

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2035

By Delegates Burkhammer and Funkhouser

[Originating in the Committee on the Judiciary then

Finance, Reported March 13, 2025]

1 A BILL to amend the Code of West Virginia, 193, as amended by adding thereto a new article,
2 designated §29-21A-101, §29-21A-102, §29-21A-103, §29-21A-104, §29-21A-105, §29-
3 21A-106, §29-21A-107, §29-21A-108, §29-21A-109, §29-21A-110, §29-21A-111, §29-
4 21A-112, §29-21A-113, §29-21A-114, §29-21A-115, §29-21A-116, all related to
5 establishing the West Virginia Public Guardian ad Litem Services and authorizing a three
6 year pilot program relating to the West Virginia Public Guardian ad Litem Services;
7 providing legislative findings; defining terms; establishing the West Virginia Public
8 Guardian ad Litem Services; relating to establishing three year pilot program; relating to a
9 sunset date for pilot program; relating to the creation of the Guardian ad Litem
10 Commission; relating to the purpose and duties of the West Virginia Public Guardian ad
11 Litem Services; relating to the executive director of the West Virginia Public Guardian ad
12 Litem Services; relating to the powers, duties, and limitations of the West Virginia Public
13 Guardian ad Litem Services; relating to the creation of West Virginia Public Guardian ad
14 Litem Corporations, establishment thereof, and requesting the West Virginia Supreme
15 Court of Appeals to select three circuits for pilot program; relating to the use of West
16 Virginia Public Defender Service panel attorneys when the West Virginia Public Guardian
17 ad Litem Corporation has a conflict of interest, relating to approval of guardian ad litem
18 corporation applications, funding, recordkeeping by guardian ad litem corporations,
19 relating to limitation on use of funds and exceptions; relating to and establishing the Board
20 of Directors for a West Virginia Public Guardian ad Litem Corporation; relating to the
21 private practice of law by a public guardian ad litem; relating to the duties of record
22 creation, record making, and record keeping of the West Virginia Public Guardian ad Litem
23 Services and a West Virginia Public Guardian ad Litem Corporation; relating to the duties
24 of creating, maintaining, and availability of required reports of the West Virginia Public
25 Guardian ad Litem Services and a West Virginia Public Guardian ad Litem Corporation;
26 relating to audits of the accounts of any West Virginia Public Guardian ad Litem

27 Corporation; relating to the creation of an annual audit report of West Virginia Public
28 Guardian ad Litem Corporations; relating to public inspection of annual audit of a West
29 Virginia Public Guardian ad Litem Corporation; relating to civil immunity for an appointed
30 qualified guardian ad litem.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 21A. WEST VIRGINIA PUBLIC GUARDIAN AD LITEM SERVICES PILOT
PROGRAM.**

§29-21A-101. Legislative findings; purpose.

1 The purpose of this article is to establish a pilot program in no more than three locations in
2 this state establishing a West Virginia Public Guardian ad Litem Services to provide legal services
3 for children in juvenile abuse and neglect proceedings; The Legislature finds and declares that in
4 juvenile abuse and neglect proceedings the state is required to provide high quality legal
5 assistance to children, who constitute a vulnerable population, and are unable to afford adequate
6 legal counsel; that providing legal representation to this vulnerable population that face an
7 economic barrier to adequate legal counsel will serve the ends of justice in accordance with rights
8 and privileges guaranteed to all citizens by the Constitution of the United States of America and
9 the Constitution of the State of West Virginia; that the availability of quality legal assistance
10 reaffirms the faith of our citizens in our government of laws; that there is a need to explore
11 alternative methods of delivering legal assistance to children that are the subject of a juvenile
12 abuse and neglect proceeding, including the use of salaried public guardians ad litem; that
13 innovative programs and pilot projects such as this are necessary in separate areas of the state to
14 provide information and experience upon which to base future legislative action.

§29-21A-102. Definitions.

