

# **REPORT OF THE VIRGINIA STATE CRIME COMMISSION**

## **Guardian Ad Litem**



## **Report Document**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2005**



## COMMONWEALTH of VIRGINIA

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January 11, 2005

TO: The Honorable Mark Warner, Governor of Virginia

And

Members of the Virginia General Assembly

Section 30-158(3) provides the Commission the power to "conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30-156...and formulate its recommendations to the Governor and the General Assembly."

Enclosed for your review and consideration is the study report on Guardian's Ad Litem. The Commission received assistance from all affected agencies and gratefully acknowledges their input into this report.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "D. Albo", written over a horizontal line.

David B. Albo  
Chairman

**VIRGINIA STATE CRIME COMMISSION**  
**MEMBERSHIP**

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Attachment 1 Individuals with 120 or more Guardian Ad Litem  
Cases in either 2001, 2002, or 2003

Attachment 2 Form DC-514

## **I. Authority**

The *Code of Virginia*, § 30-156, authorizes the Virginia State Crime Commission to study, report and make recommendations on all areas of public safety and protection in the Commonwealth. Additionally, the Commission is to study matters “including apprehension, trial and punishment of criminal offenders.” Section 30-158(3) provides the Commission the power to “conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30-156. . .and formulate its recommendations to the Governor and the General Assembly.”

Using the statutory authority granted to the Crime Commission, staff conducted a study of Guardian Ad Litem (GAL) payment and services in the Commonwealth.

## **II. Executive Summary**

In 2002 the Virginia General Assembly passed legislation requiring the Virginia State Crime Commission to study the establishment of a statewide Indigent Defense Commission and the need for oversight and training for court-appointed counsel. In spring 2004, during a Virginia State Crime Commission meeting, the Spangenburg Group briefed members regarding indigent defense. While the Spangenburg Group concentrated on indigent defense in their analysis, part of their 2002 court payment analysis included court payments for all GAL services in the Commonwealth. Members were apprised that some individuals were making in excess of \$100,000 per year on GAL work alone in 2002. Subsequently, Chairman David B. Albo directed staff to obtain the 2001 and 2003 databases to ascertain if the same individuals and high levels of payments were present in those years, as well. Analysis of the three years of reimbursements found over 100 individuals had in excess of 120 cases in at least one of the three years (Attachment 1). Pursuant to the direction of Chairman Albo, Crime Commission staff was requested to further study payments to GAL’s in the Commonwealth, as well as services provided for 2001-2003.

Based on the Crime Commission analysis, the Supreme Court of Virginia may wish to consider implementing the following recommendations to allow for greater accountability in the GAL system:

### **Recommendation 1**

Mandate all GAL’s submit itemized vouchers in every case, clearly establishing specific dates, times and hours for activities that are billed. The itemization also should clearly indicate when the GAL met with his clients, the parents or other parties, and any witnesses in the case, as well as the location where such meetings took place.

### **Recommendation 2**

Create a form to submit with payment vouchers that:

- (a) affirms the attorney has not “double billed” (i.e., each hour or unit of time has only been billed once, and has not been rebilled against other clients); and,

(b) affirms that, at the time of submission of a voucher, the GAL has addressed items A-K related to the duties and responsibilities specified on the back of the appointment Order (met with client, interviewed witnesses, etc.)

### **Recommendation 3**

Require that at the time of the payment voucher submission, the attorney inform the appointing court of the number of other outstanding GAL cases he has at that time in all courts.

### **Recommendation 4**

Instruct the courts to have all GAL's submit written reports in all cases where the attorney has worked for more than ten hours out-of-court; in those rare instances where a GAL feels a report is not appropriate, he should inform the Court (preferably in the form of a motion) why a report is not appropriate, and receive permission from the Court not to file a report.

## **III. Methodology**

In order to understand the GAL work completed in the Commonwealth, Crime Commission staff requested the Supreme Court of Virginia provide all automated court reimbursement information for court-appointed attorneys and firms for Calendar Years 2001 to 2003. The 2002 data was the same type of information that was garnered by the Spangenburg Group for its analysis of indigent defense in the Commonwealth.<sup>1</sup> Crime Commission staff analyzed all court vouchers in the dataset to determine the number of GAL cases statewide as well as the number of attorneys and firms providing GAL services. This dataset was analyzed for the overall GAL court payments, as well as reimbursements to specific attorneys.<sup>2</sup>

Because the reimbursement dataset lacked specific information concerning the GAL services rendered (such as in-court hours, out-of-court hours or individual GAL case payout), staff selected a sample of 592 cases to review in-depth and gain a broader perspective of the services GAL's provide. Specifically, the sample was selected to ascertain actual billing for in-court hours, out-of-court hours and expenses. Additionally, the sample enabled staff to identify differences between those attorneys who carried larger GAL caseloads (hereinafter referred to as the Non-Median Group) as compared to those attorneys whose GAL caseload was at the median level for the entire GAL population (hereinafter referred to as the Median Group):

- *Non-Median Group Qualifications – 16 GAL's:*<sup>3</sup>

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<sup>1</sup> The Supreme Court of Virginia database is not specifically organized for payout compilation to individual attorneys. The dataset does have attorney name, firm name, and a vendor id number. However, these fields are not exacting, in that attorneys may be paid under their firms, or their own name; attorneys may use different vendor numbers from year to year or in the same year (this can be for a number of reasons, including employer change or mistake). Data is entered directly from the voucher form; therefore, if there is misspelling on the voucher, miscopying of the information or inclusion of a middle initial, identifying the same attorney can be problematic.

<sup>2</sup> Emphasis was placed on individual attorneys rather than firms, in that individual's constraints are more easily ascertained (24 hours in a day) versus a firm that can hire numerous individuals, thereby making interpretation more difficult.

<sup>3</sup> There were 16 GAL's that qualified for the high end sample. They had 12,966 cases over the three years combined. In order for a statistically significant sample at the 95% level +/- 5%, 373 cases would need to be

- Averaged 200 + GAL cases per year over 2001, 2002, and 2003; and,
  - 120 GAL cases in each of the sample years.
- *Median Group Qualifications – 16 GAL’s:*<sup>4</sup>
    - Individuals that had at least one case in 2001, 2002, and 2003;
    - The same number of sampled GAL’s as defined by the Non-Median Group; and,
    - Median caseload for all GAL’s:
      - The median number of GAL cases for 2001, 2002, 2003 combined was 20 cases,
      - 6.7 GAL cases per year; and,
      - 16 GAL’s that averaged between six to seven cases per year.

In order to achieve the desired sample, Crime Commission staff first conducted an additional paper sample of GAL vouchers. Because GAL’s sometimes submit vouchers that include GAL work along with other types of court services, the voucher sample was intentionally greater than the number of cases desired and was randomly chosen from all paper vouchers collected. This review of paper vouchers provided the case number, in-court and out-of-court hours, expense amounts, type of expenses, and ensured only GAL cases were analyzed. This sample also provided information on whether the judge lowered the GAL’s requested payment and whether the GAL requested less than he could have if he charged at the full hourly rate.

After gathering this information, along with additional information from the Supreme Court, staff inputted the vouchers into a dataset. Court clerks were then contacted to provide additional information on each case including whether the GAL had filed a written report in the case and whether an itemized billing statement had been filed. All of this information was then analyzed for: average GAL in-court time, average GAL out-of-court time, any additional charges or expenses reimbursed, and how frequently itemized bills and written reports were produced. The Non-Median Group and the Median Group samples were then compared.

