

EXECUTIVE SECRETARY
KARL R. HADE

ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL
EDWARD M. MACON

COURT IMPROVEMENT PROGRAM
LELIA BAUM HOPPER, DIRECTOR

EDUCATIONAL SERVICES
CAROLINE E. KIRKPATRICK, DIRECTOR

FISCAL SERVICES
JOHN B. RICKMAN, DIRECTOR

SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR

JUDICIAL INFORMATION TECHNOLOGY
ROBERT L. SMITH, DIRECTOR

JUDICIAL PLANNING
CYRIL W. MILLER, JR., DIRECTOR

JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
KATYA N. HERNDON, DIRECTOR

November 1, 2011

The Honorable Robert F. McDonnell
Governor of Virginia
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

The Honorable Charles J. Colgan, Chairman
Senate Finance Committee
Senate of Virginia
10660 Aviation Lane
Manassas, VA 20110-2701

The Honorable Lacey E. Putney, Chairman
House Appropriations Committee
Virginia House of Delegates
P.O. Box 127
Bedford, VA 24523

Daniel Timberlake, Director
Department of Planning and Budget
1111 East Broad Street
Room 5040
Richmond, Virginia 23219-3418

RE: Study Pursuant to Item 34, Paragraph E, of the 2011 Appropriations Act

Dear Governor McDonnell, Chairman Putney, Chairman Colgan, and Director Timberlake:

Item 34, Paragraph E, of the 2011 Appropriations Act requires the Executive Secretary to study the factors that have contributed to the growth in Criminal Fund payments made to attorneys certified to work as guardians ad litem and to recommend options to moderate such costs to the Governor, the Chairmen of the Senate Finance and House Appropriations Committees, and the Director of the Department of Planning and Budget. Please find attached the specified report.

If you have any questions about the report, please do not hesitate to contact me. With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Karl Hade".

Karl Hade

Enclosure

Report Pursuant to Item 34, Paragraph E, 2011 Appropriations Act
Costs of Guardians Ad Litem in Juvenile and Domestic Relations District Courts

GUARDIANS AD LITEM FOR CHILDREN

I. Appointment Authority

Pursuant to Virginia Code § 16.1-266, the Juvenile and Domestic Relations District (JDR) Court is required to appoint a guardian ad litem (GAL) in any case involving a child who is:

- alleged to be abused or neglected;
- the subject of an entrustment agreement;
- the subject of a petition seeking termination of residual parental rights; or
- the subject of a proceeding where the parent(s) seeks to be relieved of the child's care or custody.

The JDR Court shall also appoint a GAL in cases involving a child who is:

- the subject of a foster care plan review or a hearing to review the child's status in foster care (§16.1-281);
- seeking emancipation (§ 16.1-332);
- the subject of a proceeding by parents seeking to commit an objecting minor, 14 years of age or older, to a psychiatric facility (§ 16.1-339); or
- the subject of a petition for involuntary commitment (§ 16.1-341).

The JDR Court has discretion to appoint a GAL:

- in certain custody cases where parents or other persons are claiming custody (§ 16.1-266); and
- in cases in which a petition is filed by a juvenile seeking judicial authorization for a physician to perform an abortion (§ 16.1-241).

II. Duties of the Guardian Ad Litem

The nature of the case before the court that propels the GAL appointment governs the duties of the GAL in representing the child and advising the court. Specific statutes, Rules of the Supreme Court of Virginia, case law, Legal Ethics Opinions, the *Standards Governing the Performance of Guardians Ad Litem for Children* adopted in September 2003 by the Judicial Council of Virginia, and individual orders of a court tailored to the needs of a case all impact the GAL's duties.

The black letter *Performance Standards* found on the reverse of the district court form DC-514, ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM, used in the JDR Court are as follows:

- 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 GAL, 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 would be 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 the child is represented by a GAL 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.

III. Qualification to Serve as a GAL for Children

The Judicial Council of Virginia adopted standards, effective January 1, 1995, to govern the appointment of attorneys as guardians ad litem for certain children. This action complies with an enactment by the 1994 Session of the General Assembly. (*See* § 16.1-266.1.)

