

| | | |
|-----------|---|-----------------|
| | * | IN THE |
| Plaintiff | * | CIRCUIT COURT |
| v. | * | FOR |
| | * | CARROLL COUNTY |
| Defendant | * | Case No.: 06-C- |
| * * * * * | * | * * * * * |

ORDER APPOINTING COUNSEL FOR CHILD

This matter having come before the Court in a Scheduling Conference and the parties agreeing to this order, it is this _____ day of _____, 2011, by the Circuit Court for Carroll County, Maryland,

ORDERED, that, Esquire, whose address, telephone number and email are: . , is hereby appointed as an Attorney Advocate for a child in accordance with the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases on behalf of _____ whose date of birth is _____. An Attorney Advocate for a minor child is a court-appointed lawyer who provides independent legal services for the minor child and must follow the child’s directives or objectives and such representation shall include consideration of the waiver (or not) of the psychiatric/psychological privilege for the aforesaid minor child. 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(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. 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 One Thousand Five Hundred (\$1500) 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 One Thousand Five Hundred (\$1500) 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. The attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion. 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, counsel for Defendant 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. 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 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 without the prior permission of the attorney appointed herein.

Recommended by:

Judge

CC: , Plaintiff
 , Attorney for the Defendant
 ,Attorney for the minor child
 Family Law Administration

| | | |
|-----------|---|----------------|
| | * | IN THE |
| Plaintiff | * | CIRCUIT COURT |
| v. | * | FOR |
| | * | CARROLL COUNTY |
| Defendant | * | Case No.: |

* * * * *

ORDER APPOINTING COUNSEL FOR CHILD(REN)

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

ORDERED, that _____, Esquire, whose address and telephone number are: _____, is hereby appointed as a Best Interest Attorney in accordance with the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases on behalf of _____ whose date of birth is _____. 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 such representation shall include consideration of the waiver (or not) of the psychiatric/psychological privilege for the aforesaid minor child(ren). 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(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. 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 _____ Dollars (\$_____.00) 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 _____ Dollars (\$_____.00) 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.

The attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion

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(ren) is/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, 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. 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

CC: All Attorneys
All Self represented parties
Family Law Administration

| | | | |
|----|------------|---|----------------------|
| | | * | IN THE CIRCUIT COURT |
| | Plaintiff | * | FOR CARROLL COUNTY |
| v. | | * | Case No.: |
| * | | | |
| | Defendants | * | |
| | | | |
| * | * | * | * |
| * | * | * | * |
| * | * | * | * |

ORDER APPOINTING COUNSEL FOR CHILD(REN)

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

ORDERED, THAT _____, Esquire, whose address and telephone number are _____, is hereby appointed as a Child(ren)'s Privilege Attorney pursuant to the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases on behalf of _____, born _____. A Child(ren)'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(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. It is further

ORDERED, that the attorney appointed herein shall provide:

A written document/line asserting or waiving the privilege, to be filed on or before _____ . It is further

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

_____ is directed to pay directly to the attorney the sum of Five Hundred Dollars (\$500.00).

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) is/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, 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. 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 without the prior permission of the attorney appointed herein.

Judge

CC: counsel and unrepresented parties
Family Law Administration