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Changes to the VA. Code that Guardians need to know about.

1) Guardians please remember that you must file an Annual Report with your local Dept. of Social Services. If you have not been doing so, please file a report at your earliest convenience. There is a \$5 filing fee. Local DSS offices are supposed to send a list of guardians whose reports are more than 90 days overdue to the local circuit court. The court may subpoena you to show cause as to why you are not completing the reports. Therefore, it's really important for you to do these reports. [Click the link below for more information and/or to get a copy of the report.](#) Please contact us if you have any questions.

2) Effective July 1, 2023, the General Assembly changed the Va. Code to include:

a) A visitation requirement for Guardians who do not live with the incapacitated person. Guardians must visit them as often as necessary to be able to make informed decisions for them, but in any case, not less than 3 times a year, with at least 1 visit occurring every 120 days. Guardians must visit in person at least 1 time per year but the other visits may be done via virtual conference or video call.

b) A new process for restricting visitation. If a Guardian needs to restrict someone from visiting with the incapacitated person, they must provide the person with written notice using a form created by the Va. Supreme Court. Copies of the written notice must also be provided to the local DSS and to the Circuit Court that appointed you. Copies of the form are available using the link below. Please contact BeneCounsel if you feel it is necessary to restrict visitation.

c) Judges are now required to set a schedule of periodic review hearings, but these review hearings may be waived under certain circumstances. If your guardianship hearing was before 7/1/2023, then this does not apply to your guardianship.

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IFSP Funding Announcement

Beginning at 9:00 a.m. on Monday, October 16th, individuals on Virginia's Developmental Disability Waiver Waiting List will be able to access the IFSP - Funding Portal in WaMS to create and submit an application.

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We opened a new office!

I am pleased to announce that Zackaryah Day and R. Chad Lowery joined BeneCounsel in January 2023 as legal assistants! Zack has a bachelor's degree from VCU in political science and Chad is currently taking classes at VCU with an intent to work with Special Education students in the future.

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