

Plaintiff * IN THE
 vs. * CIRCUIT COURT
 Defendant * FOR
 * CAROLINE COUNTY
 * Civil No.

* * * * *

ORDER APPOINTING COUNSEL FOR MINOR CHILD

UPON CONSIDERATION of the best interests of the child in this matter, it is this _____ day of _____, 20 ____, by the Circuit Court for Caroline County, Maryland hereby ORDERED,

That _____, is appointed to represent the minor child(ren), before the Court in this matter in the following capacity:

- [] **Advocate** for the minor child(ren). As advocate the attorney is charged with advancing the child(ren)'s desires and wishes in the matter before the court, as defined in Section 1.2 and 2.3 of the Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access; AND IT IS FURTHER ORDERED,
- [] **Best Interest Attorney** for the minor child(ren). As Best Interest Attorney, the attorney shall seek to advance a position which he or she believes to be in the child(ren)'s best interest, as defined in Section 1.1 and 2.2 of the Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access; AND IT IS FURTHER ORDERED,
- [] **Child(ren)'s Privilege Attorney**. The attorney is hereby appointed to serve as attorney for the minor child(ren) for the sole purposes of determining whether the patient/psychologist privilege should be waived or asserted on behalf of the minor child(ren), pursuant to *Nagle v. Hooks*, 296 Md. 123, 460 A.2d 49 (1983) and as defined in Section 1.3 and 2.4 of the Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access; AND IT IS FURTHER ORDERED,

That any attorney appointed under any capacity in this order is entitled to have access to any and all privileged information regarding the child, without the necessity of a signed release, including medical, dental, psychiatric/psychological social services records, including child protective services records, juvenile records including records of the Department of Juvenile Services, drug and alcohol treatment, law enforcement, and educational records; AND IT IS FURTHER ORDERED,

That, pursuant to Title 2 of the Maryland Rules of Civil Procedure, said attorney is entitled to participate in discovery as though the child(ren) were a party; AND IT IS FURTHER ORDERED,

That, pursuant to Title 1 of the Maryland Rules of Civil Procedure, the service and notice provisions shall apply to said attorney as though the child(ren) were a party; AND IT IS FURTHER ORDERED,

That, pursuant to Maryland Rule 2-132(d), this appointment, unless otherwise ordered by this court, shall terminate after 30 days from the entry of a final order; AND IT IS FURTHER ORDERED,

That the attorney's services are to be compensated in the following manner:

[] **Payment into Escrow Account.** Plaintiff is hereby directed to pay the appointed attorney for deposit into the attorney's trust account the sum of \$500.00 within thirty days of the date of this Order as an initial contribution toward the attorney's fees in performing these services. Defendant is hereby directed to pay the appointed attorney for deposit into the attorney's trust account the sum of \$500.00 within thirty days of the date of this Order as an initial contribution toward the attorney's fees in performing these services. Child counsel will not commence services until all deposits are paid in full and will report non-compliance to the court after 30 days. The parties are advised that the child counsel's fee is \$150.00 per hour. A final allocation of fees will be determined by the Court at the hearing on the merits of the case, or upon motion of child's counsel.

[] **Pro Bono Representation.** Attorney for the child shall provide these services *pro bono publico*.

[] **Fee Waiver and Court Compensation.** The Court waives the parties' obligation to pay for child counsel at this time. Child counsel may submit a bill for services to the Court at the conclusion of the case, or quarterly, depending on the duration of the case. The Court's Family Services Program will compensate counsel for services at an amount not to exceed \$100.00 per hour, up to a maximum of \$1,500.00. **The Court may apportion fees to the parties.** Counsel may request the Court to extend counsel's representation and compensation beyond said limits.

[] **Other Means.** _____

If a person cannot afford to pay the required fees, that person must request a fee waiver from this Court. Appropriate forms may be obtained by calling 410-479-2303 or by visiting the clerk's office. Failure to file a motion for Waiver of Fees with Affidavit within 20 business days of receipt of this Order for Family Services may result in the denial of the Motion for Waiver of Fees.

JUDGE

Recommended by:

JoAnn D. Asparagus, Domestic Relations Master

Date

cc: Parties/attorneys
Child counsel
Family Services Coordinator