

Department of Planning and Budget
2002 Fiscal Impact Statement

1. Bill Number HB1213

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

2. Patron Thomas

3. Committee Passed both houses

4. Title Guardianship and conservatorship; court costs and fees for attorneys.

5. Summary/Purpose: Authorizes the court to provide for payment from the respondent's estate for fees and costs incurred by petitioner's, even if a guardian or conservator is not appointed, if the court finds that the petition is brought in good faith and for the benefit of the respondent. The bill also provides that the Commonwealth shall bear the cost of the fees for the petitioner's attorney, the respondent's attorney and the guardian ad litem if the respondent is indigent.

6. Fiscal Impact Estimates are: Final, see item 8.

7. Budget amendment necessary: No

8. Fiscal implications: Although this legislation will have fiscal implications, it is impossible to determine the degree of the fiscal impact at this time. Currently the compensation for any attorney or guardian ad litem appointed by the court for an indigent respondent is borne by the Commonwealth, however, the cost of the attorney representing the petitioner is not. According to the 2000 Virginia State of the Judiciary Report, there were 539 proceedings seeking the appointment of a guardian or conservator in the 2000 calendar year. The average paid to the guardian ad litem in these cases was \$517. For the purpose of this analysis, if the same average payment is made to the attorney for the petitioner in half of the cases, the fiscal impact would be \$139,331. The General Assembly did not provide any funding for this legislation.

9. Specific agency or political subdivisions affected: The courts system

10. Technical amendment necessary: No

11. Other comments: None

Date: 03/27/02/TMB

Document: F:\tmb\leg02\hb1213ER