

**REVISED ASSIGNED COUNSEL & GAL FEE BILL POLICY
EFFECTIVE JULY 11, 2008**

- I. The processing of all fee bills shall be governed by Local Rule 19, the Schedule of Assigned Counsel Fees effective on January 1, 2006, and this Policy. Issues not covered by this Policy, will be resolved by the Court Services Director on a case-by-case basis.
- II. Fee bills shall be submitted on the “Motion, Entry, and Certification for Appointed Counsel Fees” Form OPD - 206R rev. 9/2005 (hereinafter Motion for Appointed Counsel Fees).
- III. The Motion for Appointed Counsel Fees must comply with the following requirements:
 - A. The attorney’s signature must be in blue ink.
 - B. The attorney must clearly indicate whether the attorney served as assigned counsel or as guardian ad litem.
 - C. The attorney must file the Motion for Appointed Counsel Fees in the manner indicated in sections IV and V, below.
 - D. The attorney must post itemized time entries in tenth-of-an-hour increments.
 - E. The attorney must file the Motion for Appointed Counsel Fees with the Clerk of Court, either in person or by mail. If filed by mail, risk of loss remains with the attorney.
 - F. The attorney must file the Motion for Appointed Counsel Fees within thirty (30) days of the dispositional hearing.
 - G. The issuance of an arrest warrant shall be considered a “disposition.”
 - H. In the event that the subject of the complaint is taken into custody and further hearings are conducted by the court, the attorney may submit a subsequent fee bill for an amount that, when added to the initial fee received, **does not exceed** the maximum fee permitted in the case.
 - I. If the Court has not issued the dispositional order when the attorney files the Motion for Appointed Counsel Fees, the attorney may enter “pending” or “other” under “Disposition” in the “Summary of Charges, Hours, Expenses, And Billing” section.
 - J. On page 1 of the Motion for Appointed Counsel Fees, all lines must be completed with the exception of the Judgment Entry and Certification.
 - K. On page 2 of the Motion for Appointed Counsel Fees, all lines must be completed, including the Grand Total. The figures on page 2 must be the same as the figures in the Summary on page 1.
 - L. On page 3, the client/ward’s name, case number, date of birth, and address must be entered. This page must be included whether the filing is being made by assigned counsel or guardians ad litem. The totals must be filled in, even if the amount is zero. Subtotals and the Grand Total must be completed.

- M. On page 4, if the Affidavit of Indigency is not completed and signed by the client, the attorney must include an explanation in Section “X” of the Affidavit of Indigency. The Affidavit must be completed and notarized when appropriate.

IV. A Motion for Assigned Counsel Fees must contain the following documents stapled together in one (1) packet as follows:

- A. One (1) original Motion for Appointed Counsel Fees signed in blue ink.
- B. One (1) original Affidavit of Indigency completed in its entirety and signed by the client.
- C. Two (2) copies of the Motion for Appointed Counsel Fees, front and back.
- D. One (1) copy of the attorney’s dated and signed Appointment Order.
- E. In felony one through felony four delinquency cases only, one (1) copy of the complaint.
- F. In bind over matters, one (1) copy of the Motion to Transfer Jurisdiction.
- G. In Violations of Court Order, one (1) copy of the Complaint for Violation of Court Order.
- H. In disposition of permanent custody matters, one (1) copy of the first page of the Complaint with a Prayer for Permanent Custody, or one (1) copy of the first page of the Motion to Modify to Permanent Custody.
- I. If applicable under Section XI herein, one (1) original Motion for Extraordinary Fees.

V. A Motion for Guardian Ad Litem Fees must contain the following documents stapled together in one (1) packet as follows:

- A. One (1) original Motion for Appointed Counsel Fees signed in blue ink.
- B. One (1) original Affidavit of Indigency with the following sections completed:
 - 1. Section I “Personal Information.”
 - 2. Zeros in all subtotals and totals if ward cannot complete the Financial Disclosure.
 - 3. Section X “Judge Certification” (reason the applicant is not able to complete and/or sign).
- C. Two (2) copies of the Motion for Appointed Counsel Fees front and back.
- D. One (1) copy of the attorney’s dated and signed Appointment Order.
- E. In disposition of permanent custody matters, one (1) copy of the first page of the Complaint with a Prayer for Permanent Custody, or one (1) copy of the first page of the Motion to Modify to Permanent Custody.
- F. If applicable under Section XI herein, one (1) original Motion for Extraordinary Fees.

