

CAUSE NO. 23C1

ADMINISTRATIVE ORDER § IN THE COUNTY COURT
 §
LOCAL ORDERS FOR PROBATE AND §
GUARDIANSHIP MATTERS § OF
PENDING IN COUNTY COURT AND §
IN COMPLIANCE WITH TEXAS §
ESTATES CODE §53.104 AND §1054.001 § SAN JACINTO COUNTY, TEXAS

**STANDING ADMINISTRATIVE ORDER SETTING AN AD LITEM
DEPOSIT IN PROBATE & GUARDIANSHIP CASES**

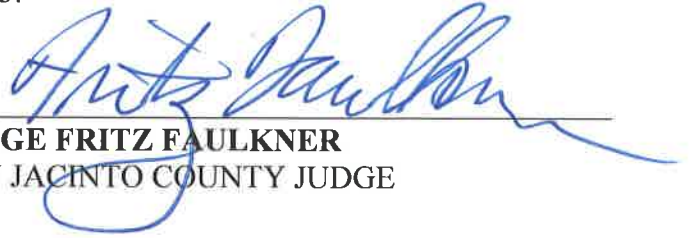
On this day, San Jacinto County Court (the "Court") considered in chambers, the issues surrounding attorney ad litem fees. It is the Court's duty to ensure that estates of decedents and wards pay only for "reasonable and necessary" attorney's fees and expenses, including the fees and expenses of an attorney ad litem. See Texas Estates Code §§ 53.104 and 1054.001. The factors to be considered in determining the reasonableness of attorney's fees are set forth in Rule 1.04 of the Texas Rules of Professional Conduct. One factor is the customary hourly rates of attorneys with similar education and skills performing similar services. The Court recently studied these rates and the issues surrounding payment of attorney ad litem. Therefore, the Court finds that the ad litem deposit is required for the services of an attorney ad litem.

It is THEREFORE ORDERED and DECREED that unless an affidavit of indigency is filed with an application, effective June 1, 2023, each application filed thereafter requiring the appointment of an attorney ad litem will be required to deposit into the registry of the Court \$400 toward the services of the attorney ad litem. The following applications or motions require an ad

litem deposit: Application for Appointment of Guardian, Application for Appointment of Temporary Guardian, Application for Appointment of Independent/Dependent Administrator and Determination of Heirship, Application for Determination of Heirship, Application for Sale of Property of a Minor by a Parent or a Ward without Guardianship of the Estate and/or an Application for Attorney Ad Litem.

IT IS FURTHER ORDERED AND DECREED that the ad litem deposit will be used as payment of the Court ordered Attorney Ad Litem fees in the above referenced cases. If the court orders payment of less than \$400.00, the excess will be refunded to the applicant. If the Court orders payment of more than \$400.00, the order will indicate how the additional fee will be paid. Upon order of this Court, the San Jacinto County Clerk's Office shall release the ad litem deposit, minus any interest accumulated, as outlined in the Court's order. Any interest accumulated from the ad litem deposit will be returned to the applicant or upon request of the applicant, deposited into the San Jacinto County General Fund.

SIGNED on this the 26th day of May, 2023.



JUDGE FRITZ FAULKNER
SAN JACINTO COUNTY JUDGE

FILED FOR
RECORD
2023 MAY 26 AM 11:24
Debra Wright
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS