

Amendment to HB 1775

1 Amend RSA 461-A:16, IV-V as inserted by section 1 of the bill by replacing them with the following:

2  
3 IV. When a guardian ad litem is appointed pursuant to this section, the court shall  
4 establish a maximum fee for the appointment ***in accordance with this section.*** ~~[The guardian ad~~  
5 ~~litem may exceed the maximum fee for the appointment, or additional fees may be authorized, only~~  
6 ~~with the prior approval of the presiding judge and when all parties have been notified. The fees for~~  
7 ~~services for the guardian ad litem and others utilized by the guardian and approved by the court~~  
8 ~~shall be a charge against the parties in a proportional amount as the court may determine.]~~

9 ***(a) When appointing a guardian ad litem to be paid from a state fund, the***  
10 ***court shall establish an hourly rate and a maximum fee for the appointment, which shall***  
11 ***not exceed the hourly rate and maximum fee established by court rule for abuse and***  
12 ***neglect cases. The state fund for guardian ad litem fees shall be available only to a party***  
13 ***whose income is 200 percent or less of the federal poverty level.***

14 ***(b) When appointing a guardian ad litem to be paid directly by the parties, the***  
15 ***hourly rate and maximum fee for the appointment shall be established by written***  
16 ***agreement between the guardian ad litem and the parties. The hourly rate shall be not***  
17 ***more than twice the rate for state fund cases and shall not exceed 23 hours, unless the***  
18 ***parties agree otherwise. The fees for services of the guardian ad litem and others utilized***  
19 ***by the guardian and approved by the court shall be a charge against the parties in a***  
20 ***proportional amount, as determined by the court. In determining the responsibility for***  
21 ***payment or repayment, the court shall consider:***

22 ***(1) The income of the parties;***

23 ***(2) The marital or nonmarital assets of the parties;***

24 ***(3) The division of property made as part of the final divorce, if applicable;***

25 ***(4) Which party requested appointment of the guardian ad litem; and***

26 ***(5) Other relevant factors.***

27 V. ~~[For good cause shown, the court may waive the requirements of paragraph I. Good~~  
28 ~~cause shall not include the lack of ability to pay by either party.]~~ ***The guardian ad litem shall***  
29 ***not exceed the maximum fee for the appointment, or provide services, without prior***  
30 ***approval from the court, after a hearing. If the parties agree to the guardian ad litem's***  
31 ***request to exceed the maximum fee, the hearing may be waived.***