

**SUPREME COURT OF VIRGINIA
THIRD FLOOR**

**100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334**

(804) 786-6455

FACSIMILE

(804) 786-4542

**CHIEF JUSTICE
HARRY L. CARRICO**

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LEROY ROUNTREE HASSELL, SR.
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GREGORY E. LUCYK**

**REPORTER OF DECISIONS
KENT SINCLAIR**

May 22, 2002

J. Michael Smith, Esquire
Home School Legal Defense Association
P.O. Box 3000
Purcellville, Virginia 20134

Dear Mr. Smith:

You had written to me in my capacity as Chair of the Judicial Council of Virginia in order to express a concern with a portion of the course, "Representation of Children as a Guardian ad Litem," which is offered on an annual basis by Virginia CLE.

The Judicial Council has the statutory responsibility to adopt standards for attorneys appointed to serve as guardians ad litem in the juvenile and domestic relations district courts and in circuit court matters on appeal from the juvenile courts. Va. Code § 16.1-266.1. Following the creation of this responsibility, the Judicial Council adopted standards for the qualification of guardians ad litem. In order to effectuate those standards and to assist interested attorneys in becoming qualified to serve as guardians ad litem, a program on the representation of children was initially developed by the Office of the Executive Secretary of the Supreme Court of Virginia, in conjunction with Virginia CLE. Therefore, it is important for the Council to learn of any serious questions about the accuracy of the material presented in this course.

The Standards adopted by the Judicial Council call for training on a number of topics relevant to the representation of children, including the developmental needs of children and the characteristics of abusive and neglectful families and of children who are victims of child abuse. One presentation in the course addresses the developmental needs of children and another discrete portion of that presentation identifies characteristics of abusive and neglectful families. Your concern focused on that segment of this presentation where, in the course of discussing the characteristics of abusive and neglectful families, the instructor identified three basic family types exhibiting such characteristics and described one type as "Religious and Authoritarian Family Type." You raised a serious concern about the correctness and accuracy of that characterization and description.

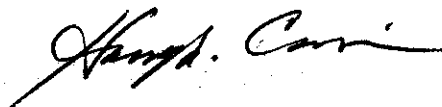
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Typically, if we received a question about the substance of a CLE course touching upon legal process, we would simply pass that concern along to Virginia CLE, with the expectation that the concern would be shared with the instructor. As I understand it, the customary approach of Virginia CLE models the academic approach. Virginia CLE engages well-credentialed professionals to address their respective areas of expertise and does not undertake to monitor the substance of their presentations in detail. However, since this program on the representation of children was developed to implement standards for guardians ad litem promulgated by the Judicial Council and since a serious concern has been expressed, it is appropriate in this instance to undertake a review of the material about which you had inquired.

I asked the Executive Secretary to review that material. After this review, we have concluded that there is a legitimate question about whether the presenter had assembled sufficient empirical evidence and scientific authority to provide a basis for the conclusions offered as characteristics of abusive and neglectful families. Until a more carefully documented presentation of this topic can be developed, we have recommended to Virginia CLE that the segment which is entitled "Characteristics of Abusive and Neglectful Families" be omitted both from the written materials for this presentation and from the videotaped presentation itself. Virginia CLE has indicated that this will be accomplished prior to the next repetition of this course on June 13, 2002. The remainder of that presentation dealing with child development and the characteristics of children who are victims of abuse and neglect will remain intact.

I trust that this addresses the concern which prompted your inquiry.

Sincerely,



Harry L. Carrico
Chief Justice

HLC\smr