

**NEW PRIVATELY PAID LAW GUARDIAN APPOINTMENT PROCESS  
EFFECTIVE JANUARY 1, 2004**

A new privately paid law guardian appointment process will become effective January 1, 2004, in the three Appellate Division Departments where authorized (First, Second and Fourth). The new process was developed to conform privately paid law guardian appointments with the provisions of Part 36 of the Rules of the Chief Judge. It requires the use of three official forms: an order of appointment, affirmation of services and order approving compensation. The new process maintains prior practice which allowed law guardians to draw down on retainers and pay themselves from billing receipts without further order of the court. It adds a final order of compensation which, in approving the total award for services, could order the parties to pay a net amount due, or direct the law guardian to reimburse the parties for monies collected in excess of the total award.

**What Counts for the \$50,000.00 Cap?**

The new process applies:

- **If the law guardian appointment was made on or after June 1, 2003**
- **And the appointment continues after January 1, 2004.**

No compensation awards made, or money collected, in 2003 will limit appointments in 2004. Compensation awards in 2004 for law guardian appointments made on or after June 1, 2003, will be included in the calculation of the “\$50,000.00 cap” for 2005 (§ 36.2 (d)(2)).

The **Law Guardian Forms** are in a PDF “fillable” format, which enables the user to complete the forms on-line by entering requested information in all blank spaces. Adobe Acrobat Reader is required for access to these documents.

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