by the Department in that respect.

D. In accordance with the Public Procurement Act (§ 2.2-4300 et seq.) and recommendations of the Public Guardian and Conservator Advisory Board, the Department may contract with a not-for-profit private entity that does not provide services to incapacitated persons as guardian or conservator to administer the program, and, if it does, the term "Department" when used in this article shall refer to the contract administrator.

§ 64.2-2004. Notice of hearing; jurisdictional.

A. Upon the filing of the petition, the court shall promptly set a date, time, and location for a hearing. The respondent shall be given reasonable notice of the hearing. The respondent may not waive notice, and a failure to properly notify the respondent shall be jurisdictional.

B. A respondent, whether or not he resides in the Commonwealth, shall be personally served with the notice of the hearing, a copy of the petition, and a copy of the order appointing a guardian ad litem pursuant to § 64.2-2003. A certification, in the guardian ad litem's report required by subsection B of § 64.2-2003, that the guardian ad litem personally served the respondent with the notice, a copy of the petition, and a copy of the order appointing a guardian ad litem shall constitute valid personal service for purposes of this section.

C. A copy of the notice, together with a copy of the petition, shall be mailed by first-class mail by the petitioner at least seven days before the hearing to all adult individuals and to all entities whose names and post office addresses appear in the petition. The court, for good cause shown, may waive the advance notice required by this subsection. If the advance notice is waived, the petitioner shall promptly mail by first-class mail a copy of the petition and any order entered to those individuals and entities.

D. The notice to the respondent shall include a brief statement in at least 14-point type of the purpose of the proceedings and shall inform the respondent of the right to be represented by counsel pursuant to § 64.2-2006 and to a hearing pursuant to § 64.2-2007. Additionally, the notice shall include the following statement in conspicuous, bold print.

WARNING

AT THE HEARING YOU MAY LOSE MANY OF YOUR RIGHTS. A GUARDIAN MAY BE APPOINTED TO MAKE PERSONAL DECISIONS FOR YOU. A CONSERVATOR MAY BE APPOINTED TO MAKE DECISIONS CONCERNING YOUR PROPERTY AND FINANCES. THE APPOINTMENT MAY AFFECT CONTROL OF HOW YOU SPEND YOUR MONEY, HOW YOUR PROPERTY IS MANAGED AND CONTROLLED, WHO MAKES YOUR MEDICAL DECISIONS, WHERE YOU LIVE, WHETHER YOU ARE ALLOWED TO VOTE, AND OTHER IMPORTANT RIGHTS.

ANY ADULT INDIVIDUAL RECEIVING A COPY OF THIS NOTICE MAY FILE A PETITION TO INTERVENE IN THE ACTION TO BECOME A PARTY AND TO REQUEST TO BE APPOINTED YOUR GUARDIAN OR YOUR CONSERVATOR OR PROPOSE THAT ANOTHER GUARDIAN OR CONSERVATOR BE APPOINTED IN LIEU OF THE ONE SELECTED.

E. The petitioner shall file with the clerk of the circuit court a statement of compliance with subsections B, C, and D.

§ 64.2-2009. Court order of appointment; limited guardianships and conservatorships.

A. The court's order appointing a guardian or conservator shall (i) state the nature and extent of the person's incapacity; (ii) define the powers and duties of the guardian or conservator so as to permit the incapacitated person to care for himself and manage property to the extent he is capable; (iii) specify whether the appointment of a guardian or conservator is limited to a specified length of time, as the court in its discretion may determine; (iv) specify the legal disabilities, if any, of the person in connection with the finding of incapacity, including but not limited to mental competency for purposes of Article II, Section 1 of the Constitution of Virginia or Title 24.2; (v) include any limitations deemed appropriate following consideration of the factors specified in § 64.2-2007; (vi) set the bond of the guardian and the bond and surety, if any, of the conservator; and (vii) where a petition is brought prior to the incapacitated person's eighteenth birthday, pursuant to subsection C of § 64.2-2001, whether the order shall take effect immediately upon entry or on the incapacitated person's eighteenth birthday.

A1. In the order of appointment, the court shall set a schedule for periodic review hearings, to be held one year after the initial appointment and every three years thereafter, unless it makes a determination that such hearings are unnecessary or impracticable. Any such determination shall be stated in writing and address (i) the respondent's condition and ability to regain capacity, (ii) the suitability of the person appointed as guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of the guardian or conservator was contested by the respondent.