Among other requirements, to be initially qualified as a GAL for children, attorneys must complete seven hours of Mandatory Continuing Legal Education (MCLE) approved coursework and must certify to specified practice experience before the JDR Court. After being qualified, the GAL must attend six hours of related continuing education every two years. Compliance with these requirements is overseen by the Office of the Executive Secretary on behalf of the Judicial Council, as directed by § 16.1-266.1.

IV. Duration of the GAL's Appointment

Virginia Code § 16.1-268 provides that the attorney appointed as a GAL for a child "shall represent the child...at any such hearing and at all other stages of the proceeding unless relieved or replaced in the manner provided by law." Standard J of the *Performance Standards* contemplates the GAL's continuing representation of the child through the conclusion of any appeal. This is supported through amendments to the Rules of the Supreme Court of Virginia, which provide for GAL participation in the appellate process. (*See* Rules 5A:1, 5A:19, 5A:24 and 5A:28.)

V. Compensation of GALs

Guardians ad litem are compensated at a rate of \$75 per hour for in-court service and \$55 per hour for out-of-court service. The documentation method for payment as a GAL is the same as that used for court-appointed counsel, district court form DC-40, LIST OF ALLOWANCES, which must be approved by the appointing trial judge. However, if the amount of reimbursement exceeds \$500, GALs submit an itemized statement that details the dates, times and tasks performed for the hours claimed (e.g., “meeting with client,” interviewing parent,” etc.). The court is authorized to pay for the reasonable expenses of a guardian ad litem incurred in representing a child. (§ 16.1-267.)

VI. Increase in Criminal Fund Expenses

Factors that may have contributed to the growth of Criminal Fund expenditures on behalf of attorneys who serve as GALs for children in the JDR Court are set out hereafter.

- ***Increased attention to the placement of children in foster care and the nature of their placements.***

There has been a 30% statewide decrease in the total number of children in foster care from 2007-2011. [Source: Va. Department of Social Services, Online Automated Services Information System (OASIS)] Each of these children has a GAL who is integrally involved in foster care review and permanency planning hearings in the JDR courts. These hearings result in court orders that return foster children and youth from residential care and other out-of-home placements, back to their communities, their parents, other relatives or into adoptive placements.

It should be noted, however, that while the number of children in the foster care system has decreased over the past few years, the number of cases coming before JDR courts that can result in the placement of children in foster care has remained constant. Courts, local departments of social services, and members of the bar representing parties in these child dependency cases are working diligently to avoid child placements in state care and to utilize wrap around services in the community to support these at-risk children and their families. Supporting these outcomes requires intensive up-front efforts by the professionals involved in these cases. As practice expectations for GALs for children have evolved, more extensive involvement in these case types is now required of GALs.

Heightened attention is being paid today to the location and involvement of fathers in child dependency cases. Involvement of the GAL with the fathers of the children they represent and investigation into the availability of the father as a caretaker and placement alternative contributes not only to the GAL’s workload but also to the success of the court’s ultimate orders in these cases.

Cases involving the placement of children across state lines require compliance with the Interstate Compact on the Placement of Children (ICPC), among other laws. These interstate cases require more time and effort from the child’s GAL in conducting investigations and assuring the proper steps are followed before recommendations about approving these out-of-state placements are submitted to the court. As with fathers, local departments of social services are making greater efforts to find relatives of children in the foster care system to achieve

permanency for these children outside of the foster care system. GALs for these children must enhance their efforts as well to be able to make independent recommendations in this regard.

In addition, as young people age out of foster care, more efforts are being made to find permanent connections for these youth to assure their successful transition to adulthood. In addition to court hearings, the permanency planning process can involve the GAL attending family engagement meetings; family assessment and planning team (FAPT) meetings under the Comprehensive Services Act for At-Risk Youth and Families (CSA); and similar undertakings to assure that family and agency resources are held accountable to the court in meeting the needs of these children and youth.

