

**ASSEMBLY AMENDMENT 106,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representative RICHARDS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 565, line 4: after that line insert:

3 “**SECTION 1497p.** 48.235 (8) (a) of the statutes is amended to read:

4 48.235 **(8)** (a) A guardian ad litem appointed under this chapter shall be
5 compensated at a rate that the court determines is reasonable, except that, if the
6 court orders a county to pay the compensation of the guardian ad litem under par.
7 (b) or (c) 2., the amount ordered may not exceed the compensation payable to a
8 private attorney under s. 977.08 (4m) (b), 1999 stats.”.

9 **2.** Page 1184, line 3: after that line insert:

10 “**SECTION 3780c.** 757.48 (1) (b) of the statutes is amended to read:

11 757.48 **(1)** (b) The guardian ad litem shall be allowed reasonable compensation
12 for his or her services such as is customarily charged by attorneys in this state for

1 comparable services. If the court orders a county to pay the compensation of the
2 guardian ad litem, the amount ordered may not exceed the compensation paid to
3 private attorneys under s. 977.08 (4m) (b), 1999 stats. If the attorney of record is also
4 the guardian ad litem, the attorney shall be entitled only to attorney fees and shall
5 receive no compensation for services as guardian ad litem.”.

6 **3.** Page 1184, line 18: after that line insert:

7 “**SECTION 3780x.** 758.19 (6) (a) of the statutes is amended to read:

8 758.19 (6) (a) In this subsection, “guardian ad litem costs” means the costs of
9 guardian ad litem compensation that a county incurs under ch. 48, 55, 767, 880 or
10 938, that the county has final legal responsibility to pay or that the county is unable
11 to recover from another person and that does not exceed the per hour rate established
12 for time spent in court by private attorneys under s. 977.08 (4m) (b), 1999 stats.”.

13 **4.** Page 1186, line 25: after that line insert:

14 “**SECTION 3785p.** 767.045 (6) of the statutes is amended to read:

15 767.045 (6) COMPENSATION. The guardian ad litem shall be compensated at a
16 rate that the court determines is reasonable. The court shall order either or both
17 parties to pay all or any part of the compensation of the guardian ad litem. In
18 addition, upon motion by the guardian ad litem, the court shall order either or both
19 parties to pay the fee for an expert witness used by the guardian ad litem, if the
20 guardian ad litem shows that the use of the expert is necessary to assist the guardian
21 ad litem in performing his or her functions or duties under this chapter. If both
22 parties are indigent, the court may direct that the county of venue pay the
23 compensation and fees. If the court orders a county to pay the compensation of the
24 guardian ad litem, the amount ordered may not exceed the compensation paid to

1 private attorneys under s. 977.08 (4m) (b), 1999 stats. The court may order a
2 separate judgment for the amount of the reimbursement in favor of the county and
3 against the party or parties responsible for the reimbursement. The court may
4 enforce its orders under this subsection by means of its contempt power.”.

5 **5.** Page 1211, line 8: after that line insert:

6 “**SECTION 3851d.** 880.331 (8) of the statutes is amended to read:

7 880.331 **(8)** COMPENSATION. On order of the court, the guardian ad litem
8 appointed under this chapter shall be allowed reasonable compensation to be paid
9 by the county of venue, unless the court otherwise directs or unless the guardian ad
10 litem is appointed for a minor, in which case the compensation of the guardian ad
11 litem shall be paid by the minor’s parents or the county of venue as provided in s.
12 48.235 (8). If the court orders a county to pay the compensation of the guardian ad
13 litem, the amount ordered may not exceed the compensation paid to private
14 attorneys under s. 977.08 (4m) (b), 1999 stats.”.

15 **6.** Page 1214, line 15: after that line insert:

16 “**SECTION 3862b.** 891.39 (1) (b) of the statutes is amended to read:

17 891.39 **(1)** (b) In actions affecting the family, in which the question of paternity
18 is raised, and in paternity proceedings, the court, upon being satisfied that the
19 parties to the action are unable to adequately compensate any such guardian ad
20 litem for the guardian ad litem’s services and expenses, shall then make an order
21 specifying the guardian ad litem’s compensation and expenses, which compensation
22 and expenses shall be paid as provided in s. 967.06. If the court orders a county to
23 pay the compensation of the guardian ad litem, the amount ordered may not exceed
24 the compensation paid to private attorneys under s. 977.08 (4m) (b), 1999 stats.”.

1 **7.** Page 1223, line 4: after that line insert:

2 “**SECTION 3888p.** 938.235 (8) (a) of the statutes is amended to read:

3 938.235 **(8)** (a) A guardian ad litem appointed under this chapter shall be
4 compensated at a rate that the court determines is reasonable, except that, if the
5 court orders a county to pay the compensation of the guardian ad litem, the amount
6 ordered may not exceed the compensation payable to a private attorney under s.
7 977.08 (4m) (b), 1999 stats.”.

8 **8.** Page 1231, line 11: after that line insert:

9 “**SECTION 3929d.** 938.996 of the statutes is amended to read:

10 **938.996 Compensation.** Any judge of this state who appoints counsel or a
11 guardian ad litem pursuant to the provisions of the interstate compact on juveniles
12 may, in the judge’s discretion, allow reasonable compensation in an amount not to
13 exceed the compensation paid to private attorneys under s. 977.08 (4m) (b), 1999
14 stats., to be paid by the county on order of the court.”.

15 **9.** Page 1271, line 13: after that line insert:

16 “**SECTION 4032c.** 977.08 (4m) (a) of the statutes is amended to read:

17 977.08 **(4m)** (a) Unless otherwise provided by a rule promulgated under s.
18 977.02 (7r), for cases assigned before December 1, 1992, private local attorneys shall
19 be paid \$45 \$70 per hour for time spent ~~in court; \$35 per hour for time spent out of~~
20 ~~court~~ related to a case, excluding travel, ~~related to a case~~; and \$25 per hour for time
21 spent in travel related to a case if any portion of the trip is outside the county in which
22 the attorney’s principal office is located or if the trip requires traveling a distance of
23 more than 30 miles, one way, from the attorney’s principal office.

24 **SECTION 4032d.** 977.08 (4m) (b) of the statutes is repealed.

