



Maryland Legal Services Program
Court Appointed Attorney Program

2016 Payment Policy

**CHILD IN NEED OF ASSISTANCE AND TERMINATION
OF PARENTAL RIGHTS (CINA/TPR) ADULT
PROTECTIVE SERVICES AND ADULT PUBLIC
GUARDIANSHIP REVIEW BOARD HEARINGS (APS/APGRB)**

**Section: CINA/TPR
COMAR 07.01.13.06**

**APS/APGRB
COMAR 07.01.13.07**

Approval Authority: Audre Davis, Director
Maryland Legal Services Program
Department of Human Resources
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Baltimore, Maryland 21201

The Maryland Legal Services Program (MLSP) has revised its Court Appointed Attorney Program (CAAP) Payment Policy to reflect changes as it pertains to quality representation to Maryland's most vulnerable population. **Effective February 1, 2013**, the following guidelines should be followed as it pertains to billing MLSP.

CAAP Hourly Rate

The CAAP hourly rate for representation is \$75.00 per hour. Please ensure that you use this hourly rate on your Payment Invoice Forms, detailed billing statements, Petition for Attorney Fees, and draft Orders submitted to the Court. This will ensure that your payments are processed in a timely manner and not sent back to your office for correction. In addition, please note that a memorandum regarding the CAAP hourly rate and a sample order is being sent to the administrative judges for the Circuit Courts for distribution to the Circuit Court judges and as a reminder of the CAAP hourly rate.

Payment Invoice Form Due Date

Effective February 1, 2013, all Payment Invoice Forms are due on the 1st business day of the month. In an effort to process invoices in an efficient and timely manner, MLSP is requesting that all CAAP attorneys comply with the due date for invoices. In addition, MLSP has established an internal policy that all invoices will be processed within five (5) business days of receipt. Having a due date for the CAAP invoices will enable MLSP to process the invoices within the five (5) business day policy.

Request for Payment Invoice Form

A completed MLSP 2016 Request for Payment Invoice Form shall be forwarded to MLSP for every client for whom you have rendered legal services, following each hearing. If more than one child client is represented at a CINA hearing, attorneys should include the name, date of birth, and gender of the client on the form. The federal identification number or social security number (as reported to the Internal Revenue Service) is required for the CAAP attorney to whom payment will be made, along with an original signature in any color ink except black. The 2016 forms are mandatory for state monitoring and audit purposes. You must use the current calendar-year Request for Payment Invoice Form (i.e. 2015 Payment Invoice Form). The use of a different form may result in your payment invoice being returned to your office for correction.

Per COMAR 07.01.13.07, upon completion of an adult guardianship or protective services case under Maryland Annotated Code, Estates and Trusts Article §§13-705 or 13-709, or Maryland Annotated Code, Family Law Article §§14-402(a)(5) and 14-404(c)(2)(ii), and per COMAR 07.01.13.06, upon completion of a CINA/TPR case under the Courts and Judicial Proceedings Article §3-813 and Maryland Annotated Code, Family Law Article §5-323, the Court-Appointed Attorney shall submit request for payment to the Director of MLSP.

It is MLSP's policy that all requests for payment shall be submitted for payment after **each hearing date on the 1st business day of the following month** (e.g. if the hearing date occurred on January 10th, your invoice should be submitted on February 1st—the first business day of the following month), and within the fiscal year the hearing occurred.

Late Payment Invoice Forms

Effective February 1, 2013, Payment Invoice Forms submitted with work activity more than two months past the previous fiscal year will be reduced to an hourly rate of 50% of the normal hourly billing rate (from \$75.00 to \$37.50) (e.g. if a client's hearing was on May 1st, and you submit the work activity on a Payment Invoice Form on September 1st, the hourly rate will be reduced to \$37.50). Payment Invoice Forms submitted two fiscal years after the work activity will be reduced to an hourly rate of 75% of the normal hourly billing rate (from \$75.00 to \$18.75). Payment Invoice Forms submitted three or more fiscal years after the work activity will be reduced to an hourly rate of \$10.00. **Please note that attorneys will not be penalized for any court delay for approving Petitions for Attorney Fees and signing of the respective Order.**

Please note that as of March 1, 2013, all invoices that do not follow this payment procedure policy will be immediately sent back to you for correction before they will be processed.

Documentation to Include with the Payment Invoice Form

To ensure payment of all invoices, the following documents must be included with your Payment Invoice Form due on the 1st business day of the month:

- **Copy of Fee Petition (Per COMAR 07.01.13.06 and 07.01.13.07):** All CAAP attorneys shall include the following in their Fee Petition:
 - Date appointed by the Court;
 - Name and contact information of the attorney/firm representing the client;
 - Case Type: Shelter Care Hearing; Adjudication; APGRB, Guardianship, etc.;
 - Name of local Department of Social Services or Department on Aging that was party to the case;
 - Time frame and hours that the attorney spent in trial and non-trial activities, separately specified; and
 - Court's determination and award of reasonable fees to the attorney at the CAAP hourly rate of \$75.00.
- **Attached is a sample Petition for Counsel Fees for your convenience.**
- **Certificate of Service:** Attorneys shall provide service to Audre Davis, Esq., Director of MLSP, as well as the attorney who represented the State.
- **Court Appointment Order:** Attorneys shall submit a true-trust copy of this document (a copy of the true-trust copy is acceptable) with each CINA/TPR, APS/APGRB CAAP invoice.