- ***Increasing caseloads in child custody and visitation.***

Case types in the JDR Courts that continue to rise each year are custody and visitation cases. From 2007-2011 there was a 10% increase in the number of new custody and visitation cases filed in the JDR courts. Litigants may pursue this remedy in lieu of a divorce in circuit court, which they may not be able to afford; they may never have been married, but have children whose custody and visitation must be adjudicated when they separate; or they are continuing to litigate unsatisfactory legal arrangements they have made concerning their children.

The majority of these cases are brought without legal counsel to represent either or both parents. This leaves the JDR Court in the difficult position of dealing with pro se parties who: (i) are inexperienced in presenting evidence that complies with the Rules of Court and Rules of Evidence; (ii) are unaccustomed to testifying and to questioning witnesses; (iii) may have difficulty speaking in court or understanding written pleadings; (iv) may be intimidated by the courtroom environment; or (v) may be subject to domestic violence by the other party and are intimidated during the court proceedings. These circumstances may hinder the parties from providing sufficient evidence to the court to make its statutorily-required findings regarding what arrangements are in the best interests of the child. (*See* § 20-124.3.) A GAL for the child in these proceedings can help to ensure that the child's best interests remain at the center of the litigation; can ensure that evidence is accessible to the court to make that determination; and can provide an independent assessment of what is in the child's best interests.

In some areas of the Commonwealth there is a significant military presence, and there are frequent deployments of military personnel with children. JDR judges in these areas report that they are seeing on their dockets more custody/visitation cases, requests for third party visitation arrangements through the courts, approval of family care plans, and domestic violence cases. For example, § 20-124.8, amended in 2011, authorizes a deploying parent or guardian to delegate visitation rights to a family member during the deployment. Compliance with the Servicemembers' Civil Relief Act compels the appointment of a GAL for the deployed service member in many instances. Therefore, the appointment of a GAL is one tool the court uses to support the appropriate resolution of these difficult matters.

- ***Other case types of interest.***

GALs are appointed for children when the prior paternity determination is contested under § 20-49.1, and when a parent in a custody proceeding is a juvenile. It is not unusual in some jurisdictions for the court to have before it parties who are unwed juveniles with children, and

these juvenile parties require GAL representation. Also, GALs are appointed for parents incarcerated on felony charges under § 8.01-9. In some cases, both parents are incarcerated, one in the federal system and one in the state system. Many grandparents and other family members are raising the children of incarcerated parents. The instances of grandparents raising their grandchildren are rising. Custody/ visitation issues arise in these circumstances as well. GALs assist the court in accessing evidence required by § 20-124.3.

- ***Scrutiny of the practice of GALs.***

The cases in which GALs are appointed are some of the most volatile and emotional cases in the courts. The safety, permanency, well-being, and parental custody of a child can be at issue. As the independent representative of the child, responsible to the appointing court, the recommendations of the GAL will receive heightened scrutiny and attention by parents who have a stake in the outcome and, in child welfare cases, by social services agencies and others who have conducted their own investigations and have their own recommendations to make to the court. The diligent GAL will seek to cover all bases in meeting the *Performance Standards* and the expectations of the court. In many of the cases in which a GAL is appointed, the GAL may be the only attorney in the case. Both parents may be proceeding pro se. This increases the burden on the GAL by all concerned.

In the past, GAL practice has not always met the expectations of the courts in the attorneys' representation of children. Many jurisdictions have created heightened reporting requirements through checklists submitted by the GAL to the court at selected hearings that compel the GAL to comply with the *Performance Standards*, such as documenting their visits with their child clients between hearings. This is, of course, billable time and increases the costs of the GAL. Improved performance by a GAL costs more, but can result in better outcomes for the child and more informed decisions by the court.

- ***Travel expenses.***

GALs are compensated at the state rate of \$0.51 per mile for traveling to meet with their clients and with witnesses or resources as they undertake court-directed investigations. JDR judges in rural areas report that the limited number of available qualified GALs based in that jurisdiction or judicial district can require lengthy travel on the part of the assigned GAL from other localities or districts in order to meet with the child and associated witnesses and resources. This circumstance contributes to the amounts associated with travel expenses.

