

Department of Planning and Budget 2022 Fiscal Impact Statement

1. **Bill Number:** HB 643

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron:** Roem

3. **Committee:** Courts of Justice

4. **Title:** Guardianship and conservatorship; periodic review hearings

5. **Summary:** This legislation requires a schedule for periodic review hearings in the order of appointment of a guardian or conservator to be set by a court, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill allows any person to petition the court to hold a review hearing earlier than the scheduled date. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) whether the guardian or conservator is fulfilling his duties and (ii) whether continuation of the guardianship or conservatorship is necessary and, if so, whether the scope of such guardianship or conservatorship warrants modification.

6. **Budget Amendment Necessary:** Yes

7. **Fiscal Impact Estimates:** Preliminary. The following impact only reflects the fiscal impact on DARS. The Supreme Court of Virginia is also evaluating this bill. Once that analysis has been completed, this statement will be updated to reflect any additional costs.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2023	\$1,398,196	General
2024	\$1,398,196	General
2025	\$1,398,196	General
2026	\$1,398,196	General
2027	\$1,398,196	General
2028	\$1,398,196	General
2029	\$1,398,196	General

8. **Fiscal Implications:**

Department for Aging and Rehabilitative Services

DARS administers the public guardianship program (PGP) which provides guardianship services for adults who are incapacitated, indigent and have no suitable person to serve as their guardian. The PGP currently serves approximately 1,000 individuals and is entirely supported with state dollars. The bill requires the court to schedule periodic review hearings one year after the initial appointment and every three years thereafter. In addition, the

guardian is expected to provide an evaluation report at each periodic review hearing. DARS maintains that these provisions will have a significant impact on the workload of public guardians. In addition, the agency expects to incur additional costs for capacity evaluations and attorneys. The program does not have the ability to absorb these additional costs without jeopardizing client to staff ratios and overall program integrity. DARS estimates the cost of complying with the provisions of this legislation to be \$1,398,196 annually.

Supreme Court of Virginia

The Supreme Court of Virginia is currently evaluating the impact of this bill. Once the Court has completed its analysis, this statement will be updated to reflect any costs.

9. Specific Agency or Political Subdivisions Affected:

Department for Aging and Rehabilitation Services
Supreme Court of Virginia

10. Technical Amendment Necessary: No

11. Other Comments: None