

IN THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND

Plaintiff

vs.

Case No.: C-08-30635-F

Defendant

ORDER APPOINTING COUNSEL FOR CHILD

This matter having come before the Court, it is this ____ day of _____, 20--, by the Circuit Court for County, Maryland

ORDERED, that _____, TELEPHONE, _____ is hereby appointed as a Child’s Privilege Attorney for _____, born _____, the minor child of the parties, pursuant to Md. Code Ann. Family Law Art. §1-202 (2006). Md. Rule 9-205.1 and the Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access, provided that “Child’s Privilege Attorney” means a lawyer appointed by a court in a case involving child custody or child access to decide whether to assert or waive, on behalf of a minor child, any privilege that the child if an adult would be entitled to assert or waive; this term replaces the term “*Nagle v Hooks* attorney; and it is further,

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court, and it is further,

ORDERED, that the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information, including but not limited to any protected health information about the child, without the necessity

of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information; and it is further

ORDERED, that the attorney appointed herein shall submit a Petition for Fees to the Court at the conclusion of the case, or upon earlier motion, with final allocation of fees to be determined by the Court after consideration of the parties' applications for waiver of family services fees, if any; and it is further

ORDERED, absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and it is further

ORDERED that, although the minor child is not a party to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein; and it is further

ORDERED, that within ten (10) days of the date of this Order, each party shall provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the child and anyone else with whom the child may have a privilege pursuant to relevant statute; and it is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties

may not speak with the child without the prior permission of the attorney appointed herein.

JUDGE

IN THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND

Plaintiff
vs.
Defendant

Case No.:

ORDER APPOINTING COUNSEL FOR CHILD

Upon the foregoing Petition For Best Interest Attorney, it is this ____ day of _____, 20--, by the Circuit Court for County, Maryland

ORDERED, that _____, Esquire, _____ is hereby appointed as a Child’s Best Interest Attorney and Child’s Privilege Attorney for _____, born _____, the minor child of the parties, pursuant to Md. Code Ann. Family Law Art. §1-202 (2006). Md. Rule 9-205.1 and the Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access, provided “Child’s Best Interest Attorney” means a lawyer appointed by a court for the purpose of protecting a child’s best interests, without being bound by the child’s directives or objectives. This term replaces the term “guardian ad litem.” The Child’s Best Interest Attorney makes an independent assessment of what is in the child’s best interest and advocates for that before the court, even if it requires the disclosure of confidential information. The best interest attorney should ensure that the child’s position is made a part of the record whether or not different from the position that the attorney advocates; and it is further, provided that “Child’s Privilege Attorney” means a lawyer appointed by a court in a case involving child custody or child access to decide whether to assert or waive, on behalf of a minor child, any privilege that the child if an adult would be entitled to assert or waive; this

term replaces the term “*Nagle v Hooks*” attorney; and it is further,

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court, and it is further,

ORDERED, that the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information, including but not limited to any protected health information about the child, without the necessity of any further Order of Court. The attorney’s access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information; and it is further

ORDERED, that the attorney appointed herein shall submit a Petition for Fees to the Court at the conclusion of the case, or upon earlier motion, with final allocation of fees to be determined by the Court after consideration of the parties’ applications for waiver of family services fees, if any; and it is further

ORDERED, absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and it is further

ORDERED that, although the minor child is not a party to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein; and it is further

ORDERED, that within ten (10) days of the date of this Order, each party shall provide the attorney appointed herein the names and known addresses and telephone

numbers of any and all mental health providers who have evaluated or treated the child and anyone else with whom the child may have a privilege pursuant to relevant statute; and it is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the child without the prior permission of the attorney appointed herein.

JUDGE

IN THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND

,
Plaintiff
vs.

Case No.:

,
Defendant

ORDER APPOINTING COUNSEL FOR CHILDREN

This matter having come before the Court, it is this ____ day of _____, 20--, by the Circuit Court for Allegany County, Maryland

ORDERED, that _____, telephone _____ is hereby appointed as a Best Interest Attorney for _____, born _____ and _____, born _____, minor children of the parties, pursuant to Md. Code Ann. Family Law Art. §1-202 and the Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access. A Best Interest Attorney is a court-appointed lawyer who provides independent legal services for the purpose of protecting a child's best interests, without being bound by the child's directives or objectives. It is further

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court. It is further

ORDERED, that the attorney appointed herein shall have reasonable access to the children and to all otherwise privileged or confidential information, including but not limited to any protected health information about the children, without the necessity of any further Order of Court. The attorney's access to privileged and

confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information. It is further

ORDERED, that the attorney appointed herein shall submit a Petition for Fees to the Court at the conclusion of the case, or upon earlier motion, with final allocation of fees to be determined by the Court after consideration of the parties' applications for waiver of family services fees, if any, and it is further

ORDERED, absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter.

