

Plaintiff
v.
Defendant

* IN THE CIRCUIT COURT
* FOR WICOMICO COUNTY
* STATE OF MARYLAND
* CIVIL CASE NO.

* * * * *

ORDER APPOINTING ATTORNEY FOR MINOR CHILD

It appearing to the Court that appointing an Attorney who is experienced in representing children in custody matters is necessary to help the Court decide this case properly; it is, therefore, this _____, by the Circuit Court for Wicomico County, Maryland;

ORDERED, that _____, who has consented to this appointment and is appointed to represent the minor children, _____ before this Court, in this matter in the following capacity:

Privilege Attorney *Child's Advocate Attorney* *Best Interests Attorney*

A *Privilege Attorney* shall serve as attorney for the minor child(ren) for the limited purpose of determining whether the child's patient privilege should be waived or asserted on behalf of the minor child(ren) pursuant to *Nagle v. Hooks*, 286 Md 123(1983).

A *Child's Advocate Attorney* shall represent the child(ren) in a normal attorney-client relationship pursuant to Rule 1.14 of the Maryland Rules of Professional Conduct, with authority to waive or assert any patient privilege on behalf of his/her client(s).

A *Best Interests Attorney* shall investigate and advocate the child(ren)'s best interests and without being bound by the children's directives or objectives, and shall have the authority to waive or assert any privilege on behalf of his/her client(s).

The attorney shall comply with the Scheduling Order issued in this case.

The attorney shall perform the duties required in conformity with the Maryland Rules of Professional Conduct, including the duty of confidentiality and those duties imposed under Rule 1.14 thereof, if applicable, as well as the *Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Access*. The attorney may not be compelled to testify in these proceedings. The attorney is not required to submit a written report. The attorney hereby appointed shall be treated by all parties as counsel of record for the minor child(ren); and, it is further

ORDERED, that the attorney appointed above, representing the child(ren) named above, shall have immediate access to such child or children, and to all otherwise privileged or confidential information regarding such child or children, without the necessity of any further order or release. Such information includes but is not limited to drug and alcohol treatment, medical evaluation, law enforcement, school, probation and court records, Records of trusts and accounts

of which the child is a beneficiary, and other records relevant to the case, including court records of parties to this case or their household members. This Order also grants the right to access and review social services records concerning the child(ren), but not to obtain or distribute a copy of those records. The admissibility of any accessed or obtained record is governed by the Maryland Rules of Evidence.

Mental health records that are privileged or confidential under state or federal laws shall be released to the attorney *only* in accordance with such laws; and, it is further

ORDERED, that the attorney's services are to be compensated in the following manner:

[X] *Payment into Escrow Account.* **Plaintiff** is hereby directed to pay the appointed attorney for deposit into the attorney's trust account the sum of **\$750.00 within 10 days** of the date of this Order, and the **Defendant** is hereby directed to pay the appointed attorney for deposit into the attorney's trust account the sum of **\$750.00 within 10 days** of the date of this Order as initial contributions toward the fees in performing these services. A final allocation of fees will be determined by the Court at the hearing on the merits of the case, or upon motion. No disbursement from the trust account may be made without Order of court. The attorney for the child shall be entitled to charge an hourly fee for services not to exceed \$150.00. The appointed attorney shall initially expend no more than ten (10) hours in the course of his/her representation. In the event the appointed representative believes additional time is needed he/she shall seek the approval of the Court.

FAILURE TO COMPLY WITH THIS PROVISION OF THE ORDER MAY RESULT IN DISMISSAL OF THE CASE, PROCEEDINGS FOR CONTEMPT OR ANY OTHER SANCTION PERMITTED BY LAW

[] *Pro Bono Representation.* By way of consent, the attorney for the child shall provide these services *pro bono publico*.

[] *Fee Waiver and Court Compensation.* The Court waives the parties' obligation to make advance payment for child representation. The child representative may submit a bill for services to the Court at the conclusion of the case, or earlier upon motion. Unless otherwise authorized by Court order, the Court will compensate the representative for services at an amount not to exceed \$150.00 per hour, up to a maximum of \$1,500.00. The Court may consider the entry of a further order requiring the Plaintiff and/or Defendant to pay all or a portion of the billed representative's fees. Services rendered by the attorney that would require payment over that amount contributed by the Court and/or ordered to be paid by the parties shall be rendered *pro bono publico*; and, it is further

ORDERED, that the attorney representing the minor child shall file a final Petition for Fees with the Court not later than thirty (30) days after the final disposition of the case. The attorney shall also certify copies to the parties and their counsel of record; and it is further

ORDERED, that the appearance of the attorney representing the minor child shall be terminated thirty (30) days after the date of the Court's final Order.

JUDGE

Cc: Family Services