For example, one JDR judge reported: "In the small communities where I sit, we often have to appoint GALs from another town, either because the local lawyers have conflicts or I don't have enough GALs/parents' attorneys on my approved list. We do pay a fair amount in travel expenses in those cases. We always look locally first, but if we're not successful, we have no choice but to go to other jurisdictions."

VII. History of Criminal Fund Expenditures for GALs for Children

Pursuant to Item 43, Paragraph E of the Appropriations Act, Chapter 890, 2011 Acts of Assembly, the Executive Secretary of the Supreme Court of Virginia is required to submit a report on August 1 and January 1 on actions taken to comply with the requirement that courts

seek reimbursement from parents/guardians for the costs of services rendered by GALs for children. Below is the accounting of the amounts paid for guardian ad litem purposes, amounts reimbursed by parents and/or guardians, and the savings achieved from July 1, 2010 through June 30, 2011.

- Amounts paid for guardians ad litem \$ 18,288,202
- Amounts assessed against parents \$ 2,445,192
- Amounts collected from parents (savings) \$ 1,433,200

As these numbers suggest, the substantial majority of litigants who appear before the courts with children for whom GALs are appointed are indigent or are otherwise unable to pay the costs of these appointments.

The compensation and associated expenses for GALs for children in the JDR Courts for fiscal years 2007-2011 increased at the rate of 27.8% over this four year period:

Fiscal Year	2007-2008	2008-2009	2009-2010	2010-2011
Total paid	\$ 14,312,554	\$ 15,340,372	\$ 16,759,380	\$ 18,288,202

GUARDIANS AD LITEM FOR ADULTS

Code § 16.1-266 authorizes the JDR Court to appoint a GAL for an adult as follows:

E. In those cases described in subsections A, B, C and D, which in the discretion of the court require counsel or a guardian ad litem to represent the child or children or the parent or guardian or other adult party in addition to the representation provided in those subsections, a discreet and competent attorney-at-law may be appointed by the court as counsel or a guardian ad litem.

F. In all other cases which in the discretion of the court require counsel or a guardian ad litem, or both, to represent the child or children or the parent or guardian, discreet and competent attorneys-at-law may be appointed by the court.

JDR judges are authorized to appoint a GAL to represent parents of children before the JDR court when such parents are subject to restraints on or loss of their parental rights and such parents are not identifiable or cannot be located; or when such parents are otherwise subject to the jurisdiction of the court and are not competent to advise legal counsel on their wishes.

As was noted in part VI above, concerning the factors contributing to the increase of costs for GALs for children, the child welfare system is placing renewed emphasis on the involvement of fathers and other relatives on behalf of at-risk children. Some of these fathers as well as the mothers are incarcerated. The JDR Court is obligated to appoint GALs for these incarcerated parents. The hours spent communicating with these adult clients about the future placement and well-being of their children in the foster care system adds to the cost of GAL representation. The compensation and associated expenses for GALs for adults in the JDR Courts for fiscal

years 2007-2011 increased at the rate of 28.5% over this four year period:

Fiscal Year	2007-2008	2008-2009	2009-2010	2010-2011
Total paid	\$ 1,813,440	\$ 2,100,449	\$ 2,265,306	\$ 2,329,931

RECOMMENDATIONS

It is difficult to envision how the courts could moderate the costs of GAL representation, except by limiting or reducing the instances of GAL appointment, by restricting the scope of a GAL's representation through capping or limiting the hours to be expended in representation, or by reducing the rate of compensation. Limiting the availability of this resource could undercut the representation of the best interests of children and adults before the court. Restricting the time expended in representation would not only compromise the representation afforded the best interests of children and adults, but also would be in conflict with the GAL's ethical duty of zealous representation. Finally, the current rate of compensation is already well below the "market rate" for attorneys in private practice and would place a strain on the availability of potential GALs.

