



Bill of the Week - 1/13/25
SB 765

**Incapacitated persons; finding of mental
incompetence.**

Bill Status

In Committee:

Senate
Rehabilitation
and Social
Services

Key Points

- Provides that a finding of incapacitation in a guardianship or conservatorship proceeding is not the same as a finding of "mentally incompetent" which would prevent an individual from voting.
- Requires a court to make a specific finding that a person is unable to communicate, with or without accommodations, an interest in participating in the voting process.
- Applies to findings of mental incompetence made after July 1, 2025.
- Any person deemed mentally incompetent prior to July 1, 2025 may petition the court for a review of that determination.

Impact on Virginians

Families and individuals are often surprised to find out that the guardianship proceedings have resulted in a loss of voting rights for individuals under guardianship. This bill will result in a specific discussion of whether an individual is able to retain the right to vote, even if guardianship or conservatorship is determined to be necessary for the management of other personal affairs.

Bill Sponsor

Senator Barbara Favola

Democrat - District 40
Parts of Arlington County



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