

1 HOUSE BILL NO. 634
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee for Courts of Justice
 4 on _____)
 5 (Patron Prior to Substitute--Delegate Roem)

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

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

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

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

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