

**Department of Children and Family Services
Office of Legal Services**

**Statewide Adoption Attorney Panel
2020 Acknowledgment and Agreement**
(4/8/2020)

Attorney's name: _____

I, the above-named attorney, attest that I am licensed to practice law in the State of Illinois, and that I have never been subjected to discipline by the Illinois Attorney Registration and Disciplinary Commission or in any other state. I am not currently the subject of a formal complaint by the Illinois Attorney Registration and Disciplinary Commission (ARDC).

As a member of the Statewide Adoption Attorney Panel, I agree to:

1. Annually submit a photocopy of my ARDC card to the DCFS Office of Legal Services, no later than Feb. 1 of each calendar year.
2. Maintain continual malpractice insurance coverage and annually submit to the DCFS Office of Legal Services proof of continued coverage (declarations page) within 30-days of the renewal of the policy.
3. Provide notification to the General Counsel of the DCFS Office of Legal Services within 30-days if I am the subject of pending or final discipline by ARDC or any other attorney disciplinary body of any state.
4. Adhere to the Illinois Rules of Professional Conduct, and specifically Section 1.5: Fees.
5. Not charge adoptive parents any out of pocket expenses/costs/fees in DCFS cases, with the following exceptions:
 - Exception: Adoptive parents can be charged for costs associated with ordering more than 1 new birth certificate per child. For ex: if a parent wants 4 copies of the new birth certificate, the parent can be charged for the cost of the 2nd, 3rd and 4th certificate.
 - Exception: Adoptive parents can be charged for costs associated with post-Judgment activity required by Adoptive parent, such as requesting that the child's name be changed after the Judgment is entered.
6. Adhere to the following timelines:
 - Subsidies (including supporting documentation) will be reviewed with every client & responses provided to agencies/Department, ideally within 30 days of receipt by attorney;
 - Petitions for adoption will be signed by clients or the attorney at the earliest possible point as determined by the attorney;
 - Petitions/Interim Orders will be filed or entered and cases finalized at the earliest possible point as determined by the attorney or the Court.
7. Submit invoices to the Department utilizing the DCFS invoice templates unless a specific exception re: template usage has been made by DCFS Legal.
8. Send a copy of each invoice to my clients.
9. Address concerns that are raised by the DCFS Adoption Unit and Office of Legal Services regarding case status, billing/invoices or complaints from clients or social work staff within ten business days of receiving a written request to address any such concern.
10. Meet the continuing requirements of the Department regarding mandatory attendance at DCFS Statewide Adoption Attorney Panel trainings.

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11. In a rare circumstance involving a contested DCFS adoption/guardianship that requires litigation beyond the normal scope of representation, no payment exceeding \$1500 for an adoption case or \$2000 for a guardianship case will be provided by the Department unless an agreement is reached between the Department and the adoption attorney before the work is done.

Regarding invoices, fees and court costs, I agree that:

- Tasks will be itemized separately and concisely on the DCFS invoice template or by using another billing format approved by DCFS (except for itemizations for tasks related to creating court documents, which can be combined) so that the time spent on each task is discernable. For ex: client meetings re: subsidy review and court appearances will not be combined; drafting court documents will not be combined with a client meeting.
- When itemizing work, sufficient detail is provided to determine what was done, provided that supplying such detail does not violate attorney/client privilege.
 - For ex: Phone call to client re: appt. to review subsidy
- Court documents - only the total amount of time spent creating court documents is needed. For ex: it is not necessary to separately itemize each motion, notice, case management order, petition, interim order and final order.
- No time will be billed to create the invoice and no travel time will be billed, with the following exception:
 - Mileage can be billed if it exceeds one's regular commute distance.
- Correction of attorney's error is not compensable. For example, if court documents require amendment and resubmission to court due to the attorney's error, the task is not compensable.
- Specify what the filing fee is in the pertinent county. If the filing fee is waived, the time/amount billed to have the filing fee waived must be less than the filing fee in that county.
- All expenses and costs are included in the maximum possible payment of \$1500 for adoptions and \$2000 for guardianship cases.
- Time billed will be noted in tenths of an hour.
- For siblings adopted at the same time by the same adoptive parents only one (1) invoice will be submitted. Itemizations need not specify which sibling the task related to.
- Hourly fees to review guardianship subsidies will not be any higher than the hourly fee charged to review adoption subsidies. For adoption cases, hourly fees for court time may be higher than out-of-court time if that is the attorney's standard practice.

Regarding reasonable and customary fees, I further agree that:

Excessive time will not be billed for completion of routine tasks. In assessing the reasonableness of fees, the following standards will be applied:

- Drafting and completion of all court documents (notices, petitions, motions, orders, affidavits):
 - 1 child - 2 hours maximum may be billed
 - Additional child/sibling - a maximum of 1 additional hour for each child may be billed
- E-Filing: no more than .5/hour (30 minutes) total for e-filing per invoice.
- Court appearances: no more than 1.5 hours for a court appearance.

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For cases that exceed this usual and customary standard, an explanation will be provided as to why additional time was needed.

For each child adopted, I will submit the following as supporting documentation with the invoice:

For adoption cases –

- DCFS Adoption Invoice Template or other billing format approved by DCFS, with the attorney's original signature;
- Copy of the adoption petition and final order of adoption, e-file or court-stamped/signed by the judge.
- Copy of the stamped Certification of Adoption/Application for New Birth Certificate (VR 160 form) signed by the adoptive parent/s and court personnel **or** copy of new birth certificate.
- Copy of the 1800-D form, signed by adoptive parent/s and attorney.
- Two (2) pages from each 1800-C-A subsidy form (the entire subsidy will not be attached):
 - The page on the 1800-C-A form with the check-off box for Section V a) Nonrecurring Adoption Assistance Expenses; and
 - The last page of the 1800-C-A, Section XII Effective Date (signature page, complete with all signatures).

For guardianship cases –

- DCFS Guardianship Invoice Template or other billing format approved by DCFS, with the attorney's original signature on it.
- Copy of the guardianship court order that is court-stamped/signed by the judge.
- Copy of the 1800-D form, signed by guardianship parent/s and attorney.
- Two (2) pages from each 1800-C-G subsidy form:
 - The page on the 1800-C-G form with the check-off box for Section V a) Nonrecurring Guardianship Assistance Expenses; and
 - The last page of the 1800-C-G, Section XII Effective Date (signature page) complete with all signatures.

Signed: _____ **Date** _____
Attorney Signature