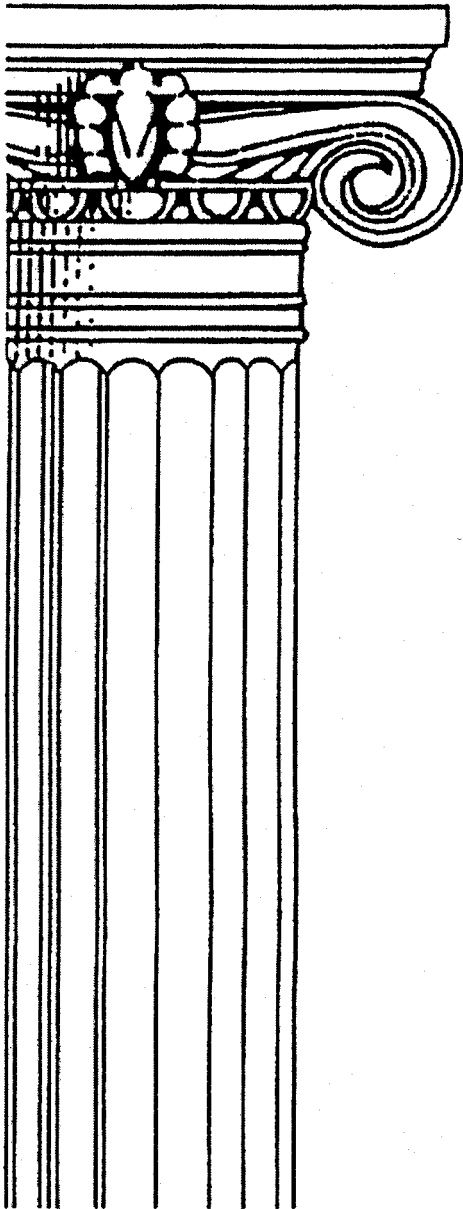


Supreme Court of Virginia

CHART OF ALLOWANCES

January 1, 2025



Supreme Court of Virginia
Office of the Executive Secretary
Department of Fiscal Services
804/786-6455
<https://www.vacourts.gov/>

Policy Requiring the Timely Submission of Payment Requests

Applicability:

This Policy applies to all requests for payment submitted to the Office of the Executive Secretary of the Supreme Court of Virginia, including, but not limited to, requests for payment submitted by special justices, guardians *ad litem*, interpreters, mediators, court-appointed counsel, court-appointed experts, substitute judges, retired judges and others.

Requirements:

All requests for payment of fees or for travel or other expenses must be submitted no later than thirty (30) days after the service or the travel is completed. For court-appointed counsel, each time limit is measured from the completion of all proceedings in the court for which the request is being submitted. See Va. Code § 19.2-163.

If a request for payment is submitted more than thirty (30) days after the service or the travel is completed, the Office of the Executive Secretary may require additional documentation.

All requests for payment, whether initially submitted to the court or, as appropriate, to the Office of the Executive Secretary, and any additional documentation required, must be received by the Office of the Executive Secretary within twenty-four (24) months of the date on which the service or the travel is completed.¹ The person submitting the payment request is responsible for ensuring that the request is received by the Office of the Executive Secretary within the twenty-four (24) month period. If necessary, the person submitting the payment request should contact the Office of the Executive Secretary in writing before the end of the twenty-four month period. Any such inquiry may be sent to: Office of the Executive Secretary, Supreme Court of Virginia, Attn. Fiscal Department, 100 N. 9th Street, Richmond, Virginia 23219. **NO PAYMENT WILL ISSUE AFTER 24 MONTHS FROM THE DATE ON WHICH THE SERVICE OR TRAVEL IS COMPLETED.**

FOR INDEPENDENT CONTRACTORS. The Commonwealth of Virginia has a [Substitute Form W-9 \(COVA W-9\)](#) that is required in lieu of the IRS Form W-9 for each individual who is a US citizen or US resident alien and from each corporation, company, partnership, or association created or organized in the US or under US laws. The COVA W-9 requires additional information needed to ensure the vendor is properly established in the state accounting system.

Any individual who is not employed by the State, but who is conducting State business must submit a Substitute Form W-9 and is subject to the [Judicial System Travel and Meals Policy](#) regarding lodging rates, meals, and other expenses.

Waiver Funds:

Virginia Code § 19.2-163 provides that if at any time the funds allocated for the waivers are exhausted, the Executive Secretary is to certify that fact to the courts, and no additional waivers may be approved. Waiver funds are appropriated annually and typically are exhausted before the end of the year. Therefore, it is important that applications for fee cap waivers be submitted in the same year the service is performed and as early as possible since payment is subject to the availability of funds appropriated for that year.

¹ **Effective July 1, 2025**, all requests for payment, whether initially submitted to the court or, as appropriate, to the Office of the Executive Secretary, and any additional documentation required, must be received by the Office of the Executive Secretary **within twelve (12) months** of the date on which the service or the travel is completed.

