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Family Division

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THE STATE OF NEW HAMPSHIRE
Family Division

ADMINISTRATIVE ORDER NUMBER 2005-03

APPOINTMENT AND PAYMENT OF GUARDIANS AD LITEM

The appointment and payment of Guardians ad Litem (hereafter to be referred to as GAL) shall be in accordance with the following policy adopted by the Court.

1. The GAL shall be compensated at the rate of \$60.00 per hour. The maximum fee (including costs) shall not exceed \$1,000.00 for any case.

2. The fund shall not pay for GAL services on behalf of a party unless the party has been found to qualify for court fund payment after completion of the appropriate financial affidavit and worksheet, unless otherwise ordered by the Court.

3. The maximum fee of \$1,000.00 presumes a maximum billing period of sixteen (16) hours, during which time it is expected that the GAL will meet with the parties, the children and a reasonable number of witnesses and conduct any investigation necessary for the preparation of a report and recommendation for filing with the Court. Of that time, two (2) hours for attendance at hearings should be expected. The scope of investigation in each case shall be governed by the Order on Appointment of Guardian *ad Litem*. Parties' counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.

4. The maximum fee of \$1,000.00 shall apply to all cases whether paid by the parties or by the fund and shall include attendance at hearings. The maximum fee shall not be exceeded without prior approval of the Court, after hearing with the parties and the GAL present. Any request to exceed the maximum shall be filed with the Clerk of Court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.

When the parties are paying the cost of the GAL, the \$60.00 per hour rate and the \$1,000.00 maximum fee may be waived upon written agreement of the parties and counsel which shall be filed with the Court and subject to Court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties. The fund will not pay for private fee agreements.

5. Fees for evaluations will not be paid from the fund. If counseling, therapy or evaluations are recommended by the GAL, no expenses for same may be incurred without the prior approval of the Court after hearing. No fees will be approved for any counseling or therapy undertaken by the GAL. Notwithstanding the above, the Court may enter such orders upon motion of either party or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

6. Orders for payment of GAL fees and expenses are made without prejudice and may be amended to provide for reimbursement or reallocation of liability at subsequent hearings.

7. After eligibility is determined, an individual may be:

- A) eligible for full payment of all GAL fees, or
- B) required to pay privately at the same ratio shown on line 9 of the Child Support Guideline Worksheet.

8. GALs are required to send copies of their bills to the parties irrespective of whether their services are being paid for privately or by the GAL Fund.

December 30, 2005

Edwin W. Kelly, Administrative Judge
New Hampshire Judicial Branch Family Division