

STATE OF MAINE
SUPREME JUDICIAL COURT
PROPOSED AMENDMENT TO THE
MAINE RULES FOR GUARDIANS AD LITEM

1. Rule 5 of the Maine Rules for Guardians ad Litem is amended to add new subdivisions k and l as follows:

(k) Billing Standards. Effective as of _____, the following standardized billing procedures are adopted in the District Court for all guardians ad litem (GALs) whose fees are to be paid by parties.

(1) *Rates for Guardians ad Litem.* Guardians ad litem whose fees are to be paid by parties shall be paid at the hourly or flat rate determined in the court's Order for Appointment of Guardian ad Litem. Guardians ad litem shall prorate all time involving actions in common with other cases (e.g., travel, waiting, and research time) among those cases. All other GALs shall be paid in accordance with the order of appointment or as specified by JB-05-05.

(A) *Itemized Expenses for Guardians ad Litem.*

(i) *Itemization Requirements.* All invoices for time and claims for expenses must be itemized.

(ii) *Itemization of Time.* Time spent shall be outlined in detailed, separately itemized billing statements. If applicable, time will be billed at the rate approved in the order of appointment. Guardians ad litem who have agreed to serve for a flat fee must still complete itemized bills. Itemized bills will show work done in increments of one tenth of an hour (six minute blocks of time). Sufficient detail will be provided to allow the parties to understand the nature of each task and the time spent on that task. Guardians ad litem will avoid block billing, (i.e., the consolidation of more than one task into a time description, with a number of hours billed for the entire block).

(iii) *Billing Frequency.* Guardians ad litem shall submit bills to the parties every thirty days unless the order of appointment

specifies a shorter time. At any final hearing, a guardian ad litem shall provide the court and the parties with an updated itemized invoice showing all time spent, and expenses incurred between the date of the last invoice and the date of hearing.

(B) *Maximum Hours.*

(i) The maximum number of hours for which a guardian ad litem will be reimbursed shall be determined by the presiding judicial officer handling the case, after consultation with the parties, and will be designated in the court's order of appointment.

(ii) Before a guardian ad litem can be paid for time exceeding the court ordered hours, the guardian ad litem must obtain court approval. Any order approving this additional time must be reflected in an order in the form approved by the Judicial Branch.

(I) Compliance Reports.

(1) Using Judicial Branch form -----, the guardian ad litem for any child involved in a family matter case shall file a Compliance Report 7 days before the final hearing, or on another date specified by a judicial officer. In that report, the guardian ad litem must provide information to the court and to the parties about the guardian ad litem's fulfillment of the tasks assigned to the guardian ad litem by the court.

(2) Using Judicial Branch form -----, the guardian ad litem for any child involved in a protective custody case shall file a Compliance Report with the guardian ad litem report 7 days before any hearing, or on another date specified by a judicial officer. Although guardians ad litem are not statutorily mandated to file reports for summary preliminary hearings, each guardian ad litem must file a Compliance Report on the date of a summary preliminary hearing. In each report, the guardian ad litem must provide information to the court and to the parties about the guardian ad litem's fulfillment of the tasks assigned to the guardian ad litem by the court and those tasks required by 22 M.R.S. § 4005(1).