

## Public Guardianship Referral Process for ID/DD Slots

- I. DBHDS will accept Guardianship referrals from CSB's willing to act as petitioner in the legal proceeding needed to establish the guardianship.
  - A. In the role of petitioner, the CSB must retain an attorney to represent the case to court.
- II. When the CSB encounters an individual with an ID/DD diagnosis that it believes to be incapacitated, indigent, and in need of someone to make decisions for them, the CSB will complete a DBHDS VA Public Guardian and Conservator Program referral form and submit it to [Public.guardianship@DBHDS.virginia.gov](mailto:Public.guardianship@DBHDS.virginia.gov)
- III. DBHDS will put the individual's name on the DBHDS waiting list. The list is organized based on public guardianship program service areas and prioritized by the date the individual is referred to DBHDS.
- IV. When a local public guardianship provider has an opening in its program, DBHDS will identify the individual on the waiting list who resides in that program's service area chronologically by earliest date of request.
- V. DARS will assign the case to the appropriate public guardian program.
- VI. Once DARS assigns the case to a local public guardianship program, the CSB should expect a call requesting information from the local public guardianship program.
  - A. The local public guardianship program will review the case to make sure it agrees that public guardianship is appropriate and that the program has the resources to serve the individual.
  - B. If the local guardianship program accepts the case, the program will contact and advise the CSB that the case is accepted. **At this point the CSB should retain an attorney to process the referral through the court system.**
  - C. The CSB should provide the attorney with contact information for the assigned public guardianship program and should provide the public guardianship program with the attorney's contact information.
  - D. The CSB should expect the attorney and the guardianship program to communicate to share information related to the content of the order of guardianship.
- VII. If at any point the CSB obtains information that would indicate the individual is inappropriate for public guardianship, or if there has been a change in the information provided to DBHDS as part of the initial referral, the CSB should notify DBHDS using the change form provided by DBHDS and submit to [Public.guardianship@DBHDS.virginia.gov](mailto:Public.guardianship@DBHDS.virginia.gov).