Hourly Rate for Court-Appointed Counsel

Unless otherwise specified, the Supreme Court of Virginia's established rate of up to \$90 per hour (in and out of court) for court-appointed counsel shall apply. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians *ad litem*, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians *ad litem*, should not bill for staff time or office overhead, unless it is expressly authorized by law.

Electronic Voucher Payment System ("EVPS")

Except as noted, the information in the Chart of Allowances pertains both to payment requests submitted on a paper DC-40, as well as payment requests by those who are able to submit an electronic DC-40 through the EVPS.

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 8.01-9 | <p data-bbox="331 163 1166 195">Guardian <i>ad litem</i> for defendant under a disability in a civil action</p> <p data-bbox="331 226 1166 359">Note: Payment out of the Criminal Fund of fees and expenses of a guardian <i>ad litem</i> for a defendant under a disability in a civil action is authorized only in certain, limited situations, specifically when:</p> <ol data-bbox="331 394 1166 1098" style="list-style-type: none"> <li data-bbox="331 394 1166 562">(1) in a civil action against an incarcerated felon for divorce where the felon is incarcerated as a result of a crime committed against the felon’s spouse, child, or stepchild and involving physical injury, sexual assault, or sexual abuse (as set forth in the statute); <li data-bbox="331 594 1166 667">(2) in a civil action against an incarcerated felon for damages arising out of a criminal act (as set forth in the statute); or <li data-bbox="331 699 1166 972">(3) a court in a divorce action has made specific findings that both the plaintiff and the defendant are indigent and that the defendant is a person under a disability as defined in § 8.01-2, and based upon those findings, the court has determined that payment of the guardian <i>ad litem</i> out of the Criminal Fund is required as a matter of law. Court order indicating that plaintiff and defendant are both indigent and that defendant is a person under a disability is required. <li data-bbox="331 1003 1166 1098">(4) in a civil action to enter an interdiction order pursuant to §4.1-333 when the respondent is indigent and a “person under a disability” as defined by §8.01-2. <p data-bbox="331 1136 1166 1398">The Supreme Court of Virginia’s established rate of up to \$75/hour in court and \$55/hour out of court for guardians <i>ad litem</i> applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> | | |

| | | | |
|------------|--|--|--|
| 8.01-384.1 | <p data-bbox="331 1472 1146 1535">Interpreters for the speech-impaired or hearing-impaired in civil proceedings</p> <p data-bbox="331 1570 1146 1766">Note: Certified interpreters under contract with the Department for the Deaf and Hard-of-Hearing who provide services to any Virginia state court must submit the required paperwork directly to that Department. DO NOT SUBMIT ON FORM DC-40. DEPARTMENT OF DEAF AND HARD-OF-HEARING WILL SUBMIT.</p> | | |
|------------|--|--|--|

