

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB 2329

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Simon

3. Committee: Senate Courts of Justice

4. Title: Compensation for required representation

5. Summary:

There are several instances where the law requires that a respondent in a Title 19.2 protective order proceeding be appointed a guardian *ad litem* or counsel: (1) when the respondent is covered under the provisions of the federal Servicemembers Civil Relief Act (court-appointed counsel) and (2) if the respondent is a “person under a disability,” as defined by § 8.01-2 (guardian *ad litem*). Unlike in juvenile and domestic relations district court, there is no statutory authorization for compensation for such representation from the Criminal Fund in protective order cases in general district court or circuit court.

The proposed legislation would allow expenditures from the Criminal Fund for compensation of guardians *ad litem* and counsel for respondents in Title 19.2 protective order cases originating in general district courts and circuit courts.

6. Budget Amendment Necessary: Yes. Item 39.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2016	\$42,700	General
2017	\$42,700	General
2018	\$42,700	General
2019	\$42,700	General
2020	\$42,700	General
2021	\$42,700	General

8. Fiscal Implications:

Based on data supplied by the Office of the Executive Secretary of the Supreme Court, it is projected that there would annually be 280 protective order cases in general district and circuit courts that would require the appointment of a guardian *ad litem* or counsel for the respondent, divided equally between guardians *ad litem* and counsel. The average cost of a guardian *ad litem* is estimated to be \$185 per case and the average cost for appointed counsel, \$120 per case. In summary, the proposed legislation is projected to result in an additional \$42,700 in payments from the Criminal Fund.

9. Specific Agency or Political Subdivisions Affected:

General district courts
Circuit courts

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/12/2015

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