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HOUSE BILL NO. 342

Offered January 13, 2016

Prefiled January 5, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 64.2-2019.1, relating to guardianship; communication between incapacitated person and others.*

Patron—Pogge

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 64.2-2019.1 as follows:

§ 64.2-2019.1. Communication between incapacitated person and others.

A. An incapacitated person for whom a guardian has been appointed has the right of communication, visitation, or interaction with other persons whom the incapacitated person has expressed a desire to communicate with, visit, or interact with. If the incapacitated person is unable to express such a desire because of a physical or mental condition, it may be presumed by the guardian or court on the basis of the incapacitated person's prior relationship with such person.

B. The guardian may place reasonable time, place, or manner restrictions on communication, visitation, or interaction between the incapacitated person and another person.

C. If the guardian denies or places unreasonable restrictions on communication, visitation, or interaction between the incapacitated person and a person whom the incapacitated person has expressed a desire to communicate with, visit, or interact with, such person may petition the court for relief pursuant to § 64.2-2012. Upon a showing of good cause by the guardian, a court may grant the guardian the authority to deny all communication, visitation, or interaction between the incapacitated person and (i) a person whom the incapacitated person has expressed a desire to communicate with, visit, or interact with or (ii) a person who seeks to communicate with, visit, or interact with the incapacitated person.

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