

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

IN RE: Guardian Ad Litem Appointments : MsD 18-40169
:

ADMINISTRATIVE ORDER OF COURT

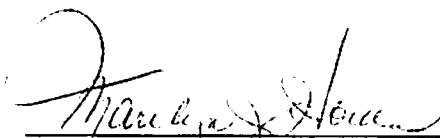
AND NOW, this 17th day of July, 2018, the Court orders and directs that the Butler County Guardian-ad-Litem Policies in Custody Matters attached herewith are adopted for use in Butler County, Pennsylvania. This policy shall be published forthwith in the Pennsylvania Bulletin.

It is further ordered that this Administrative Order shall be effective upon publication in the Pennsylvania Bulletin.

It is finally ordered that the District Court Administrator shall:

- (a) Deliver one copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
- (b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin,
- (c) Deliver a copy of the Administrative Order related to the Butler County Guardian-ad-Litem Policies in Custody Matters to the Butler County Legal Journal for publication as that organization deems appropriate.
- (d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County, the Domestic Relations Office, the Custody Conciliator and to the attorneys on the Butler County Family Court list serve.
- (e) Publish this Administrative Order on the Butler County Court website.
- (f) File a copy of the Administrative Order in the Butler County office of the Butler County Prothonotary for inspection and copying.

BY THE COURT


Marilyn J. Horan, Administrative Judge

Marilyn J. Horan
PROTHONOTARY

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PROTHONOTARY'S
OFFICE - BUTLER CO
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Butler County Guardian-Ad-Litem Policies in Custody Matters

The following process and procedures shall be followed when appointing a Guardian Ad Litem in a custody matter:

I. Qualifications

1. Pennsylvania Licensed attorney.
2. Practiced family law a minimum of one year.
3. Clearances pursuant to Act 34 (Criminal Record Check) Act 151 (Child Abuse Background Checks), and Act 114 (Finger Printing).
4. Watched the Pre-Service Training for Guardians Ad Litem video and filed accompanying affidavit with Court Administration.
5. Maintain professional liability insurance at a minimum coverage of \$100,000.00 per occurrence and \$300,000.00 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance.
6. Complete a minimum of three hours per year of continuing legal education in relevant substantive areas.

II. Appointments

1. Appointments may be made after the court makes a finding that the appointment is necessary pursuant to Pa. R.C.P.1915.11-12.
2. The parties may by mutual consent request the appointment of a guardian ad litem.
3. Court Administration shall maintain a list of qualified guardians ad litem from which appointments shall be made.
4. Each year, no later than January 5, an attorney shall provide the following updated documents to Court Administration:
 - Professional liability statement (Rider)
 - Three CLE credits from the prior year in relevant substantive areas
 - Current clearances (if prior is expired)
 - Letter of standard hourly rate
 - If an attorney no longer meets the qualifications to be appointed, he/she shall immediately notify the judge and Court Administration and his/her name shall be removed from the list until such time as the qualifications are met.
5. Any attorney who meets the qualifications may submit their name to the judge to be placed on the list of guardians ad litem.
6. The specific attorney appointed may be chosen by either mutual consent of the parties or by the judge. To ensure that no one attorney is overloaded with responsibility or there is no other conflict, the court will confirm with the attorney the desire to be appointed on a specific case prior to the issuance of an order of court.

III. Payment

1. If both parties are determined by the court to be indigent, the court may order compensation from the court's budget to be paid at the hourly rate of \$60.00.
2. Otherwise, costs shall be paid by the parties at the standard hourly rate for that guardian ad litem. Pursuant to Pa. R.C.P. 1915.11-2(b), the court may order either or both parties to pay all or part of the costs.
3. Each attorney shall provide to Court Administration a letter setting forth his/her standard hourly rate. That rate shall be noted on the guardian ad litem list kept by Court Administration, and made available to counsel for the parties or the parties if pro-se, for review prior to the appointment of the guardian ad litem.
4. If the cost is to be paid by the parties, the court has the power of contempt for non-payment of costs.

IV. Scope of Appointment

1. The guardian ad litem shall perform all duties in conformity with Pa.R.C.P.1914-11-12, the Code of Civility, the Rules of Professional conduct, and Pennsylvania law.
2. The appointment shall terminate upon the entry of a final order resolving the complaint/petition pending for which the appointment was made. Except that in extra-ordinary circumstances the court may, if in the best interest of the child(ren), extend the appointment by order of court.