

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 13

**Compensation of Court-Appointed Attorneys and
Guardians Ad Litem When Respondent is Indigent**

13.1 Authority

This regulation is issued in accordance with C.G.S. sections 17a-76, 17a-274, 17a-498, 17a-502, 17a-510, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-77, 45a-620, 45a-621, 45a-649a, 45a-673, 45a-694, 45a-708, 45a-717, 46b-150a and 46b-172a.

13.2 Definitions

For purposes of regulation section 13:

(a) “Respondent” means a party to a Probate Court matter:

(1) who has the right to an attorney under C.G.S. section 17a-76, 17a-274, 17a-498, 17a-502, 17a-510, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-620, 45a-649a, 45a-673, 45a-694, 45a-717 or 46b-150a; or

(2) for whom the court has appointed a guardian ad litem under C.G.S. section 45a-620, 45a-621, 45a-708 or 46b-172a.

(b) A respondent shall be considered “indigent” if the court has granted the respondent’s request for a fee waiver.

13.3 Applicability

(a) Except as provided in subsection (b), this regulation applies to the compensation of a court-appointed attorney or guardian ad litem for services provided to a respondent who is indigent.

(b) This section does not govern the compensation of:

- (1) an attorney or guardian ad litem for a respondent who is not indigent;
- (2) a guardian ad litem who is paid from estate funds under C.G.S. section 45a-132(g); or
- (3) a volunteer serving on behalf of a private non-profit organization that recruits and trains guardians ad litem for Probate Court matters.

(c) Nothing in this regulation shall be construed to permit payment of the compensation of an attorney or guardian ad litem appointed by the court in the absence of an explicit statutory requirement for the appointment. No compensation shall be paid for services provided to the respondent in connection with legal matters outside the scope of the appointment.

13.4 Compensation of court-appointed attorney or guardian ad litem for respondent who is indigent

(a) Subject to the availability of budgeted funds, the compensation of a court-appointed attorney or guardian ad litem for a respondent who is indigent shall be determined in accordance with this regulation and policies and procedures established by the administrator. The compensation shall be paid from funds appropriated to the Judicial Branch for such purpose or, if no such funds have been included in the budget of the Judicial Branch, from the administration fund.

(b) The hourly rate for time expended by an attorney or guardian ad litem in connection with representation of an indigent respondent is \$58.

(c) An attorney or guardian ad litem is eligible for compensation for time expended traveling to and from his or her place of business in connection with representation of the respondent. Time for travel to and from the residence of the attorney or guardian ad litem is not compensable unless the residence is his or

her sole place of business. Travel expenses such as mileage, parking and tolls are not eligible for reimbursement.

13.5 Invoicing

(a) An attorney or guardian ad litem shall submit each invoice for compensation under this regulation to the appointing court in accordance with procedures established by the administrator.

(b) Each invoice shall document time expended in increments of one-tenth of an hour and briefly describe the activity for each entry.

(c) The deadline for submission of an invoice to the appointing court shall be six months from the date of the activity. The administrator shall not pay the portion of any invoice that covers activity more than six months before submission of the invoice to the court.

13.6 Review and approval of invoices

(a) The court shall review each invoice submitted by an attorney or guardian ad litem. The court shall forward the invoice to the administrator for payment if in the opinion of the court the compensation sought complies with the provisions of this regulation. The court shall reject or reduce any entry that is not in compliance with this regulation.

(b) Upon receipt of an invoice from a court, the administrator shall process the invoice for payment in accordance with the court's approval, except that the administrator shall reject or reduce any entry that is not in compliance with this regulation. The administrator shall inform the attorney or guardian ad litem, in writing, of any entries that are rejected or reduced.

Amended January 1, 2018 (Approved by the Executive Committee September 13, 2017; Approved by the Judiciary Committee January 1, 2018)

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