# A BILL

TO AMEND SECTION 63-3-850, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPENSATION OF A GUARDIAN AD LITEM, SO AS TO PROVIDE A PARTY WHO IS INDIGENT MAY NOT BE REQUIRED TO PAY A GUARDIAN AD LITEM FEE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑3‑850 of the 1976 Code, as redesignated by Act 361 of 2008, is amended to read:

“Section 63‑3‑850. (A) At the time of appointment of a guardian ad litem, the family court judge must set forth the method and rate of compensation for the guardian ad litem, including an initial authorization of a fee based on the facts of the case. A party who is indigent may not be required to pay a guardian ad litem’s fee. If the guardian ad litem determines that it is necessary to exceed the fee initially authorized by the judge, the guardian must provide notice to both parties and obtain the judge’s written authorization or the consent of both parties to charge more than the initially authorized fee.

(B) A guardian appointed by the court is entitled to reasonable compensation, subject to the party’s ability to pay and review and approval of the court. In determining the reasonableness of the fees and costs, the court must take into account:

(1) the complexity of the issues before the court;

(2) the contentiousness of the litigation;

(3) the time expended by the guardian;

(4) the expenses reasonably incurred by the guardian;

(5) the financial ability of each party to pay fees and costs; ~~and~~

(6) whether a party is indigent; and

~~(6)~~(7) any other factors the court considers necessary.

(C) The guardian ad litem must submit an itemized billing statement of hours, expenses, costs, and fees to the parties and their attorneys pursuant to a schedule as directed by the court.

(D) At any time during the action, a party may petition the court to review the reasonableness of the fees and costs submitted by the guardian ad litem or the attorney for the guardian ad litem.”

SECTION 2. This act takes effect upon approval by the Governor.

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