

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:

04-28

**SUPERSEDES 95-20-B; 00-23-S;
03-07-B; 04-22-S, AND
04-23-B EFFECTIVE SEPTEMBER
30, 2004**

**IN RE: COMPENSATION FOR COURT-APPOINTED COUNSEL - JUVENILE
 DEPENDENCY (SEPTEMBER 1, 2004 - JUNE 30, 2005)**

WHEREAS, it is necessary to provide for the orderly appointment and compensation of court-appointed counsel in juvenile dependency cases in the Eighteenth Judicial Circuit for the period of September 1, 2004 until June 30, 2005, and to disseminate the fee schedule adopted by the Eighteenth Judicial Circuit's Article V Indigent Services Committee for court-appointed counsel in juvenile dependency cases;

WHEREAS, sections 27.40, 27.42, and 27.5304, Florida Statutes, effective July 1, 2004, provide that the Article V Indigent Services Committee shall establish a registry of attorneys in private practice to represent clients in cases requiring court appointment of counsel and shall develop a schedule of standard fees for court-appointed attorneys in various categories of cases; and

WHEREAS, in accordance with the decisions of the Article V Indigent Services Committee for the Eighteenth Judicial Circuit;

NOW, THEREFORE, it is **ORDERED**:

1. For purposes of this Order, the term "juvenile dependency cases" shall include cases brought under chapter 39, Florida Statutes, including but not limited to juvenile

dependency, termination of parental rights ("TPR"), and appeals thereof.

2. This Administrative Order constitutes "Attachment A" to the uniform contract approved by the Justice Administrative Commission for dependency and termination of parental rights attorney services. For services performed from September 1, 2004 until June 30, 2005, or unless unilaterally amended by the Article V Indigent Services Committee, whichever occurs first, the terms as outlined in this Administrative Order are in effect.

QUALIFICATIONS

3. **Registry of Dependency & TPR Attorneys.** For any Attorney to be approved by the Indigent Services Committee ("ISC") to be placed on the Juvenile Dependency and TPR Registry, he or she must apply for the Juvenile Dependency and TPR Registry and shall certify one of the following:

- (a) I have represented a party as lead counsel or as secondary counsel in five (5) different cases over the last three (3) years in which a juvenile dependency petition was filed; or
- (b) I have represented a party in ten (10) different cases over my career in which a juvenile dependency petition was filed; or
- (c) I have observed a total of at least thirty (30) hours of juvenile dependency hearings (which include at least six shelter hearings, three dependency trials, and one termination of parental rights trial) and will agree to attend at least three (3) hours of continuing legal education at the Dependency Court Improvement Project Conference or in another CLE seminar devoted to child abuse or neglect per year of enrollment on the Juvenile Dependency Registry.

4. **Registry of Juvenile Dependency & TPR Appellate Attorneys.** The trial attorney shall be the preferentially assigned attorney for the preparation of the appeal. For any Attorney to be approved by the ISC to be placed on the Registry of Juvenile Dependency & TPR Appellate Attorneys, he or she must apply for the Registry and certify one of the following:

- (a) I have represented a party as lead counsel or secondary counsel in two (2) different appellate cases over the last five (5) years, including the preparation and filing of a brief with the District

Court of Appeal or with the Supreme Court of Florida, in a juvenile dependency or termination of parental rights case; or

- (b) I have represented a party in five (5) different appellate cases over my career in which I have handled the appeal, including the preparation and filing of a brief with a District Court of Appeal or with the Supreme Court of Florida, in any type of case. In addition, to qualify for placement on the Registry, each Attorney must certify that he or she is willing to mentor others attempting to meet the above qualifications.

ATTORNEY'S FEES

5. Attorneys appointed to represent indigent parents in juvenile dependency cases shall be compensated at the rate of eighty dollars (\$80.00) per hour.

BILLING OF FEES AND COSTS

6. Attorneys appointed in juvenile dependency cases may bill and shall be compensated for payment of fees. Attorneys shall bill in tenth of an hour increments (e.g., 0.1, 0.2, etc.). Attorneys appointed in juvenile dependency and termination of parental rights cases may bill, and upon billing, shall be compensated for payment of fees after completing the specified duties necessary to reach the following stages:
- a. Shelter
 - b. Disposition
 - c. Judicial Reviews
 - d. After Termination of Parental Rights Trials/Manifest Best Interest Hearings

Attorneys appointed in juvenile dependency and termination of parental rights appeals may bill and, upon billing, shall be compensated for payment of fees after the filing of all appellate briefs to be filed in such case and then again at completion of the case after a final decision is rendered by each appeal court. To the extent that billing and payment requires preparation of a motion and an order, Attorneys may include in the billing an amount not to exceed 0.5 hours total for the preparation of the billing and any related motion and order.

