

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
OF FLORIDA

**ADMINISTRATIVE ORDER NO.:**  
**05-32 AMENDED**  
**SUPERSEDES 05-32**

**IN RE: ATTORNEYS - COMPENSATION FOR COURT-APPOINTED COUNSEL IN THE  
EIGHTEENTH JUDICIAL CIRCUIT - JUVENILE DEPENDENCY (JULY 1,  
2005 - DECEMBER 31, 2005)**

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**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 July 1, 2005 until December 31, 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, 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 July 1, 2005 until December 31, 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, except for attorneys specifically appointed by the Dependency Court Judge to temporarily represent parents in dependency shelter hearings which shall be compensated at a rate of \$150.00 per day inclusive of costs.

**BILLING OF FEES AND COSTS**

6. Attorneys appointed in juvenile dependency cases may bill and shall be compensated for payment of attorney's 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 shall bill and be compensated for payment of attorney's fees in accordance with the policies and procedures as set forth by the Justice Administrative Commission.

**COST REIMBURSEMENT**

7. Attorneys appointed in juvenile dependency cases may bill, and upon billing, shall be reimbursed for the following costs: out-of-office copy reimbursement in the amount of the actual amount expended and long distance call reimbursement in the amount of the actual amount expended. These costs will be reimbursed according to the Justice Administrative Commission's policies and procedures. No fax charges (other than long distance), in-office copying, or postage costs will be reimbursed.

**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.

DONE AND ORDERED this 7th day of July, 2005.

KERRY I. EVANDER  
KERRY I. EVANDER  
CHIEF JUDGE

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