

16103378D

SENATE BILL NO. 632

Offered January 15, 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 members of his family.*

Patron—McEachin

Referred to Committee on Rehabilitation and Social Services

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 members of his family.***

A. An incapacitated person for whom a guardian has been appointed has the right of communication, visitation, or interaction with a family member 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 family member.

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

C. If the guardian denies or places unreasonable restrictions on communication, visitation, or interaction between the incapacitated person and a family member whom the incapacitated person has expressed a desire to communicate with, visit, or interact with, such family member 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 family member whom the incapacitated person has expressed a desire to communicate with, visit, or interact with or (ii) a family member who seeks to communicate with, visit, or interact with the incapacitated person.

INTRODUCED

SB632