

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB 291

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

2. Patron: Roem

3. Committee: Rehabilitation and Social Services

4. Title: Department for Aging and Rehabilitative Services; training; powers and duties of guardian; reports

5. Summary: The proposed legislation directs the Department for Aging and Rehabilitative Services (DARS) to develop and provide training for court-appointed guardians by July 1, 2025. The bill requires a court-appointed guardian and any skilled professional retained by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months after the date of qualification of such guardian. Under the bill, guardians appointed prior to July 1, 2025, must complete such training by January 1, 2027. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed. The bill requires DARS to ensure that the training program is in compliance with the rules and regulations regarding the Mandatory Continuing Legal Education (MCLE) program and is eligible for attorneys taking such course to receive MCLE credits.

6. Budget Amendment Necessary: Yes

7. Fiscal Impact Estimates: Preliminary

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2025	\$228,083	1.0	General Fund
2026	\$160,864	1.0	General Fund
2027	\$160,864	1.0	General Fund
2028	\$160,864	1.0	General Fund
2029	\$160,864	1.0	General Fund
2030	\$160,864	1.0	General Fund

8. Fiscal Implications: 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. This legislation would expand DARS role by

making the agency responsible for the provision of training to all guardians. Specifically, the bill requires DARS to develop and provide training for all appointed guardians related to responsibilities, completing reports, and involving the participation of incapacitated adults in decision making.

Individuals certified by the court to serve as guardians vary in their personal and professional knowledge and experience with guardianship and its requirements and duties. As such, DARS expects that the agency would need to hire a coordinator position at a cost of \$128,083 general fund in the first year and \$130,864 each year thereafter (assumes \$80,000 starting salary plus benefits and nonpersonal services). In addition, the agency would create a new training module at a cost of \$100,000 general fund in the first year (development costs) and approximately \$30,000 each year thereafter (on-going maintenance and information technology costs). The total cost is estimated to be \$228,083 general fund in FY 2025 and \$160,864 each year thereafter.

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

10. Technical Amendment Necessary: No

11. Other Comments: None