ORDERED that, although the minor children are not a parties to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein. It is further

ORDERED, that within ten (10) days of the date of this Order, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the children and anyone else with whom the children may have a privilege pursuant to the Statute. It is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the children without the prior permission of the attorney appointed

herein.

(If needed)--Recommended:

MASTER

JUDGE

IN THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND

Plaintiff

vs.

Case No.: Defendant

AMENDED ORDER APPOINTING COUNSEL FOR CHILD

This matter having come before the Court, it is this ____ day of _____, 20--, by the Circuit Court for County, Maryland

ORDERED, that _____, telephone _____ is hereby appointed as a Child Advocate for _____, born _____, pursuant to Md. Code Ann. Family Law Art. §1-202 and the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases. A Child Advocate is a court-appointed lawyer who provides independent legal counsel for child and who owes the same duties of undivided loyalty, confidentiality, and competent representations as are due an adult client. It is further

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court. It is further

ORDERED, that the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information, including but not limited to any protected health information about the child, without the necessity of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental,

psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information. It is further

ORDERED, that the attorney appointed herein shall submit a Petition for Fees to the Court at the conclusion of the case, or upon earlier motion, with final allocation of fees to be determined by the Court after consideration of the parties' applications for waiver of family services fees, if any, and it is further

ORDERED, absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and it is further

ORDERED that, although the minor child is not a party to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein. It is further

ORDERED, that within ten (10) days of the date of this Order, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the child and anyone else with whom the child may have a privilege pursuant to relevant statute; and it is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the child without the prior permission of the attorney appointed

herein.

JUDGE

IN THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND

Plaintiff

vs.

Case No.: Defendant

ORDER APPOINTING COUNSEL FOR CHILD

This matter having come before the Court, it is this ____ day of _____, 20--, by the Circuit Court for County, Maryland

ORDERED, that _____ TELEPHONE _____

is hereby appointed as a Child Advocate and Child's Privilege Attorney for _____, born _____, minor child of the parties, pursuant to Md. Code Ann. Family Law Art. §1-202 (2006) and the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases. A Child Advocate is a court-appointed lawyer who provides independent legal counsel for children and who owes the same duties of undivided loyalty, confidentiality, and competent representations as are due an adult client. A Child's Privilege Attorney is a lawyer appointed in accordance with *Nagle v. Hooks*, 296 Md. 123 (1983), to decide whether to assert or waive, on behalf of a minor child in a custody action, any statutory privilege. It is further

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court. It is further

ORDERED, that the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information, including but not limited to any protected health information about the child, without the necessity of any further

Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information. It is further

ORDERED, that the attorney appointed herein shall be compensated as follows:

Payment into attorney's trust account. Plaintiff is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of (\$) within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.

Payment into attorney's trust account. Defendant is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of (\$) within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party. It is further,

ORDERED, absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and it is further

ORDERED that, although the minor children are not a parties to this

action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein. It is further

ORDERED, that within ten (10) days of the date of this Order, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the children and anyone else with whom the children may have a privilege pursuant to relevant statute; and it is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the children without the prior permission of the attorney appointed herein.

JUDGE

cc: Paul C. Sullivan, Esquire
Mr. Robert D. Sturtz
Attorney for the Children

IN THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND

,
Plaintiff
vs.
,
Defendant

Case No.:

ORDER APPOINTING COUNSEL FOR CHILD

This matter having come before the Court, it is this 19th day of March, 2012, by the Circuit Court for County, Maryland

ORDERED, that _____, telephone number _____, is hereby appointed as a Best Interest Attorney and Child's Privilege Attorney for _____, born _____, the minor child of the parties, pursuant to Md. Code Ann. Family Law Art. §1-202 (2006) and the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases. A Best Interest Attorney is a court-appointed lawyer who provides independent legal services for the purpose of protecting a child's best interests, without being bound by the child's directives or objectives, and it is further, provided that "Child's Privilege Attorney" means a lawyer appointed by a court in a case involving child custody or child access to decide whether to assert or waive, on behalf of a minor child, any privilege that the child if an adult would be entitled to assert or waive; this term replaces the term "*Nagle v Hooks* attorney; and it is further,

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court. It is further

ORDERED, that the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information,

including but not limited to any protected health information, about the child, without the necessity of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information. It is further

ORDERED, that the attorney appointed herein shall be compensated as follows:

_____ Payment into attorney's trust account. Plaintiff is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of \$_____ within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.

_____ Payment into attorney's trust account. Defendant is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of \$_____ within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.

Final allocation of fees shall be determined by the Court at a

hearing on the merits of this case or upon the Petition of the attorney appointed herein.

Absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter.

Although the minor child(ren) are not parties to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein. It is further

ORDERED, that within ten (10) days of the date of this Order, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the child(ren) and anyone else with whom the child(ren) may have a privilege pursuant to the Statute. It is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the child(ren) without the prior permission of the attorney appointed herein.

JUDGE