

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB 2028

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Roem

3. Committee: Courts of Justice

4. Title: Guardianship; duties of guardian, visitation requirements

5. Summary: The proposed legislation requires a guardian to visit an incapacitated person at least four times per year and at least once every 90 days. The bill requires at least two of the four visits to be in-person visits but allows a guardian to utilize a person who is directly employed and supervised by the guardian or the services of a care manager who is a trained professional who specializes in the field of life-care management, geriatrics, older adults and aging, or adults with disabilities for one of such in-person visits. The bill requires a person who visits the incapacitated person in lieu of the guardian to provide a written report to the guardian regarding any such visit. The bill allows the remaining two visits to be conducted by the guardian via virtual conference or video call.

6. Budget Amendment Necessary: No

7. No Fiscal Impact

8. Fiscal Implications: The 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 over 1,000 individuals and is entirely supported with general fund dollars. In contrast, there are over 11,000 individuals with a court appointed guardian in Virginia. DARS currently has no responsibilities related to these guardianships.

DARS does not expect this bill to have any significant fiscal impact since the public guardianship program is currently meeting all requirements being added in the bill.

9. Specific Agency or Political Subdivisions Affected:
Department for Aging and Rehabilitative Services
Courts

10. Technical Amendment Necessary: No

11. Other Comments: None