1 As used in this article, the following words and phrases are hereby defined:

2 (1) "Eligible client": Any minor child who meets the requirements established by this article

3 to receive the publicly funded legal representation of a guardian ad litem in an eligible proceeding
4 as defined herein;

5 (2) "Eligible proceeding": Court actions filed pursuant to §49-4-101 *et seq.* of this code;
6 Legal representation by a guardian ad litem provided pursuant to the provisions of this article is
7 limited to the court system of the state of West Virginia, but does not include representation in
8 family court cases where the services of a guardian ad litem for a minor child are deemed
9 necessary or in adult criminal cases where the services of a guardian ad litem are deemed
10 necessary;

11 (3) "Legal representation": The provision of any legal services or legal assistance as
12 guardian ad litem consistent with the purposes and provisions of this article;

13 (4) "Private practice of law": The provision of legal representation by a public guardian ad
14 litem or assistant public guardian ad litem to a client who is not entitled to receive legal
15 representation under the provisions of this article, but does not include, among other activities,
16 teaching;

17 (5) "Public guardian ad litem" or "Chief public guardian ad litem": The staff attorney
18 employed on a full-time basis by a public guardian ad litem corporation who, in addition to
19 providing direct representation to eligible clients, has administrative responsibility for the operation
20 of the public guardian ad litem corporation. The public guardian ad litem may be a part-time
21 employee if the board of directors of the public guardian ad litem corporation finds efficient
22 operation of the corporation does not require a full-time attorney and the executive director
23 approves such part-time employment.

24 (6) "Assistant public guardian ad litem": A staff attorney providing direct representation to
25 eligible clients whose salary and status as a full-time or part-time employee are fixed by the board
26 of directors of the public guardian ad litem corporation;

27 (7) "Public guardian ad litem corporation": A corporation created under §29-21A-108 of this
28 code for the sole purpose of providing guardian ad litem legal representation and other required

29 services to eligible clients; and

30 (8) "Public guardian ad litem office": An office operated by a public guardian ad litem
31 corporation to provide guardian ad litem legal representation and other required services under
32 the provisions of this article.

33 (9) "Rural county": A county, based upon the 2020 United States Census, that has a
34 population of less than 50,000 residents and does not have a city located within its boundaries with
35 a population greater than 25,000 residents.

36 (10) "Special needs county": Any county that has an exceptional need for guardian ad litem
37 services due to a backlog of child abuse and neglect cases, a backlog of child abuse or neglect
38 referrals, a deficiency in the number of practicing guardian ad litem attorneys, a deficiency in the
39 amount of child protective services case workers, or is otherwise socioeconomically depressed.

40 (11) "Urban county": A county that has a population greater than 50,000 or has a city
41 located within its boundaries with a population greater than 25,000.

§29-21A-103. Establishment of the West Virginia Public Guardian ad Litem Services;
authorization for three-year pilot program; sunset date of the pilot program.

1 (a) There is hereby created an executive agency known as the West Virginia Public
2 Guardian ad Litem Services. The agency shall administer, coordinate, and evaluate programs by
3 which the state provides legal guardian ad litem representation to eligible clients, monitor the
4 progress of various delivery systems, recommend improvements, and provide annual reports
5 throughout the existence of the pilot program to the Legislature. The agency shall maintain its
6 office at the State Capitol. The pilot program shall be for a term of three years after operation of the
7 program of providing guardian ad litem legal services commences. Implementation of the
8 provisions and requirements of this article relating to this pilot program shall commence on July 1,
9 2025. This pilot program shall commence providing guardian ad litem legal representation in
10 eligible proceedings, as contemplated in this article, on October 1, 2025.

11 (b) The provisions of this article expire and shall have no force and effect after June 30,

2028, or until such later date the Legislature terminates the pilot program.

§29-21A-104. Guardian ad Litem Commission.

(a) There is hereby established the Guardian ad Litem Commission to provide assistance to Public Guardian ad Litem Services with regard to the general policies and procedures of the agency, including, but not limited to, the opening, closing, or merging of public guardian ad litem offices throughout the state and the establishment of performance measures for the qualitative review of the services provided by guardians ad litem.

