

***NEW YORK STATE
UNIFIED COURT SYSTEM***



**FORMS FOR
PRIVATELY PAID LAW GUARDIANS
APPOINTED PURSUANT TO
PART 36 OF THE RULES OF THE CHIEF JUDGE**

Contains:

- Instructions
- Order Appointing Law Guardian - [UCS-880]
- Affirmation of Services for Privately Paid Law Guardian - [UCS-881]
- Order Approving Law Guardian Compensation - [UCS-882]

Rev. 11/2003

INSTRUCTIONS
for
Privately Paid Law Guardians
in the
First, Second and Fourth Departments of the Appellate Division
(Pursuant to Part 36 of the Rules of the Chief Judge)

Appointments of privately paid law guardians pursuant to Part 36 of the Rules of the Chief Judge must use the following procedures and forms :

UCS 880 (Order Appointing Law Guardian)

(Court forwards to law guardian with UCS 872 (Notice of Appointment/Certification of Compliance))

Orders

- **amount of retainer, if any**
- **hourly rate**
- **percentages paid by parties, subject to reallocation at trial**
- **billing of parties at least every 60 days**
- **rights and responsibilities of law guardian**
- **permission to law guardian for self-payment from retainer or subsequent receipts without further order of court**

UCS 881 (Affirmation of Services for Privately Paid Law Guardian)

(Submitted to court by law guardian in support of application for approval of compensation at conclusion of service)

Shows

- **hours (supported by attached time records)**
- **hourly rate (supported by attached copy of appointment order)**
- **compensation, disbursements and total award requested**

UCS 882 (Order Approving Law Guardian Compensation)

(Settled by law guardian on five days notice; supported by affirmation of services; filed by court with UCS 875 (Statement of Approval of Compensation))

Orders

- **compensation and disbursements for final award**
- **percentages and total dollar amounts owed by parties**
- **credits to parties for amounts paid**
- **net amounts due to law guardian or reimbursements due to parties**
- **payment by parties or reimbursement by law guardian**

872 to the Fiduciary Clerk;

3. ORDERED that within 10 days of service of a copy of this order of appointment the parties shall pay to the Law Guardian a retainer of \$ _____ (enter "None" if a retainer is not authorized);

4. ORDERED that no less often than every 60 days from the date of this order of appointment the Law Guardian shall send to counsel for the parties bills for compensation and the reimbursement of disbursements;

5. ORDERED that the Law Guardian shall bill at a rate of compensation of \$ _____ per hour;

6. ORDERED that subject to reallocation at trial the retainer and all subsequent compensation, including reimbursement for disbursements, shall be paid to the Law Guardian by the parties according to the following percentages:

Plaintiff _____% Defendant _____%;

7. ORDERED that once the retainer is expended, or where no retainer is authorized, the parties shall pay all bills sent by the Law Guardian within 20 days of the date of the bill;

8. ORDERED that all compensation and reimbursement for disbursements billed by the Law Guardian during the pendency of this action/proceeding shall be approved by the Court in the final order of compensation, which shall be settled by the Law Guardian, on five days notice, at the conclusion of the Law Guardian's service in the action/proceeding, or as otherwise directed by the Court;

9. ORDERED that the final order of compensation shall be supported by the Law Guardian's affirmation of services on a form approved by the Chief Administrator of the Courts;

10. ORDERED that within 10 days of service of a copy of the final order of compensation the Law Guardian shall return to a party any amount paid by that party in excess of his/her share of compensation and reimbursement for disbursements, as approved by the Court in the final order of compensation;

11. ORDERED that

a. counsel for the parties shall immediately contact the Law Guardian to schedule the interview(s) of the child(ren) with the Law Guardian outside the presence of the parties and their counsel;

b. the parties shall make themselves, the child(ren), and anyone living in either party's household, available for interviews with the Law Guardian (counsel for the parties may be present at any interview between the Law Guardian and counsel's client, or the party may, upon written consent of his/her counsel, waive counsel's presence);

c. each party, on written consent of his/her counsel, may schedule interviews with the Law Guardian, with or without his/her counsel present, to discuss all issues relevant to custody and visitation (the sequence and frequency of such interviews shall be at the sole discretion of the Law Guardian);

d. the parties and counsel shall cooperate with the Law Guardian in providing any documents, papers or information requested, including executing releases permitting the Law Guardian to speak with, or receive information from, any mental health professionals, social service workers or agencies, physicians, schools, or other persons or entities having material and necessary information regarding the parties or the child(ren);

e. the parties shall provide reasonable, private and unhampered access by the children to the Law Guardian, including contact in person or by phone, FAX, email or regular mail;

