



STATE OF ALABAMA
Department of Finance
Office of the Director

State Capitol, Suite N-105
Montgomery, Alabama 36130
Telephone (334) 242-7160 Fax (334) 353-3300
www.finance.alabama.gov



Kay Ivey
Governor


Bill Poole
Director of Finance

Christopher Roberts
OIDS Director

MEMORANDUM

DATE: August 31, 2023

TO: All Indigent Defense Attorneys

FROM: Chris E. Roberts 
Director, Office of Indigent Defense Services

RE: Act# 2023-368

The 2023 Alabama Legislature passed Act #2023-368 which becomes effective September 1, 2023. The Act establishes a new fee maximum for guardians ad litem in dependency matters. The new maximum is available in incremental amounts at certain time periods set forth in the Act. To assist the Office of Indigent Defense Services (OIDS) in efficient claim processing and provide attorneys guidance on the statute, the following information should be reviewed prior to claim submission:

- 1) The act applies to appointments as guardians ad litem for a child in dependency and termination of parental rights matters made on or after September 1, 2023. Cases with appointment dates prior to September 1, 2023 are governed by the prior statute and applicable fee maximum even if work continues in that matter after September 1, 2023.
- 2) When counsel activates the case for billing at aidcc.alabama.gov, please ensure the correct appointment date is entered. The date entered by counsel will be used to calculate the initial 18-month period and each subsequent 12-month period for applicable fee maximum increases. Prior to initial submission for court certification, counsel may adjust the appointment date by going to the "Edit Case Information" tab and entering the corrected date. OIDS is not able to adjust the appointment date entered by counsel following activation of the claim.

- 3) Upon claim activation, please ensure correct selection of the party represented. Counsel should select "GAL for child" from the option list in the "Appointed to Represent" field to ensure application of the new case maximums in the AIDCC system.
- 4) Counsel may submit an interim claim prior to 18 months after appointment if a final adjudication of dependency has been entered. Once an interim claim has been submitted, the time period covered within that claim will be closed to subsequent billing. For example, if an attorney is appointed as a GAL for a child in a dependency matter on September 1, 2023, receives a final adjudication of dependency and submits an interim claim on September 1, 2024, no subsequent claim may contain work in the period covered in the initial billing, i.e., September 1, 2023 through September 1, 2024.
- 5) Act#2023-368 provides incremental increases to fee maximums at designated time periods with a total fee maximum not to exceed \$5,000. Specifically, the Act provides \$2,500 for the initial 18 months after appointment, then additional increments of \$1,000 each twelve months thereafter up to the maximum of \$5,000. Work performed after a time period covered in an interim claim will be accepted provided the subsequent claim is submitted by counsel within a designated period permitting a fee increase. For instance, in the above example, the attorney's interim claim submitted on September 1, 2024 for \$2,500 is paid thus exhausting the initial \$2500 receipt maximum for the 18 month period following appointment. Work performed after September 1, 2024 would be accepted in future billings provided the claim was submitted during a time period covered by one or more of the \$1,000 incremental increases.
- 6) Counsel is not required to submit an interim claim in dependency and termination of parental rights cases. Pursuant to Act# 2023-368, any applicable fee not fully received in the designated time period may be carried over until final disposition, the appointment as GAL ends or the total fee reaches \$5,000, whichever occurs first.
- 7) Should an attorney's interim claim exceed the incremental, statutory maximums established in Act# 2023-368, recourse for the overage will be governed by OIDS Administrative Rule 355-9-1-.05 available at <https://finance.alabama.gov/media/2ksjdzw0/oidsadmrules.pdf>.