

# **Key Changes and FAQ's**

## **Guardian ad Litem Service Changes October 2016**

### **Changes Highlighted:**

- Initial deposit shall be determined by the Court
- Use of CCAP to create and manage court ordered obligations for FCS and GAL services
- Business Center to monitor payments and pay plan arrangements
- Most orders to be generated in Court and parties to report to Business Center
- Payment Hearings and more immediate enforcement activity
- First GAL payment triggered when the bill reaches approximately 75 % of the initial/additional deposit.
- GAL must request additional deposits to ensure sufficient funds are escrowed
- Business Center to prepare payment orders for GAL based on GAL request
- GAL only prepares "Order for Discharge"
- GAL and Business Center to coordinate on final payments and/or refunds

### **FAQ's:**

#### **1. Why is the process for handling GAL payments changing?**

The process changed and became a part of an overall effort to utilize best practices to manage court ordered receivables for county provided services including Family Court Mediation and Custody Evaluations, and Guardian ad Litem services. The new process will also create a better and more consistent process for litigants and GAL's, and reduce county expenditures.

#### **2. I heard that the deposit amount went up. What is the new amount required to be deposited by the parties?**

The new initial deposit shall be determined by the Court. The Court will determine how the deposit and all subsequent payment responsibilities will be assessed to the case parties. Additionally, as the case progresses and billed activities accumulate on the case, the GAL will be required to ask the Court to order additional deposits, as necessary, to ensure sufficient funds are available to make payment in full to the GAL at the conclusion of their service.

#### **3. Have changes been made to Family Division orders related to Family Court Services and to Guardian ad Litem activities?**

Yes. To better articulate the Courts' direction to case participants and to clearly spell out the responsibilities assigned to each party, a new series of orders have been prepared and are made available to the case parties as part of their court hearing. The new orders are a part of the process changes we are implementing this year. Electronic copies of these orders, and all related forms or transmittal memo's will be available to anyone upon request or can be down-loaded from the Waukesha County Clerk of Circuit Court website and use as necessary. **To obtain forms and documents go to:**

<http://www.waukeshacounty.gov/CourtDivisions.aspx?id=21012>

#### **4. Can case parties pay the GAL directly?**

No, case parties will be directed to make all payment arrangements for GAL services with the Circuit Court Business Center in Room C-112 (on the first floor of the courthouse). We prefer that all court ordered receivables are managed by the Clerk of Court Office in order to create a consistent customer experience and better manage county expenses.

**5. If the parties cannot pay in full, will they be given time to pay?**

Yes, while it is the desire of the court to receive payment in full on all court ordered obligations immediately, we recognize that all parties may not be able to do so. To better manage what is, in essence, a credit relationship with our case parties, the Circuit Court Business Center offers payment plans. Our new GAL practices will mirror the practices we are successfully using in our Criminal Traffic division.

**6. What happens if the parties do not pay as ordered?**

Using the financial tools available to us with our Combined Courts Automation Program (CCAP), the Circuit Court Business Center will initiate follow-up with non-paying case participants quickly, and will immediately communicate non-compliance to the Court WITH recommendations for enforcing adherence to the Court's financial orders. We have commitment from all affected judges to hold payment hearings to ensure compliance. Additionally, the Business Center has a variety of enforcement tools available such as wage assignments, state tax intercept, entry of civil judgments, and property liens, in addition we will submit unpaid obligations to a collection agency for recovery.

**7. Are there changes in GAL compensation?**

The court will set forth the method and rate of compensation for the guardian ad litem at the time of appointment in both family and paternity matters. GALs will continue to accept appointments and will have all current terms provided to them in their appointment order and consent to act. GAL services provided in marital presumption and paternity appointments are set at a fixed service fee of \$300.

**8. How do I request and obtain payment for my billed services?**

Similar to current practices, a Guardian ad Litem must submit to the Court the "Attorney Communication Letter" requesting payment with an itemized billing statement of service hours along with a sworn affidavit of services rendered. A new element in the process will require the Circuit Court Business Center to review the materials for accuracy and prepare the Order for Payment for judicial signature.

**9. What will the Court require to ensure funds are available if I have continuing case involvement beyond the initial deposit?**

Our updated GAL process requires all GALs to review the status of their case when they are requesting payment, and as necessary advise the court if their work will be continuing. If the GAL anticipates continued involvement in the case, they are required to submit the "Attorney Communication Letter" to the Court with any payment request for an additional deposit. (A form which can be used to request transfer of the GAL deposit to the GAL, and which includes the request for posting additional deposit funds is available from the Business Center.)

**10. How will I know if the parties have made any payments on their court ordered obligations?**

When a Court orders case related service and directs that private parties will have financial responsibilities assigned to them, the Business Center will create an accounts receivable Assessment in CCAP for each party ordered to pay GAL fees. You may see the amount ordered, any amounts paid, and the balance due on-line via Wisconsin Circuit Court Automation (WCCA) website at:

<http://wcca.wicourts.gov/loadCourtFeeCaseSearch.do>

**11. What happens at the end of a case and I'm concluding my services?**

At the conclusion of services, you should send the "Attorney Communication Letter" requesting final payment along with an itemized billing statement and sworn affidavit. Also, send a "Court Order Discharging Guardian ad Litem" with a self-addressed return envelope to the Family Division for Judge's signature. After a review for accuracy, a "Court Order for Final Payment of Guardian ad Litem Fees" will

be prepared by the Business Center for the Judge's signature. Conformed copies of all documents will be sent to you.

**12. What happens if I submit my final billing statement and the parties have not made sufficient payments to pay my bill in full?**

There are two scenarios that arise from this question.

- First, if the parties have not made sufficient payments in order to pay your bill in full, a check will be sent to the GAL for the amount held in trust at the appointed rate and any additional time will be paid out at the Supreme Court rate. If the parties are on a payment plan and current, the payments will be applied to the county's advancement of fees and when that portion is paid in full, any additional payments will be sent to the GAL for any fees above the advanced amount.
- Secondly, if the parties are not on a payment plan, or have defaulted on their payment plan, a judgment will be entered against the party and the amount advanced by the county will be sent to collection. Any additional funds over the \$70 advancement will be the responsible of the attorney to collect. Please note ,that every enforcement action within our power will be used to secure payment in full.

**13. What if I ignore the new GAL procedures?**

As part of a more rigorous process to manage these service costs, the Business Center will be focusing a higher level of attention on any cases where private parties require collateral public services. Historically, the appointment and use of Guardians ad Litem have provided valuable legal and social services to the court and to families in very difficult circumstances. We believe that having a broad pool of attorneys to use as GALs is important. However, it is critical that we operate in a fiscally responsible manner and if this process is ignored, staff will make recommendations to the Court to remove an attorney from future appointments.

**14. If I or my staff have any questions on these new procedures or would like to discuss any specific issues on how to best transition with these new practices, who can I contact?**

All Business Center and Family Division Staff will be trained to assist you. However, if you have questions or issues on the new procedures, initially we would like you to contact Wendy Muelling, Business Center Supervisor at 548-7500; Monica Paz, Family Division Supervisor at 548-7545; Brenda Kowalczyk, Family Division Chief Deputy Clerk at 548-7533; and Bob Snow, Business Manager at 896-8242. A contact list of staff names, positions and phone numbers will be provided to assist you further.