(b) In order to demonstrate a collaborative approach to solving issues relating to the legal representation of children in juvenile child abuse and neglect proceedings, the commission shall consist of the Executive Director of Public Guardian ad Litem Services, who shall serve as chair, and the following members appointed by the Governor:

(1) One former or retired circuit judge;

(2) Four lawyers who have significant experience in providing guardian ad litem services, have been trained and certified as guardian ad litem by a training program authorized and approved by the West Virginia Supreme Court of Appeals, and have demonstrated a strong commitment to quality representation of minors in child abuse and neglect proceedings;

(3) One current chief public guardian ad litem; and

(4) One nonlawyer with a demonstrated commitment to providing guardian ad litem legal services to minors in abuse and neglect proceedings;

(5) One person who is a member of an organization that advocates on behalf of minors who have been a party to a child abuse and neglect proceeding; and

(c) The commission shall meet at the times and places specified by the call of the chair: *Provided*, That the commission shall meet no less than four times each year. Members shall serve without compensation but may receive reimbursement of actual and necessary expenses for each day or portion thereof engaged in this discharge of official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

25 (d) The initial appointments made to the commission shall be for the duration of the pilot
26 program. Thereafter, terms of office shall be for four years, each term ending on the same day of
27 the same month of the year as did the term which it succeeds. Each member shall hold office from
28 the date of his or her appointment until the end of the term for which he or she was appointed or
29 until his or her successor qualifies for office. When a vacancy occurs as a result of death,
30 resignation, or removal in the membership of this commission, it shall be filled by appointment
31 within 30 days of the vacancy for the unexpired portion of the term in the same manner as original
32 appointments. No member shall serve more than two consecutive full or partial terms and no
33 person may be reappointed to the commission until at least two years have elapsed after the
34 completion of a second successive term.

35 (e) The appointed members of the commission serve four-year terms that shall coincide
36 with the term of the Governor.

37 (f) The commission has the following powers and duties:

38 (1) To assist in developing standards regarding the qualifications and training for public
39 guardians ad litem, assistant public guardians ad litem, and staff;

40 (2) To explore opportunities related to the training of appointed panel guardians ad litem;

41 (3) To evaluate, on an annual basis, the compensation and caseloads of public guardians
42 ad litem;

43 (4) To develop standards for providing and compensating expert witnesses, investigators,
44 social workers, and other persons who provide services related to guardian ad litem legal
45 representation under this article;

46 (5) To study the feasibility and need of creating additional public guardian ad litem
47 corporations, the activation of public guardian ad litem corporations and the formation of multi-
48 circuit or regional public guardian ad litem corporations in accordance with the provisions of §29-
49 21A-108 of this code;

50 (7) To study the potential for the dissolution of public guardian ad litem corporations;

51 (8) To monitor and make recommendations regarding the following activities of the board of
52 directors of each public guardian ad litem corporation receiving funding pursuant to this article:

53 (A) The appointment of the public guardian ad litem and any assistant public guardian ad
54 litem pursuant to §29-21A-112 of this code;

55 (B) The fixing of professional and clerical salaries pursuant to §29-21A-112 of this code;
56 and

57 (C) The removal of any public guardian ad litem, assistant public guardian ad litem or other
58 employee for misfeasance, malfeasance, or nonfeasance pursuant to §29-21A-112 of this code.

§29-21A-105. Purpose and duties of the West Virginia Public Guardian ad Litem Services.

1 The agency shall have as its principal purpose the development and improvement of
2 programs by which the state provides guardian ad litem legal representation to eligible clients.

§29-21A-106. Executive director.

1 (a) The Governor shall appoint, by and with the advice and consent of the Senate, the
2 Executive Director of the West Virginia Public Guardian ad Litem Services, who shall serve at the
3 will and pleasure of the Governor throughout this pilot program. The executive director shall be a
4 qualified administrator as determined by the Governor and shall be a member of the bar of the
5 Supreme Court of Appeals. In addition to the executive director there shall be such other
6 employees as the executive director determines to be necessary. The executive director shall
7 have the authority to promulgate rules and shall have such other authority and perform such duties
8 as may be required or necessary to effectuate this article. The executive director shall provide
9 supervision and direction to the other agency employees in the performance of their duties.

10 (b) The executive director's annual salary shall be equivalent to the salary provided to the
11 Executive Director of the West Virginia Public Defender Services, as provided in §29-21-5 of this
12 code.

§29-21A-107. Powers, duties, and limitations of the West Virginia Public Guardian ad Litem Services.

1 (a) Consistent with the provisions of this article, the agency is authorized to make grants to,
2 and contracts with, public guardian ad litem corporations and with individuals, partnerships, firms,
3 corporations, and nonprofit organizations for the purpose of providing legal representation under
4 this article and may make any other grants and contracts that are necessary to carry out the
5 purposes and provisions of this article.