- **Court Order for Payment of Fees:** All CAAP attorneys shall include the following in their draft Orders for Payment of Fees:
 - Attorney's name, law firm, and address must be included in the Court Order;
 - Client's name and date of birth;
 - Amount of requested attorney fees;
 - Time frame and hours that the attorney spent on the case; and
 - CAAP hourly rate of \$75.00.
 - **Attached is a sample Order for your convenience.**
- **Detailed Case Activity Log & Itemized Bill:** Attorneys shall include all hearing and non-hearing hours spent on cases and provided a detailed explanation of each activity conducted on behalf of the client. (See attached sample.) The date and the time spent conducting the activity should be indicated and must be a reasonable expectation of time. **MLSP does not permit billing for the following:**
 - Court wait time;
 - Time spent preparing CAAP invoices;
 - Travel time
 - Costs associated with out-of-state travel (e.g. hotels, car rentals, plane tickets, meals, etc.)
- **MLSP Request for Payment Invoice Form:** This form should be fully completed and signed in any ink color other than black.

MLSP Client Visit Policy

There will be a payment cap at one (1) hour for all client visits and interviews. A detailed account and itemized breakdown is required for all interviews exceeding the allotted time, and for visits that include sibling groups. (e.g. John Doe - .75, Jane Doe - .75, Caretaker interview – 1.0). **Siblings housed in different placements** will count as client interviews under the same guidelines and will be allowed up to one (1) hour.

Siblings placed in the same placement will bill client interviews as follows:

- **Two siblings:** Maximum billed for a client interview(s) is 1.75 hours total for both interviews.
- **Three siblings:** Maximum billed for a client interview(s) is 2.5 hours total for all three interviews.
- **Four or more siblings:** Maximum billed for a client interview(s) is 3.0 hours total for all four interviews.

MLSP Court Representation Policy

MLSP does not cap court hearings and will allow the actual time spent at a hearing to be submitted for payment. However, please note all requests for payment for trial time exceeding one (1) hour shall be documented with details in the itemization of your bill. (See attached sample.)

MLSP Mileage Reimbursement Policy

The current reimbursement rate for mileage for client visits is at a rate of \$0.540 per mile **effective January 1, 2016** (July 1, 2012 - Dec 31, 2013 at \$0.565 per mile, Jan 1, 2014 – Dec 31, 2015 at \$0.575 per mile). **MLSP has created a Mileage Reimbursement Form for your convenience.** Please use this form for any mileage reimbursement and attach it with your detail and itemized billing statement and Payment Request Form.

However, **effective February 1, 2013**, mileage reimbursements for travel activity more than two months past the previous fiscal year will be reduced \$0.275 per mile (e.g. if you traveled 84 miles to

see a client on May 1st, but you do not submit your mileage reimbursement until September 1st, you would be paid \$23.10 (84 x 0.275) instead of \$47.46 (84 x 0.565). Travel and Mileage Reimbursements submitted two or more fiscal years after the travel activity will be reduced to \$0.10 per mile.

Please note: It is the responsibility of the attorney to effectively monitor and manage mileage reimbursement so that it is not excessive. (i.e., travel to Southern Maryland three times in a week when all tasks could have been accomplished in one visit). MLSP reserves the right to refuse mileage reimbursement that is deemed excessive.

MLSP Hourly Billing Policy

When submitting invoices please calculate time spent on cases as hundredths of an hour and multiply by the CAAP Hourly Rate of \$75.00 (e.g. 10 minutes equals .17 x \$75 = \$12.75, 15 minutes equals .25 x \$75 = \$18.75.) We have provided a conversion chart below for your convenience.

Minutes	Hundredths	Rate	Total
5	.08	\$75	\$6.00
10	.17	\$75	\$12.75
15	.25	\$75	\$18.75
20	.33	\$75	\$24.75
25	.42	\$75	\$31.50
30	.50	\$75	\$37.50
35	.58	\$75	\$43.50
40	.67	\$75	\$50.25
45	.75	\$75	\$56.25
50	.83	\$75	\$62.25
55	.92	\$75	\$69.00
60	1.0	\$75	\$75.00

Fiscal Year Billing

MLSP’s budget runs on a fiscal year from July 1st-June 30th. As of July 1, 2013 (FY 14), CAAP payment invoices will move from a calendar year invoice to a fiscal year invoice. This will allow MLSP to better monitor the CAAP budget and prevent cross-fiscal year billing.

Please Note: As of March 1, 2013, all invoices not adhering to ANY of the policies referenced above will be returned to your office and will not be processed until resubmitted following the above-referenced policies.

Should you have any questions regarding MLSP’s Payment Procedures, please contact the office at 410-767-7858. Thank you for continuing to provide critical legal services to Maryland’s most vulnerable children and adults.