



FEE APPLICATIONS IN AND/TPR CASES

1. AOC-G-200 CHANGES: Effective December 1, 2020, there is a revised fee application for abuse/neglect/dependency and termination of parental rights (AND/TPR) cases. Fee applications for AND/TPR cases disposed on or after December 1, 2020 must be submitted on the revised fee application.

2. WHY THERE ARE CHANGES: Policy changes at the federal level now allow IDS to receive partial reimbursement of the costs of attorneys representing parents in AND/TPR cases. Through collecting additional information from the fee applications, IDS will be able to identify which attorney costs are eligible for partial reimbursement.

3. USE OF NEW FUNDS: The new funds must be used to increase high quality legal representation for indigent parents in AND/TPR cases. Subject to the amount of funds received, options include increased access to training, access to multidisciplinary representation and increasing hourly rates and contract payments.

4. BILLING PRACTICES:

- a. Always include your email address.
- b. Submit fee applications at each stage of the case:
 - i. After the initial disposition hearing,
 - ii. After each completed review or permanency planning hearing (not after a continuance), and
 - iii. after the completion of any TPR proceeding.

TPRs: Attorneys must note whether the TPR was initiated by DSS or a private party.

5. NEW LANGUAGE ON FEE APPLICATION: These are the additional questions that must be answered on an AND/TPR fee application.

On beginning date, was at least one child of your client in DSS' custody? (NOTE: Applicant must indicate yes or no.) Yes No

At the start of the last proceeding, was at least one child of your client in DSS' custody? (NOTE: Applicant must indicate yes or no. You should indicate yes even if the court removed custody from DSS.) Yes No

Attorneys should remember the following:

- "Beginning date this fee request" is the date appointed or the date immediately following the conclusion of the last hearing.
- "Ending date this fee request" is the date the hearing ended for which the attorney is billing. Time spent after the hearing date should go on the next fee application.
- "Last proceeding" is the hearing for which you are billing.
- Attorneys should bill for all time through the end of a hearing, but it is the status of the child(ren) at the beginning of the hearing that is recorded on the fee application.

Examples are on page 2.

EXAMPLES:

1. CLIENT CLARENCE. Clarence has 2 children. DSS files a petition and obtains nonsecure custody of both children. At the initial disposition, the court orders both children to remain in DSS' custody. You are billing for your time through the initial disposition hearing.

Fee Application: both boxes are checked yes because at least 1 child was in DSS' custody from the time you began working on the case up to the beginning of the initial disposition hearing.

1.a CLIENT CLARENCE. At the first review hearing after initial disposition, the court orders both of Clarence's children to be placed in the custody of Clarence (or anyone other than DSS). You are billing for your time from after the initial disposition through this next hearing.

Fee Application: both boxes are checked yes because the children were in the custody of DSS after the initial disposition hearing and at the beginning of the review hearing (even though custody changed at the end of the review hearing).

2. CLIENT CIARA. Ciara has 2 children. DSS files a petition and obtains nonsecure custody of both children. At initial disposition, 1 of the children is placed in her father's custody and the other child remains in DSS' custody. You are billing for your time through the initial disposition hearing.

Fee Application: both boxes are checked yes because at the beginning of the initial disposition hearing, both children were in DSS' custody.

3. CLIENT CHRISTINA. Christina has 3 children. All were placed in DSS' custody when the AND petition was filed. At the initial disposition, the court gave custody of all 3 children back to Christina but ordered a review hearing. At the review hearing, all 3 children are placed back in DSS' custody. You are billing for your time beginning after the initial disposition through the review hearing.

Fee application: both boxes are checked no. None of the children were in DSS' custody after the initial disposition and none were in DSS' custody at the beginning of the review hearing.

3.a. CLIENT CHRISTINA. Same initial facts as above but between the initial disposition and the review hearing, DSS filed for and received custody of 1 of the children. At the review hearing, 2 children remain in Christina's custody and 1 child remains in DSS' custody. You are billing for your time beginning after the initial disposition through the review hearing.

Fee Application: the first box is checked no, and the second box is checked yes. After the initial disposition hearing, none of the children were in DSS' custody. At the beginning of the review hearing, 1 of the children was in DSS' custody.

3.b. CLIENT CHRISTINA. At the PP hearing following 3.a's review hearing, the 3rd child was returned to Christina's custody.

Fee Application: both boxes are checked yes. At least one child was in DSS' custody after the review hearing to the start of the PP hearing.

ANY QUESTIONS: If the court or an attorney has any questions regarding the revised fee application, contact:

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