



CODY HENSON

Judge

Burnet County Court at Law

220 S. Pierce St. | Burnet, TX 78611

POLICY MEMORANDUM

MEMORANDUM

TO: All Counsel Practicing in the Burnet County Court at Law
FROM: Cody Henson, Judge Presiding
RE: Probate Procedures for Ad Litem

PROBATE PROCEDURES FOR ATTORNEYS AD LITEM

Base Fee

Effective immediately, the base fee for court-appointed Attorneys Ad Litem in probate matters is set at \$500.00. The base fee must be paid after filing but before requesting a setting. The e-filing system will not accept payment of this fee. Counsel must contact the County Clerk's Office directly to arrange payment. No hearing will be scheduled until the base fee has been paid.

Requests for Fees in Excess of Base Amount

The \$500.00 fee constitutes the base compensation for routine services. Any request for fees in excess of the base amount should first be addressed with the filing attorney. If the filing attorney agrees to an additional fee, the Ad Litem is not required to appear at a hearing solely on the issue of additional compensation. In such instances, the proposed order must directly address the additional fee and payment of the agreed *additional amount* shall be obtained directly from the filing attorney.

If the parties do not agree to an additional fee request, any request for fees in excess of the base amount will be addressed at the hearing and must be supported by:

- A showing of good cause, and
- A proper prove-up, including sufficient detail to justify the additional time and expense requested.



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Appearance Requirements

An Ad Litem is not required to appear at a hearing if:

- An answer has been filed;
- A written report has been filed;
- The Ad Litem is in agreement with the allegations and relief requested in the petition; and
- The standard Ad Litem fee is requested, or any additional fee has been agreed to and is expressly delineated in the proposed order.

If the Ad Litem disagrees with the allegations or requested relief, the Ad Litem should make reasonable efforts to consult with the filing attorney prior to any setting in order to resolve discrepancies where possible. If the issues cannot be resolved, the Ad Litem should be prepared to appear at the hearing and present the basis for the disagreement.

Payment of Base Fees and Discharge

Base Ad Litem fees will be mailed directly to the Ad Litem by the County Clerk's Office upon entry of a final order discharging the Ad Litem. All proposed orders submitted to the Court must contain language expressly discharging the Ad Litem and ordering payment of fees.

These procedures are intended to promote efficiency, reduce unnecessary settings, and ensure proper compensation practices in probate matters.

Thank you for your continued service to Burnet County.

Regards,

Cody Henson

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