6 (b) The agency is authorized to accept and employ or dispose of in furtherance of the
7 purposes of this article any money or property, real, personal, or mixed, tangible or intangible,
8 received by gift, devise, bequest, or otherwise.

9 (c) The agency shall establish and the executive director or his or her designee shall
10 operate an accounting and auditing division to require and monitor the compliance with this article
11 by public guardian ad litem corporations and other persons or entities receiving funding or
12 compensation from the agency. The accounting and auditing division shall review all plans and
13 proposals for grants and contracts and shall make a recommendation of approval or disapproval to
14 the executive director. The accounting and auditing division shall prepare, or cause to be
15 prepared, reports concerning the evaluation, inspection, or monitoring of public guardian ad litem
16 corporations and other grantees, contractors, persons, or entities receiving financial assistance
17 under this article and shall further carry out the agency's responsibilities for records and reports as
18 set forth in §29-21A-114 of this code. The accounting and auditing division shall require each
19 public guardian ad litem corporation to submit financial statements monthly and to report monthly
20 on the billable and nonbillable time of its professional employees, including time used in
21 administration of the respective offices, so as to compare the time to similar time expended in
22 nonpublic law offices for similar activities. The accounting and auditing division shall provide to the
23 executive director assistance in the fiscal administration of all of the agency's divisions. This
24 assistance shall include, but not be limited to, budget preparation and statistical analysis.

§29-21A-108. Public Guardian ad Litem corporations; establishment thereof; requesting
the Supreme Court to select the three circuits for pilot program.

1 (a) (1) In the following judicial circuits of the state, there is hereby created a public guardian
2 ad litem corporation of the circuit for the duration of the pilot program herein established. The
3 Legislature requests that the Supreme Court of Appeals decide three circuits where this pilot
4 program shall be initially located and implemented. The Legislature requests that the Supreme
5 Court of Appeals select one rural county as defined in this article, one urban county as defined in
6 this article, and one special needs county as defined in this article by June 1, 2025.

7 (2) Throughout the pilot project, the executive director, with the approval of the Guardian
8 ad Litem Commission, may make recommendations to the Legislature regarding the creation,
9 merger or dissolution of a public guardian ad litem corporation in a judicial circuit where the
10 creation, merger or dissolution of such a public guardian ad litem corporation would improve the
11 quality of guardian ad litem legal representation, assure the prudent and resourceful expenditure
12 of state funds and further the purposes of this article.

13 (3) The purpose of these public guardian ad litem corporations is to provide legal
14 representation in the respective circuits in accordance with the provisions of this article. A public
15 guardian ad litem corporation may employ full-time attorneys and employ part-time attorneys in
16 whatever combination that the public guardian ad litem corporation deems most cost effective.

17 (b) If the executive director, with the approval of the Guardian ad Litem Commission
18 determines there is a need to make a recommendation to the Legislature to activate, merge or
19 dissolve a corporation in a judicial circuit of the state, pursuant to subsection (a) of this section, the
20 Guardian ad Litem Commission shall first consult with and give substantial consideration to the
21 recommendation of the judge or the chief judge of a circuit.

§29-21A-109. Qualified panel attorneys to serve in cases of conflict.

1 If a public guardian ad litem corporation is unable to provide legal representation to an
2 eligible client in an eligible proceeding due to a conflict of interest, or any other reason a qualified
3 panel attorney shall be appointed as a guardian ad litem to represent the interest of the eligible
4 client pursuant to the provisions of §29-21-1 et seq. of this code.

§29-21A-110. Approval of public guardian ad litem corporation funding applications; funding; recordkeeping by public guardian ad litem corporations.

1 (a) On or before May 1 of each year, each active public guardian ad litem corporation shall
2 submit to the executive director and the Guardian ad Litem Commission a funding application and
3 a proposed budget for the ensuing fiscal year. The accounting and auditing division shall review all
4 funding applications and prepare recommendations for an operating plan and annual budget for
5 each public guardian ad litem corporation throughout the pendency of the pilot program herein
6 established. The executive director shall review the funding applications and the accounting and
7 auditing recommendations and shall, in consultation with the board of directors of each public
8 guardian ad litem corporation, prepare a plan for providing legal guardian ad litem services,
9 execute a funding contract for the fiscal year and commit funds for that purpose throughout the
10 pendency of the pilot program herein established.