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|---|----------|-----------------|
| 8.01-384.1:1 | <p data-bbox="332 163 1097 195">Interpreters for non-English-speaking persons in civil cases</p> <p data-bbox="399 228 1045 260">Submit Form DC-44 List of Allowances-Interpreter</p> <p data-bbox="399 296 1170 428">See page 55 of the <i>Virginia Language Access Plan Manual</i>, a copy of which is available online at: https://www.vacourts.gov/courtadmin/aoc/djs/programs/interpreters/manuals/lep/guidelines.pdf#.</p> <p data-bbox="332 464 1159 730">Note: Foreign language translations of written materials can be compensated from the Criminal Fund only through a process initiated by requesting this service through a court's local staff interpreter or the Foreign Language Services Coordinator at the Office of the Executive Secretary. The Foreign Language Services team can start the process to secure an estimate from a vendor that is qualified to create industry standard translations for Virginia courts.</p> | | |
| 8.01-396.2 | <p data-bbox="332 806 1138 869">Guardian <i>ad litem</i> for a minor witness in General District Court (Includes subsequent appeal to Circuit Court)</p> <p data-bbox="332 905 1154 1171">The Supreme Court of Virginia's established rate of up to \$75/hour in court and \$55/hour out of court for guardians <i>ad litem</i> applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> | | |
| 16.1-241 (W) | <p data-bbox="332 1247 1029 1278">Counsel - petition for judicial authorization for abortion</p> <p data-bbox="332 1314 1154 1346">Guardian <i>ad litem</i> - petition for judicial authorization for abortion</p> <p data-bbox="332 1381 1154 1644">The Supreme Court of Virginia's established rate of up to \$75/hour in court and \$55/hour out of court for guardians <i>ad litem</i> applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> | | \$330.00 |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 16.1-267 | Court-appointed attorney in J&DR, and in Circuit Court on appeal, in delinquency cases | | \$680.00 |
| | Court-appointed attorney in J&DR, and in Circuit Court on appeal, in matters arising under § 16.1-283, petition for termination of residual parental rights | | \$680.00 |
| | Court-appointed attorney in J&DR, and in Circuit Court on appeal, in other child dependency matters as defined in § 16.1-266.1(C), and in cases involving a child alleged to be in need of services or supervision | | \$330.00 |
| | <p>Guardian <i>ad litem</i> J&DR: The Supreme Court of Virginia's established rate of up to \$75/hour in court and \$55/hour out of court for guardians <i>ad litem</i> applies. Time spent in face-to-face contact with the child being represented shall be compensated at the in-court rate and included as part of the entry of the in-court time recorded on form DC-40. (§ 16.1-274) Time shall be recorded in increments not greater than .10 hour (6 minutes). The in-court rate applies for time spent in contact with the child by telephone or audio-video communication when a child is placed in a residential facility that does not allow in-person visits and otherwise when the judge determines that in-person contact is not feasible.</p> <p>The hourly rate for court-appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> <p>Requests by an attorney who serves as a guardian <i>ad litem</i> for a child for reimbursement submitted on Form DC-40 for out-of-court time and costs associated with administering or overseeing drug tests performed after June 30, 2014 cannot be approved for payment from the Criminal Fund.</p> <p>See attached court-appointed counsel fee cap waiver information and instructions.</p> | | |
| 16.1-276 | Out-of-state witness - compensation of travel expenses | | .70/mile |
| | <p>Note: A copy of the witness subpoena for attendance in court must be submitted with Form DC-40. Lodging and meals will be paid in accordance with the Judicial System Travel and Meals Policy, and are limited to the night before, during and the night of the last day of a required court appearance. A waiver of these limitations will only be given under limited circumstances upon a detailed written explanation provided to the Office of the Executive Secretary.</p> | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 16.1-299.1 | Blood sample required for DNA analysis upon conviction or adjudication of felony (Juvenile) | | |
| | <p>Note: A juvenile convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult shall have a sample of his blood taken for DNA analysis provided the juvenile was fourteen years of age or older at the time of the commission of the offense.</p> <p>The Criminal Fund will reimburse only when:</p> <p>(1) The juvenile has been convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, but was not sentenced to a period of confinement (e.g., was placed on probation or on suspended execution of sentence) or</p> <p>(2) The convicted juvenile was remanded to the custody of the sheriff solely for the purpose of blood withdrawal, but the sheriff does not have the resources available, contracted or on staff, and must secure the services of a private provider to conduct the withdrawal.</p> <p>Form DC-40 must be accompanied by Form CC-1390.</p> | | |
| 16.1-361 | Compensation of Experts - J&DR Competency Court appearance - Witness Fee, Mileage | | |
| | <p>(1) Evaluation of Competency to Stand Trial (Guidelines established by the Supreme Court of Virginia after consultation with the Department of Behavioral Health and Development Services)</p> | | \$400.00 |
| | (2) Court Appearance - Witness Fee (plus mileage at .70/mile) | | \$100.00 |
| | <p>Note: Pursuant to §16.1-357, the Commissioner of Behavioral Health and Developmental Services arranges for court-ordered services to restore competency, which are not payable from the Criminal Fund.</p> | | |
| 17.1-611 | Witness for the Commonwealth | | .70/mile. |
| | <p>Mileage and Tolls Only</p> <p>Note: A copy of the witness subpoena for attendance in court must be submitted with Form DC-40.</p> | | |

