

Introduction to Order Appointing Temporary Guardians

Shortly after the Petition was filed, the Court Ordered that Jenny be placed in a temporary guardianship. The temporary guardians were given the authority to make all decisions for Jenny – from where she lived, to who she saw, to whether or not she received medical care.

The Court initially appointed Jewish Family Services to be Jenny's temporary guardian. In February of 2013, JFS asked to be relieved. The Court then appointed the Petitioners as Jenny's temporary guardians, giving them all the power that JFS had under this Order.

At trial, two of our experts testified that the conditions imposed by this Order likely violated Jenny's rights under the Americans with Disabilities Act.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS

JULIA S. ROSS
and RICHARD W. ROSS,

Petitioners;

v.

FIDUCIARY NO. CWF-120000-426-DP

MARGARET J. HATCH,

Respondent.

ORDER APPOINTING TEMPORARY GUARDIAN

THIS CAUSE came August 27, 2012, on the Petition of JULIA S. ROSS and RICHARD W. ROSS requesting this Court to appoint Julia S. Ross and Richard W. Ross the guardians MARGARET J. HATCH. MARGARET J. HATCH was personally served by CLARA P. SWANSON, Guardian Ad Litem, with the Notice of hearing, a copy of the Petition, and a copy of the Order Appointing Guardian Ad Litem. Notice of this hearing was properly given, as required by Virginia Code Section 37.2-1004, to MARGARET J. HATCH, to CLARA P. SWANSON, her Guardian Ad Litem, and to all adult individuals and all entities whose names and post office addresses appear in the Petition.

This matter also came on the Report of CLARA P. SWANSON, the Guardian Ad Litem of MARGARET J. HATCH, which Report was made pursuant to Virginia Code Section 37.2-1003, and which Report has been made a part of the record of these proceedings.

At this hearing, JULIA S. ROSS and RICHARD W. ROSS appeared in person, represented by HAROLD H. BARTON, JR. MARGARET J. HATCH also appeared in person, represented by ROBERT M. BROWN, JR. CLARA P. SWANSON, Guardian Ad Litem, appeared on behalf of the Respondent.

This Court finds and determines by clear and convincing evidence that:

1. MARGARET J. HATCH is potentially incapacitated and in need of a temporary guardian until the final resolution of this matter.
2. JEWISH FAMILY SERVICES OF TIDEWATER, INC. is willing to serve as temporary guardian for and is a suitable temporary guardian of MARGARET J. HATCH.

It is ADJUDGED, ORDERED, and DECREED that:

1. JEWISH FAMILY SERVICES OF TIDEWATER, INC. is hereby appointed the temporary guardian of MARGARET J. HATCH. The appointment of JEWISH FAMILY SERVICES OF TIDEWATER, INC. as the temporary guardian of MARGARET J. HATCH is indefinite and shall continue until the final order of this Court in this matter.
 3. JEWISH FAMILY SERVICES OF TIDEWATER, INC. shall have all the duties and powers as the temporary guardian of MARGARET J. HATCH as set forth in Virginia Code Section 37.2-1020, which powers shall include, but shall not be limited to, the following:
 - a. the authority to place MARGARET J. HATCH in an appropriate hospital, nursing home, adult home, or other residence for her care, or in such institution as might be appropriate to provide services and treatment that she needs;
 - b. the authority to consent to the administration, withholding, or withdrawal of medical treatment for MARGARET J. HATCH, including surgery and other intrusive procedures, and the
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administration of any and all medications, including psychotropic medications;

- c. the authority to consent to and arrange for the participation of MARGARET J. HATCH in any service, program, treatment, or activity that the temporary guardian determines to be in MARGARET J. HATCH's interest;
- d. the authority to direct and authorize the transportation of MARGARET J. HATCH to any service, program, treatment, activity, residence, hospital, or institution;
- e. the authority to apply for and authorize the use of the services or the provision of benefits from any program for which MARGARET J. HATCH may be eligible, including, but not limited to, Medicaid and Medicare benefits, services, and programs.
- f. the authority to consent to or refuse or withdraw consent to any type of medical care, treatment, surgical procedure, diagnostic procedure, medication, and the use of mechanical or other procedures that affect any bodily function, including, but not limited to, artificial respiration, artificially administered nutrition and hydration, and cardiopulmonary resuscitation;
- g. the authority to request, receive, and review any information, oral or written, regarding MARGARET J. HATCH's physical or mental health, including, but not limited to, medical and hospital

- records, and to consent to the disclosure of this information;
- h. the authority to employ and discharge health care providers;
 - i. the authority to admit MARGARET J. HATCH to or discharge (including transfer to another facility) MARGARET J. HATCH from any hospital, hospice, nursing home, adult home, or other medical care facility for services other than those for treatment of mental illness requiring admission procedures.
 - j. the authority, pursuant to Virginia Code Section 37.2-805.1 B, to consent to the admission of the Respondent to a facility, as defined in Virginia Code Section 37.2-100, *et seq.*, for no more than ten (10) days, pursuant to the provisions of Virginia Code Section 37.2-805.1 B.
 - k. the authority to make decisions regarding visitation of individuals with Respondent, Respondent's support, care, health, safety, habilitation, education, therapeutic treatment, and, if not inconsistent with an order of commitment, residence.
 - l. the authority to take any lawful actions that may be necessary to carry out these decisions, including the granting of releases of

liability to medical providers; and

4. ~~JULIA S. ROSS and RICHARD W. ROSS~~ ^{Jewish Family Services of Virginia Inc is} are hereby appointed the ck

personal representative of MARGARET J. HATCH for all purposes of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the related regulations in 45 CFR §§ 160 through 164 (1996).

5. JEWISH FAMILY SERVICES OF TIDEWATER, INC. shall file annual reports with the local Department of Social Services required by Virginia Code Section 37.2-1021.
6. The Court's determination of the potential incapacity of MARGARET J. HATCH shall remain in effect until further Order of this Court.
7. All fees due to JEWISH FAMILY SERVICES OF TIDEWATER, INC. as temporary guardian ^{may be} ~~shall~~ be paid by Hampton - Newport News

Community Service Board, pending final resolution of these proceedings.

8. JFS shall take the oath and a bond shall be \$5000 without surety. ENTERED: August 27, 2012
 9. Continued David F. Lyle
 to October 11, 2012 at 12:30pm for full hearing

WE ASK FOR THIS:

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SEAN AND OBJECTED TO

I certify that the documents to which this authentication is affixed are true copies of a record in the Newport News Circuit Court, that I have custody of the record and that I am the custodian of that record.

Rex A. Davis, Clerk
 By Brenda Oplson D.C.