

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1033ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: McPike

3. Committee: Passed Both Houses

4. Title: Appointment of guardian ad litem for minor witness

5. Summary: The bill establishes § 8.01-396.2 and provides that in any proceeding before a general district court, the court may, if it determines the circumstances so require, appoint a discreet and competent attorney-at-law as guardian ad litem to represent the interests of a minor who is called to testify. It is the duty of the court to ensure that the interests of such minor witness are represented and protected.

The bill also provides when the guardian ad litem, to the satisfaction of the court, has rendered substantial service, the court may allow such guardian ad litem reasonable compensation to be paid from the funds appropriated to pay for the compensation of court-appointed counsel according to the rates and procedures set by the Supreme Court of Virginia.

If the matter in which a minor witness is called to testify is appealed to a circuit court, such circuit court may continue the appointment of the guardian ad litem or may appoint another discreet and competent attorney-at-law as guardian ad litem.

6. Budget Amendment Necessary: Indeterminate

7. Fiscal Impact Estimates: Final (see Item 8 below)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (“OES”), the bill will likely have some fiscal impact on the court system as the bill would require OES to pay for guardian ad litem appointments for child witnesses. However, OES cannot estimate the number of child witnesses that may be called to testify in general district court. Therefore, the fiscal impact is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None