Therefore, upon consideration of the information assembled for this report, the Office of the Executive Secretary has no specific recommendations to moderate the referenced expenditures in the Criminal Fund as the growth appears to be a result of an increased number of cases requiring GAL representation. Juvenile and Domestic Relations District Court judges have a challenging and often daunting task to make decisions about the safety, permanency and custody of children and the rights of parents and other adults who appear before these courts. Often the guardian ad litem for the child and for the involved adult are the only attorneys and independent resources available to advise the court on an effective and just resolution of the issues before it.

APPENDICES

DC-514 – ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM

Caseload Statistics 2005-2010 – Juvenile and Domestic Relations District Courts

- New Cases
- Percentage of New Cases
- Graphs Depicting Case Trends

GAL Payments from the Criminal Fund for Cases in the JDR Court*

- Total Payments to Guardians Ad Litem for Fees and Expenses
- Payments to Juvenile and Adult Guardians Ad Litem
- Payments to Guardians Ad Litem – Fees Only

*Payments- The term “payment” as used in these tables accounts for *each separate time the GAL files for payment of expenses and/or fees associated with a case as approved by the trial judge*. Each such payment does not necessarily reflect a final court order in a case to which the GAL has been appointed. If a case is considered by the court over a lengthy period of time before it is concluded, the GAL may file for payment more than once in any given case. For example,

- A custody case may involve a pendent lite order within 30-45 days of the filing of a petition which resolves certain issues but not others; the final order in a contested custody case after a hearing on the merits may not take place for several months. The GAL would file again in this same case for payment of since accumulated fees and expenses upon entry of a final order.
- In a child abuse or neglect case where the child is placed in foster care, the GAL would file for payment of fees and expenses after each appealable order in the case, which could extend over the period of a year or more.

**ORDER FOR APPOINTMENT
OF GUARDIAN AD LITEM**

Commonwealth of Virginia VA. CODE § 16.1-266

Court Case No.:

.....
CITY OR COUNTY Circuit Court
 Juvenile and Domestic Relations District Court

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:

..... is hereby appointed as guardian *ad litem* to protect
NAME OF ATTORNEY

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.

Caseload Statistics of the Juvenile & Domestic Relations District Courts

New Cases (2005-2010)