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#### **IV. Guardian Ad Litem**

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A GAL is an attorney appointed by a judge to assist the Court in determining “the circumstances of the matter.”<sup>5</sup> They “faithfully represent the estate or other interest of the person under a disability for whom he is appointed...”<sup>6</sup> GAL’s may be appointed for children, as well as adults under disability. The appointment of GAL’s for children in Juvenile and Domestic

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analyzed. To these cases, 32 cases, or 7.2%, were added in order to over-sample. Therefore, 400 cases were analyzed on the high-end GAL’s. Specifically, 25 cases per individual were analyzed, or eight cases per individual in 2001 and 2002, and nine cases per individual for 2003.

<sup>4</sup> For the comparison sample, GAL’s were chosen at the median point for the average number of cases over the three years, which were 6.7 cases per year (20 over all three years). Sixteen individuals were chosen surrounding the median of 6.7 cases. The sixteen individuals had 320 cases and for statistical significance at the 95% level 192 cases would need to be pulled, which is 12 cases per individual and averages out to four cases per year.

<sup>5</sup> A summation of GAL roles and responsibilities is found on the Supreme Court of Virginia’s website. [www.courts.state.va.us/gal/home.html](http://www.courts.state.va.us/gal/home.html).

<sup>6</sup> VA. CODE. ANN. § 8.01-9 (Michie 2000).

Relations District Courts is mandated in some instances, discretionary in others. Mandated appointments are:<sup>7</sup>

- Alleged abuse or neglect;<sup>8</sup>
- Subject of an entrustment agreement;<sup>9</sup>
- Subject of a petition to terminate residual parental rights;<sup>10</sup>
- Proceedings where the parent(s) seek to be relieved of the child's custody;<sup>11</sup>
- A juvenile seeking to be emancipated;<sup>12</sup>
- Subject of a proceeding by parents seeking to commit an objecting minor fourteen years of age or older to a psychiatric facility; and,<sup>13</sup>
- Subject of a standby guardianship proceeding filed by a person other than a parent.<sup>14</sup>

Permissive examples in which the Court may appoint a GAL include:

- In a judicial authorization proceeding to have an abortion without authorized consent;<sup>15</sup>
- Any case in the discretion of the judge, such as delinquency, CHINS, CHINSup, status offense, etc... even if the other counsel is representing a child; and,<sup>16 17</sup>
- In cases where a child is not "adequately represented" in the proceeding including a custody proceeding.<sup>18</sup>

### **Appointment**

The *Code of Virginia* § 16.1-268 states that a GAL appointment shall be filed with the record of the proceeding and the GAL shall represent the child or parent at all other stages of appointment unless "relieved or replaced in the manner provided by law." GAL's should be "discreet and competent" attorneys that are appointed "prior to the hearing by the court" of any of the appropriate cases.<sup>19</sup> Since GAL's may work in different judicial districts and for different judges, there is currently no mechanism to place judges on notice of how many outstanding GAL cases the attorney may have open.

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<sup>7</sup> Mandatory and Permissive Appointments listed are taken from Robert Sheppard's seminar for beginning GAL's "Overview of the Juvenile and Domestic Relations District Court Law: Role, Responsibilities, and Duties of Guardian Ad Litem."

<sup>8</sup> VA. CODE. ANN. § 16.1-266(A) (Michie 2003).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> VA. CODE. ANN. § 16.1-332 (Michie 2003).

<sup>13</sup> VA. CODE. ANN. § 16.1-339 (Michie 2003).

<sup>14</sup> VA. CODE. ANN. § 16.1-350(C) (Michie 2003).

<sup>15</sup> VA. CODE. ANN. § 16.1-241(V) (Michie 2003).

<sup>16</sup> Counsel represents the child client and must adhere to child's requests, whereas GAL represents the "child's best interest."

<sup>17</sup> VA. CODE. ANN. § 16.1-265(D) (Michie 2003).

<sup>18</sup> VA. CODE. ANN. § 16.1-266(E) (Michie 2003).

<sup>19</sup> § 16.1-266(A).



## **Payment of Expenses**

GAL compensation is set forth in the *Code of Virginia* § 16.1-267 and in 1980 and 1986 Attorney General Opinions.<sup>20</sup> Specifically, the Court has discretion as long as GAL's are "provided reasonable compensation and actual expenses."<sup>21</sup> The Supreme Court of Virginia has approved the policy that GAL's be reimbursed \$75 per in-court hour and \$55 per out-of-court hour. There is no payment limit for these hourly rates if approved by the Court. The Court is allowed to reduce or refuse to authorize payment of fees requested if it deems the expenses not "reasonable." Also, the Court may remove the GAL from the Court's GAL list.

## **Changes to GAL Requirements in 2003**

It should be noted that new GAL rules were promulgated in 2003. Because of the perceived need for further guidance and standards for existing and future GAL's, the Virginia Bar Association, Commission on Needs of Children created new standards for GAL's in the Commonwealth. These eleven standards were approved and took effect on September 1, 2003. These new standards are:

- Meet face to face and interview the child;
- Conduct an independent investigation in order to ascertain the facts of the case;
- Advise the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the GAL, the court process and the possible consequences of the legal action;
- Participate, as appropriate, in pre-trial conferences, mediation and negotiations;
- Ensure the child's attendance at all proceedings where the child's attendance would be appropriate and/or mandated;
- Appear in court on the dates and times scheduled for hearings prepared to fully and vigorously represent my child's interests;
- Prepare the child to testify, when necessary and appropriate, in accord with the child's interest and welfare;
- Provide the court sufficient information, including specific recommendations for court action based on the findings of the interviews and independent investigation;
- Communicate, coordinate, and maintain a professional working relationship, in so far as possible, with all parties without sacrificing independence;
- File appropriate petitions, motions, pleadings, briefs, and appeals on behalf of the child, and assure child is represented by a GAL in any appeal involving the case; and,
- Advise the child, in terms the child can understand, of the Court's decision and its consequences for the child and others in the child's life.

These new standards should improve the accountability and expectations of GAL's serving in the Commonwealth. See Attachment 2 where the standards are listed on Form DC-514, the standard Order for Appointment of Guardian Ad Litem.

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<sup>20</sup> 1986 Op. Va. Att'y Gen. 1; 1980 Op. Va. Att'y Gen. 1.

<sup>21</sup> *Id.*

## V. Analysis

### GAL Expenditures FY 2001 to FY 2003

Crime Commission staff obtained the Supreme Court's Cost Reimbursement databases for Fiscal Years 2001 to 2003, detailing all court expenditures for court-appointed attorneys. Total Court reimbursements for all types of court appointed cases are provided by year in Table 1. The average payout for all cases was \$226 in 2001, \$254 in 2002 and \$269 in 2003.

**Table 1**  
**Total Court-Appointed Cases and Payments**  
**FY 2001 to FY 2003**

Year	All Cases	Reimbursement for All Court-Appointed Cases
2001	193,122	\$ 43,600,728
2002	226,723	\$ 57,604,969
2003	205,102	\$ 55,165,302

As Table 2 reports, GAL payments were 26% of all court-appointed reimbursements in 2001 and 2002; in 2003, GAL payments accounted for 22%.

**Table 2**  
**Guardian Ad Litem Cases and Payments**  
**FY 2001 to FY 2003**

Year	GAL Cases	Reimbursements for GAL Cases
2001	43,569	\$ 11,553,379
2002	52,052	\$ 15,034,372
2003	41,352	\$ 11,922,707

The average reimbursement for GAL's did not vary more than \$30 over the three year period. However, as shown in Table 3, in FY 2001 there were 149 more practicing GAL's that received reimbursements for services than in 2003.

