

# Maryland Legal Services Program Court Appointed Attorney Program

## 2023 Electronic Payment Policy



### **LEGAL REPRESENTATION SERVICES FOR CHILDREN INVOLVED IN CHILD IN NEED OF ASSISTANCE (CINA), TERMINATION OF PARENTAL RIGHTS (TPR) AND RELATED PROCEEDINGS AND INDIGENT ADULTS INVOLVED IN ADULT PROTECTIVE SERVICES (APS) GUARDIANSHIP HEARINGS AND ADULT PUBLIC GUARDIANSHIP REVIEW BOARD (APGRB) HEARINGS**

**Program Section References : CINA/TPR  
COMAR 07.01.13.06**

**APS/APGRB  
COMAR 07.01.13.07**

**Approval Authority: Teminka Rawlings, Director**  
Maryland Legal Services Program  
Department of Human Resources  
311 W. Saratoga Street, Suite 254  
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 ensuring prompt and proper payments for legal services provided to Maryland's most vulnerable population. **Effective January 1, 2023**, the following guidelines should be followed as it pertains to invoicing 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 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 returned to your office for correction. In addition, please note that a memorandum regarding the CAAP hourly rate and a sample order has been provided to the administrative judges for the Circuit Courts for distribution to the Circuit Court judges and as a reminder of the CAAP hourly rate.

#### **Invoice Due Date**

**Effective January 1, 2023, all CAAP Invoices are due the following month after the hearing occurred.** To process invoices in a timely manner within the budgeted fiscal year, 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 thirty (30) business days of receipt. Having a due date for the CAAP invoices will ensure that the State fiscal year appropriated funds are available for payment processing. **The Contractor shall register and submit all invoices to the MLSP clerk using the MLSP electronic invoicing system:** <https://mlsp.dhr.state.md.us/MLSC/app/#/signIn>

#### **Invoicing**

**An electronic invoice must be submitted to MLSP for every client for whom you have rendered legal services, after 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 electronic 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 electronic signature.

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 §5-307, the Court-Appointed Attorney shall submit request for payment to the Director of MLSP by using the MLSP electronic invoicing system.

**All outstanding invoices should be submitted immediately.** As, it is MLSP's policy that **ALL** invoices shall be submitted for payment after **each hearing date by no later than the following month** (e.g. if the hearing date occurred on January 3<sup>rd</sup>, your invoice should be submitted by no later than February 28<sup>th</sup>), and within the fiscal year the hearing occurred.

### **Late Payment Invoice Forms**

Payment Invoice Forms submitted with work activity more than two months past the previous fiscal year may 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 1<sup>st</sup>, and you submit the work activity on a Payment Invoice Form on September 1<sup>st</sup>, the hourly rate will be reduced to \$37.50). Payment Invoice Forms submitted two fiscal years after the work activity may 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 may 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.**

**All invoices that do not follow this payment procedure policy will be rejected and returned to your firm for correction before processing.**

### **Documentation to Include with the Invoice Submission**

**To ensure payment of all invoices, the following documents Must be included with your Invoice:**

- **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.
  
- **Certificate of Service:** Attorneys shall provide service to Teminka Rawlings, MBA., 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.
- **Detailed Case Activity Log (computer generated):** Attorneys shall list all hearing and non-hearing hours spent on cases and provide 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 to Court; or**
    - **Costs associated with out-of-state travel (e.g. hotels, car rentals, plane tickets, meals, etc.)**

**MLSP Client Visit Policy**

The payment cap for client visits is (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.

**MLSP Mileage Reimbursement Policy**

The current reimbursement rate for mileage for client visits is at a rate of \$0.655 per mile **effective January 1, 2023**. Please submit the mileage reimbursement along with your detailed case activity.

**However, mileage reimbursements for travel activity more than two months past the previous fiscal year may be reduced \$0.275 per mile.** Travel and Mileage Reimbursements submitted two or more fiscal years after the travel activity may 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 appropriation is dispersed annually for the payment processing of invoices received during the fiscal year period of July 1<sup>st</sup> to June 30<sup>th</sup> of the following year. **ALL outstanding paper invoice submissions must be received by MLSP no later than January 31, 2023. Unless notified otherwise, invoices must be submitted using the electronic CAAP system. Invoices may be submitted via email if the CAAP system is unavailable for use.**

**Please Note: As of January 1, 2023, all invoices not adhering to ANY of the policies referenced above will be returned to your office and will not be processed.**

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 population.