

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4358**

By Delegate Burkhammer

[Introduced January 15, 2026; referred to the

Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding 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, relating to establishing  
5 the West Virginia Public Guardian *ad Litem* Services and authorizing a three-year pilot  
6 program relating to the West Virginia Public Guardian *ad Litem* Services; providing  
7 legislative findings; defining terms; establishing the West Virginia Public Guardian *ad*  
8 *Litem* Services; relating to establishing three-year pilot program; relating to a sunset date  
9 for pilot program; relating to the creation of the Guardian *ad Litem* Commission; relating to  
10 the purpose and duties of the West Virginia Public Guardian *ad Litem* Services; relating to  
11 the executive director of the West Virginia Public Guardian *ad Litem* Services; relating to  
12 the powers, duties, and limitations of the West Virginia Public Guardian *ad Litem* Services;  
13 relating to the creation of West Virginia Public Guardian *ad Litem* Corporations,  
14 establishment thereof, and requesting the West Virginia Supreme Court of Appeals to  
15 select three circuits for pilot program; relating to the use of West Virginia Public Defender  
16 Service panel attorneys when the West Virginia Public Guardian *ad Litem* Corporation has  
17 a conflict of interest, relating to approval of guardian *ad litem* corporation applications,  
18 funding, recordkeeping by guardian *ad litem* corporations, relating to limitation on use of  
19 funds and exceptions; relating to and establishing the Board of Directors for a West  
20 Virginia Public Guardian *ad Litem* Corporation; relating to the private practice of law by a  
21 public guardian *ad litem*; relating to the duties of record creation, record making, and  
22 record keeping of the West Virginia Public Guardian *ad Litem* Services and a West Virginia  
23 Public Guardian *ad Litem* Corporation; relating to the duties of creating, maintaining, and  
24 availability of required reports of the West Virginia Public Guardian *ad Litem* Services and  
25 a West Virginia Public Guardian *ad Litem* Corporation; relating to audits of the accounts of  
26 any West Virginia Public Guardian *ad Litem* Corporation; relating to the creation of an

27 annual audit report of West Virginia Public Guardian ad Litem Corporations; relating to  
28 public inspection of annual audit of a West Virginia Public Guardian ad Litem Corporation;  
29 relating to civil immunity for an appointed 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 the West Virginia Public Guardian ad Litem Services to provide legal  
3 services for children in juvenile abuse and neglect proceedings. The Legislature finds and  
4 declares that in juvenile abuse and neglect proceedings the state is required to provide high  
5 quality legal assistance to children, who constitute a vulnerable population, and are unable to  
6 afford adequate legal counsel; that providing legal representation to this vulnerable population that  
7 face an economic barrier to adequate legal counsel will serve the ends of justice in accordance  
8 with rights and privileges guaranteed to all citizens by the Constitution of the United States of  
9 America and the Constitution of the State of West Virginia; that the availability of quality legal  
10 assistance reaffirms the faith of our citizens in our government of laws; that there is a need to  
11 explore alternative methods of delivering legal assistance to children that are the subject of a  
12 juvenile 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; 1  
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 *item* 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 litem18 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 litem25 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    2026. This pilot program shall commence providing guardian *ad litem* legal representation in  
10    eligible proceedings, as contemplated in this article, on October 1, 2026.

11       (b) The provisions of this article expire and shall have no force and effect after June 30,  
12    2029, or until such later date the Legislature terminates the pilot program.

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

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

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

10       (1) One former or retired circuit judge;

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

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

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

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

20       (c) The commission shall meet at the times and places specified by the call of the chair:

21 Provided, That the commission shall meet no less than four times each year. Members shall serve  
22 without compensation but may receive reimbursement of actual and necessary expenses for each  
23 day or portion thereof engaged in this discharge of official duties in a manner consistent with the  
24 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 (6) To study the potential for the dissolution of public guardian *ad litem* corporations;

51 (7) 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, 2026.

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 multi-county 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 §6-9A-3 of this code, and all meetings shall be public except for those concerned  
24 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 31 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  
22 summary dismissal regardless of the conditions of employment established by a corporation's

23 board of directors.

**§29-21A-114. Records and reports.**

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

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

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

**§29-21A-115. Audits.**

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

5       (b) The audits shall be conducted at the place or places where the accounts of the public  
6       guardian *ad litem* corporation are normally kept. All books, accounts, financial records, reports,  
7       files, and other papers or property belonging to or in use by the public guardian *ad litem*  
8       corporation and necessary to facilitate the audits shall be made available to the person or persons  
9       conducting the audits; and full facilities for verifying transactions with the balances and securities

10 held by depositories, fiscal agents, and custodians shall be afforded to any such person.

11       (c) The report of the annual audit shall be filed with the agency and shall be available for  
12       public inspection during business hours at the principal office of the public guardian *ad litem*  
13       corporation. The report of each such audit shall be maintained for a period of at least five years at  
14       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.**

1       Any qualified attorney who provides guardian *ad litem* legal representation under the  
2       provisions of this article under appointment by any court, and whose only compensation therefor is  
3       paid under the provisions of this article, shall be immune from liability arising from that  
4       representation in the same manner and to the same extent that prosecuting attorneys are immune  
5       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.