

GUIDELINES FOR GUARDIANS

- 1. QUALIFYING AS GUARDIAN:** When a guardian qualifies before the Clerk of the Circuit Court, the Clerk is required to forward a copy of the Order of Appointment to the local department of social services (LDSS) in the jurisdiction where the incapacitated adult resides. The Clerk should provide the guardian with the necessary reports to be completed. If not, the guardian may contact the LDSS or Clerk and request a copy.

All reports filed by the guardian with the LDSS must be on the *Report of Guardian for an Incapacitated Person* (Form CC-1644) located at <http://www.courts.state.va.us/forms/circuit/cc1644.pdf> or under the “Forms” section at <http://www.dss.virginia.gov/family/as/servtoadult.cgi> and shall be accompanied by a fee of \$5.00 made payable to the LDSS where the report is submitted. Filing deadlines are found in § 64.2-1305 of the Code of Virginia.

- 2. INITIAL REPORT:** Within six months from the date of the guardian’s qualification, the guardian shall file a report with the LDSS where the incapacitated adult resides. This first report addresses the status of the adult during the first four months, beginning with the date of the guardian’s qualification. See sample timeline below.
- 3. SUBSEQUENT REPORTS:** Subsequent guardian reports will be for a period of 12 months. Reports are due within four months from the last day of the previous 12-month reporting period. The guardian shall file a report with the LDSS in which the incapacitated adult resides. See sample timeline below.
- 4. REVIEW OF REPORTS:** An LDSS worker reviews the guardian report within 10 calendar days of receipt of the report. The review assesses: 1) whether the report has been properly completed in its entirety; and 2) whether the contents of the report provide reason to suspect that the subject of the report is being abused, neglected, or exploited or is at risk for such.
- 5. FOLLOW-UP:** Incomplete reports will be returned to the guardian for completion. If there is reason to suspect abuse, neglect, or exploitation, the case shall be opened by APS for investigation.
- 6. LDSS FILING OF REPORT WITH CLERK:** Within 60 days of the receipt of the annual report, the LDSS shall file a copy of the report with the clerk of the Circuit Court that appointed the guardian.

- 7. **FAILURE TO FILE THE REQUIRED REPORT:** If the guardian fails to file a required report within 30 days of its due date, the LDSS may send the guardian a notice that the annual report is overdue. If, after a good faith effort by the LDSS to obtain the report, and the guardian continues to fail to submit the report within four months from the last day of the reporting period, and the well-being of the adult is unknown or in question, the LDSS shall, at its discretion, open an APS report and investigate. Twice yearly, the LDSS shall file with the appropriate Circuit Court a list of all guardians who are more than 90 days delinquent in filing the annual report.

- 8. **DEATH OF THE ADULT; FINAL REPORT:** When the adult dies, the guardian must prepare a summary report and include with the report the notice of the adult’s death. The summary report will be filed with the LDSS. This report must be filed as soon as possible, but no later than 12 months following the previous report.

9. **SAMPLE TIMELINE:**

Initial Report:



Subsequent Report:



10. The LDSS cannot require the reports earlier than what is stated in statute. Concerns about reporting times, etc. should be directed to the LDSS with which the guardian is working. LDSS contact information is found at www.dss.virginia.gov/localagency/. The guardian may also contact the appropriate Adult Services Regional Program Consultant.