

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB 1140

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

2. Patron: McPike

3. Committee: -

4. Title: DARS; training, powers, and duties of guardian

5. Summary: The bill, as amended, directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian, except for guardians who are licensed to practice law in the Commonwealth, to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024, to complete such training by January 1, 2026. 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.

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> |
|--------------------|----------------|------------------|-------------|
| 2024 | \$160,000 | 1.0 | General |
| 2025 | \$122,000 | 1.0 | General |
| 2026 | \$122,000 | 1.0 | General |
| 2027 | \$122,000 | 1.0 | General |
| 2028 | \$122,000 | 1.0 | General |
| 2029 | \$122,000 | 1.0 | General |
| 2030 | \$122,000 | 1.0 | General |

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.

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. DARS expects that this provision will require the agency to hire a coordinator position at a cost of \$110,000 (approximately \$70,000 starting salary plus benefits and nonpersonal services) and develop a training module (\$50,000 in the first year and approximately \$15,000 each year thereafter). The total cost is estimated to be \$160,000 general fund in FY 2024 and \$122,000 each year thereafter.

9. Specific Agency or Political Subdivisions Affected:

Department for Aging and Rehabilitative Services
Department of Social Services

10. Technical Amendment Necessary: None

11. Other Comments: No