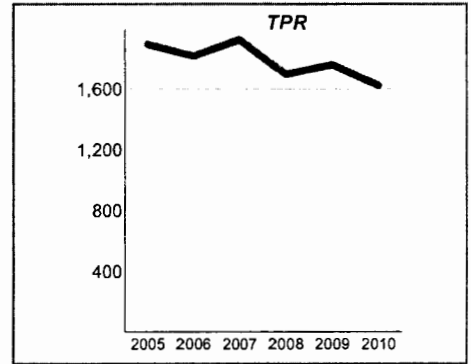
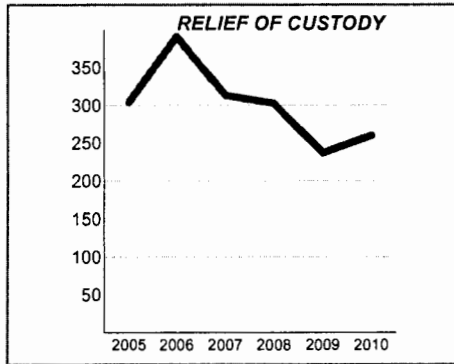
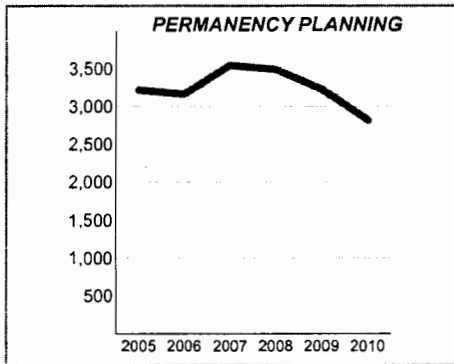
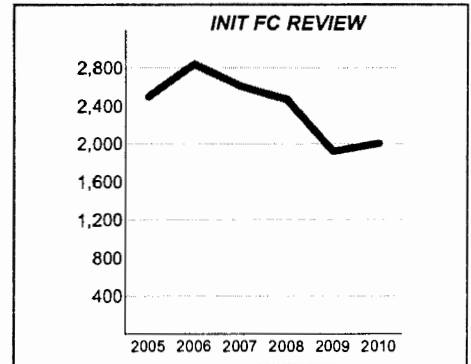
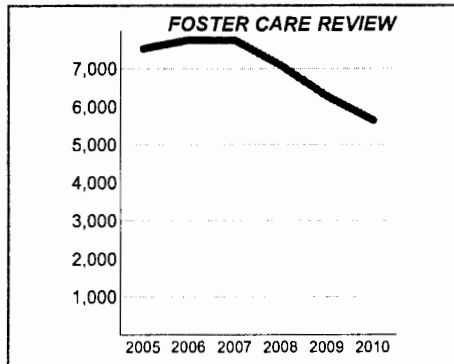
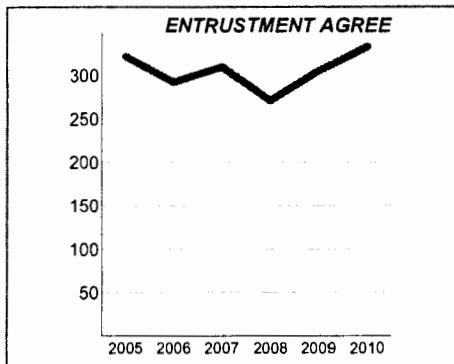
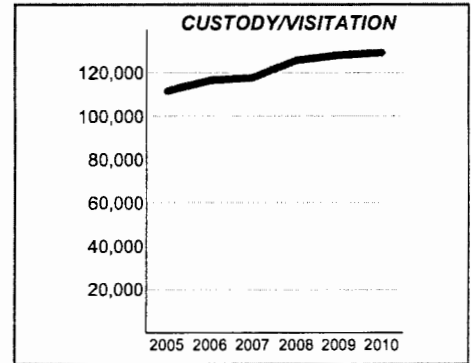
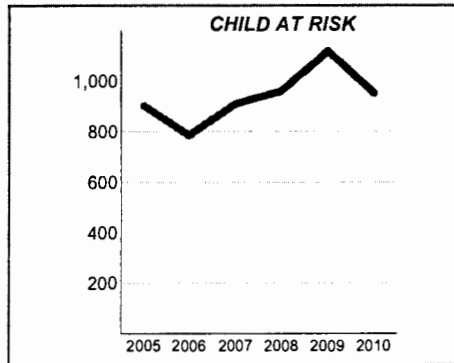
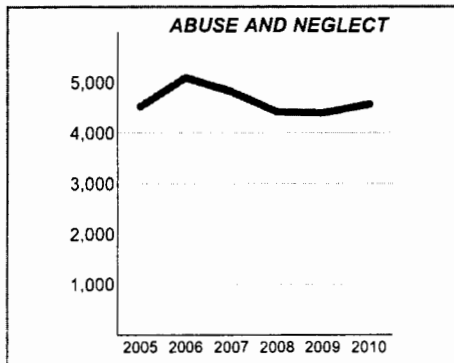
	2005	2006	2007	2008	2009	2010	Total
C							
Civil Support	69,282	70,095	70,767	68,833	70,469	72,601	422,047
Show Cause	57,779	58,472	60,344	56,359	57,919	60,427	351,300
D							
Misdemeanors	53,315	54,658	56,443	56,354	56,233	55,393	332,396
Spousal Abuse	26,545	24,607	24,046	22,498	20,231	18,473	136,400
S							
Capias	17,115	17,887	18,250	16,678	15,637	16,158	101,725
Felonies	14,943	16,698	16,184	15,805	15,860	15,495	94,985
Remand Support	5,689	4,728	4,704	4,623	4,568	4,617	28,929
Other	2,548	2,590	2,624	2,241	2,360	2,506	14,869
C							
Criminal Support	39	77	72	78	32	267	565
Total	247,255	249,812	253,434	243,469	243,309	245,937	1,483,216
J							
Custody/Visitation	111,767	116,605	117,657	125,712	128,073	129,278	729,092
Delinq Misdemeanor	55,171	55,760	53,140	49,672	45,577	40,589	299,909
Traffic	38,378	36,693	34,434	31,103	28,680	23,407	192,695
Delinq Felony	18,198	19,419	19,975	17,881	15,847	13,342	104,662
Status	14,657	14,270	14,817	14,746	12,271	11,987	82,748
Foster Care Review	7,527	7,752	7,745	7,090	6,270	5,642	42,026
Remand Custody	7,793	6,793	6,482	6,792	6,584	6,850	41,294
Remand Visitation	5,975	5,698	5,482	5,994	5,500	5,653	34,302
Show Cause	5,444	5,523	5,308	5,796	5,291	4,734	32,096
Abuse And Neglect	4,523	5,099	4,820	4,417	4,402	4,575	27,836
Permanency Planning	3,218	3,164	3,541	3,490	3,228	2,817	19,458
Paternity	285	1,878	3,158	3,381	3,122	3,121	14,945
Init Fc Review	2,495	2,840	2,611	2,466	1,919	2,002	14,333
Tpr	1,900	1,820	1,929	1,700	1,763	1,625	10,737
Capias	1,203	1,282	1,197	1,185	1,116	942	6,925
Child At Risk	902	785	911	961	1,118	952	5,629
Entrustment Agree	322	292	310	271	305	333	1,833
Relief Of Custody	304	391	313	303	237	260	1,808
Emancipation	46	122	115	97	83	101	564
Judicial Bypass	76	81	102	99	76	54	488
Juvenile Support	13	66	54	55	63	69	320
Total	280,197	286,333	284,101	283,211	271,525	258,333	1,663,700
Total	527,452	536,145	537,535	526,680	514,834	504,270	3,146,916

