

## 2016 SESSION

## **INTRODUCED**

16103378D

**SENATE BILL NO. 632**

Offered January 15, 2016

3 A BILL to amend the Code of Virginia by adding a section numbered 64.2-2019.1, relating to  
4 guardianship; communication between incapacitated person and members of his family.

Patron—McEachin

Referred to Committee on Rehabilitation and Social Services

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

**10 1. That the Code of Virginia is amended by adding a section numbered 64.2-2019.1 as follows:**

**§ 64.2-2019.1. Communication between incapacitated person and members of his family.**

12       A. An incapacitated person for whom a guardian has been appointed has the right of  
13 communication, visitation, or interaction with a family member whom the incapacitated person has  
14 expressed a desire to communicate with, visit, or interact with. If the incapacitated person is unable to  
15 express such a desire because of a physical or mental condition, it may be presumed by the guardian or  
16 court on the basis of the incapacitated person's prior relationship with such family member.

**B. The guardian may place reasonable time, place, or manner restrictions on communication, visitation, or interaction between the incapacitated person and a family member.**

19       C. If the guardian denies or places unreasonable restrictions on communication, visitation, or  
20       interaction between the incapacitated person and a family member whom the incapacitated person has  
21       expressed a desire to communicate with, visit, or interact with, such family member may petition the  
22       court for relief pursuant to § 64.2-2012. Upon a showing of good cause by the guardian, a court may  
23       grant the guardian the authority to deny all communication, visitation, or interaction between the  
24       incapacitated person and (i) a family member whom the incapacitated person has expressed a desire to  
25       communicate with, visit, or interact with or (ii) a family member who seeks to communicate with, visit,  
26       or interact with the incapacitated person.

SB632