**Table 3**  
**Guardian Ad Litem and Average Reimbursement**  
**FY 2001 to FY 2003**

Year	Average GAL Case Reimbursement	Number of GAL's	Average Fiscal Year Reimbursement per GAL
2001	\$ 265	1,556	\$ 7,425
2002	\$ 289	1,477	\$ 10,179
2003	\$ 288	1,407	\$ 8,474

The dataset was organized into work by specific attorney to examine caseload by attorney.<sup>22</sup> During the three-year period, not all GAL's did the same number of cases each year. However, most GAL's had caseloads of 40 cases per year; fewer than two-percent had in excess of 200 cases in any one year. Some GAL's did reach more than 300 cases in a year. Table 4 shows the disparity between cases GAL's worked across the sample years.

**Table 4  
Guardian Ad Litem Caseload Per Year  
FY 2001 to FY 2003**

<b>Number of Cases Per Attorney</b>	<b>Attorneys with Caseload 2001</b>	<b>Attorneys with Caseload 2002</b>	<b>Attorneys with Caseload 2003</b>
<b>Under 20 cases</b>	937	782	811
<b>20-39 cases</b>	284	257	250
<b>40-119 cases</b>	263	347	293
<b>120-199 cases</b>	53	63	41
<b>200-299 cases</b>	15	21	10
<b>300 + cases</b>	4	7	2
<b>Total GAL's Cases</b>	1,556	1,477	1,407

Not surprisingly, the annual reimbursements to GAL's for the cases they handled varied greatly, just as the caseloads varied. At least three individuals did make over \$100,000 each year sampled. However, the majority of GAL's made under \$5,000 per year. GAL reimbursement is found in Table 5.

**Table 5  
Guardian Ad Litem Court Reimbursements Per Year**

<b>Total Attorney Reimbursement</b>	<b>2001 Attorneys</b>	<b>2002 Attorneys</b>	<b>2003 Attorneys</b>
Under \$5,000	939	768	761
\$5,000-\$9,999	270	251	274
\$10,000-\$19,999	198	235	208
\$20,000-\$49,999	127	180	137
\$50,000-\$99,999	19	39	25
\$100,000-\$149,999	3	3	1
\$150,000 +	0	1	1
<b>Total GAL's</b>	1,556	1,477	1,407

In each of the three sample years, at least 122 localities had some GAL work occur within their jurisdiction. The five jurisdictions that had the most cases in 2002 are exhibited in Table 6.

<sup>22</sup> See footnote 1 which explains the difficulty in data compilation by individual attorney.

**Table 6  
Localities with the most GAL cases**

<b>Localities</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
<b>Richmond</b>	3,685	4,194	3,165
<b>Norfolk</b>	2,505	3,572	2,200
<b>Fairfax County</b>	2,715	2,699	2,024
<b>Prince William</b>	2,026	2,574	1,846
<b>Newport News</b>	2,285	2,340	1,608

Analysis of the caseload and reimbursement data revealed that some GAL's were carrying high caseloads by working in many jurisdictions simultaneously. Each year the number of localities in which GAL's worked ranged from 1 to 12 in 2001 and 1 to 13 in both 2002 and 2003. This information on the number of localities where attorneys worked is relevant because individual judges and clerks have no knowledge of an attorney's workload in other jurisdictions. In 2001, 41 GAL's were paid for GAL work from 5 different localities or more. Fifty-two GAL's were paid from five localities or more localities in both 2002 and 2003.

There were 72 individual attorneys in 2001, 91 in 2002 and 53 in 2003 that billed for 120 cases or more. Across the three-year sample, 101 GAL's had 120 or more cases in 2001, 2002 or 2003. Attachment 1 provides an anonymous listing of these 101 GAL and court-appointed caseloads, as well as state reimbursements to each attorney.<sup>23</sup>

**Sample GAL Cases**

As stated previously, the Crime Commission decided to further examine the nature of the large caseloads by reviewing a sample of 592 GAL cases. The goal of this sample was to compile specific information regarding typical GAL payment, hours worked, and activities. The sample was also used to compare GAL's with higher workloads ("Non-Median GAL's") to the GAL's making up the median sample, the ("Median GAL's").<sup>24</sup>

The total sample taken was 592, with the Non-Median group accounting for 400 cases and the comparison group accounting for 192 cases. Initial analysis of the sampled records showed that not all cases represented GAL work, which necessitated the elimination of six cases from the sample. Therefore, the GAL sample below extends to 586 cases unless otherwise noted. Depending on how the GAL filled out the voucher, some information is omitted. Examples of missing information include total time worked, in-court time, and costs. As such, when percentages and calculations are given, they refer to calculations for information present. Not surprisingly, all vouchers did include a grand total payment amount that the attorney was requesting.

The vast majority of all GAL cases sampled were for juveniles. This did not materially differ for the Non-Median GAL's (97%) or the Median Group (100%). The case charges ranged from a low of \$27.50 to a high of \$1,100. The current GAL in-court hourly rate is \$75 and the

<sup>23</sup> Reimbursements to attorneys in specific localities were collapsed into judicial districts in this spreadsheet.

<sup>24</sup> See Section III, supra where the samples and methodology is defined.

out-of-court rate is \$55.<sup>25</sup> In Table 7 below, the averages of in-court time, in-court charges, out-of-court time, out-of-court charges, and total charges are listed for all sample cases, as well as a breakdown for the Non-Median and Median groups. Interestingly, there is very little difference between the sampled groups.

**Table 7: Averages for GAL Sample Cases**

	<b>All Sampled GAL cases</b>	<b>Non-Median GAL's</b>	<b>Median GAL's</b>
<b>In Court Time</b>	1.08 hours	1.04 hours	1.17 hours
<b>In Court Costs</b>	\$ 78.72	\$ 74.83	\$ 86.82
<b>Out of Court Time</b>	2.9 hours	2.9 hours	2.9 hours
<b>Out of Court Costs</b>	\$ 53.20	\$ 154.17	\$ 150.91
<b>Total Amount Claimed<sup>26</sup></b>	\$ 220.54	\$ 220.24	\$ 221.16

Not all GAL's listed special expenses. In fact, only 101 cases had any expenses listed. Of those 101 cases, the average expenses listed were for \$128.96 including, an average of \$79 for the Non-Median and \$252 average expense for the Median group. The two most common expenses were mileage and phone charges. Out of the 101 cases, 47 had mileage as a special expense, and 49 had phone charges. The average phone expense was over 900% higher than the mileage expense; \$107.92 compared to the average mileage expense of \$10.18. It should be noted that judges did not always allow all expenses, or for that matter all hourly time worked. In eight cases the judge authorized less than the amount indicated (four for both the Non-Median group and the Median group). Also, 2.5% of the time, the GAL charged less than possible for time worked on the case. Of the 14 times this happened, 13 times were by the Non-Median group.

GAL reports and itemized vouchers were not the norm within our sample. Clerks could not always find the case referenced due to an incorrect or illegible number on the voucher form. Therefore, the sample for this part of the analysis is restricted to the cases that the clerks found. Table 8 lists results for GAL reports and itemized vouchers. It should be noted that many courts only require that an itemized voucher be given if the GAL charges \$500 or more.

**Table 8: Percentage of GAL Reports and Itemized Vouchers**

	<b>All Sampled GAL cases</b>	<b>Non-Median GAL's</b>	<b>Median GAL's</b>
<b>GAL Report</b>	6.3%	5.0%	8.8%
<b>Itemized Voucher</b>	24.3%	27.9%	16.9%

<sup>25</sup> The prior hourly billing rate was \$70 for in-court hour and \$50 for out-of-court hours.

