

Anne Arundel County

a. Order Appointing Counsel for Child(ren)

_____ * IN THE
 Plaintiff * CIRCUIT COURT
 V. * FOR
 _____ * ANNE ARUNDEL COUNTY
 Defendant * Case No. : _____
 * * * * *

ORDER APPOINTING COUNSEL FOR CHILD(REN)

This matter having come before the Court, the Court having considered the factors set forth in Maryland Rule 9-205.1, and a determination having been made that appointment of child counsel is appropriate, it is this _____ day of _____, 2____, by the Circuit Court for Anne Arundel County, ORDERED;

1. That pursuant to the Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access, _____, Esquire, telephone number _____ is appointed on behalf of the minor child/ren:

1. _____, date of birth: _____
2. _____, date of birth: _____
3. _____, date of birth: _____
4. _____, date of birth: _____

as his/her/their:

Best Interest Attorney providing independent legal services for the purpose of protecting a child's best interests, without being bound by the child's directives or

objectives.

Child Advocate providing independent legal counsel for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client.

Child(ren)'s Privilege Attorney in accordance with Nagel v. Hooks, 296 Md. 123 (1983), deciding whether to assert or waive, on behalf of a minor child in a custody action, any statutory privilege. The attorney appointed herein shall provide written documentation/line asserting or waiving the privilege, to be filed on or before _____ . The name, address and telephone number of the therapist(s) is/are:

2. That the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court.

3. That the attorney appointed herein shall have reasonable access to the child(ren) and to all otherwise privileged or confidential information, including but not limited to any protected health information, about the child(ren), 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.

4. That the attorney appointed herein shall be compensated as follows:

a. 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.*

b. 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.*

c. Payment for Child(ren)'s Privilege Attorney. Plaintiff is hereby directed to pay the attorney appointed herein the sum of \$250.00 -OR- \$ _____ within 10 days of the date of this Order, and the Defendant is hereby directed to pay the attorney appointed herein the sum of \$250.00 - OR - \$ _____ within 10 days of the date of this Order for the attorney's fees in performing these services; subject to further review by the Court upon motion of the child(ren)'s counsel.*

d. 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.

e. The attorney appointed herein shall provide representation on a pro-bono basis.

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

5. That within ten (10) days of the date of this Order, counsel for Plaintiff, or Plaintiff shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties.

6. 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.

7. 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.

Recommended:

Master-in-Chancery

Date

Judge, Circuit Court for Anne Arundel County, MD

*If you meet income eligibility guidelines you may be entitled to a fee waiver, subject to the availability of funds. Please contact the Family Law Division at 410-222-1113 for information on how to apply for a waiver of child counsel fees.