

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

2018 Me. Rules 01

Effective: January 31, 2018

All of the Justices concurring therein, the following amendment to the Maine Rules for Guardians ad Litem is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the amendment, an Advisory Note appears after the text of the Rule amendment. The Advisory Note states the reason for the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

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 January 31, 2018, the following standardized billing procedures are adopted for all guardians ad litem.

(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 for each individual case. If the guardian ad litem is being paid by any state or county government, the guardian ad litem shall complete such forms as required for reporting time and billings. In cases in which the guardian ad litem is serving pro bono by appointment under these Rules, the guardian ad litem shall still file a final invoice setting forth hours worked on the case. All other guardians ad litem 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 and 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 invoices. 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. Unless the order of appointment specifies a different time or other billing procedure, guardians ad litem shall submit bills to the parties every ninety days. 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 and costs 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 amended order in the form approved by the Judicial Branch.

(I) Compliance Reports.

(1) Using Judicial Branch form FM-222, the guardian ad litem in a family matter case shall complete and file a Compliance Report

concurrent with the filing of a final report or 7 days before the final hearing, or on another date specified by a judicial officer.

(2) Using Judicial Branch form PC-034, the guardian ad litem in a child protection 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 a guardian ad litem is 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.

Advisory Note – January 2018

Rule 5 of the Maine Rules for Guardians ad Litem is being amended to reflect the billing requirements imposed on GALs by the October 2017 amendments of Administrative Order JB-05-05, and to ensure that the invoices generated by GALs are provided to the court and the parties with enough detail and frequency to allow for review of the work being done. In addition, the Rule references the Judicial Branch’s new compliance reports, which are to be used in every case where a GAL has been assigned.

Dated: January 22, 2018

FOR THE COURT,*

_____/s/_____
LEIGH I. SAUFLEY
Chief Justice

DONALD G. ALEXANDER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
THOMAS E. HUMPHREY
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.