

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to require the Virginia Department for Aging and Rehabilitative Services to convene a work*
3 *group to review and evaluate guardianship visitation requirements; report.*

4
5 Approved

[H 634]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. § 1.** *The Virginia Department for Aging and Rehabilitative Services shall convene a work group*
8 *including representatives from public guardianship provider organizations, private guardianship*
9 *attorneys, the Virginia Academy of Elder Law Attorneys, the Virginia disAbility Law Center, the*
10 *Virginia Poverty Law Center, the Virginia Department for Aging and Rehabilitative Services, and the*
11 *Virginia League of Social Services Executives; a representative from the Office of the Executive*
12 *Secretary of the Supreme Court of Virginia, the Virginia Working Interdisciplinary Networks of*
13 *Guardianship Stakeholders, the Virginia Hospital and Healthcare Association, the Virginia Health Care*
14 *Association, and the Virginia Center for Assisted Living; and an individual who has served as guardian*
15 *to a family member to (i) evaluate how a requirement for private guardians to visit the individual under*
16 *their guardianship in person at least once every 90 days would reduce the availability of willing and*
17 *qualified individuals to serve as private guardians, if at all; (ii) consider whether a different number*
18 *and frequency of visits per year, other than least once every 90 days, would better balance resource*
19 *constraints with the importance of guardian visits to the incapacitated person under their care; (iii)*
20 *determine the additional resources, if any, needed to mitigate the negative impacts of an increased*
21 *visitation requirement on the willingness and availability of qualified individuals to serve as private*
22 *guardians; (iv) determine how those resources could be allocated to the relevant private and public*
23 *entities in the guardianship system to promote compliance with an increased visitation requirement; and*
24 *(v) determine whether expansion of the Virginia Public Guardian and Conservator Program would*
25 *substantially alleviate issues related to these concerns.*

26 *The work group shall develop a summary of its activities and recommendations for establishing the*
27 *number of required private guardian visits per year, the frequency with which they should occur,*
28 *whether they should be in-person or virtual, the resources needed to carry out the work group's*
29 *recommendations, and any other parameters that should be incorporated into a new visitation*
30 *requirement. The summary and recommendations shall be submitted to the Chairs of the House*
31 *Committee for Courts of Justice and the Senate Committee on the Judiciary by November 1, 2022.*

ENROLLED

HB634ER