



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-4219 / TTY
(304) 558-1212 / FAX
Web Site: www.courtswv.gov
Twitter: [WVCourts](https://twitter.com/WVCourts)
Flickr: www.flickr.com/photos/courtswv/
Email: Jennifer.Bundy@courtswv.gov
Email: April.Harless@courtswv.gov

Supreme Court trains hundreds of attorneys to protect children

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CHARLESTON, W.Va. – About eight hundred attorneys who want to start or continue serving as *guardians ad litem* in family court or abuse and neglect cases are attending the first mandatory training session required and provided by the Supreme Court of Appeals of West Virginia.

“Families are broken by drugs, violence, and divorce. It is the children who are always caught in the middle,” Justice Thomas E. McHugh told lawyers at the first of two meetings this week when he welcomed them to a session at the Charleston Civic Center this morning.

“You could be the last chance some of these children have to be safe and successful in life. I want to stress to you today that you truly do make a difference, and the Court appreciates all you do,” Justice McHugh said.

About 450 attorneys are attending a session from 8:30 a.m. to 5:30 p.m. today, Wednesday, Nov. 14, in Charleston. Another 350 are scheduled to attend a session from 8:30 a.m. to 5:30 p.m. on Friday, Nov. 16, at the Waterfront Place Hotel in Morgantown. The training is free but all participants had to pre-register.

Guardians ad litem in family court and abuse and neglect cases are attorneys who are appointed by family court or circuit court judges to represent the best interests of children involved in cases in those courts.

Through a series of opinions, the Supreme Court in the last few years clarified standards and expectations for *guardians ad litem*. The Supreme Court earlier this year approved new guidelines for *guardians ad litem* in family court cases and is reviewing new guidelines for *guardians ad litem* in abuse and neglect cases, which are handled in circuit court.

The family court guidelines require all attorneys who want to continue to be appointed as *guardians ad litem* to have Supreme Court-provided training by January 1, 2013. The abuse and neglect guidelines under consideration require *guardians ad litem* in those cases to have Supreme Court-provided training by July 1, 2013.

The new guidelines for family court *guardians ad litem* also included a pay raise. Their compensation increased from \$45 to \$80 an hour for out-of-court work, a 78 percent increase; and from \$65 to \$100 an hour for in-court work, an 83 percent increase. That raise went into effect on July 1, 2012.

“The Court believes the job you do is important. That is why we believe the compensation you receive should reflect that,” Justice McHugh said. “You certainly won’t become rich doing this. You certainly will become rich as a human being.”

The Supreme Court pays family court *guardian ad litem* fees out of the court system budget. The Public Defender Service pays the fees of *guardians ad litem* appointed in abuse and neglect cases. Justice McHugh said the Supreme Court has supported legislation that would increase those fees, and will continue to do so. The rate for *guardians ad litem* in abuse and neglect cases is \$45 an hour for out-of-court work and \$65 an hour for in-court work.

Although he served as a circuit judge for six years and a Supreme Court justice for sixteen years before his first retirement in 1997, Justice McHugh said he was startled at the conditions described in cases when he returned to the Supreme Court in 2008.

“Our children are facing more and more neglect and abuse in their households,” he said. “Both lawyers and judges have cases they can’t forget,” he said. “You in this room work on cases that do trouble you and cause you to lose sleep. You wonder, how can these things happen?”

The Supreme Court understands, Justice McHugh said. Although many of the attorneys in the training sessions have been working as guardians for years, after the day-long session Justice McHugh told them “you will be better prepared – the judges will be better prepared – to do what you can do to protect the children of our state.”

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