

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1206

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Tran

3. Committee: House Committee for Courts of Justice

4. Title: Compensation for guardians ad litem

5. Summary: The proposed bill provides that, in any civil action in which a guardian ad litem is appointed and for which the compensation and payment of expenses of such guardian ad litem are not otherwise provided for, a court may order that such compensation and expenses be paid by the Commonwealth for good cause shown.

6. Budget Amendment Necessary: Yes, Items 41 and 42

7. Fiscal Impact Estimates: Indeterminate (see Item 8)

8. Fiscal Implications: The proposed bill amends Virginia Code § 8.01-9 (guardian ad litem for persons under disability) to provide for compensation by the Commonwealth of guardians ad litem in any civil action, if the court so orders. Currently, the statute provides for the appointment of a guardian ad litem if the defendant is a “person under a disability”, as defined in § 8.01-2, but provides for compensation by the Commonwealth in only a few narrowly-defined cases. Current appointments of a guardians ad litem are limited only to defendants in civil cases. The proposed legislation allows compensation in any civil action in which a guardian ad litem is appointed by the court.

Typically, guardian ad litem are compensated on an hourly basis (\$75/hour in-court; \$55/hour out-of-court) from Other Court Costs and Allowances (Criminal Fund) appropriations. According to the Office of the Executive Secretary of the Supreme Court (“OES”), in FY 2019 there were 41,312 appointments of guardian ad litem for juvenile and domestic relations (J&DR) court cases and a total of \$22,378,000 paid in compensation for these appointments. This , equates to an average of \$542 per case. Since J&DR appointments include some of the more labor intensive and difficult civil cases (e.g. termination of parental rights), OES estimates \$450 per case is more reflective of the per case cost of this legislation across the circuit and district court system.

According to the OES, while it is not possible to accurately estimate the number of cases to which the provisions of the bill would apply nor the total compensation that would be awarded, there will be a need for additional resources for the Criminal Fund. In calendar year 2018, there were 716,423 civil cases brought in general district courts and 176,782 civil cases brought in circuit courts. Assuming the civil case filings remain constant at the

calendar year 2018 levels, guardian ad litem are appointed in only 1 percent of case filings, and the average compensation is \$450 per case, then the fiscal impact is estimated at \$4,019,000.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None