

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 19-07**

**Expansion and Clarification of Fixed Fee Voucher Program
(Superseding Administrative Order 18-10)**

WHEREAS, Administrative Order 18-10, dated August 30, 2018, established a pilot fixed fee voucher program that set fixed fees for the services of Court-appointed counsel for the subject or ward, guardians *ad litem*, and examiners, serving in one-time initial intervention proceedings for the appointment of a guardian or one-time mandatory periodic review hearings, that qualify for payment from the Guardianship Fund under the Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1989; and

WHEREAS, D.C. Code § 21-2060 provides in pertinent part that counsel for the subject or ward, examiners, and guardians *ad litem* are entitled to reasonable compensation for services rendered, and that the Guardianship Fund is the source of such payment upon determination by the Court that certain criteria have been met pursuant to D.C. Code § 21-2060(a-1); and

WHEREAS, in an effort to expand the pilot program and the coverage of the fixed fees to include services as Court-appointed counsel for the subject or ward, guardians *ad litem*, and examiners, in temporary guardianship proceedings, when such service is coupled with service at an initial intervention proceeding for the appointment of a guardian; and

WHEREAS, to provide clarification of the eligibility requirements for participation in the program;

NOW, THEREFORE, it is hereby

ORDERED, that each participating fiduciary panel member and examiner shall receive a set fee, depending on the role he/she served. The fee for services is as follows: examiners - \$850.00 per case, guardians *ad litem* - \$900.00 per case, and counsel for the subject or ward - \$1,100.00 per case; and it is further

ORDERED, that Probate fiduciary and examiner panel members who are serving as either counsel for the subject or ward, guardian *ad litem*, or examiner in one-time initial hearing(s) on the appointment of a guardian are hereby eligible, at the discretion of the appointing judge, to receive compensation in accordance with the fixed fee schedule, when the subject or ward qualifies under D.C. Code § 21-2060 and Super. Ct. Prob. R. 308 for payment for services from the Guardianship Fund; and it is further

ORDERED, that Probate fiduciary and examiner panel members who are serving as either counsel for the subject or ward, guardian *ad litem*, or examiner in mandatory periodic review hearings are hereby eligible, at the discretion of the appointing judge, to receive fixed fee vouchers in accordance with the fixed fee schedule, when the subject qualifies under D.C. Code § 21-2060 and Super. Ct. Prob. R. 308 for payment for services from the Guardianship Fund; and it is further

ORDERED, that the Probate fiduciary and examiner panel members who are serving as either counsel for the ward or subject, guardian *ad litem*, or examiner in both a hearing on the appointment of a temporary guardian and a hearing on the appointment of a permanent guardian or who otherwise serves in one or more hearings prior to the final hearing on the appointment of a guardian may choose to request a single fixed fee payment to cover the multiple hearings and are eligible, at the discretion of the appointing judge, in accordance with the fixed fee schedule, when the subject qualifies under D. C. Code § 21-2060 and Super. Ct. Prob. R. 308 for payment for services from the Guardianship Fund; and it is further

ORDERED, that members of the Probate Fiduciary Panel and Examiners List may participate in the Fixed Fee Voucher Program consistent with the following requirements:

1. Each participant who has agreed to accept the fixed fee shall provide a standard form in which he/she certifies that the case is eligible for the fixed fee program, that the participant has met the minimum performance requirements for his/her role based upon the Probate Practice Standards, and that the participant has agreed to accept the fixed fee for all work performed up to and including the initial or periodic review hearing; and
2. The certification shall serve as the filing of a fee petition in accordance with Super. Ct. Prob. R. 308 and shall be filed on the docket. Each participant who has agreed to accept the fixed fee will submit a completed certification form and proposed order to the courtroom clerk at the initial hearing; and
3. The certification must be filed in open court at the conclusion of the intervention proceeding or periodic review hearing; and
4. Any objections to the fixed fee or certification by parties in the case shall be heard at the Court's discretion either in open court immediately following the hearing or, if the Court deems it necessary, at a hearing on the certification within 30 days to allow the filing of written objections; and it is further

ORDERED, that the following types of cases are not eligible for the fixed fee program:

1. Cases where conservators are appointed, even if the petition does not request a conservator;
2. Cases where a petition requests both a guardian and conservator, and a conservator is appointed;
3. Cases where a special conservator or limited conservator is appointed;
4. Cases which were dismissed/closed prior to hearing;

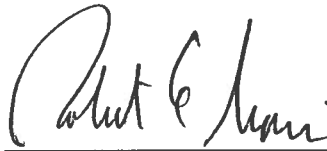
5. Cases in which the petition for general proceeding is withdrawn;
6. Cases in which the subject dies prior to the initial hearing;
7. Cases in which the filer only served in a proceeding for the appointment of a temporary guardian; and
8. Cases which do not statutorily qualify for payment from the Guardianship Fund; and it is further

ORDERED, that this Order shall take effect immediately and shall terminate eighteen (18) months from the date of this Administrative Order, unless otherwise extended by the Court.

SO ORDERED.

BY THE COURT

Date: 5/23/19



Chief Judge Robert E. Morin

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