

STATE OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER

New Hampshire Circuit Court – 2011-01
Judicial Branch Family Division – 2011- 06
New Hampshire District Courts – 2011- 04

In light of section 77 of HB 2, being voted on in the legislature this week, that will, if enacted, repeal the authority for the appointment of counsel for indigent parents in abuse and neglect cases under RSA chapter 169-C effective July 1, 2011, it is ordered as follows:

1. Between the date of this order and June 30, 2011, counsel shall continue to be appointed to represent an indigent parent only where mandated by RSA 169-C:10, II(a), i.e. in cases where an indigent parent is alleged to have neglected or abused his or her child.
2. Effective July 1, 2011, counsel shall not be appointed for indigent parents in abuse and neglect cases under RSA chapter 169-C.
3. Effective July 1, 2011, all appointments of counsel, including existing appointments, to represent indigent parents in abuse and neglect cases shall terminate upon the issuance of the dispositional order pursuant to RSA 169-C:19. Work performed by counsel after the issuance of the dispositional order shall not be approved for payment.
4. Effective July 1, 2011, the maximum fee cap of \$1700, pursuant to Supreme Court Rule 48, shall not be exceeded or authorized without the written approval of the Administrative Judge of the Circuit Court. All such requests to exceed the maximum fee guidelines must be submitted to the trial court prior to the guidelines being exceeded and include a specific articulation of good cause and exceptional circumstances as required by Rule 48. No such request will be considered for final approval by the Administrative Judge absent an express finding of good cause and exceptional circumstances by the trial judge. Moreover, no petition to exceed the maximum fee guidelines approved by the trial judge after the guidelines have been exceeded will be approved by the Administrative Judge absent a statement as to why justice requires a waiver of the requirement for prior approval.

Dated: June 21, 2011

/s/ Edwin W. Kelly
Edwin W. Kelly
Administrative Judge