COST REIMBURSEMENT

7. Attorneys appointed in juvenile dependency cases may bill, and upon billing, shall be reimbursed for the following

costs: in-office copies at the rate of fifteen (15) cents per page, out-of-office copy reimbursement in the amount of the actual amount expended, postage reimbursement in the amount of the actual amount expended, long distance call reimbursement in the amount of the actual amount expended. No fax charges (other than long distance) will be reimbursed. These costs will be reimbursed according to the Justice Administrative Commission's policies and procedures.

ATTORNEY WITHDRAWAL AND DISCHARGE

8. An Attorney may, upon approval of the Court, request to withdraw from a particular matter or be excused from appointment(s) for good cause shown without otherwise relinquishing the right to continue to receive appointments.

MULTI-COUNTY SERVICE

9. An Attorney on the Registry for a particular type of case in one county within the circuit may accept appointments in another county within the circuit for that particular type of case, but he or she is not required to do so.

OUT-OF-CIRCUIT TRAVEL

10. An attorney's travel within the Eighteenth Judicial Circuit shall not be compensable. Out of circuit travel within the State of Florida is reimbursable and shall be reimbursed at the per diem and mileage rates set forth by statute or regulation for public employees of the State of Florida, but the travel must be approved by the presiding judge prior to the costs being incurred.

DUE PROCESS COSTS

11. Other costs such as expert witness fees, investigative fees, court reporter fees, transcription costs, interpreter fees and out-of-state travel shall be paid to the provider or reimbursed to the attorney according to the Justice Administrative Commission's policies and procedures, but the presiding judge must approve these fees or costs prior to them being incurred. Service of process costs shall be paid to the provider or reimbursed to the attorney according to the Justice Administrative Commission's policies and procedures, but shall not exceed \$25.00 per service or attempted service. The presiding judge has the authority to approve amounts in excess of the due process costs set herein if the presiding judge is satisfied that

such is necessary for the fair and equitable administration of justice.

12. **Expert Fees.** Medical doctors and psychologists shall earn:
- (a) \$175.00 for the first hour or less and \$43.75 per quarter hour thereafter for out-of-court services which include, but are not limited to, initial review of records, testing, writing reports, depositions, and other appropriate services.
 - (b) \$175.00 for the first hour or less and \$43.75 per quarter hour thereafter for in-court testimony.
 - (c) \$85.00 per hour while waiting to testify at court appearances. \$72.50 while waiting to testify at depositions.
 - (d) \$72.50 per hour for travel time.

Other experts shall earn:

- (a) \$131.00 for the first hour or less, and \$42.75 per quarter hour thereafter for out-of-court services which include, but are not limited to initial review of records, testing, writing reports, depositions, and other appropriate services.
- (b) \$158.00 for the first hour or less and \$39.50 per quarter hour thereafter for in-court testimony.
- (c) \$79.00 per hour while waiting to testify at court appearances.
- (d) \$65.50 per hour for travel time.

For all experts, there shall be a maximum fee of 20 hours in TPR cases, and 10 hours in dependency cases.

13. **Investigator Fees.** Investigators shall earn \$50 per hour, with a maximum fee of 15 hours.
14. **Court Reporter Fees (including transcripts.)** Pursuant to contract between JAC/ISC and the local provider.
15. **Interpreter Fees.** Interpreter fees shall be as follows:
- (a) For Spanish interpreters, \$40.00 per hour if court qualified; or \$45.00 per hour if State qualified.
 - (b) For Creole interpreters, \$45.00 per hour if court qualified; or \$50.00 per hour if State qualified.
 - (c) For sign language interpreters, \$50.00 per hour if State qualified
 - (d) For all other foreign language interpreters, \$50.00 per hour if Court qualified; or \$55.00 per hour if State qualified.

16. **Psychological/Competency Evaluation Fees.** For psychological/competency evaluations, \$400 maximum flat fee per evaluation.
17. **Process Service Fees.** For process service within Florida, a maximum rate of \$25.00 per service or attempted service and a maximum of \$20.00 per service of process or attempted service at a second address. No payment is paid to private process for service of process or attempt of service beyond the second service or attempt of service. Process servers are not to be paid for mileage incurred. Also, mileage is not paid for process service regardless of destination. For process service outside of Florida, the actual expense billed.
18. **In-Office Photocopies.** 15 cents per copy.

DONE AND ORDERED this 19th day of August, 2004.

JAMES E.C. PERRY
JAMES E.C. PERRY
CHIEF JUDGE

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