11 (b) Upon final approval of a funding application by the executive director, the approved
12 budget shall be set forth in an approval notice. The total cost to the agency shall not exceed the
13 amount set forth in the approval notice and the agency shall not be obligated to reimburse the
14 recipient for costs incurred in excess of the amount unless and until a program modification has
15 been approved in accordance with the provisions of this article. At the discretion of the executive
16 director, when caseloads increase or unusual expenses occur, funding contracts may be amended
17 during a fiscal year if necessary to provide cost effective representation.

18 (c) Funding of public guardian ad litem corporations or other programs or entities providing
19 legal representation under the provisions of this article shall be by annual grants disbursed in such
20 periodic allotments as the executive director shall deem appropriate.

21 (d) All recipients of funding under this article shall maintain such records as required by the
22 executive director.

§29-21A-111. Limitation on use of funds; exceptions.

1 (a) Funds made available by the agency to public guardian ad litem corporations or other

2 entities under this article, either by loan, grant or contract, and funds used for payments to
3 qualified panel attorneys shall be used only to provide guardian ad litem legal representation for
4 eligible clients involved in proceedings defined by this article as eligible proceedings.

5 (b) Funds received from any source other than the agency shall not be used by a public
6 guardian ad litem corporation for purposes prohibited by this article.

§29-21A-112. Public Guardian ad Litem Corporation — Board of directors.

1 (a) The governing body of each public guardian ad litem corporation shall be a board of
2 directors consisting of persons who are residents of the area to be served by the public guardian
3 ad litem corporation.

4 (1) In multicounty circuits, and in the case of multi-circuit or regional corporations, the
5 county commission of each county within the area served shall appoint a director, who shall not be
6 an attorney-at-law. The president of each county bar association within the area served shall
7 appoint a director, who shall be an attorney-at-law that has satisfied all of the requisite training
8 relating to the duties of a guardian ad litem as approved by the West Virginia Supreme Court of
9 Appeals: *Provided*, That in a county where there is not an organized and active bar association,
10 the circuit court shall convene a meeting of the members of the bar of the court resident within the
11 county and such members of the bar shall elect one of their number as a director. The Governor
12 shall appoint one director, who shall serve as chairman, who may be an attorney-at-law, unless
13 such appointment would result in there being an even number of directors, in which event the
14 Governor shall appoint two directors, one of whom may be an attorney-at-law. The Governor's
15 appointees shall serve throughout the pendency of this pilot program. Appointments may be made
16 for unexpired terms as may be necessary. Other board members' terms shall be as determined by
17 the board.

18 (2) In single-county circuits, the manner of selecting directors shall be the same as that
19 described in subdivision (1) of this subsection, except that the county commission shall appoint
20 two directors rather than one, and the bar shall appoint two directors rather than one.

21 (b) The board of directors shall have at least four meetings a year. Timely and effective
22 prior public notice of all meetings shall be given pursuant to rules promulgated in accordance with
23 the provisions of section three, article nine-a, chapter six of this code, and all meetings shall be
24 public except for those concerned with matters properly discussed in executive session.

25 (c) The board of directors shall establish and enforce [board](#) policies governing the
26 operation of the public guardian ad litem corporation but shall not interfere with any attorney's
27 professional responsibilities to clients. The duties of the board of directors shall include, but not be
28 limited to, the following:

29 (1) Appointment of the public guardian ad litem and any assistant public guardian ad litem
30 as may be necessary to enable the public guardian ad litem corporation to provide legal
31 representation to eligible clients; and

32 (2) Approval of the public guardian ad litem corporation's budget and the fixing of
33 professional and clerical salaries: *Provided*, That the compensation paid to any part-time public
34 guardian ad litem, part-time assistant public guardian ad litem, or other part-time employee shall
35 not include benefits such as retirement, health insurance or paid leave time for illness or vacation
36 unless Public Guardian ad Litem Services has certified in writing to the board of directors that
37 there exists sufficient funding to provide such benefits and the board of directors authorizes such
38 benefits to be included in the compensation; and

39 (3) Removal of any public guardian ad litem, assistant public guardian ad litem or other
40 employee for misfeasance, malfeasance, or nonfeasance.