VI. General Rules for Assigned Counsel and Guardians ad Litem

- A. Once the dispositional hearing is conducted, no additional activity should be documented in the ‘Itemized Fee Statement’ portion of the Motion for Appointed

Counsel Fees.

- B. Work performed by assigned counsel and guardians ad litem subsequent to a dispositional hearing can only be applied to a future Motion for Appointed Counsel Fees on a motion or review.
- C. Assigned counsel and guardian ad litem appointments relative to motions to re-open closed cases, complaints for violation of court order, motions that invoke the court's continuing jurisdiction, and motions for permanent custody will be considered new appointments. Assigned counsel and guardians ad litem may claim a new fee upon the filing of a Motion for Appointed Counsel Fees and the signature of the hearing officer on the front of the Motion for Appointed Counsel Fees indicating the fee is associated with the aforementioned motion or complaint.
- D. When a dependency, neglect or abuse filing has more than one number because multiple children are the subjects of the complaint, an attorney is eligible for one fee.
- E. A case is considered to be "one case" if there are multiple file numbers on a case file.
- F. Counsel may file a subsequent Motion for Appointed Counsel Fees when there is a re-filing of the original complaint or a new filing relative to a sibling not included in the original action.
- G. In parent / child relationship, application to determine support and private custody filings involving the same parents that have multiple cases and numbers with respect to multiple children, the attorney will be entitled to one fee if the matters are disposed of at the same time.
- H. Assigned counsel and guardians ad litem who receive their first appointment on a case for a review hearing may claim a new fee on the filing of a Motion for Appointed Counsel Fees under the Rules set forth in Sections IV and V of this policy.

VII. General Rules for Assigned Counsel - Delinquency matters

- A. In delinquency matters involving one child who has multiple cases, an attorney is eligible for one maximum fee and one minimum fee - despite the number of cases filed with respect to the child - if the matters are disposed of at the same time.
- B. The minimum fee will be determined by considering the second most serious offense with respect to the other case numbers.

VIII. Review Hearings

Dependency, Neglect, or Abuse Cases

- 1. Assigned counsel and guardians ad litem appointed on or after January 1, 2006, may file Motions for Appointed Counsel Fees for a maximum of \$200.00 for each review hearing relative to dependency, neglect, or abuse

cases, if the attorney participates in the custody review hearing.

2. Assigned counsel and guardians ad litem appointed before January 1, 2006, may file Motions for Appointed Counsel Fees for a maximum of \$50.00 for one annual review hearing relative to dependency, neglect, or abuse cases, if the attorney participates in the annual review hearing.
3. The attorney filing the Motion for Appointed Counsel Fees for a custody review hearing must obtain the jurist's signature on the front of the Motion for Appointed Counsel Fees, or on the hearing notice, or on any other document that provides the case number, case name, and the hearing date to indicate that the attorney appeared for the custody review hearing.

IX. Incomplete or incorrect Motions for Appointed Counsel Fees will not be processed, and the following action will be taken:

- A. The attorney will receive a telephone call from the Court Services staff notifying the attorney of the incorrect/incomplete Motion for Appointed Counsel Fees.
- B. The attorney must retrieve the incorrect/incomplete Motion from Room 2400 in the Annex and correct/complete the Motion within seven (7) days of the call from the Court.

X. Penalty for Late Filings

- A. Motions for Appointed Counsel Fees filed beyond thirty (30) days after the last dispositional hearing will be reduced by fifty percent (50%)
- B. If a Motion for Appointed Counsel Fees rejected by the Assigned Counsel Fee Bill Clerk is not returned to the Assigned Counsel Fee Bill Clerk within one week, the attorney's fee will be reduced by fifty percent (50%).

XI. Extraordinary Fees

- A. Payments in excess of the fees indicated in the schedule will be considered only if the attorney files a Motion for Extraordinary Fees along with the Motion for Appointed Counsel Fees.
- B. To be considered, the Motion for Extraordinary Fees must be attached to the Motion for Appointed Counsel Fees.
- C. Pursuant to a recommendation made by the Court Services Director, the Motion for Extraordinary Fees will be ruled upon by the Administrative Judge.