<sup>26</sup> On occasion Crime Commission staff would attribute claims amounts to cases. Instances occurred in which a GAL would submit a payment voucher form for a total claim with more than one client and no breakdown between the individuals would be present. This occurred most often with cases involving brothers and sisters. This was problematic in that our sample dealt with specific case numbers and the charges stemming from the case. In these instances where the charge was not specifically attributed to the client by the GAL, Crime Commission staff divided the total amount and the hours worked by the number of clients to gain in-court and out-of-court hours and fees as well as the total payment requested.

In sum, analyses from the selected sample showed that the amount that the Non-Median GAL's billed was not significantly different than the amount billed by the Median comparison group. Thus, differences between yearly amounts paid by the Court to Non-Median groups and Median groups stem more from the volume of GAL cases rather than the Non-Median group charging at a different billing level.

## **VI. Recommendations**

The analysis of GAL's within the Commonwealth, and the comparison of the Non-Median group to the Median group, found no direct evidence of systematic problems. However, this study was not constructed to draw conclusions about the effectiveness and efficiency of the entire GAL system. The study did reveal four areas that caused concern with the GAL process in terms of promoting quality and effective representation. Explanations and recommendations for these areas are listed below.

### **Recommendation 1**

Mandate all GAL's submit itemized vouchers in every case which clearly establish specific dates, times, and hours for activities that are billed. These time sheets should also clearly indicate when the GAL met with his clients, the parents or other parties, and any witnesses in the case, as well as the location where such meetings took place.

Without the restriction of caps, attorneys could be encouraged to pad hours or expenses. Furthermore, there are no mechanisms to monitor specific GAL activities. While there are some courts that mandate itemized receipts for payouts above \$500, nothing is mandated statewide. Making GAL's attach an itemized voucher for payments in every case promotes clarity and more transparency in GAL activities. The itemized bill recommendation will allow the court to assess the use of time and resources as well as document the GAL's activities.

### **Recommendation 2**

Create a form to submit with payment vouchers that:

- (a) affirms the attorney has not "double billed" (i.e., each hour or unit of time has only been billed once, and has not been re-billed against other clients); and,
- (b) affirms that, at the time of submission of a voucher, the GAL has addressed items A-K related to the duties and responsibilities specified on the back of the appointment Order (met with client, interviewed witnesses, etc.)

It is not uncommon for a GAL to represent more than one child in a proceeding, such as in cases involving siblings. When the GAL represents more than one party in the same proceeding, it is important that the Court does not allow for double-billing for the same hearing. Affirmation would promote clarity on this issue.

Also, with the new GAL guidelines that have come into effect, it is essential that their goals and duties be recognized, reinforced and adhered to. Requiring a specific affirmation supports the process more than merely placing the guidelines on the back of the initial judicial order, as is done currently. Therefore, at the bottom of the payment voucher, the GAL should affirm that he has met his required GAL duties.

### **Recommendation 3**

Require that at the time of the submission of the payment voucher, the attorney inform the appointing court of the number of other outstanding GAL cases he has at that time in all courts.

It is apparent that there is no over-arching mechanism for judges to know how many outstanding cases each GAL has. This situation would be ameliorated by having the GAL reveal this number at the time of submission of his payment voucher. Even though the GAL case work would have already been completed, it would place the judge on notice of the attorney's GAL caseload. Notice to the judge is especially relevant when a significant percentage of the "higher volume" GAL's conduct business in five or more localities. Without this information, judges cannot know the time and service constraints a GAL might be facing. While attorneys are professionally required to refuse work when they are overextended, there should still be a mechanism by which judges can be informed of a GAL's caseload. This mechanism will prevent such situations as occurred previously where one GAL in 2002 had 533 GAL cases (and over 300 other court-appointed cases.)

### **Recommendation 4**

Instruct the Courts to have all attorneys who do GAL work submit a written report for all cases with more than ten hours of out-of-court time; in those rare instances where a GAL feels a report is not appropriate, he should inform the Court (preferably in the form of a motion) why a report is not appropriate, and receive permission from the Court not to file a report.

It appears very few GAL reports are being written and included in the court file. While there may be rational reasons for not submitting a report in any give case, this presumably would not be the general rule. In cases where the GAL expends more than ten hours of out-of-court time, the GAL presumably would have found reason for serious investigation. Such actions and conclusions should be recorded. The preservation of an independent investigation into the matter would be of benefit should the GAL not be able to continue in the case and hopefully could shorten court time by narrowing the issues of the parties.