| Code Section | Description | Per Diem | Statutory Limit |
|---------------------|---|-----------------|------------------------|
| 17.1-612 | Expert Witness Court order and itemized invoice required | | |
| 17.1-618 | Juror per diem (Includes travel expenses) (Use Form DC-43) | \$50.00 | |
| 18.2-61.1 | Testing of certain persons for sexually transmitted infections | | |
| 18.2-252 | Suspended sentence conditioned upon substance abuse screening and testing | | |
| 18.2-254 | Commitment of convicted person for treatment for drug or alcohol abuse (substance abuse screening and testing) | | |
| 18.2-268.8 | DUI – Withdrawal of blood by Commonwealth or local office | | \$25.00 |
| 18.2-346.1 | Testing of persons convicted of prostitution or certain drug offenses for sexually transmitted infections when requested by the defendant | | |
| 19.2-11.01 | Crime Victim’s Rights If the judge finds that appointment of a guardian <i>ad litem</i> is necessary to afford the victim the opportunity to exercise the rights recognized in § 19.2-11.01, compensation of the guardian <i>ad litem</i> is permitted up to \$55/hour out-of-court time and \$75/hour in-court time. Appointment order and findings must be attached. | | |
| 19.2-70.2 | Pen register or trap and trace device (expenses of providing facilities and assistance) | | |
| 19.2-112 | Extradition allowance expenses (Submit on a Travel Expense Reimbursement Voucher) | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|---|----------|-----------------|
| 19.2-152.12 | <p>Required representation for respondent in protective order proceeding under Chapter 9.1 of Title 19.2 (§19.2-152.7:1 through 19.2-152.12).</p> <p>The Criminal Fund will compensate for the representation of a respondent in an applicable protective order proceeding only when:</p> <p>(1) Counsel is required pursuant to the Servicemembers Civil Relief Act (§8.01-15.2), or</p> <p>(2) A guardian <i>ad litem</i> is required because respondent is a “person under a disability” as defined by §8.01-2 (see §8.01-9).</p> <p>Compensation as either counsel or a guardian <i>ad litem</i> is limited in district court to a cap of \$330 and in circuit court to a cap of \$330, since the statute provides that “the court may order such counsel or guardian <i>ad litem</i> to be compensated for services pursuant to §19.2-163.”</p> | | |
| 19.2-155 | <p>Appointment of substitute for Commonwealth Attorney (private attorneys only)</p> <p>Special prosecutors are typically commonwealth’s attorneys appointed from another jurisdiction. In the event a commonwealth’s attorney is not available, a private attorney can be appointed and compensated as stated below.</p> <p>Use §19.2-332 as the authorizing Code section from the Chart of Allowances on Form DC-40. Attach copy of appointment order and a copy of Executive Secretary’s approval required for the appointment of a special prosecutor.</p> <p>The Supreme Court of Virginia’s established rate of up to \$90/hour in and out of court applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|-------------|----------|-----------------|
|--------------|-------------|----------|-----------------|

19.2-163 Court-appointed attorney:

See pages 18-20 for statutory fees, and fee cap waiver information and instructions.

Note:

- (1) For all requests for payment, the court-appointed attorney must check “yes” or “no” to indicate whether or not payment is being requested for a probation violation. This is a required field in order to receive payment.
- (2) If felony charge for adult in juvenile court or general district court is disposed of in the district court, then circuit court felony rates apply. Felony class or possible punishment, if the felony is unclassified, must be indicated.
- (3) For revocation of probation, indicate §19.2-306 on the paper DC-40 as the original code section charged, except as noted below. Note either felony or misdemeanor and the highest class of the original charges. Payment is allowed on the basis of only one charge. For example, if a defendant who is on probation for 5 charges were subject to a probation revocation proceeding, the court-appointed attorney would be reimbursed for only 1 charge – the probation revocation.

Note: If counsel is requesting the supplemental statutory waiver for a probation violation (except class 1 felony), and the original charge was a felony violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1, the specific statute for the original charge must be inserted in “Original Code § Charged” instead of § 19.2-306. This is to ensure that the correct maximum supplemental statutory waiver amount is identified. See pages 18-20 for more information about waiver amounts.

- (4) Guardian *ad litem* or Juvenile Appeal must be indicated. The Supreme Court of Virginia’s established rate of up to \$75/hour in court and \$55/hour out of court for guardians *ad litem* applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). Except for matters involving a petition to terminate residual parental rights under § 16.1-283, the fee for counsel appointed pursuant to §16.1-266 to represent a parent or guardian in a civil matter is up to \$330 in J&DR court and up to \$330 in circuit court. The hourly rate for court-appointed counsel, including guardians *ad litem*, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians *ad litem*, should not bill for staff time or office overhead, unless it is expressly authorized by law.

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|-------------|----------|-----------------|
|--------------|-------------|----------|-----------------|

Note: See page 3 for more information about payment pursuant to § 16.1-267 in matters arising under § 16.1-283, petition for termination of parental rights, and in other child dependency matters as defined in § 16.1-266(C).

- (5) Authorization for payment from the Criminal Fund of a guardian *ad litem* appointed in a circuit court is limited to an appeal from a district court and appointment of the guardian *ad litem* under § 8.01-396.2 or § 16.1-266.
- (6) If a judge concludes that counsel for an indigent respondent in a civil contempt proceeding for failure to pay child support is constitutionally required by the holding in Turner v. Rogers, 131 S. Ct. 2507, 2011 U.S. LEXIS 4566 (2011), an attorney may be appointed for a fee of up to \$330 in J&DR court and up to \$330 in circuit court.

Court order indicating that the respondent is indigent and that due process requires the appointment must be submitted with Form DC-40.

- (7) Payment for psychological evaluations and drug testing in custody matters pursuant to §16.1-278.15 is not authorized.
- (8) Counsel representing a defendant charged with a Class 1 felony (aggravated murder) may submit to the court on a monthly basis, a statement of all costs incurred and fees charged by counsel in the case during that month. Whenever the total charges are deemed reasonable by the court for which payment has not previously been made or requested exceed \$1,000, the court may direct that payment be made. Completed Form DC-334 (Request for Appointment of a Lawyer) indicating "Aggravated Murder" or Circuit Court Order must be attached when submitting voucher for reimbursement.

