

1994 SESSION

ENROLLED

SENATE JOINT RESOLUTION NO. 90

Requesting the Judicial Council of Virginia to adopt guidelines which encourage the uniform compensation of guardians ad litem.

Agreed to by the Senate, February 8, 1994

Agreed to by the House of Delegates, February 25, 1994

WHEREAS, the child victims of abuse and neglect are appointed a guardian ad litem to represent their best interest in court proceedings; and

WHEREAS, these child victims are dependent upon the guardian ad litem to prevent them from further victimization by the justice system; and

WHEREAS, compensation for attorneys who practice as guardians ad litem varies from state to state; and

WHEREAS, the national average hourly compensation rate is \$50; and

WHEREAS, in Virginia, guardians ad litem can be paid a maximum of \$60 for in-court and \$40 for out-of-court expenses; and

WHEREAS, according to a recent opinion of the Court of Appeals and opinions of the Attorney General, there is no limit on the total compensation a guardian ad litem can receive; and

WHEREAS, recent analyses show that the compensation allowed guardians ad litem varies tremendously from one jurisdiction to another; and

WHEREAS, some localities compensate at a blanket \$100 per case; others impose their own ceilings; and

WHEREAS, to attract competent attorneys willing to serve as guardians ad litem, the compensation must be at least adequate and consistent; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Judicial Council of Virginia, through judicial guidelines, be requested to encourage all juvenile and domestic relations district court judges to be consistent in their approval of payment of guardian ad litem work at a rate of \$60 per hour for in-court time and \$40 per hour for out-of-court time with no ceiling for documented hours.

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