

# Legislative Analysis



## COUNTY LAWYER-GUARDIAN AD LITEM FUND

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### House Bill 6345

**Sponsor: Rep. Alexander C. Lipsey**

**Committee: Judiciary**

**Complete to 11-29-04**

### A SUMMARY OF HOUSE BILL 6345 AS INTRODUCED 11-10-04

The bill would amend the Revised Judicature Act to increase the fee for filing a motion and direct the money collected from the fee increase to county lawyer-guardian ad litem funds. Currently, the fee to file a motion in circuit court is \$20. The bill would increase this fee to \$40. The extra \$20 would be transmitted by the court clerk to the county treasurer for deposit in the lawyer-guardian ad litem fund.

Under the bill, each county would establish a lawyer-guardian ad litem fund. The county treasurer would be responsible for directing the fund's investment; any interest and earnings from fund investments would be credited to the fund. Money in each fund would not lapse to the county general fund.

Appropriations would be made from the fund by the county board of commissioners to compensate lawyer-guardians ad litem for visiting juvenile clients as required by Section 17d (1)(d) of the Probate Code; excess funds could be used to compensate the lawyer-guardians ad litem for additional responsibilities as required by Section 17d (1)(e).

[Section 17d (1)(d) of the Probate Code requires a lawyer-guardian ad litem to meet with and observe the child, assess his or her needs and wishes with regard to the representation and the issues in the case, review the agency case file, and consult with the child's parents, foster care providers, guardians, and caseworkers. This must be done before each proceeding or hearing. Section 17d (1)(e) requires a lawyer-guardian ad litem to explain to the child the lawyer-guardian ad litem's role.]

Money that was transmitted to the fund under the bill's provisions would supplement and not supplant other money appropriated by the county for lawyer-guardian ad litem functions described in Section 17d of the Probate Code as measured by the highest amount appropriated by the county for those functions in either the current fiscal year or the two previous fiscal years.

MCL 600.2529

### FISCAL IMPACT:

According to the State Court Administrative Office, the \$10 of each \$20 circuit court motion fee that is allocated to the state generates about \$2.0 million in revenue annually.

Doubling the circuit court motion fee to \$40 and allocating \$20 to a guardian ad litem fund in each county could generate as much as \$4.0 million statewide for those funds. However, the amount of revenue generated by the bill could be affected by the extent to which judges waived all or portions of the fee, and by the extent to which litigants utilized Michigan Court Rule 2.119, which requires a single motion fee to be charged for all motions filed at the same time in an action.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.