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HOUSE BILL NO. 1957

Offered January 11, 2017

Prefiled January 10, 2017

A BILL to amend and reenact § 16.1-266.1 of the Code of Virginia, relating to standards for guardians ad litem appointed in custody and visitation cases; certification form.

Patron—Ingram

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-266.1 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-266.1. Standards for attorneys appointed as guardians ad litem; list of qualified attorneys; attorneys appointed for parents or guardians.**

A. On or before January 1, 1995, the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, shall adopt standards for attorneys appointed as guardians ad litem pursuant to § 16.1-266. The standards shall, insofar as practicable, take into consideration the following criteria: (i) license or permission to practice law in Virginia, (ii) current training in the roles, responsibilities, and duties of guardian ad litem representation, (iii) familiarity with the court system and general background in juvenile law, and (iv) demonstrated proficiency in this area of the law.

B. Prior to any custody or visitation proceeding where an attorney has been appointed as a guardian ad litem pursuant to § 16.1-266, such guardian ad litem shall submit to the court a form certifying that he has complied with all such applicable standards. Such form shall include a list of the individuals interviewed by the guardian ad litem in his investigation of the case.

B. C. The Judicial Council shall maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as guardians ad litem based upon the standards and shall make the names available to the courts. If no attorney who is on the list is reasonably available, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

C. D. Counsel appointed for a parent or guardian pursuant to subsection D of § 16.1-266 shall be selected from the list of attorneys who are qualified to serve as guardians ad litem. If no attorney who is on the list is reasonably available or appropriate considering the circumstances of the parent or case, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

2. That the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, shall promulgate a form in accordance with subsection B of § 16.1-266.1 of the Code of Virginia, as created by this act, no later than July 1, 2018.

INTRODUCED

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