

## SUMMARY OF GAL SURVEY

### 1. In which part of the state do you practice?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
	133	121	23	42	119	438
	30.4%	27.6%	5.3%	9.6%	27.2%	

### 2. Guardians ad litem are used in private custody disputes in JD&R Courts in your area:

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	129/130	119/121	23/23	42/42	115/116	428/432
	99.2%	98.3%	100.0%	100.0%	99.1%	99.1%

### 3. Guardians ad litem are used in private custody disputes in Circuit Courts in your area:

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	126/132	84/118	21/23	37/42	110/117	378/432
	95.5%	71.2%	91.3%	88.1%	94.0%	87.5%

### 4. Guardians ad litem in my part of the state are:

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Excellent	19	10	0	6	8	43
	14.4%	8.5%	0.0%	14.6%	6.8%	10.0%
Above Average	47	35	6	18	39	145
	35.6%	29.9%	27.3%	43.9%	33.3%	33.8%
Average	50	56	14	14	54	188
	37.9%	47.9%	63.6%	34.1%	46.2%	43.8%
Below Average	13	12	0	3	14	42
	9.8%	10.3%	0.0%	7.3%	12.0%	9.8%
Poor	3	4	2	0	2	11
	2.3%	3.4%	9.1%	0.0%	1.7%	2.6%
<b>Total</b>	<b>132</b>	<b>117</b>	<b>22</b>	<b>41</b>	<b>117</b>	<b>429</b>

### 5. Do Guardians ad litem in your part of the state file written reports prior to an adjudicatory hearing?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Always	1	2	0	0	4	7
	0.8%	1.7%	0.0%	0.0%	3.4%	1.6%
Most of the time	6	27	2	2	49	86
	4.5%	22.3%	8.7%	4.8%	41.5%	19.7%
Some of the time	43	56	11	10	51	171
	32.3%	46.3%	47.8%	23.8%	43.2%	39.1%
Rarely	83	36	10	30	14	173
	62.4%	29.8%	43.5%	71.4%	11.9%	39.6%
<b>Total</b>	<b>133</b>	<b>121</b>	<b>23</b>	<b>42</b>	<b>118</b>	<b>437</b>

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6. Do Guardians ad litem in your part of the state regularly communicate with counsel as to their opinions prior to filing a written report or giving an oral report to the court?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	76/132	62/120	19/22	30/41	69/117	256/432
	57.6%	51.7%	86.4%	73.2%	59.0%	59.3%

7. Do Guardians ad litem request permission prior to speaking with represented clients?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	117/132	91/120	20/22	36/42	110/117	374/433
	88.6%	75.8%	90.9%	85.7%	94.0%	86.4%

8. In your experience, do Guardians ad litem normally subpoena documents independently of those provided in discovery?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	39/131	30/119	3/23	17/42	29/118	118/433
	29.8%	25.2%	13.0%	40.5%	24.6%	27.3%

9. In your experience, do Guardians ad litem normally subpoena witnesses to court independently of those provided in discovery?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	39/133	30/117	3/23	15/41	16/118	103/432
	29.3%	25.6%	13.0%	36.6%	13.6%	23.8%

10. In your experience, do Guardians ad litem request releases in order to obtain records pertaining to the parties?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	86/131	64/117	10/23	22/40	90/118	272/429
	65.6%	54.7%	43.5%	55.0%	76.3%	63.4%

11. Should Guardians ad litem decide custody, parenting disputes?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	17/132	11/118	2/21	7/35	25/93	62/433
	12.9%	9.3%	9.5%	20.0%	26.9%	14.3%

12. Should Guardians ad litem be allowed to set parenting schedules?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	39/133	20/120	4/23	9/42	49/118	121/436
	29.3%	16.7%	17.4%	21.4%	41.5%	27.8%

13. If the Guardian ad litem does not timely file a report, is the case normally continued?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	9/122	4/111	2/22	4/39	24/118	43/412
	7.4%	3.6%	9.1%	10.3%	20.3%	10.4%