***The Supreme Court of Virginia has established separate hourly rates for aggravated murder of up to \$150 per hour in court and \$120 per hour out of court.**

- (9) Representation of a defendant by a court-appointed attorney with regard to an ancillary misdemeanor certified to circuit court with a felony under Va. Code §19.2-190.1 is eligible for compensation of up to \$330 for each misdemeanor. Because that portion of the representation for the ancillary misdemeanor does not involve the conclusion of the matter, that representation of the ancillary misdemeanor in district court is not eligible for further compensation under the waiver provision of §19.2-163.
- (10) Representation of a defendant by a court-appointed attorney with regard to an extradition warrant is eligible for compensation of up to \$330.

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 19.2-164 | <p>Interpreters for non-English speaking persons in criminal cases</p> <p>Submit Form DC-44 List of Allowances-Interpreter</p> <p>See page 55 of the <i>Virginia Language Access Plan Manual</i>, a copy of which is available online at: https://www.vacourts.gov/courtadmin/aoc/djs/programs/interpreters/manuals/lep/guidelines.pdf#.</p> | | |
| | <p>Note: Foreign language translations of written materials can be compensated from the Criminal Fund only through a process initiated by requesting this service through a court's local staff interpreter or the Foreign Language Services Coordinator at the Office of the Executive Secretary. The Foreign Language Services team can start the process to secure an estimate from a vendor that is qualified to create industry standard translations for Virginia courts.</p> | | |
| 19.2-164.1 | <p>Interpreters for speech impaired or hearing impaired in criminal cases</p> <p>Note: Certified interpreters under contract with the Department for the Deaf and Hard-of-Hearing who provide services to any Virginia state court must submit the required paperwork directly to that Department. DO NOT SUBMIT ON FORM DC-40. DEPARTMENT OF DEAF AND HARD-OF-HEARING WILL SUBMIT.</p> | | |
| 19.2-165.1 | <p>Medical fees for gathering evidence</p> <p>Request for reimbursement for sexual assault-related PERK or forensic examinations should be submitted to the Criminal Injuries Compensation Fund Payment Coordinator (P.O. Box 26927, Richmond, VA 23261)</p> <p>Request for reimbursement for forensic examinations for any other authorized purpose should be submitted by the Commonwealth's Attorney or designated victim/witness coordinator to the Supreme Court of Virginia.</p> | | |
| 19.2-166 | <p>Court reporters</p> <p>Invoice required for any amount over \$500 for one defendant</p> | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 19.2-175 | Compensation of Experts | | |
| | (1) Evaluation of Competency to Stand Trial | | \$700.00 |
| | (2) Evaluation of Sanity at the Time of Offense | | \$800.00 |
| | (3) Evaluation of Sanity at the Time of the Offense and Competency to Stand Trial | | \$1,200.00 |
| | (4) Pre-sentence Evaluation for Sexual Abnormality (Psychosexual Evaluation) | | \$1,000.00 |
| | (5) Court Appearance - Witness fee (plus mileage at .70/mile) | | \$100/day |
| | (6) Revocation of Conditional Release (§19.2-182.8) Evaluation of Acquittee | | \$800.00 |
| | Note: | | |
| | (i) Except for aggravated murder cases, the Supreme Court of Virginia has established the fees listed above as the maximum amount allowed for each evaluation. Form DC-40 MUST identify the service rendered by using the above description or item number. | | |
| | (ii) Court-ordered services to restore competency are not payable from the Criminal Fund. | | |
| 19.2-182 | Attorney fee in proceeding for commitment (criminal) | | \$150.00 |
| 19.2-211 | Counsel for special grand jury | | |
| | The Supreme Court of Virginia has established a rate of up to \$90/hour (in and out of court) for non-government attorneys appointed under this code section. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians <i>ad litem</i> , is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i> , should not bill for staff time or office overhead, unless it is expressly authorized by law. | | |
| 19.2-215.4 | Costs of multi-jurisdiction grand jury (services provided) | | |
| | Note: Pursuant to §19.2-205, costs for grand juror per diem and mileage shall be paid from local funds. | | |
| 19.2-269.1 | Services of sheriff for appearance of inmate as witness (circuit court only) | | |
| 19.2-271.6 | Examination by an Authorized Expert Regarding Mental Condition | | See 19.2-332 |

