

THE COURTS

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Guardian Ad Litem Appointments; MsD No. 2022-40226

[53 Pa.B. 12]

[Saturday, January 7, 2023]

Administrative Order of Court

And Now, this 19th day of December, 2022, it is hereby Ordered that the Butler County Guardian Ad Litem Policies in Custody Matters are amended as follows hereto.

These amendments to the Butler County Guardian Ad Litem Policies in Custody Matters are adopted and effective 30 (thirty) days after publication in the *Pennsylvania Bulletin*.

It is Ordered, in accordance with Pa.R.J.A. 103, that the District Court Administrator shall:

1. File one (1) certified copy of this Administrative Order of Court and the within Guardian Ad Litem Policies in Custody Matters with the Administrative Office of the Pennsylvania Courts;
2. File two (2) certified copies of this Administrative Order of Court and the within Guardian Ad Litem Policies in Custody Matters and one (1) diskette, CD-ROM, or other agreed upon alternate format that complies with 1 Pa. Code § 13.11(b), with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Publish this Administrative Order of Court on the Butler County Court of Common Pleas website; and,
4. Incorporate the local rule into the complete set of local rules, and keep continuously available for public inspection copies of this Administrative Order of Court and the within Guardian Ad Litem Policies in Custody Matters in the Office of the Prothonotary of Butler County, Pennsylvania.

By the Court

S. MICHAEL YEAGER,
President Judge

Butler County Guardian Ad Litem Policies in Custody Matters

The following process and procedures shall be followed when appointing Guardians Ad Litem in custody matters:

I. *Qualifications of Guardians Ad Litem*

1. Is a Pennsylvania-licensed attorney or licensed mental health practitioner.

2. Has practiced family law or practiced within the mental health profession for a minimum of one (1) year.

3. Will obtain, and maintain, if necessary, clearances pursuant to Act 34 (Criminal Record Check), Act 151 (Child Abuse Background Checks), and Act 114 (Fingerprinting).

4. Has completed the Pre-Service Training for Guardians Ad Litem video and filed the accompanying Affidavit with Domestic Relations.

5. Maintains 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. Licensed attorneys shall complete a minimum of three (3) substantive credit hours per year of continuing legal education (CLE) in an area relevant to custody.

7. Mental health professionals shall complete a minimum of three (3) hours per year of continuing education (CE).

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. Appointments may be made on the Court's own motion or the motion of a party.

3. Domestic Relations shall maintain a list of qualified Guardians Ad Litem from which appointments shall be made.

4. Each year, no later than January 5, proposed Guardians Ad Litem shall provide the following updated documents to Domestic Relations:

—Professional liability statement (Rider);

—Evidence of having earned three (3) substantive CLE or CE credits in an area relevant to custody during the prior year;

—Current clearances (if prior has expired);

—Letter setting forth their standard hourly rate;

—If, at any time, an attorney or mental health practitioner who has been appointed by the Court in a particular case, or who has requested that Domestic Relations place them on the list to be considered for appointment, no longer meets the qualifications set forth above, then he/she shall be responsible for immediately notifying the Domestic Relations Director and the judge assigned to any case to which the Guardian Ad Litem has been appointed. His/her name shall be removed from the list, and/or appointment, until such time as the qualifications are met.

5. Any attorney or mental health practitioner who meets the above qualifications may submit their name to the judge, to be placed on the list of Guardians Ad Litem.

6. The specific Guardian Ad Litem appointed to a case may be chosen by either mutual consent of the parties, or by the judge. To ensure that no one Guardian Ad Litem is overburdened with responsibility and that there is no other conflict, the Court will confirm the proposed Guardian Ad Litem has appropriate availability to timely meet the responsibilities of such appointment in each case, prior to the issuance of an Order of Court making the appointment.

III. *Payment*

1. If both parties are determined by the Court to be indigent, the Court may order compensation to be paid from the Court's budget to the Guardian Ad Litem at the hourly rate of \$75.00.

2. Otherwise, costs shall be paid by the parties at that Guardian Ad Litem's standard hourly rate. 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 of the Guardian Ad Litem.

3. As set forth above, each Guardian Ad Litem shall provide to Domestic Relations a letter setting forth his/her standard hourly rate. That rate shall be noted on the list of Guardians Ad Litem kept by Domestic Relations, and shall be made available to counsel for the parties or the parties (if self-represented) for review prior to the appointment of the Guardian Ad Litem.

4. If the costs of the Guardian Ad Litem are to be paid by the parties, the Court may employ its contempt powers to address non-payment of these costs.

5. During the term of his or her appointment, it shall be the responsibility of the Guardian Ad Litem to ensure that adequate funds are being held in escrow by the Prothonotary from which to pay the Guardian Ad Litem's fees.

IV. *Scope of Appointment*

1. The Guardian Ad Litem shall perform all of his/her duties in conformity with Pa.R.C.P. 1915-11-2, the Code of Civility, the Rules of Professional conduct, and Pennsylvania law.

2. Unless earlier terminated by the Court, the appointment shall terminate upon the entry of a final order resolving the matter for which the appointment was made. In extraordinary circumstances, the Court may, if in the best interest of the child(ren), extend the appointment by separate Order of Court.

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