Percentage of New Cases by Year

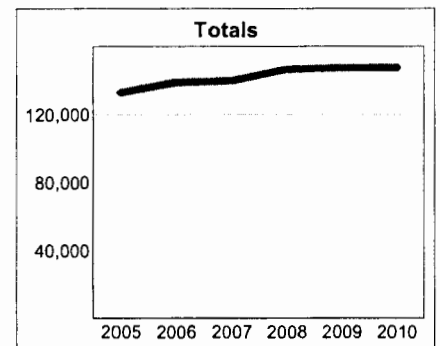
	2005	2006	2007	2008	2009	2010	Total
Custody/Visitation	21.2%	21.7%	21.9%	23.9%	24.9%	25.6%	23.2%
Civil Support	13.1%	13.1%	13.2%	13.1%	13.7%	14.4%	13.4%
Show Cause (Dom)	11.0%	10.9%	11.2%	10.7%	11.3%	12.0%	11.2%
Misdemeanors	10.1%	10.2%	10.5%	10.7%	10.9%	11.0%	10.6%
Delinq Misdemeanor	10.5%	10.4%	9.9%	9.4%	8.9%	8.0%	9.5%
Traffic	7.3%	6.8%	6.4%	5.9%	5.6%	4.6%	6.1%
Spousal Abuse	5.0%	4.6%	4.5%	4.3%	3.9%	3.7%	4.3%
Delinq Felony	3.5%	3.6%	3.7%	3.4%	3.1%	2.6%	3.3%
Capias (Dom)	3.2%	3.3%	3.4%	3.2%	3.0%	3.2%	3.2%
Felonies	2.8%	3.1%	3.0%	3.0%	3.1%	3.1%	3.0%
Status	2.8%	2.7%	2.8%	2.8%	2.4%	2.4%	2.6%
Foster Care Review	1.4%	1.4%	1.4%	1.3%	1.2%	1.1%	1.3%
Remand Custody	1.5%	1.3%	1.2%	1.3%	1.3%	1.4%	1.3%
Remand Visitation	1.1%	1.1%	1.0%	1.1%	1.1%	1.1%	1.1%
Show Cause (Juv)	1.0%	1.0%	1.0%	1.1%	1.0%	0.9%	1.0%
Remand Support	1.1%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%
Abuse And Neglect	0.9%	1.0%	0.9%	0.8%	0.9%	0.9%	0.9%
Permanency Planning	0.6%	0.6%	0.7%	0.7%	0.6%	0.6%	0.6%
Paternity	0.1%	0.4%	0.6%	0.6%	0.6%	0.6%	0.5%
Other	0.5%	0.5%	0.5%	0.4%	0.5%	0.5%	0.5%
Init Fc Review	0.5%	0.5%	0.5%	0.5%	0.4%	0.4%	0.5%
Tpr	0.4%	0.3%	0.4%	0.3%	0.3%	0.3%	0.3%
Capias (Juv)	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
Child At Risk	0.2%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%
Entrustment Agree	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
Relief Of Custody	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%	0.1%
Criminal Support	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
Emancipation	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Judicial Bypass	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Juvenile Support	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100%