## **VII. Acknowledgements**

### **Juvenile & Domestic Relations Clerks of Court**

Alexandria J&DR Court

Arlene Z. Rager

Arlington J&DR Court

Jacqueline D. Sites

Augusta/Staunton J&DR Court

Donna Coffey Bosserman

Buckingham Combined Court

Judy P. Jamerson

Chesterfield J&DR Court

Beverly A. Vaughan

Cumberland Combined Court

Carolyn Z. Helgeson

Danville J&DR Court

Iva A. Newman

Fairfax County J&DR Court

Jennifer Watson Flanagan

Floyd Combined Court

Judy R. Bell

Franklin County J&DR Court

Betty D. Shepherd

Frederick/Winchester J&DR Court

Ann B. Lloyd

Fredericksburg J&DR Court

Joan M. Millward

Hanover J&DR Court

Tami Leonard

Henrico J&DR Court

Charles Thomas Elliott



Lexington/Rockbridge Combined Court  
Martha L. Campbell

Loudoun J&DR Court  
Patty A. Maher-Wade

Newport News J&DR Court  
Patsy Ann Ewell

Petersburg J&DR Court  
Sandra B. Sneade

Pittsylvania J&DR Court  
Ginger E. Shelton

Prince William J&DR Court  
Frances H. Hedrick

Richmond J&DR Court  
Deborah K. Daughtrey

Roanoke City J&DR Court  
David Carl Wells

Stafford J&DR Court  
Katherine Malley Aylor

**Supreme Court of Virginia**

Mary Gibson  
Lelia Hopper  
Kathy Mays  
Cyril Miller  
David Whipp

**Virginia Department of Accounts**

Bill Mathews  
David A. Von Moll

# **Attachment 1**

**Individuals with 120 or more Guardian Ad Litem  
Cases in either 2001, 2002, or 2003**

**Individuals with 120 or more Guardian Ad Litem Cases in either 2001, 2002, or 2003**

Individual Identifier	Office Location	Number of Districts	2001				2002				2003				2001-03 Avg.		2001-03 Avg.	
			Guardian Ad Litem Cases	2001 Total Cases	2001 Guardian Ad Litem Compensation	2001 Total Compensation	Guardian Ad Litem Cases	2002 Total Cases	2002 Guardian Ad Litem Compensation	2002 Total Compensation	Guardian Ad Litem Cases	2003 Total Cases	2003 Guardian Ad Litem Compensation	2003 Total Compensation	Guardian Ad Litem Cases	2001-03 Avg. Cases	2001-03 Avg. Compensation	2001-03 Avg. Total Compensation
Individual Id - 1	RICHMOND	4	342	543	\$ 92,343	\$ 124,880	533	865	\$ 154,351	\$ 203,412	492	785	\$ 152,057	\$ 204,529	456	731	\$ 132,917	\$ 177,607
Individual Id - 2	RICHMOND	4	349	463	\$ 108,759	\$ 130,633	412	559	\$ 148,263	\$ 177,986	284	410	\$ 133,384	\$ 161,992	348	477	\$ 130,135	\$ 156,870
Individual Id - 3	CUMBERLAND	5	315	729	\$ 108,735	\$ 167,458	392	1112	\$ 126,586	\$ 219,856	407	957	\$ 91,669	\$ 145,595	371	933	\$ 108,997	\$ 177,637
Individual Id - 4	VIENNA	2	400	666	\$ 109,423	\$ 148,633	386	703	\$ 121,289	\$ 172,355	238	489	\$ 66,176	\$ 111,217	341	619	\$ 98,963	\$ 144,069
Individual Id - 5	DUMFRIES	3	264	333	\$ 67,313	\$ 76,833	353	538	\$ 81,858	\$ 112,834	236	502	\$ 46,967	\$ 109,003	284	458	\$ 65,379	\$ 99,557
Individual Id - 6	NEWPORT NEWS	3	247	320	\$ 66,450	\$ 78,138	344	447	\$ 90,525	\$ 109,589	256	353	\$ 60,691	\$ 79,358	282	373	\$ 72,555	\$ 89,028
Individual Id - 7	ROANOKE	4	250	402	\$ 47,657	\$ 73,738	304	425	\$ 59,000	\$ 88,359	273	509	\$ 37,038	\$ 65,816	276	445	\$ 47,898	\$ 75,971
Individual Id - 8	ARLINGTON	4	212	420	\$ 49,672	\$ 82,132	285	742	\$ 85,882	\$ 174,781	143	470	\$ 54,884	\$ 126,622	213	544	\$ 63,479	\$ 127,845
Individual Id - 9	STUARTS DRAFT	3	270	301	\$ 67,224	\$ 78,013	276	350	\$ 68,735	\$ 81,334	224	300	\$ 61,010	\$ 77,380	257	317	\$ 65,656	\$ 78,909
Individual Id - 10	ROCKY MOUNT	4	220	567	\$ 43,028	\$ 103,763	275	633	\$ 52,136	\$ 117,059	126	362	\$ 25,014	\$ 69,820	207	521	\$ 40,059	\$ 96,881
Individual Id - 11	CHARLOTTESVILLE	2	136	327	\$ 27,524	\$ 49,815	259	450	\$ 51,637	\$ 76,147	179	297	\$ 41,733	\$ 59,739	191	358	\$ 40,298	\$ 61,900
Individual Id - 12	RICHMOND	4	148	274	\$ 39,910	\$ 58,523	258	412	\$ 74,092	\$ 96,041	206	363	\$ 52,996	\$ 77,917	204	350	\$ 55,666	\$ 77,493
Individual Id - 13	DANVILLE	4	238	418	\$ 44,848	\$ 83,119	254	410	\$ 71,706	\$ 103,936	114	183	\$ 33,648	\$ 48,353	202	337	\$ 50,067	\$ 78,469
Individual Id - 14	FALLS CHURCH	4	202	396	\$ 64,281	\$ 93,142	251	508	\$ 88,914	\$ 131,912	170	419	\$ 64,023	\$ 98,013	208	441	\$ 72,406	\$ 107,689
Individual Id - 15	SPOTSYLVANIA	2	184	262	\$ 27,690	\$ 37,302	238	383	\$ 28,105	\$ 46,109	159	234	\$ 20,255	\$ 31,603	194	293	\$ 25,350	\$ 38,338
Individual Id - 16	RICHMOND	7	145	320	\$ 54,285	\$ 77,072	238	411	\$ 72,536	\$ 100,251	247	410	\$ 54,860	\$ 83,596	210	380	\$ 60,560	\$ 86,973
Individual Id - 17	CULPEPER	2	55	57	\$ 26,866	\$ 28,979	231	242	\$ 81,513	\$ 87,506	156	162	\$ 55,717	\$ 57,627	147	154	\$ 54,699	\$ 58,038
Individual Id - 18	RICHMOND	3	267	454	\$ 69,797	\$ 97,324	231	457	\$ 78,986	\$ 113,795	190	394	\$ 49,843	\$ 82,911	229	435	\$ 66,209	\$ 98,010
Individual Id - 19	CHATHAM	4	192	261	\$ 44,076	\$ 56,896	230	356	\$ 44,438	\$ 62,245	192	279	\$ 44,868	\$ 63,927	205	299	\$ 44,461	\$ 61,023
Individual Id - 20	RICHMOND	2	175	311	\$ 61,725	\$ 82,939	230	440	\$ 77,277	\$ 109,587	178	345	\$ 62,467	\$ 88,495	194	365	\$ 67,157	\$ 93,673
