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SENATE BILL NO. 1033

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator McPike)

A BILL to amend the Code of Virginia by adding a section numbered 8.01-396.2, relating to appointment of guardian ad litem for minor witness.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-396.2 as follows:

§ 8.01-396.2. Minor witness; appointment of guardian ad litem.

A. In any proceeding before a general district court, the court may, if it determines the circumstances so require, appoint a discreet and competent attorney-at-law as guardian ad litem to represent the interests of a minor who is called to testify. It shall be the duty of the court to ensure that the interests of such minor witness are represented and protected.

B. When the guardian ad litem, to the satisfaction of the court, has rendered substantial service in accordance with this section, the court may allow such guardian ad litem reasonable compensation to be paid from the funds appropriated to pay for the compensation of court-appointed counsel according to the rates and procedures set by the Supreme Court of Virginia.

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

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