

### **Adequacy of Virginia's Court-Appointed Guardian and Conservator system**

Authorized by the Commission on November 16, 2020

WHEREAS, court-appointed guardians and conservators support individuals who are incapacitated and in need of assistance in making medical, financial, or daily living decisions and who have no other suitable person to serve as their guardian or conservator; and

WHEREAS, court-appointed guardians are responsible for supervising their wards' medical care, overseeing residential care, monitoring social services benefits, and advocating on behalf of incapacitated persons; and

WHEREAS, court-appointed conservators are responsible for managing the estate and financial affairs of an incapacitated person; and

WHEREAS, across the nation, there has been a rise in cases of abuse, neglect, and exploitation of elderly and incapacitated persons; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to study the adequacy of Virginia's system of court-appointed guardians and conservators.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) identify the Commonwealth's current laws that help prevent and remedy abuse, neglect, and exploitation of elderly and incapacitated persons; (ii) examine opportunities to strengthen the Commonwealth's laws to better prevent and remedy abuse, neglect, and exploitation of such persons, including instances in which such abuse, neglect, or exploitation is committed by a court-appointed guardian or conservator; (iii) determine the maximum number of wards per guardian that should be permitted to ensure a high level of oversight and care; (iv) identify appropriate training, qualification, and oversight requirements for court-appointed guardians; (v) determine the types and amount of information that court-appointed guardians should be required to provide when making decisions on behalf of their ward and identify the parties to whom such information should be provided; (vi) consider one or more processes that could be implemented to allow for the receipt and investigation of complaints regarding the actions of court-appointed guardians; and (vii) review the adequacy of oversight of the guardian and conservator system.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Department for Aging and Rehabilitative Services, Department of Social Services, Office of the Executive Secretary of the Supreme Court, Virginia Public Guardian and Conservator Advisory Board, Community Services Boards, and local departments of social services shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.