

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB2027H1

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Roem

3. Committee: House Committee for Courts of Justice

4. Title: Guardianship; procedures for restriction of communication, visitation, or interaction.

5. Summary: The bill amends § 54.1-2986.1 (Duties and authority of agent or person identified in § 54.1-2986) to establish that no person authorized to make decisions for a patient under § 54.1-2986 shall have authority to restrict visitation of the patient, unless such visitation was restricted by a guardian pursuant to the procedures prescribed by § 64.2-2019.1.

The bill also establishes that pursuant to the provisions of subsection E of § 64.2-2019 of the Code of Virginia, a guardian, to the extent possible, must encourage the incapacitated person to participate in decisions, must consider the expressed desires and personal values of the incapacitated person to the extent known, and must not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person and after consideration of the expressed wishes of the incapacitated person.

The bill adds § 64.2-2019.1 (Procedures to restrict communication, visitation, or interaction)

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8 below)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court ("OES"), the bill could potentially lead to additional hearings in guardianship cases; however, the OES anticipates the additional hearings can be accommodated with existing resources. Therefore, no material fiscal impact is expected from this bill.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None