

VAN BUREN COUNTY - ALL COURT POLICY

SUBJECT: ATTORNEY AND GUARDIAN AD LITEM FEES	SECTION: PROBATE COURT	DATE: 6/7/18
REVISIONS PREPARED BY: Frank Hardester, Lynn Bullard, Alice Yonkman and Angie Straley	NUMBER: VBC-1515	SUPERSEDES: n/a

Renumbered to "Policy 10.001" on 9/16/20

REFERENCES:

- Local Administrative Order - Order Adopting Plan for Appointment of Counsel for Indigent Parties

BACKGROUND: The purpose of this policy is to ensure consistency and transparency regarding attorney and ad litem fees.

POLICY STATEMENT:

- A. Independent Contractors
 - 1. Attorneys and guardian's ad litem (GALS) who are appointed by the Van Buren County Probate Court are independent contractors.

- B. Attorneys
 - 1. An attorney listed on the Van Buren County Probate Court attorney roster, who is appointed by the court to assist with a probate matter, is authorized to charge the following amounts, as ordered by the court:
 - a. An hourly rate of \$55.00, when billing the Van Buren County Probate Court
 - b. An hourly rate of \$110.00, when billing an interested party

- C. Non-Attorney Guardians Ad Litem
 - 1. A non-attorney GAL listed on the Van Buren County Probate Court GAL roster, who is appointed by the court to assist with a probate matter, or to conduct a guardianship review, is authorized to charge the following amounts, as ordered by the court:
 - a. An hourly rate of \$45.00
 - b. A flat rate \$45.00 for personally attending a mandatory court hearing
 - c. Mileage at the current IRS approved rate (0.545 as of 2018)

- D. Motions to Show Cause
 - 1. In the event an interested party has been ordered by the court to pay an attorney or GAL for his or her services rendered in a Probate matter, and has failed to do so, the attorney or GAL may file a Motion and/or Order to Show Cause (MC 230), for which the filing fee shall be waived.

- E. Attorneys Hired by Guardians and Conservators
 - 1. All guardians and conservators appointed by the Van Buren County Probate Court shall obtain court approval prior to retaining counsel if funds of the ward or estate are to be used to pay the attorney's fees.

- F. Deviation from Policy
 - 1. Deviation from any of the provisions set forth above shall be submitted for prior court approval.

FORMS:

- MC 230, Motion and/or Order to Show Cause
- VBC-1804, Attorney Request for Payment
- VBC-1822, Attorney Fee Schedule

APPROVAL:

Effective Date: 8/2/18

Date: 8/2/18



Kathleen M. Brickley – Chief Judge