

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 334

An Act to amend and reenact § 8.01-396.2 of the Code of Virginia, relating to minor witnesses; appointment of guardian ad litem in circuit court.

[S 1277]

Approved March 21, 2025

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-396.2 of the Code of Virginia is amended and reenacted 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.

D. Additionally, a circuit court may appoint a guardian ad litem in accordance with this section when a minor witness is called to testify in any proceeding before the circuit court involving a criminal sexual assault in violation of a provision of Article 7 (§ 18.2-61 et seq.) of Chapter 4, commercial sex trafficking or prostitution pursuant to Article 3 (§ 18.2-346 et seq.) of Chapter 8, or family offenses pursuant to Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2.