Individual Id - 21	RICHMOND	4	166	350	\$ 30,532	\$ 56,551	217	471	\$ 40,604	\$ 77,913	146	343	\$ 28,451	\$ 64,926	176	388	\$ 33,196	\$ 66,463
Individual Id - 22	CHESTERFIELD	2	134	208	\$ 58,115	\$ 76,275	211	258	\$ 95,273	\$ 110,658	117	126	\$ 57,616	\$ 59,279	154	197	\$ 70,335	\$ 82,737
Individual Id - 23	TROUTVILLE	3	107	117	\$ 46,227	\$ 48,948	208	223	\$ 80,926	\$ 86,780	152	171	\$ 45,562	\$ 50,432	156	170	\$ 57,571	\$ 62,054
Individual Id - 24	BEDFORD	2	175	225	\$ 35,204	\$ 44,688	203	320	\$ 55,249	\$ 86,363	142	263	\$ 38,298	\$ 67,405	173	269	\$ 42,917	\$ 66,152
Individual Id - 25	NORFOLK	4	3	136	\$ 490	\$ 52,126	191	785	\$ 52,148	\$ 211,945	162	706	\$ 42,133	\$ 212,312	119	542	\$ 31,590	\$ 158,794
Individual Id - 26	CHARLOTTESVILLE	2	131	255	\$ 26,580	\$ 46,645	187	353	\$ 31,639	\$ 61,549	111	280	\$ 22,336	\$ 51,292	143	296	\$ 26,852	\$ 53,162
Individual Id - 27	CHARLOTTESVILLE	2	230	429	\$ 31,518	\$ 64,734	187	406	\$ 29,757	\$ 115,262	148	378	\$ 21,303	\$ 61,845	188	404	\$ 27,526	\$ 80,613
Individual Id - 28	HAMPTON	4	134	383	\$ 64,862	\$ 119,408	185	475	\$ 80,619	\$ 156,393	65	286	\$ 34,872	\$ 123,425	128	381	\$ 60,118	\$ 133,075
Individual Id - 29	CHATHAM	4	136	416	\$ 24,545	\$ 113,899	179	497	\$ 50,770	\$ 149,158	136	415	\$ 32,053	\$ 121,870	150	443	\$ 35,789	\$ 128,309
Individual Id - 30	ROANOKE	1	118	221	\$ 33,901	\$ 66,535	176	224	\$ 50,007	\$ 60,610	177	238	\$ 41,198	\$ 55,532	157	228	\$ 41,702	\$ 60,892
Individual Id - 31	LOCUST GROVE	2	53	55	\$ 16,800	\$ 17,100	175	202	\$ 36,680	\$ 40,415	74	84	\$ 14,858	\$ 16,535	101	114	\$ 22,780	\$ 24,683
Individual Id - 32	RICHMOND	3	201	321	\$ 54,504	\$ 71,495	175	372	\$ 82,115	\$ 118,405	99	263	\$ 51,553	\$ 79,801	158	319	\$ 62,724	\$ 89,900
Individual Id - 33	BEDFORD	1	118	234	\$ 30,246	\$ 62,074	174	302	\$ 47,432	\$ 80,652	167	335	\$ 40,819	\$ 87,182	153	290	\$ 39,499	\$ 76,636
Individual Id - 34	RICHMOND	4	39	69	\$ 6,003	\$ 9,948	172	381	\$ 31,487	\$ 62,840	192	403	\$ 30,296	\$ 65,075	134	284	\$ 22,595	\$ 45,954
Individual Id - 35	CHARLOTTESVILLE	2	160	230	\$ 37,562	\$ 48,176	172	268	\$ 39,401	\$ 51,453	173	270	\$ 36,862	\$ 51,025	168	256	\$ 37,941	\$ 50,218
Individual Id - 36	RICHMOND	3	101	112	\$ 46,368	\$ 49,342	172	190	\$ 96,300	\$ 100,574	138	157	\$ 68,235	\$ 73,478	137	153	\$ 70,301	\$ 74,465
Individual Id - 37	ROANOKE	1	63	76	\$ 48,461	\$ 61,050	165	203	\$ 73,744	\$ 88,396	145	185	\$ 33,061	\$ 38,799	124	155	\$ 51,756	\$ 62,748
Individual Id - 38	PORTSMOUTH	2	160	236	\$ 30,781	\$ 47,728	164	240	\$ 33,384	\$ 48,026	115	196	\$ 29,142	\$ 41,979	146	224	\$ 31,102	\$ 45,911
Individual Id - 39	ROCKY MOUNT	2	133	357	\$ 16,193	\$ 39,528	164	326	\$ 21,042	\$ 40,050	0	0	\$ -	\$ -	99	228	\$ 12,412	\$ 26,526
Individual Id - 40	MANASSAS	2	101	189	\$ 44,561	\$ 63,806	160	247	\$ 55,434	\$ 75,543	62	83	\$ 18,611	\$ 23,980	108	173	\$ 39,536	\$ 54,443
Individual Id - 41	ASHLAND	3	110	241	\$ 21,995	\$ 45,018	160	345	\$ 36,315	\$ 76,848	142	354	\$ 35,670	\$ 85,120	137	313	\$ 31,327	\$ 68,995
Individual Id - 42	RICHMOND	3	150	306	\$ 41,142	\$ 69,088	159	290	\$ 42,888	\$ 64,124	100	231	\$ 25,910	\$ 44,050	136	276	\$ 36,647	\$ 59,087
Individual Id - 43	HOPEWELL	3	50	489	\$ 12,973	\$ 81,696	158	517	\$ 69,516	\$ 161,892	174	503	\$ 50,810	\$ 127,344	127	503	\$ 44,433	\$ 123,644
Individual Id - 44	ROANOKE	3	74	185	\$ 16,181	\$ 42,523	157	326	\$ 30,346	\$ 68,290	186	321	\$ 35,026	\$ 65,606	139	277	\$ 27,184	\$ 58,806
Individual Id - 45	CHATHAM	2	2	13	\$ 270	\$ 1,870	153	458	\$ 27,357	\$ 100,194	99	435	\$ 19,822	\$ 113,155	85	302	\$ 15,817	\$ 71,740
Individual Id - 46	RICHMOND	1	0	0	\$ -	\$ -	150	164	\$ 27,008	\$ 31,468	138	146	\$ 33,478	\$ 36,895	96	103	\$ 20,162	\$ 22,788
Individual Id - 47	SOUTH HILL	2	33	79	\$ 8,416	\$ 17,790	150	268	\$ 42,723	\$ 72,186	70	227	\$ 18,080	\$ 93,926	84	191	\$ 23,073	\$ 61,301
Individual Id - 48	MANASSAS	1	147	277	\$ 44,795	\$ 66,150	149	223	\$ 36,525	\$ 57,160	90	108	\$ 19,958	\$ 24,228	129	203	\$ 33,759	\$ 49,179
Individual Id - 49	LYNCHBURG	3	71	73	\$ 24,132	\$ 24,648	148	152	\$ 54,754	\$ 55,722	125	132	\$ 44,700	\$ 47,335	115	119	\$ 41,195	\$ 42,568
Individual Id - 50	RICHMOND	8	146	403	\$ 22,371	\$ 61,577	148	444	\$ 28,516	\$ 79,537	115	314	\$ 19,911	\$ 65,645	136	387	\$ 23,600	\$ 68,920
Individual Id - 51	PETERSBURG	4	190	414	\$ 35,225	\$ 74,927	148	351	\$ 25,327	\$ 75,588	12	43	\$ 2,303	\$ 11,667	117	269	\$ 20,952	\$ 54,061
Individual Id - 52	RICHMOND	3	145	207	\$ 41,887	\$ 52,779	146	218	\$ 37,864	\$ 56,670	99	116	\$ 23,227	\$ 28,105	130	180	\$ 34,326	\$ 45,851
Individual Id - 53	RICHMOND	3	72	155	\$ 17,052	\$ 31,181	142	467	\$ 42,583	\$ 92,724	180	431	\$ 50,104	\$ 91,116	131	351	\$ 36,579	\$ 71,674
Individual Id - 54	RICHMOND	2	196	294	\$ 28,106	\$ 38,427	141	283	\$ 29,873	\$ 46,918	22	39	\$ 3,973	\$ 6,072	120	205	\$ 20,650	\$ 30,472
Individual Id - 55	RICHMOND	3	154	232	\$ 36,408	\$ 46,360	141	253	\$ 39,874	\$ 58,047	72	133	\$ 19,399	\$ 28,094	122	206	\$ 31,893	\$ 44,167