| Code Section | Description | Per Diem | Statutory Limit |
|-----------------------|---|----------|------------------------|
| 19.2-300/ 19.2-301 | Psychosexual evaluation for any criminal offense which indicates sexual abnormality | | See 19.2-175(4) |
| 19.2-310.2 | <p>DNA analysis (blood withdrawal) Form CC-1390 required</p> <p>(1) The defendant has been convicted of a felony or convicted of a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-119, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-460(E), or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, but was not sentenced to a period of confinement (e.g., was placed on probation or on suspended execution of sentence, or the sentence was suspended) or</p> <p>(2) The convicted juvenile was remanded to the custody of the sheriff who does <u>not</u> have the resources available, contracted or on staff, and must have the withdrawal conducted by an outside private source.</p> | | |
| 19.2-326 | <p>Indigent appeals - attorney fee and expenses of appellate court filing</p> <p>Note: Appellate court order required for all appeal-related fees and expenses, including printing or briefs.</p> | | Set by Appellate Court |
| 19.2-327.1 | <p>Court-appointed attorney - Scientific investigation of human biological evidence</p> <p>Compensation is limited according to the fee caps set under Va. Code § 19.2-163 (see above).</p> | | |
| 19.2-330 | <p>Out-of-state witness - compensation of travel expenses</p> <p>Note: A copy of the witness subpoena for attendance in court must be submitted with Form DC-40. Lodging and meals will be paid in accordance with the Judicial System Travel and Meals Policy, and are limited to the night before, during and the night of the last day of a required court appearance. A waiver of these limitations will only be given under limited circumstances upon a detailed written explanation provided to the Office of the Executive Secretary.</p> | | .70/mile |
| 19.2-332 | <p>Miscellaneous compensable services in a criminal case required by law or court order prior to the service for which no specific compensation is provided</p> <p>Note: Requests for payment pursuant to Va. Code § 19.2-332 should reference the code section or case law that authorizes such payment. Requests for payment based upon orders that solely reference § 19.2-332 will be returned for further information.</p> | | |

| Code Section | Description | Per Diem | Statutory Limit |
|----------------|--|----------|--|
| 19.2-386.12(B) | Sale of forfeited property (Actual expenses shall be paid out of the net proceeds. Payment shall be from the Criminal Fund if there are no proceeds, or for any amount of actual expenses in excess of the proceeds.) | | |
| 20-49.3 | Blood tests for paternity - HLA blood test (indigent party) (BLOODS TESTS FOR SUPPORT CASES INVOLVING DIVISION OF CHILD SUPPORT ENFORCEMENT (DCSE) <u>NOT PAID BY CRIMINAL FUND - CONTACT DCSE</u>) | | |
| 20-115 | Commitment and sentence for failure to comply with order or decree (payment for court-appointed counsel authorized pursuant to §19.2-163) J&DR District Court Circuit Court | | \$330.00 \$330.00 |
| 20-124.4 | Mediation Form DC-40 must be accompanied by Form DC-604. (Any referral that includes both (i) custody or visitation and (ii) child or spousal support shall be considered two separate appointments.) | | \$120.00 Per Appointment Mediated |
| 32.1-48.03 | Court-appointed counsel fee for isolation hearing upon petition in general district court; temporary detention (plus necessary expenses) | | \$75.00 |
| 32.1-48.04 | Court-appointed counsel fee for isolation hearing upon appeal to circuit court (plus necessary expenses) | | \$150.00 |
| 37.2-906 | Sexually Violent Predator - Court-appointed attorney The Supreme Court of Virginia has established a rate of up to \$90/hour in and out of court, with cap of \$5,000 for a bench trial or \$6,000 for a jury trial. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians <i>ad litem</i> , is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians <i>ad litem</i> , should not bill for staff time or office overhead, unless it is expressly authorized by law. | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 37.2-907 | <p data-bbox="342 142 1003 174">Sexually Violent Predator - Appointment of Experts</p> <p data-bbox="342 195 1133 359">Statutory cap for evaluation is \$5,000; however, pursuant to statutory direction, after consultation with the Department of Behavioral Health and Developmental Services, the Supreme Court has established a guideline of \$2,500 for a typical evaluation.</p> <p data-bbox="342 394 1081 464">This amount does not include daily fee for appearance as witness (\$750) or allowance for mileage (.70/mile).</p> <p data-bbox="342 495 1029 527">Daily fee for required appearance in court as witness.</p> | | \$750.00 |
| 46.2-301.1 | <p data-bbox="342 575 927 606">Administrative impoundment of motor vehicle</p> <p data-bbox="342 642 1138 806">There are three situations in which there is a statutory authorization for reimbursement by the Commonwealth of Virginia. No reimbursement from the Criminal Fund will be made unless Form DC-40 has been submitted with the following supporting documentation:</p> <ol data-bbox="342 842 1170 1247" style="list-style-type: none"> <li data-bbox="342 842 1170 911">(1) A bill from the storage company or a receipt from the person who incurred the cost of impoundment, and <li data-bbox="342 932 1170 1031">(2) A copy of the court order, Form DC-499, indicating that the court has granted the petition for release of the impounded vehicle due to "lack of probable cause for arrest or warrant"; <li data-bbox="342 1062 1170 1131">(3) Documentation indicating that the charges were dismissed/ resulted in an acquittal, or <li data-bbox="342 1173 1170 1247">(4) Indication that a lien holder repossessed or removed vehicle from storage pursuant to security agreement. | | |
| 46.2-1209 | <p data-bbox="342 1297 753 1329">Unattended or immobile vehicle</p> <p data-bbox="342 1365 1179 1598">When a vehicle is stolen or illegally used, upon submission of Form DC-40 submitted with a copy of the police report (including the report number and the name of the law-enforcement agency receiving the report) indicating the vehicle was stolen, and either proof of payment or an invoice for towing and storage, costs charged by the towing operator or storage facility for storage, towing, and recovery fees shall be:</p> <ol data-bbox="342 1633 1179 1829" style="list-style-type: none"> <li data-bbox="342 1633 1179 1703">(1) Paid by the owner or the owner's successor in interest of the vehicle and reimbursed from the Criminal Fund; or <li data-bbox="342 1734 1179 1829">(2) Paid to the towing and recovery operator when the identity of the owner cannot be determined or if the owner/defendant is found not guilty. | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 53.1-40 | <p>Court-appointed attorney for consultation with indigent prisoners</p> <p>Approved Rate (2014 Appropriations Act) – Up to \$55/hour with a maximum per diem compensation of \$200 except in cases where the appointed attorney is appointed to represent indigent prisoners at more than one state prison, and in such cases their billing shall be capped monthly at \$6,000.</p> <p>Number of inmates consulted must be attached. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> | | |
| 53.1-165 | Revocation of parole, or post release supervision of felon | | |
| 53.1-205 | Felonies by prisoners | | |
| 53.1-210 | <p>Agreement on Detainer and transportation of an out-of-state witness who is a prisoner in another state.</p> <p>Original receipts required. Form VI or other authority from the Attorney General or court order required.</p> | | |
| 63.2-1203 | <p>Court-appointed attorney for birth parent withholding consent to adoption</p> <p>Guardian <i>ad litem</i> for birth parent under a disability or for child: charge the parties (state will not pay)</p> <p>Court order indicating that birth parent is indigent is required.</p> | | \$330.00 |
| 63.2-1609 | <p>Guardian <i>ad litem</i> - Emergency order for protective services – indigent adult only</p> <p>The Supreme Court of Virginia’s established rate of up to \$75/hour in court and \$55/hour out of court for guardians <i>ad litem</i> applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> | | |

