

	:	IN THE CIRCUIT COURT
Plaintiff	:	FOR
- Vs. -	:	WORCESTER COUNTY
	:	STATE OF MARYLAND
Defendants	:	CASE NO. C-23-FM-22-00

ORDER APPOINTING REPRESENTATIVE FOR MINOR CHILD(REN)

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 _____ day of _____, 2022, by the Circuit Court for Worcester County, Maryland.

ORDERED, that _____, **ESQUIRE**, who has consented to this appointment, is appointed to represent the **minor child/ren**; _____; **DOB**: _____. before this Court, in this matter in the following capacity:

- ☐ *Child's Privilege Attorney* ☐ *Child's Advocate Attorney* ☐ *Best Interests Attorney*
☐ *Appointed Representative to determine whether role should be expanded to Child Advocate*
and it is further,

A *Child's 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*, 296 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 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 authority to waive or assert any privilege on behalf of his/her client(s).

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 of Practice for Court-Appointed Lawyers Representing Children in cases involving Child Custody or Child 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 social services, 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.

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

The representative for the child shall be entitled to charge an hourly fee for services not to exceed \$145.00. The appointed representative 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. The appointed representative may submit interim petitions for fees, and it is further

ORDERED,

[] **Payment into Escrow Account. The Plaintiff**, _____, is hereby directed to pay _____, Esquire for deposit into the representative's trust account the sum of **Two Hundred Fifty Dollars (\$250.00)** within 15 days of the date of this Order, and the **Defendant**, _____, is hereby directed to pay _____, Esquire for deposit into the representative's trust account the sum of **Two Hundred Fifty Dollars (\$250.00)** within 15 days of the date of this Order, as initial contributions toward the fees in performing these services.

[] **Fee Waiver and Court Compensation.**

- ☐ The Court hereby waives the plaintiff/defendant's obligation to make an initial fee deposit into the appointed representative's escrow account in the amount of \$250.00 each, said fee to be paid by the Family Services Division.
- ☐ The Court hereby waives the plaintiff/defendant's initial Ten (10) hour fee obligation in an amount not to exceed \$725.00 per party or \$1,450.00 total, said fee/s to be paid by the Family Services Division.
- ☐ **Pro Bono Representation.** By way of consent, the representative for the child shall provide these services *pro bono publico*.
- ☐ **Partial or Full Fee Waiver.** Either party wishing to be considered for a waiver of fees related to this Order shall submit to the Court the Motion for Waiver of Family Services Fees.

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. Final allocation of fees due and owing by the parties shall be determined at that time. The attorney shall also certify copies to the parties **and** their counsel of record, and it is further

ORDERED, that failure to comply with the fee provision of the Order may result in dismissal of the case, the issuance of a Show Cause Order, or any other sanction permitted by law, and it is further

ORDERED, that the appointment shall terminate 30 days following the final disposition and closing of the case.

JUDGE