

Virginia Guardian Training:
Restricting Contact with Another Person

Incapacitated adults have the right to visit, communicate, and interact with others.

Guardians may take reasonable steps to restrict contact with another person only when necessary to protect the incapacitated person from physical, mental, or emotional harm, or financial exploitation, and after taking the incapacitated person's wishes into consideration.

There are several steps to follow if a guardian *must* impose a restriction.

Step 1

Any restriction on contact must be specific and least restrictive. The restriction may include:

- Limitations on the time, duration, location, or method of communication.
- Requirement for supervised visitation.
- Ending in-person interaction.

If you must limit a person's access to the incapacitated person, complete the form titled "**Notice of Restriction by Guardian**," which can be found on the Virginia Courts website. The form requires you to explain the nature of the restriction and why it is necessary. After completing the notice, you will need to make several copies.

Step 2

Provide the **restricted person** with a **copy of the notice**, which contains information about their right to challenge the restriction and how to do so.

Step 3

Inform the incapacitated person of the restriction and provide them with a copy of the notice, unless it would be harmful to the person's safety or well-being to do so.

Step 4

Provide a **copy of the notice** to the **local department of social services** where the person resides.

Step 5

If the person **resides in a hospital, convalescent home, nursing facility, assisted living facility, or other institution**, staff must be notified of the restriction.

Step 6

Once you have done all the above, **file the notice with the circuit court** where the Order was issued.

Step 7

The court has the discretion to accept, modify, or terminate the restriction.