

West's Annotated Code of Maryland [Currentness](#)

Maryland Rules ([Refs & Annos](#))

▢ [Title 9](#). Family Law Actions

▢ [Chapter 200](#). Divorce, Annulment, Alimony, Child Support, and Child Custody ([Refs & Annos](#))

→→ **RULE 9-205.1. APPOINTMENT OF CHILD'S COUNSEL**

**(a) Applicability.** This Rule applies to the appointment of child's counsel in actions involving child custody or child access.

**(b) Factors.** In determining whether to appoint child's counsel, the court should consider the nature of the potential evidence to be presented, other available methods of obtaining information, including social service investigations and evaluations by mental health professionals, and available resources for payment. Appointment may be most appropriate in cases involving the following factors, allegations, or concerns:

- (1) request of one or both parties;
- (2) high level of conflict;
- (3) inappropriate adult influence or manipulation;
- (4) past or current child abuse or neglect;
- (5) past or current mental health problems of the child or party;
- (6) special physical, educational, or mental health needs of the child that require investigation or advocacy;
- (7) actual or threatened family violence;
- (8) alcohol or other substance abuse;
- (9) consideration of terminating or suspending parenting time or awarding custody or visitation to a non-parent;
- (10) relocation that substantially reduces the child's time with a parent, sibling, or both; or
- (11) any other factor that the court considers relevant.

**Committee note:** A court should provide for adequate and effective child's counsel in all cases in which an appointment is warranted, regardless of the economic status of the parties. The court should make the appointment as soon as practicable after it determines that the appointment is warranted. A court should appoint only lawyers who have agreed to serve in child custody and child access cases in the assigned role and have been trained in accordance with Guideline 4 of the *Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access*. In making appointments, the court should fairly and equitably distribute cases among all qualified attorneys, taking into account the attorney's availability and caseload. Before asking an attorney to provide representation *pro bono publico* to a child, the court should consider the number of other similar cases the attorney has recently accepted on a *pro bono* basis from the court.

**(c) Appointment Order.**

(1) *Content.* An order appointing child's counsel shall:

- (A) specify whether the attorney is to serve as a Child's Best Interest Attorney, Child's Advocate Attorney, or Child's Privilege Attorney;
- (B) authorize the appointed attorney to have reasonable access to the child and to all otherwise privileged or confidential information about the child, without the necessity of any further order of court or the execution of a release;
- (C) permit the attorney to participate in discovery under Title 2 of these Rules as though the child were a party;
- (D) provide that the service and notice provisions in Title 1 of these Rules apply as though the child were a party;
- (E) state any other duties or responsibilities required by the court;
- (F) state when the appointment terminates; and
- (G) unless the attorney has agreed to serve *pro bono publico*, include provisions concerning compensation for the attorney.

**Committee note:** The court should write an appointment order in plain language, understandable to non-lawyers.

(2) *Copies to Parties and Counsel.* The court shall send a copy of the order appointing counsel to each attorney of record and to each party, whether or not represented by an attorney.

**Source:** This Rule is new.

Adopted May 8, 2007, eff. July 1, 2007.