41 (d) To the extent that the provisions of chapter thirty-one of this code regarding nonprofit
42 corporations are not inconsistent with this article, the provisions of said chapter shall be applicable
43 to the board of directors of the public guardian ad litem corporation.

44 (e) While serving on the board of directors, no member may receive compensation from
45 the public guardian ad litem corporation, but a member may receive payment for normal travel and
46 other out-of-pocket expenses required for fulfillment of the obligations of membership and may

47 accept appointments to represent eligible clients so long as he or she does not discuss a particular
48 case with any public guardian ad litem, assistant public guardian ad litem or other employee of the
49 office governed by the board. Directors may not serve as co-counsel with the public guardian ad
50 litem or assistant public guardian ad litem in any matter.

§29-21A-113. Private practice of law by a public guardian ad litem.

1 (a) No full-time public guardian ad litem or full-time assistant public guardian ad litem may
2 engage in any private practice of law except as provided in this section.

3 (b) A board of directors may permit a newly employed full-time public guardian ad litem or
4 full-time assistant public guardian ad litem to engage in the private practice of law for
5 compensation for the sole purpose of expeditiously closing and withdrawing from existing private
6 cases from a prior private practice. In no event shall any person employed for more than 90 days
7 as a full-time public guardian ad litem or full-time assistant public guardian ad litem be engaged in
8 any other private practice of law for compensation.

9 (c) A board of directors may permit a full-time public guardian ad litem or full-time assistant
10 public guardian ad litem to engage in private practice for compensation if the guardian ad litem is
11 acting pursuant to an appointment made under a court rule or practice of equal applicability to all
12 attorneys in the jurisdiction and if the guardian ad litem remits to the public guardian ad litem
13 corporation all compensation received.

14 (d) A board of directors may permit a full-time public guardian ad litem or full-time assistant
15 public guardian ad litem to engage in uncompensated private practice of law if the public guardian
16 ad litem or assistant public guardian ad litem is acting:

17 (1) Pursuant to an appointment made under a court rule or practice of equal applicability to
18 all attorneys in the jurisdiction; or

19 (2) On behalf of a close friend or family member; or

20 (3) On behalf of a religious, community, or charitable group.

21 (e) Violation of the requirements of this section is sufficient grounds for immediate

summary dismissal regardless of the conditions of employment established by a corporation's board of directors.

§29-21A-114. Records and reports.

(a) At all times during this pilot program, the agency is authorized to require such reports as it deems necessary from any public guardian ad litem corporation or other entity or person receiving funding under this article regarding activities carried out pursuant to this article.

(b) The agency is authorized to prescribe the keeping of records with respect to the activities of public guardian ad litem corporations and other grantees, contractors, persons, or entities receiving financial assistance under this article and shall have access to such records at all reasonable times for the purpose of ensuring compliance with the terms and conditions upon which financial assistance was provided.

(c) Copies of all reports pertinent to the evaluation, inspection, or monitoring of any public guardian ad litem corporation, other grantee, contractor, person, or entity receiving financial assistance under this article shall be maintained by the agency for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours, and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the agency may establish.

§29-21A-115. Audits.

(a) At all times during this pilot program, accounts of each public guardian ad litem corporation shall be audited annually as soon as possible after the end of each state fiscal year. Such audits shall be conducted in accordance with generally accepted auditing standards by the State Tax Commissioner.

(b) The audits shall be conducted at the place or places where the accounts of the public guardian ad litem corporation are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the public guardian ad litem corporation and necessary to facilitate the audits shall be made available to the person or persons

conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to any such person.

(c) The report of the annual audit shall be filed with the agency and shall be available for public inspection during business hours at the principal office of the public guardian ad litem corporation. The report of each such audit shall be maintained for a period of at least five years at the office of the agency or during the time of this pilot program, whichever timeframe is longer.

§29-21A-116. Appointed qualified guardian ad litem counsel immune from liability.

Any qualified attorney who provides guardian ad litem legal representation under the provisions of this article under appointment by any court, and whose only compensation therefor is paid under the provisions of this article, shall be immune from liability arising from that representation in the same manner and to the same extent that prosecuting attorneys are immune from liability.

NOTE: The purpose of this bill is to create a three year pilot program named the West Virginia Public Guardian ad Litem Services Pilot Program to provide legal representation for children under a framework similar to the West Virginia Public Defender Services.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.