

**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-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-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 an attorney or guardian ad litem for 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.

#### **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 compensation of an attorney or guardian ad litem under this regulation shall be calculated as follows:

- (1) for time expended on case preparation, the hourly rate is \$50, subject to a maximum of \$500 for each case, unless the appointing court determines that compensation exceeding the maximum is necessary due to extraordinary circumstances; and
- (2) for attendance at court hearings on any one day, regardless of the number of hearings or court locations, the hourly rate is \$75 for

the first hour or any portion thereof and an additional \$50 for each subsequent hour or portion thereof.

(c) Subject to the maximum amount set forth in subsection (b)(1), 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.

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