

2022 SESSION

HOUSE SUBSTITUTE

22105845D

HOUSE BILL NO. 634

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 7, 2022)

(Patron Prior to Substitute—Delegate Roem)

A BILL to require the Virginia Department for Aging and Rehabilitative Services to convene a work group to review and evaluate guardianship visitation requirements; report.

Be it enacted by the General Assembly of Virginia:

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

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

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