12. ORDERED that the Law Guardian shall make such applications to the court as deemed appropriate, including requests for the appointment of forensic experts to conduct evaluations, the cost of which shall be borne by the parties in the same percentages as have been established for the payment of the Law Guardian's compensation;

13. ORDERED that counsel for the parties shall immediately send the Law Guardian copies of all papers in the action/proceeding, including pleadings, motions and prior orders, and

14. ORDERED that the parties, counsel and the Law Guardian shall appear for conference in this Part at _____ am/pm on _____, 20

DATED:

Judge

Attorney for Plaintiff/Petitioner:

Name: _____

Address: _____

Phone/FAX: _____ / _____

Email: _____

Attorney for Defendant/Respondent:

Name: _____

Address: _____

Phone/FAX: _____ / _____

Email: _____

3. The nature of the services provided is evidenced by my time records, attached as Exhibit A, which itemize and total my charges, plus disbursements, and separately itemize and total all payments received from each party;

4. Compensation, excluding disbursements, is requested for:

a. the hours spent during the current period (see Exhibit A):

_____ (14) Number of Hours

b. at the hourly rate of:
(Attach, as Exhibit B, a copy of the order of appointment fixing hourly rate.)

\$_____ per hour

c. for total compensation² of:

_____ (15) Total Compensation

5. I request reimbursement for disbursements in the amount of: \$_____.

WHEREFORE, I respectfully request that the Court grant fair and reasonable compensation, plus reimbursement for disbursements, for a total award of: \$_____.

DATED: _____

Signature: _____

Print Name: _____

Address: _____

Phone/FAX: _____ / _____

Email: _____

²Compensation, *excluding disbursements*, is the amount to be entered in item 15 of UCS 875 (Statement of Approval of Compensation).

Court: _____
County: _____

X

Title of Action/Proceeding

ORDER APPROVING
LAW GUARDIAN
COMPENSATION

INDEX NO. _____ / _____
No. Yr.

X

Name of Judge: _____:

Upon the order of this Court, dated _____, 20 , appointing as Law
Guardian:

Name: _____

Address: _____

Phone/FAX: _____ / _____

Email: _____,

and upon his/her affirmation of services, dated _____, 20 , it is

ORDERED that the Law Guardian's compensation is approved in the amount of
\$ _____, plus disbursements in the amount of \$ _____, for
a total of \$ _____;

ORDERED that the parties shall be liable for the approved compensation and
reimbursement for disbursements in the following percentages:

Plaintiff/Petitioner _____ %: for a total of \$ _____,

Defendant/Respondent _____ %: for a total of \$ _____;

ORDERED that the foregoing percentages are (*Mark "X" in box (a) OR (b)*)

a. as established by the order of appointment;

b. as otherwise determined by the Court;

ORDERED that (*Enter "None" if no credit is given.*)

a. Plaintiff/Petitioner is credited \$ _____ for payments made;

b. Defendant/Respondent is credited \$ _____ for payments made;

ORDERED that within 10 days of service of a copy of this order (*Mark "X" in appropriate box(es), and enter dollar amount for item(s) marked.*)

a. Plaintiff/Petitioner shall pay Law Guardian \$ _____

b. Defendant/Respondent shall pay Law Guardian \$ _____

c. Law Guardian shall pay Plaintiff/Petitioner \$ _____

d. Law Guardian shall pay Defendant/Respondent \$ _____

DATED:

Judge

Attorney for Plaintiff/Petitioner:

Attorney for Defendant/Respondent::

Name: _____

Name: _____

Address: _____

Address: _____

Phone/FAX: _____ / _____

Phone/FAX: _____ / _____

Email: _____

Email: _____