

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-267 of the Code of Virginia, relating to compensation of guardian*
3 *ad litem appointed to represent a child; adjustment by the court.*

4
5 Approved

[H 278]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 16.1-267 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 16.1-267. Compensation of appointed counsel.**

9 A. When the court appoints counsel to represent a child pursuant to subsection A of § 16.1-266 and,
10 after an investigation by the court services unit, finds that the parents are financially able to pay for the
11 attorney and refuse to do so, the court shall assess costs against the parents for such legal services in the
12 maximum amount of that awarded the attorney by the court under the circumstances of the case,
13 considering such factors as the ability of the parents to pay and the nature and extent of the counsel's
14 duties in the case. Such amount shall not exceed the maximum amount specified in subdivision 1 of
15 § 19.2-163 if the action is in district court.

16 When the court appoints counsel to represent a child pursuant to subsection B or C of § 16.1-266
17 and, after an investigation by the court services unit, finds that the parents are financially able to pay for
18 the attorney in whole or in part and refuse to do so, the court shall assess costs in whole or in part
19 against the parents for such legal services in the amount awarded the attorney by the court. Such amount
20 shall not exceed \$100 if the action is in circuit court or the maximum amount specified in subdivision 1
21 of § 19.2-163 if the action is in district court. In determining the financial ability of the parents to pay
22 for an attorney to represent the child, the court shall utilize the financial statement required by
23 § 19.2-159.

24 In all other cases, except as provided in § 16.1-343, counsel appointed to represent a child shall be
25 compensated for his services pursuant to § 19.2-163.

26 B. When the court appoints counsel to represent a parent, guardian or other adult pursuant to
27 § 16.1-266, such counsel shall be compensated for his services pursuant to § 19.2-163.

28 C. 1. In any proceeding in which the court appoints a guardian ad litem to represent a child pursuant
29 to § 16.1-266, the court shall order the parent, or other party with a legitimate interest who has filed a
30 petition in such proceeding, to reimburse the Commonwealth the costs of such services in an amount not
31 to exceed the amount awarded the guardian ad litem by the court. If the court determines that such party
32 is unable to pay, the required reimbursement may be reduced or eliminated. No party whom the court
33 determines to be indigent pursuant to § 19.2-159 shall be required to pay reimbursement except where
34 the court finds good cause to do so. The Executive Secretary of the Supreme Court shall administer the
35 guardian ad litem program and shall report August 1 and January 1 of each year to the Chairmen of the
36 House Appropriations and Senate Finance Committees on the amounts paid for guardian ad litem
37 purposes, amounts reimbursed, savings achieved, and management actions taken to further enhance
38 savings under this program.

39 2. *For good cause shown, or upon the failure by the guardian ad litem to substantially comply with*
40 *the standards adopted for attorneys appointed as guardians ad litem pursuant to § 16.1-266.1, the court*
41 *may adjust the cost sought by the guardian ad litem of such services.*

42 3. For the purposes of this subsection, "other party with a legitimate interest" shall not include child
43 welfare agencies or local departments of social services.

ENROLLED

HB278ER