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**14. If the case is continued because the Guardian ad litem did not timely file a report, who normally pays for the delay?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
The Parties	27	40	5	2	45	119
	25.2%	38.5%	25.0%	7.1%	40.9%	32.2%
Guardian ad litem	0	0	0	1	0	1
	0.0%	0.0%	0.0%	3.6%	0.0%	0.3%
No-one	80	64	15	25	65	249
	74.8%	61.5%	75.0%	89.3%	59.1%	67.5%
<b>Total</b>	<b>107</b>	<b>104</b>	<b>20</b>	<b>28</b>	<b>110</b>	<b>369</b>

**15. Do you feel you are able to point out to the Court problems with a Guardian ad litem's effectiveness?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	42/127	50/119	11/22	16/39	45/116	164/423
	33.1%	42.0%	50.0%	41.0%	38.8%	38.8%

**16. Do you feel you are able to point out issues and problems with Guardian ad litem's report without the ability to cross-examine the Guardian ad litem or the parties?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	37/123	49/119	7/22	18/38	41/115	152/417
	30.1%	41.2%	31.8%	47.4%	35.7%	36.5%

**17. Do you feel Guardian ad litem's report should be viewed by the court prior to hearing evidence in the case?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	29/130	34/119	9/23	14/41	73/114	159/427
	22.3%	28.6%	39.1%	34.1%	64.0%	37.2%

**18. Do you feel Guardians ad litem should be bound by the same evidentiary standards as parties when presenting issues and recommendations to the Court?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	87/131	79/118	11/23	12/42	61/117	250/431
	66.4%	66.9%	47.8%	28.6%	52.1%	58.0%

**19. Are Guardians ad litem held accountable when they fail to conduct requisite investigations and interviews in a case?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	32/129	30/116	5/23	16/42	24/115	107/425
	24.8%	25.9%	21.7%	38.1%	20.9%	25.2%

**20. Should Guardians ad litem be subject to discovery?**

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	53/130	54/119	12/23	14/42	54/117	187/431
	40.8%	45.4%	52.2%	33.3%	46.2%	43.4%

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21. Should Guardians ad litem be appointed in modification cases only after a prima facie case of material change in circumstances have been established?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	53/130	54/119	7/23	16/41	72/117	202/430
	40.8%	45.4%	30.4%	39.0%	61.5%	47.0%

22. Are Guardians ad litem required to be reappointed on an appeal to Circuit Court from JDR Court?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Yes	59/131	51/119	13/23	29/41	63/114	215/428
	45.0%	42.9%	56.5%	70.7%	63/114	50.2%

23. How are Guardians ad litem normally paid in your jurisdiction?

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Between Parties	61	74	4	12	58	209
	46.9%	62.2%	17.4%	31.6%	50.4%	49.2%
Commonwealth	69	45	19	26	57	216
	53.1%	37.8%	82.6%	68.4%	49.6%	50.8%
<b>Total</b>	<b>130</b>	<b>119</b>	<b>23</b>	<b>38</b>	<b>115</b>	<b>425</b>

24. If the Court requires the parties to pay the Guardian ad litem's fees in your area, how are the expenses allocated:

	Central	Northern	Shenandoah	Southwest	Tidewater	Total
Parties - Equally	37	30	2	3	27	99
	29.6%	25.9%	8.7%	7.5%	23.5%	23.6%
Parties - Pro Rata	69	61	13	34	80	257
	55.2%	52.6%	56.5%	85.0%	69.6%	61.3%
Winning Party	2	2	0	0	1	5
	1.6%	1.7%	0.0%	0.0%	0.9%	1.2%
Losing Party	5	5	1	0	2	13
	4.0%	4.3%	4.3%	0.0%	1.7%	3.1%
Other	12	18	7	3	5	45
	9.6%	15.5%	30.4%	7.5%	4.3%	10.7%
<b>Total</b>	<b>125</b>	<b>116</b>	<b>23</b>	<b>40</b>	<b>115</b>	<b>419</b>