| Code Section | Description | Per Diem | Statutory Limit |
|--------------|--|----------|-----------------|
| 64.2-2008 | Guardians and Conservators (fees and costs) | | |
| | <p>The Supreme Court of Virginia's established rate of up to \$75/hour in court and \$55/hour out of court for guardians <i>ad litem</i> applies. Time shall be recorded in increments not greater than .10 hour (6 minutes.) The hourly rate for court appointed counsel, including guardians <i>ad litem</i>, is considered to include staff time and office overhead. Therefore, court appointed counsel, including guardians <i>ad litem</i>, should not bill for staff time or office overhead, unless it is expressly authorized by law.</p> <p>Court order indicating that incapacitated person is indigent required.</p> <p>Payment by Commonwealth of petitioner's attorney's fees is <u>not</u> authorized.</p> | | |
| State Budget | Habeas Corpus | | |
| | <p>All expenses must be itemized. Number of miles traveled must be specified. Receipts required where applicable.</p> | | |

VIRGINIA CODE § 19.2-163 PROVIDES THE FOLLOWING FEES FOR COURT-APPOINTED COUNSEL:
(Effective for cases **concluded** on or after January 1, 2025)

| Court | Charge* | Statutory Fee | Supplemental Statutory Waiver Amount |
|--|---|----------------------|--|
| District | Misdemeanor (except for statutes in below box) | \$330 | Up to \$120 |
| District | Misdemeanor under § 18.2-266, 18.2-266.1, 18.2-270 or 46.2-341.24 | \$448 | Up to \$120 |
| District | Probation Violation | \$180 | Up to \$120 |
| Juvenile and Domestic Relations District | Delinquency | \$680 | Up to \$120 OR Up to \$650 if Equivalent to Class 2 Felony |
| Juvenile and Domestic Relations District | Probation Violation for Delinquency | \$180 | Up to \$120 OR Up to \$650 if Probation Violation for Equivalent to Class 2 Felony |
| District | (If resolved in District Court) Felony, Class 3 to 6 (except for statutes in below box) | \$834 | Up to \$155 |
| District | (If resolved in District Court) Felony, Class 2 OR Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1 | \$1,692 | Up to \$850 |
| Circuit | Felony, Class 3 to 6 (except for statutes in below box) | \$834 | Up to \$155 |
| Circuit | Felony, Class 2 OR Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1 | \$1,692 | Up to \$850 |
| Circuit | Probation Violation for Felony (except if Probation Violation for Class 1 Felony) | \$445 | Up to \$155 OR Up to \$850 if Probation Violation for Class 2 Felony or for Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1 |
| Circuit | Misdemeanor (except for statutes in below box) | \$330 | Not Available |
| Circuit | Misdemeanor under § 18.2-266, 18.2-266.1, 18.2-270 or 46.2-341.24 | \$448 | Not Available |
| Circuit | Probation Violation for Misdemeanor Punishable by Jail | \$180 | Not Available |
| Circuit | Juvenile Adjudication on Appeal | \$680 | Not Available |
| Circuit | Probation Violation for Appealed Juvenile Adjudication | \$180 | Not Available |

*Defense of an unclassified felony punishable by 20 years or less is compensated as a Class 3 or 4 Felony, or by more than 20 years as a Class 2 Felony.