**Individuals with 120 or more Guardian Ad Litem Cases in either 2001, 2002, or 2003**

Individual Identifier	Office Location	Number of Districts	2001		2001 Guardian Ad Litem		2002		2002 Guardian Ad Litem		2003		2003 Guardian Ad Litem		2001-03 Avg.		2001-03 Avg.	
			Guardian Ad Litem Cases	2001 Total Cases	Compensation	Total Compensation	Guardian Ad Litem Cases	2002 Total Cases	Compensation	Total Compensation	Guardian Ad Litem Cases	2003 Total Cases	Compensation	Total Compensation	Guardian Ad Litem Cases	2001-03 Avg. Cases	Compensation	Total Compensation
Individual Id - 56	NEWPORT NEWS	4	114	367	\$ 40,612	\$ 85,516	140	399	\$ 34,926	\$ 86,849	101	400	\$ 21,557	\$ 89,743	118	389	\$ 32,365	\$ 87,369
Individual Id - 57	PRINCE GEORGE	6	112	347	\$ 24,798	\$ 68,034	140	522	\$ 29,933	\$ 101,733	168	481	\$ 39,585	\$ 109,846	140	450	\$ 31,439	\$ 93,205
Individual Id - 58	FAIRFAX	5	173	350	\$ 20,894	\$ 39,639	140	404	\$ 27,249	\$ 61,219	54	208	\$ 13,170	\$ 38,041	122	321	\$ 20,438	\$ 46,300
Individual Id - 59	HOPEWELL	2	82	209	\$ 31,467	\$ 59,226	138	231	\$ 46,562	\$ 64,519	74	217	\$ 21,797	\$ 47,305	98	219	\$ 33,275	\$ 57,017
Individual Id - 60	LYNCHBURG	2	77	260	\$ 21,194	\$ 58,647	136	439	\$ 41,004	\$ 92,359	111	407	\$ 40,662	\$ 102,421	108	369	\$ 34,287	\$ 84,475
Individual Id - 61	ROANOKE	5	22	222	\$ 5,722	\$ 58,710	136	391	\$ 38,422	\$ 104,252	98	312	\$ 25,678	\$ 84,532	85	308	\$ 23,274	\$ 82,498
Individual Id - 62	CHARLOTTESVILLE	6	11	32	\$ 3,686	\$ 7,263	135	411	\$ 47,121	\$ 114,067	189	521	\$ 55,225	\$ 146,079	112	321	\$ 35,344	\$ 89,136
Individual Id - 63	DANVILLE	3	166	501	\$ 36,196	\$ 103,670	134	483	\$ 42,597	\$ 121,666	127	411	\$ 30,925	\$ 108,056	142	465	\$ 36,572	\$ 111,131
Individual Id - 64	RICHMOND	4	105	267	\$ 32,950	\$ 55,487	133	316	\$ 46,169	\$ 73,829	67	176	\$ 21,209	\$ 38,542	102	253	\$ 33,443	\$ 55,953
Individual Id - 65	RICHMOND	4	137	233	\$ 22,004	\$ 36,583	130	336	\$ 25,343	\$ 55,892	142	354	\$ 27,532	\$ 57,621	136	308	\$ 24,960	\$ 50,032
Individual Id - 66	CHARLOTTESVILLE	2	141	177	\$ 45,204	\$ 52,873	129	146	\$ 45,561	\$ 48,515	178	231	\$ 55,441	\$ 66,466	149	185	\$ 48,735	\$ 55,951
Individual Id - 67	RICHMOND	3	80	98	\$ 20,372	\$ 24,167	129	189	\$ 28,344	\$ 35,519	100	151	\$ 21,099	\$ 26,919	103	146	\$ 23,272	\$ 28,868
Individual Id - 68	GOOCHLAND	1	93	442	\$ 35,436	\$ 70,419	129	392	\$ 48,513	\$ 73,960	64	230	\$ 15,967	\$ 35,686	95	355	\$ 33,305	\$ 60,022
Individual Id - 69	RICHMOND	3	82	257	\$ 23,475	\$ 55,648	128	350	\$ 41,890	\$ 80,430	78	260	\$ 19,820	\$ 49,777	96	289	\$ 28,395	\$ 61,952
Individual Id - 70	CHARLOTTESVILLE	1	155	263	\$ 38,909	\$ 59,973	128	242	\$ 32,737	\$ 64,841	57	152	\$ 22,024	\$ 41,954	113	219	\$ 31,223	\$ 55,256
Individual Id - 71	BOONES MILL	2	45	320	\$ 4,420	\$ 37,396	126	474	\$ 15,265	\$ 58,504	79	261	\$ 9,482	\$ 38,288	83	352	\$ 9,722	\$ 44,729
Individual Id - 72	MANASSAS	1	137	233	\$ 43,380	\$ 56,114	126	216	\$ 30,738	\$ 45,280	100	153	\$ 24,165	\$ 32,348	121	201	\$ 32,761	\$ 44,580
Individual Id - 73	MOYOCK	3	144	199	\$ 31,406	\$ 41,272	126	156	\$ 32,838	\$ 41,526	1	2	\$ 471	\$ 674	90	119	\$ 21,572	\$ 27,824
Individual Id - 74	RICHMOND	3	34	137	\$ 7,120	\$ 19,430	124	253	\$ 25,962	\$ 45,556	94	172	\$ 16,436	\$ 28,163	84	187	\$ 16,506	\$ 31,050
Individual Id - 75	NORFOLK	3	85	201	\$ 28,277	\$ 49,867	124	240	\$ 26,513	\$ 43,596	95	196	\$ 18,863	\$ 36,594	101	212	\$ 24,551	\$ 43,352
Individual Id - 76	ROANOKE	4	64	301	\$ 13,760	\$ 67,236	124	463	\$ 40,725	\$ 140,833	99	357	\$ 22,407	\$ 101,465	96	374	\$ 25,631	\$ 103,178
Individual Id - 77	SUFFOLK	2	77	149	\$ 27,433	\$ 48,300	123	198	\$ 32,648	\$ 66,884	88	150	\$ 30,798	\$ 57,740	96	166	\$ 30,293	\$ 57,641
Individual Id - 78	FAIRFAX	1	63	111	\$ 17,524	\$ 23,349	123	235	\$ 42,445	\$ 57,705	76	160	\$ 26,873	\$ 40,264	87	169	\$ 28,948	\$ 40,439
Individual Id - 79	BIG STONE GAP	2	106	160	\$ 40,811	\$ 58,918	113	150	\$ 54,102	\$ 65,175	141	157	\$ 52,051	\$ 61,037	120	156	\$ 48,988	\$ 61,710
Individual Id - 80	PORSTMOUTH	3	210	252	\$ 48,317	\$ 55,987	112	149	\$ 29,125	\$ 37,602	75	84	\$ 23,665	\$ 25,292	132	162	\$ 33,703	\$ 39,627
Individual Id - 81	RICHMOND	3	132	352	\$ 28,440	\$ 64,194	110	290	\$ 33,932	\$ 64,458	74	252	\$ 21,746	\$ 57,471	105	298	\$ 28,039	\$ 62,041
Individual Id - 82	FAIRFAX	1	217	325	\$ 30,161	\$ 41,988	108	282	\$ 19,556	\$ 43,725	46	112	\$ 8,947	\$ 18,362	124	240	\$ 19,555	\$ 34,692
Individual Id - 83	NEWPORT NEWS	1	122	230	\$ 27,707	\$ 44,580	105	147	\$ 20,121	\$ 25,346	88	132	\$ 15,432	\$ 22,183	105	170	\$ 21,086	\$ 30,703
Individual Id - 84	CHESAPEAKE	4	124	467	\$ 24,635	\$ 105,012	105	591	\$ 26,057	\$ 163,287	37	145	\$ 4,433	\$ 35,082	89	401	\$ 18,375	\$ 101,127
Individual Id - 85	PORTSMOUTH	2	120	143	\$ 28,095	\$ 33,008	91	98	\$ 33,863	\$ 36,813	45	58	\$ 24,478	\$ 28,939	85	100	\$ 28,812	\$ 32,920
Individual Id - 86	CHESTERFIELD	2	141	292	\$ 51,068	\$ 79,053	85	305	\$ 37,331	\$ 69,754	54	258	\$ 25,134	\$ 52,345	93	285	\$ 37,844	\$ 67,050
Individual Id - 87	MIDLOTHIAN	2	132	248	\$ 20,102	\$ 35,640	82	272	\$ 16,074	\$ 35,932	38	117	\$ 8,942	\$ 18,770	84	212	\$ 15,039	\$ 30,114
Individual Id - 88	CLINTWOOD	2	0	0	\$ -	\$ -	77	105	\$ 12,971	\$ 20,089	210	418	\$ 24,638	\$ 96,074	96	174	\$ 12,536	\$ 38,721
Individual Id - 89	MANASSAS	1	129	257	\$ 26,738	\$ 47,763	72	183	\$ 19,895	\$ 39,053	17	37	\$ 4,949	\$ 9,541	73	159	\$ 17,194	\$ 32,119
Individual Id - 90	CHESTERFIELD	1	127	179	\$ 63,371	\$ 76,165	67	86	\$ 30,872	\$ 33,650	6	16	\$ 4,878	\$ 5,935	67	94	\$ 33,040	\$ 38,583
Individual Id - 91	RICHMOND	2	132	340	\$ 26,509	\$ 73,784	65	196	\$ 15,609	\$ 48,204	2	6	\$ 630	\$ 1,127	66	181	\$ 14,249	\$ 41,038
Individual Id - 92	RICHMOND	5	130	285	\$ 18,244	\$ 44,624	64	215	\$ 13,688	\$ 48,064	61	224	\$ 9,809	\$ 54,101	85	241	\$ 13,913	\$ 48,930
Individual Id - 93	MANASSAS	1	180	361	\$ 51,756	\$ 84,821	61	169	\$ 18,539	\$ 52,941	32	92	\$ 7,577	\$ 26,623	91	207	\$ 25,957	\$ 54,795
Individual Id - 94	VIRGINIA BEACH	2	120	229	\$ 28,232	\$ 46,964	50	124	\$ 30,875	\$ 46,408	40	129	\$ 21,991	\$ 44,093	70	161	\$ 27,033	\$ 45,822
Individual Id - 95	CHARLOTTESVILLE	1	121	157	\$ 17,987	\$ 24,091	37	46	\$ 5,763	\$ 6,947	9	16	\$ 1,781	\$ 2,789	56	73	\$ 8,510	\$ 11,276
Individual Id - 96	HAMPTON	1	164	201	\$ 44,466	\$ 50,111	30	36	\$ 15,738	\$ 24,777	9	19	\$ 6,363	\$ 12,167	68	85	\$ 22,189	\$ 29,018
Individual Id - 97	PHILADELPHIA	4	127	263	\$ 30,774	\$ 51,335	25	59	\$ 12,779	\$ 18,777	0	1	\$ -	\$ 112	51	108	\$ 14,518	\$ 23,408
Individual Id - 98	DANVILLE	2	193	222	\$ 25,970	\$ 30,527	15	20	\$ 2,192	\$ 3,112	64	76	\$ 10,992	\$ 13,097	91	106	\$ 13,051	\$ 15,578
Individual Id - 99	CHARLOTTESVILLE	1	265	390	\$ 43,682	\$ 62,214	9	17	\$ 1,383	\$ 2,689	0	0	\$ -	\$ -	91	136	\$ 15,021	\$ 21,634
Individual Id - 100	WASHINGTON	1	213	400	\$ 66,937	\$ 91,713	5	5	\$ 3,284	\$ 3,284	2	2	\$ 270	\$ 270	73	136	\$ 23,497	\$ 31,755
Individual Id - 101	FREDERICKSBURG	1	195	365	\$ 65,652	\$ 98,106	4	27	\$ 638	\$ 4,014	67	100	\$ 16,042	\$ 20,072	89	164	\$ 27,444	\$ 40,730
<b>Totals</b>			<b>14,213</b>	<b>27,605</b>	<b>\$ 3,641,896</b>	<b>\$ 6,023,831</b>	<b>16,360</b>	<b>33,003</b>	<b>\$ 4,591,199</b>	<b>\$ 7,879,080</b>	<b>11,972</b>	<b>25,351</b>	<b>\$ 3,174,857</b>	<b>\$ 6,042,045</b>	<b>14,182</b>	<b>28,653</b>	<b>\$ 3,802,651</b>	<b>\$ 6,648,319</b>

