

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB623H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Hudson

3. Committee: Senate Committee on the Judiciary

4. Title: Duties of the guardian ad litem

5. Summary: The bill amends § 64.2-2003 (Appointment of guardian ad litem) to establish that it is the duty of a guardian ad litem (GAL) to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel.

The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate.

6. Budget Amendment Necessary: Indeterminate

7. Fiscal Impact Estimates: Indeterminate (see Item #8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES), GALs are paid on an hourly basis from the appropriations of the Criminal Fund. The provisions of the bill may increase the amount of time necessary for GALs to complete the required reports thus increasing payouts from the Criminal Fund. However, the additional time necessary to produce the reports, and the extent to which payment amounts would increase is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None