Caseload Statistics of the Juvenile & Domestic Relations District Courts

News Cases for Reviewing the Costs of GALs (2005-2010)



	2005	2006	2007	2008	2009	2010	Total
Custody/Visitation	111,767	116,605	117,657	125,712	128,073	129,278	729,092
Foster Care Review	7,527	7,752	7,745	7,090	6,270	5,642	42,026
Abuse And Neglect	4,523	5,099	4,820	4,417	4,402	4,575	27,836
Permanency Planning	3,218	3,164	3,541	3,490	3,228	2,817	19,458
Init Fc Review	2,495	2,840	2,611	2,466	1,919	2,002	14,333
Tpr	1,900	1,820	1,929	1,700	1,763	1,625	10,737
Child At Risk	902	785	911	961	1,118	952	5,629
Entrustment Agree	322	292	310	271	305	333	1,833
Relief Of Custody	304	391	313	303	237	260	1,808
Total	132,958	138,748	139,837	146,410	147,315	147,484	852,752



Criminal Fund Payments

Total Payments to Guardians Ad Litem for Fees and Expenses

	2007-08	2008-09	2009-10	2010-11	Percent Increase 2007-08 to 2010-11
Juvenile GALs	\$14,312,554	\$15,340,372	\$16,759,380	\$18,288,202	27.8%
Adult GALs	1,813,440	2,100,449	2,265,306	2,329,931	28.5%
Total	\$16,125,994	\$17,440,821	\$19,024,687	\$20,618,133	27.9%

Payments to Juvenile and Adult Guardians Ad Litem

	2007-08	2008-09	2009-10	2010-11	
GAL Fees	\$ 15,743,990	\$ 16,936,019	\$ 18,444,263	\$ 19,950,710	
Expenses					2010-11
Travel	330,392	435,751	501,776	578,511	86.7%
Skilled Services	21,975	31,022	33,651	30,660	4.6%
Stationary/Forms	8,637	15,173	20,564	18,902	2.8%
Other	21,001	22,857	24,434	39,350	5.9%
Total Expenses	382,004	504,802	580,424	667,423	100.0%
Total Payments	\$ 16,125,994	\$ 17,440,821	\$ 19,024,687	\$ 20,618,133	

Payments to Guardians Ad Litem – Fees Only

	Adult GALs		Juvenile GALs		Total	
	No. of Payments	Amount	No. of Payments	Amount	No. of Payments	Amount
2007-08	8,909	\$ 1,780,953	44,673	\$13,963,037	53,582	\$15,743,990
2008-09	9,489	2,058,221	42,508	14,877,798	51,997	16,936,019
2009-10	9,784	2,213,912	42,363	16,230,351	52,147	18,444,263
2010-11	9,897	2,273,328	42,960	17,677,382	52,857	19,950,710

Source: Fiscal Services Department, Office of the Executive Secretary
Supreme Court of Virginia