B. The court may appoint a limited guardian for an incapacitated person who is capable of addressing some of the essential requirements for his care for the limited purpose of medical decision making, decisions about place of residency, or other specific decisions regarding his personal affairs. The court may appoint a limited conservator for an incapacitated person who is capable of managing

some of his property and financial affairs for limited purposes that are specified in the order.

C. Unless the guardian has a professional relationship with the incapacitated person or is employed by or affiliated with a facility where the person resides, the court's order may authorize the guardian to consent to the admission of the person to a facility pursuant to § 37.2-805.1, upon finding by clear and convincing evidence that (i) the person has severe and persistent mental illness that significantly impairs the person's capacity to exercise judgment or self-control, as confirmed by the evaluation of a licensed psychiatrist; (ii) such condition is unlikely to improve in the foreseeable future; and (iii) the guardian has formulated a plan for providing ongoing treatment of the person's illness in the least restrictive setting suitable for the person's condition.

D. A guardian need not be appointed for a person who has appointed an agent under an advance directive executed in accordance with the provisions of Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, unless the court determines that the agent is not acting in accordance with the wishes of the principal or there is a need for decision making outside the purview of the advance directive.

A conservator need not be appointed for a person (i) who has appointed an agent under a durable power of attorney, unless the court determines pursuant to the Uniform Power of Attorney Act (§ 64.2-1600 et seq.) that the agent is not acting in the best interests of the principal or there is a need for decision making outside the purview of the durable power of attorney or (ii) whose only or major source of income is from the Social Security Administration or other government program and who has a representative payee.

E. All orders appointing a guardian shall include the following statements in conspicuous bold print in at least 14-point type:

"1. Pursuant to § 64.2-2009 of the Code of Virginia, _____ (name of guardian), is hereby appointed as guardian of _____ (name of respondent) with all duties and powers granted to a guardian pursuant to § 64.2-2019 of the Code of Virginia, including but not limited to: (enter a statement of the rights removed and retained, if any, at the time of appointment; whether the appointment of a guardian is a full guardianship, public guardianship pursuant to § 64.2-2010 of the Code of Virginia, limited guardianship pursuant to § 64.2-2009 of the Code of Virginia, or temporary guardianship; and the duration of the appointment).

2. Pursuant to the provisions of subsection E of § 64.2-2019 of the Code of Virginia, a guardian, to the extent possible, shall encourage the incapacitated person to participate in decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known, and shall not ~~unreasonably~~ restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship *unless such restriction is necessary to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person. Such restriction shall only be imposed pursuant to § 64.2-2019.1.*

3. Pursuant to § 64.2-2020 of the Code of Virginia, an annual report shall be filed by the guardian with the local department of social services for the jurisdiction where the incapacitated person resides.

4. Pursuant to § 64.2-2012 of the Code of Virginia, all guardianship orders are subject to petition for restoration of the incapacitated person to capacity; modification of the type of appointment or areas of protection, management, or assistance granted; or termination of the guardianship."

§ 64.2-2009.1. Periodic review hearings.

A periodic review hearing held pursuant to the schedule set forth in subsection A1 of § 64.2-2009 shall include the following assessments by the court: (i) whether the guardian or conservator is fulfilling his duties prescribed by either § 64.2-2019 or 64.2-2021 and (ii) whether continuation of the guardianship or conservatorship is necessary and, if so, whether the scope of such guardianship or conservatorship warrants modification.

The court shall appoint a guardian ad litem to represent the interests of the incapacitated person at such hearing. The guardian shall obtain and submit to the court an evaluation report within a reasonable time prior to the periodic review hearing. The provisions of § 64.2-2005 shall apply to the evaluation report submitted pursuant to the provisions of this section, mutatis mutandis.

§ 64.2-2019. Duties and powers of guardian.

A. A guardian stands in a fiduciary relationship to the incapacitated person for whom he was appointed guardian and may be held personally liable for a breach of any fiduciary duty to the incapacitated person. A guardian shall not be liable for the acts of the incapacitated person unless the guardian is personally negligent. A guardian shall not be required to expend personal funds on behalf of the incapacitated person.