# **Attachment 2**

**Form DC-514**

**ORDER FOR APPOINTMENT  
OF GUARDIAN AD LITEM**

Commonwealth of Virginia VA. CODE § 16.1-266

Court Case No.: ..... Appendix A

- Circuit Court
- Juvenile and Domestic Relations District Court

.....  
CITY OR COUNTY

In re: .....

JUVENILE

V. ....

PETITIONER

RESPONDENT

This proceeding involves a Petition/Motion regarding:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> custody             | <input type="checkbox"/> child abuse or neglect         | <input type="checkbox"/> delinquency                  |
| <input type="checkbox"/> visitation          | <input type="checkbox"/> termination of parental rights | <input type="checkbox"/> child in need of services    |
| <input type="checkbox"/> child support       | <input type="checkbox"/> entrustment                    | <input type="checkbox"/> child in need of supervision |
| <input type="checkbox"/> paternity           | <input type="checkbox"/> family abuse protective order  | <input type="checkbox"/> relief of custody by parent  |
| <input type="checkbox"/> consent to adoption | <input type="checkbox"/> other: .....                   |   |

and the Court finds that:

the Juvenile named above is entitled to the appointment of a guardian *ad litem* pursuant to § 16.1-266 of the Code of Virginia, and the best interests of the child are not adequately protected by the parties or the appointment of a guardian *ad litem* is otherwise required by law.

**OR**

the  Petitioner  Respondent  Defendant named above is a person under a disability and is unable to protect his/her interest in this proceeding and is entitled to the appointment of a guardian *ad litem* pursuant to § 16.1-266 of the Code of Virginia because of the following disability:

- |   |  |
|---|--|
| <input type="checkbox"/> incarceration  | <input type="checkbox"/> mental retardation                          |
| <input type="checkbox"/> mental illness | <input type="checkbox"/> minor <input type="checkbox"/> other: ..... |

**The Court Orders that:**

.....  
NAME OF ATTORNEY is hereby appointed as guardian *ad litem* to protect and represent the interests of ..... in connection with all proceedings involved in this matter.

The date and time for the next hearing is: .....

**The Court further orders** that the guardian *ad litem* perform the duties and have access to the parties and documents specified on the reverse and incorporated by reference into this order.

**So Ordered.**

.....  
DATE

.....  
JUDGE

In conforming to the following standards of performance, guardians *ad litem* shall comply with Rule 8:6 of the *Rules of the Supreme Court of Virginia* and shall be further informed of their duties and responsibilities by the commentary of the *Standards to Govern the Performance of Guardians Ad litem for Children* as adopted by the Judicial Council of Virginia effective September 1, 2003.

**In fulfilling the duties of a guardian *ad litem* as appointed pursuant to this Order, an attorney shall:**

- A. Meet face to face and interview the child.
- B. Conduct an independent investigation in order to ascertain the facts of the case.
- C. Advise the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the guardian *ad litem*, the court process and the possible consequences of the legal action.
- D. Participate, as appropriate, in pre-trial conferences, mediation and negotiations.
- E. Ensure the child's attendance at all proceedings where the child's attendance is appropriate and/or mandated.
- F. Appear in Court on the dates and times scheduled for hearings prepared to fully and vigorously represent the child's interests.
- G. Prepare the child to testify, when necessary and appropriate, in accord with the child's interest and welfare.
- H. Provide the court sufficient information including specific recommendations for court action based on the findings of the interviews and independent investigation.
- I. Communicate, coordinate and maintain a professional working relationship, in so far as possible, with all parties without sacrificing independence.
- J. File appropriate petitions, motions, pleadings, briefs and appeals on behalf of the child and ensure that the child is represented by a guardian *ad litem* in any appeal involving the case.
- K. Advise the child, in terms the child can understand, of the court's decision and its consequences for the child and others in the child's life.

**Decision-making power resides with the court.**

**Failure to perform these duties may result in the appointing court's refusal to authorize payment of the fees requested by the guardian *ad litem* or a reduction of the payment requested, removal from the assigned case or removal from the court's Guardian *Ad Litem* Appointment List.**

The guardian *ad litem* is authorized to appear at the Family Assessment and Planning Team and at panel review hearings conducted by the local department of social services pursuant to Virginia Code § 63.2-907.

The guardian *ad litem* appointed to represent the child shall have access to the following persons and documents without further Order of the Court:

- A. The child.
- B. Parties to the proceeding.
- C. Court Appointed Special Advocate (CASA), local department of social services and court services unit worker in the case, and school personnel involved with the child.

**Upon presentation by the guardian *ad litem* of this order, the guardian *ad litem* shall have access to any records relating to the child held by any state or local agency, department, authority or institution and any school, hospital, physician or other health or mental health provider who shall permit the guardian *ad litem* to inspect and copy such records without the consent of the child or his parents. Upon the request of a guardian *ad litem* made at least seventy-two hours in advance, a mental health provider shall make himself available to conduct a review and interpretation of the child's treatment records which are specifically related to the investigation. Such a request may be made in lieu of or in addition to inspection and copying of the records.**