Fee for additional waiver is in the discretion of the court.

General Information and Instructions

Fee waivers may only be approved by the court in which the case is concluded.

The General Assembly has authorized the above schedule for compensation for an attorney appointed by the court in a case other than a Class 1 Felony. If co-counsel (more than one attorney) is appointed to represent a defendant at the same time in a case other than a Class 1 Felony, then co-counsel shall share the statutory fee, supplemental statutory waiver amount, and fee for additional waiver permitted for one attorney. In the circuit court, court-appointed counsel who is granted leave of court to withdraw and who terminates the representation prior to conclusion of the case, is eligible for the statutory fee and the supplemental statutory waiver amount but is ineligible for a fee for additional waiver.

Calculation of time expended for court-appointed representation should reflect actual time spent out of court preparing for cases and actual time spent representing clients in court. When an attorney is in court representing multiple defendants on the same day or representing one defendant for multiple charges on the same day, calculation of the total actual time spent in court should be apportioned among defendants and/or among charges accordingly. For example, if court-appointed counsel is in court on one day for five hours representing five clients, the total time that is allowable for being in court on that day is five hours. In that instance, it might be appropriate to record one hour of in-court time for each defendant on that date, or some other division of time more accurately reflecting the time spent for each defendant. Similarly, if court-appointed counsel spends five hours in court representing one defendant for three separate charges, the total time that is allowable is five hours for all three charges. In the examples above, court-appointed counsel should not record five hours of in-court time for each of the five defendants or for each individual charge, which would result in improper duplicate payments that do not reflect the total actual time spent in court on that day. Total actual time spent out of court should be apportioned in the same manner.

Upon submission by counsel of a detailed accounting of time expended for court-appointed representation,² the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of the statutory fee and authorize additional compensation up to the supplemental statutory waiver amount when the effort expended by counsel, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver.

Counsel may also request additional compensation exceeding these amounts by submitting a written request with a detailed accounting of the time spent³ and justification for the additional amount. The presiding judge shall determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, whether this request for additional compensation above the supplemental statutory waiver amount is justified, in whole or part, by considering the effort expended and time reasonably necessary for the particular representation, and, if so, shall

²Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians *ad litem*, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians *ad litem*, should not bill for staff time or office overhead, unless it is expressly authorized by law.

³ Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians *ad litem*, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians *ad litem*, should not bill for staff time or office overhead, unless it is expressly authorized by law.

forward the request as approved to the chief judge of the circuit court or district court for approval.

If both the presiding judge and the chief judge determine that an additional amount is justified based upon the novelty, difficulty, effort expended and time required for the particular representation and they approve a fee for such an additional waiver amount greater than:

- \$2,000 in any district court,
- \$3,000 in any circuit court misdemeanor or circuit delinquency charge,
- \$5,000 in any circuit court felony, class III to VI charge, or
- \$15,000 in any circuit court felony class II charge,

then such request for an additional waiver amount in excess of the foregoing amounts shall be submitted by the Chief Judge to the Office of the Executive Secretary, with the DC-40A and all supporting documentation, and upon review by the Chief Justice of the Supreme Court, may be paid in full, or in lieu of full payment, be approved for a partial payment. Partial payments shall be made only in the event the Chief Justice finds such partial payment is necessary to promote the equitable distribution of waiver funds through the end of the fiscal year.

These procedures are in addition to guidelines posted at https://www.vacourts.gov/forms/district/statutory_criteria_fee_cap_waiver_guidelines.pdf

The payment approval process,⁴ including review and approval of invoices by the Office of the Executive Secretary, is a function of the Supreme Court of Virginia's oversight of the judiciary's budget and management of funds, including the Criminal Fund. Fee waivers are paid from a finite appropriation allocated to the fiscal year. The foregoing process is necessary to facilitate the fair distribution of funds as provided for in the Code of Virginia and the Budget.⁵

There is no appeal process available if an application for waiver of fee caps is denied. Additionally, if at any time the funds appropriated to pay for waivers become insufficient, the Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers shall be approved or paid.

⁴ See Virginia Code § 2.2-810.

⁵ See Item 35 of the 2018-20 Biennial Budget.