B. A guardian's duties and authority shall not extend to decisions addressed in a valid advance directive or durable power of attorney previously executed by the incapacitated person. A guardian may seek court authorization to revoke, suspend, or otherwise modify a durable power of attorney, as provided by the Uniform Power of Attorney Act (§ 64.2-1600 et seq.). Notwithstanding the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.) and in accordance with the procedures of § 64.2-2012, a guardian may seek court authorization to modify the designation of an agent under an

advance directive, but the modification shall not in any way affect the incapacitated person's directives concerning the provision or refusal of specific medical treatments or procedures.

C. A guardian shall maintain sufficient contact with the incapacitated person to know of his capabilities, limitations, needs, and opportunities. The guardian shall visit the incapacitated person as often as necessary *and at least once every 90 days. During each visit, the guardian shall observe and assess the following: (i) the safety and adequacy of the incapacitated person's living arrangements; (ii) the incapacitated person's overall mental, physical, and social condition, especially as compared with such assessments on previous visits; (iii) whether and how the incapacitated person's physical and mental health care needs are being met, including whether the adult has been hospitalized and, if so, why; (iv) progress made by the incapacitated person toward any expressed goals; (v) participation by the incapacitated person in social activities and educational or vocational programs; and (vi) contact and involvement with relatives and friends by the incapacitated person.*

D. A guardian shall be required to seek prior court authorization to change the incapacitated person's residence to another state, to terminate or consent to a termination of the person's parental rights, or to initiate a change in the person's marital status.

E. A guardian shall, to the extent feasible, encourage the incapacitated person to participate in decisions, to act on his own behalf, and to develop or regain the capacity to manage personal affairs. A guardian, in making decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known and shall otherwise act in the incapacitated person's best interest and exercise reasonable care, diligence, and prudence. A guardian shall not ~~unreasonably~~ restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship *unless such restriction is necessary to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person. Such restriction shall only be imposed pursuant to § 64.2-2019.1.*

E1. A guardian shall complete the training developed by the Department for Aging and Rehabilitative Services pursuant to subdivision B 11 of § 51.5-150 within four months of the date of entry of the initial order of appointment pursuant to § 64.2-2009.

F. A guardian shall have authority to make arrangements for the funeral and disposition of remains, including cremation, interment, entombment, memorialization, inurnment, or scattering of the remains, or some combination thereof, if the guardian is not aware of any person that has been otherwise designated to make such arrangements as set forth in § 54.1-2825. A guardian shall have authority to make arrangements for the funeral and disposition of remains after the death of an incapacitated person if, after the guardian has made a good faith effort to locate the next of kin of the incapacitated person to determine if the next of kin wishes to make such arrangements, the next of kin does not wish to make the arrangements or the next of kin cannot be located. Good faith effort shall include contacting the next of kin identified in the petition for appointment of a guardian. The funeral service licensee, funeral service establishment, registered crematory, cemetery, cemetery operator, or guardian shall be immune from civil liability for any act, decision, or omission resulting from acceptance of any dead body for burial, cremation, or other disposition when the provisions of this section are met, unless such acts, decisions, or omissions resulted from bad faith or malicious intent.

§ 64.2-2019.1. Procedures to restrict communication, visitation, or interaction.

A. A guardian may restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship only when such restriction is necessary to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person. Any such restrictions imposed shall be the least restrictive means possible to prevent any such harm or exploitation.

B. The guardian shall provide written notice to the restricted person, on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia, of (i) the nature and terms of the restriction, (ii) the reasons why the guardian believes the restriction is necessary, and (iii) how the restricted person may challenge such restriction in court. The guardian shall forward a copy of such written notice to the local department of social services of the jurisdiction where the incapacitated person resides.

C. Any restricted person, by means of the form described in subsection B or by separate petition, may petition the circuit court to be allowed communication, a visit, or interaction with an incapacitated person. A hearing held pursuant to this subsection shall be held within 45 days of return of such form to the court or filing of such petition with the court.

D. If the court finds upon clear and convincing evidence that a restriction is necessary to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person, the court may restrict an incapacitated person's right to communicate with, visit, or interact with a restricted person. The court may issue an order continuing such restriction or altering such restriction in its discretion.

