

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB345S1

Patron: Roem

Bill Title: Guardianship or conservatorship of incapacitated adult; right to request counsel; right to a jury trial.

Bill Summary: This substitute bill provides that, upon the filing of a petition for the appointment of a guardian or conservator for an incapacitated person and where the incapacitated person is incapable of making a request to be represented by counsel or to have a jury trial, either an immediate family member of the incapacitated person or an agent under a power of attorney authorized to act on behalf of such incapacitated person who has become a party to the proceedings may make such request on behalf of the incapacitated person.

Budget Amendment Necessary: Indeterminate **Items Impacted:** N/A

Explanation: See fiscal analysis

Fiscal Summary: The fiscal impact on the Courts is indeterminate.

Fiscal Analysis: This bill would allow for the immediate family member of a respondent to a guardianship/conservatorship hearing, or an agent under a power of attorney for such individual, to request that a court appoint legal counsel for such hearing. Currently, counsel may be appointed at the request of the respondent or the guardian ad litem. It cannot be ascertained how many such additional requests would be made by immediate family members or persons operating under a power of attorney, nor the percentage that would be granted by the court. The Office of the Executive Secretary (OES) of the Supreme Court of Virginia cannot effectively estimate the additional costs that would result from the appointment of counsel under the circumstances included within the bill. For this reason, the fiscal impact of the legislation is indeterminate.

Other: None.