

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: Passed Both Houses

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

- 5. Summary:** The substitute bill requires a guardian to visit an incapacitated person at least three times per year and at least once every 120 days. Except for reasons outside of the guardian's control, at least two of the required visits must be conducted by the guardian. Further, the guardian must conduct at least one of the visits in person; the second such visit may be conducted by the guardian virtually. The remaining visit may be conducted (i) by the guardian; (ii) by a person other than the guardian, including (a) a family member or friend monitored by the guardian or (b) a skilled and trained professional; or (iii) via virtual means between either the guardian or such family member monitored by the guardian or skilled professional and the incapacitated person. If a person other than the guardian conducts any such visit, they must provide a written report to the guardian.

The bill also provides that in the event of a state of emergency or public health crisis in which a facility in which the incapacitated person resides is not allowing in-person visitation, visitation requirements may be met via a virtual conference or video call between the guardian and incapacitated person to the extent feasible for the facility to provide the technological means. A telephone call may meet the requirements only if technological means are not readily available.

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