305 *E. If the court does not find upon clear and convincing evidence that a restriction is necessary to*
306 *prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person,*
307 *the court shall issue an order lifting or altering any restriction the guardian imposed on the person*
308 *challenging such restriction.*

309 *F. If the court finds that a guardian imposed restrictions or brought a petition under this section in*
310 *bad faith or not for the benefit of the incapacitated person, the court may require the guardian to pay*
311 *or reimburse all or some of the incapacitated person's and restricted person's reasonable costs and fees,*
312 *including attorney fees. Upon notification by the incapacitated person or any other person that the*
313 *guardian is in violation of an order issued pursuant to this section, the court may issue summons or*
314 *order to show cause why the guardian is in violation of such an order or the law.*

315 *G. Any order issued pursuant to subsection E or F shall be forwarded to the local department of*
316 *social services of the jurisdiction where the incapacitated person resides.*

317 **§ 64.2-2020. Annual reports by guardians.**

318 *A. A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with*
319 *the local department of social services for the jurisdiction where the incapacitated person then resides.*
320 *The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme*
321 *Court and shall be accompanied by a filing fee of \$5. The local department shall retain the fee in the*
322 *jurisdiction where the fee is collected for use in the provision of services to adults in need of protection.*
323 *Within 60 days of receipt of the annual report, the local department shall file a copy of the annual*
324 *report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers*
325 *pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the*
326 *circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as*
327 *required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed*
328 *with the commissioner of accounts as provided in § 64.2-1305.*

329 *B. The annual report to the local department of social services shall include:*

330 *1. A description of the current mental, physical, and social condition of the incapacitated person,*
331 *including any changed diagnosis or assessment of any such condition of such incapacitated person by*
332 *any medical provider;*

333 *2. A description of the incapacitated person's living arrangements during the reported period,*
334 *including a specific assessment of the adequacy of such living arrangement;*

335 *3. The medical, educational, vocational, social, recreational, and any other professional services or*
336 *activities provided to the incapacitated person and the guardian's opinion as to the adequacy of the*
337 *incapacitated person's care. The information required by this subdivision shall include (i) the specific*
338 *names of medical providers and the specific dates on which medical services were provided by such*
339 *providers to the incapacitated person, (ii) the date and location of and reason for any hospitalization of*
340 *such incapacitated person, and (iii) a description of the educational, vocational, social, and recreational*
341 *activity in which such incapacitated person participated;*

342 *4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of*
343 *the incapacitated person;*

344 *5. The specific dates of such visits and specific activities performed on behalf of the incapacitated*
345 *person to improve such person's quality of life;*

346 *6. A statement of whether the guardian agrees with the current treatment or habilitation plan;*

347 ~~6.~~ *7. Whether the incapacitated person has been an alleged victim in a report of abuse, neglect, or*
348 *exploitation made pursuant to Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2, to the extent*
349 *known, and any other indications of abuse, neglect, or exploitation of such incapacitated person;*

350 *8. A recommendation as to the need for continued guardianship, and any recommended changes in*
351 *the scope of the guardianship, and any other information useful in the opinion of the guardian; and*

352 ~~7.~~ *9. The names of any persons the guardian has restricted the incapacitated person's ability to*
353 *communicate with, visit, or interact with and the reasons for any such restriction;*

354 *10. A self-assessment by the guardian as to whether he feels able to continue to carry out the powers*
355 *and duties imposed upon him by § 64.2-2019 and as specified in the court's order of appointment*
356 *pursuant to § 64.2-2009;*

357 *11. A statement as to whether the guardian has completed the training required by subsection E1 of*
358 *§ 64.2-2019;*

359 *12. Any other information deemed necessary by the Office of the Executive Secretary of the Supreme*
360 *Court of Virginia or the Department for Aging and Rehabilitative Services to understand the condition,*
361 *treatment, and well-being of the incapacitated person;*

362 *13. Any other information useful in the opinion of the guardian; and*

363 *14. The compensation requested and the reasonable and necessary expenses incurred by the guardian.*
364 *The guardian shall certify by signing under oath that the information contained in the annual report*
365 *is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the*
366 *annual report, he shall be subject to a civil penalty of not more than \$500. Such penalty shall be*

367 collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall
368 be deposited into the general fund.

369 C. If the local department of social services files notice that the annual report has not been timely
370 filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons
371 or rule to show cause why the guardian has failed to file such annual report.

372 **3. That the Office of the Executive Secretary of the Supreme Court of Virginia shall develop forms**
373 **consistent with the provisions of this act.**

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