

**ADDENDUM TO ORDER APPOINTING
GUARDIAN AD LITEM OR COUNSEL**

Case No.

IT IS FURTHER ORDERED as follows:

1. **DEPOSIT REQUIRED.** That each party pay to the Clerk of Court's trust account the sum of \$650.00 within 10 days of this Order, to be held in trust and applied to guardian ad litem services upon approval by the Court. If a lump sum deposit is not possible, a Payment Plan Agreement may be arranged directly with the Clerk of Court within 10 days of this Order.

2. **WAIVER FOR INDIGENCY.** If a party feels they are indigent, a waiver of the deposit requirement may be requested by completing and submitting to the Court a *Petition for Waiver of Guardian ad Litem Deposit Requirement, Affidavit of Indigency, and Order* within 10 days of this Order. (This Petition is available through the Clerk of Court office or on the Clerk of Court website at www.manitowocountywi.gov/clerkofcourt, click on "Court Resources," then "Family/Paternity Unit," then scroll down and select "Waiver of GAL Deposit Requirement.")

This waiver of the deposit requirement does not preclude a person from responsibility for payment of the guardian ad litem fees, only from the requirement to make the deposit. Upon conclusion of the action, Manitowoc County will seek reimbursement for any unpaid guardian ad litem fees advanced on behalf of either party.

3. **COMMENCEMENT OF GAL INVESTIGATION.** The Guardian ad Litem may commence his/her investigation upon the moving party, _____, providing proof of payment of the initial deposit or evidence that a Payment Plan Agreement has been entered into with the Clerk of Court. A person who fails to follow a Payment Plan Agreement may be subject to a court ordered Income Assignment.

4. **BILLING OF GAL FEES.** The Guardian ad Litem is instructed to submit a bill for services upon the accumulation of approximately every 10 billable hours. All interim bills will be submitted to the Court for approval, with the Guardian ad Litem providing copies to each party and the attorneys of record. The Court will forward all approved Orders to the Clerk of Court for payment from the Clerk of Court trust account. The Clerk of Court shall issue payments within 10 business days of receipt of the Order.

All payments to the Guardian ad Litem shall be charged equally against each party's trust account funds, unless the Court orders a different allocation.

Any amounts paid from a party's trust account funds to the Guardian ad Litem shall be replenished by each respective party within 30 days of the payment being made by the Clerk of Court to the Guardian ad Litem, to bring each party's trust account funds back to a \$650.00 balance.

5. **WRITTEN GUARDIAN AD LITEM REPORT**

The Guardian ad Litem shall provide a written report to each party or their attorney and the Court within 120 days of commencement of his/her investigation containing the following:

- A. The actions taken and work performed by the GAL in the matter;
- B. A summary of the evidence which the GAL intends to produce at the hearing;
- C. The recommendations of the GAL at the time of the report, subject to modification after hearing the evidence of each party at a final hearing.

6. **HOURLY BILLING RATE.** Guardian ad Litem fees will be charged to the parties at the court approved hourly rate (currently \$100 per hour). If either of the parties have a dispute with the Guardian ad Litem bill, or the Court's allocation of guardian ad litem fees between the parties, the dispute should be made in writing to the Court within 10 days of the party's receipt of said bill, with a copy being provided to the Guardian ad Litem and all parties to the action.

7. **FINAL BILLING BY GUARDIAN AD LITEM.** Upon conclusion of the action or motion for which the guardian ad litem was appointed, the guardian ad litem will submit a final bill to the court within 30 days.

8. **APPORTIONMENT OF FEES BETWEEN PARTIES.** The guardian ad litem fees will usually be apportioned equally between the parties, however, special circumstances may require the Court to exercise its discretion in apportioning guardian ad litem fees differently.

9. **REFUND OF EXCESS FUNDS.** Upon conclusion of the action, any excess funds remaining in the party's trust account will be applied to past-due guardian ad litem fees owing by that party on this case, with any remaining balance being refunded to the party, or as ordered by the Court.

10. **FINAL BILLING/INSUFFICIENT FUNDS ON DEPOSIT.** The final Order or Judgment will provide for the payment of any outstanding guardian ad litem fees. If there are insufficient funds remaining on deposit in the Clerk of Court trust account to cover the entire FINAL guardian ad litem bill, the parties are ordered to pay any unfunded balance directly to the Clerk of Court within 30 days of the Order, or arrange for a Payment Plan Agreement directly with the Clerk of Court.