

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
Defendant	*	CECIL COUNTY
	*	Civil No.:
* * * * * * *	*	* * * *

ORDER APPOINTING COUNSEL FOR A MINOR CHILD

UPON CONSIDERATION of the best interests of the child(ren) in this matter, it is this _____ day of _____, 20__ by the Circuit Court for Cecil County, Maryland, hereby

ORDERED that _____, Esq. **is appointed to represent the minor child(ren)** before the Court in this matter in the following capacity:

- ☐ **Child'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 it is further

- ☐ **Child Advocate Attorney**- The attorney provides independent legal counsel for the minor child(ren). As advocate the attorney is charged with advancing the child's desires and wishes in the matter before the court;

- ☐ **Best Interest Attorney** – The attorney provides independent legal counsel 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; and it is further

ORDERED, that the Best Interest Attorney may do the following, if he or she deems appropriate

- Meet with and interview the child, and advise the child of the scope of representation.
- Investigate the relative abilities of the parties in their roles as parents or custodians.
- Visit the child in each home.
- Conduct individual interviews with parents, other parties, and collateral witnesses.

- Observe the child's interactions with each parent or guardian individually.
- Review educational, medical, dental, psychiatric, psychological, or other records.
- Interview school personnel, childcare providers, healthcare providers, and mental health professionals involved with the child or family.
- File and respond to pleadings and motions.
- Participate in discovery.
- Participate in settlement negotiations.
- Participate in trial, including calling witnesses and presenting evidence and argument, as appropriate.
- If the child is to meet with the judge or testify, prepare the child, familiarizing the child with the places, peoples, procedures, and questioning that the child will be exposed to: and seek to minimize any harm to the child from the process.
- When the representation ends, the lawyer should inform the child in a developmentally appropriate manner.

However, the Child's Counsel in any capacity shall not testify at trial or file a written report with the Court.

ORDERED, that an attorney appointed under any capacity in this order is entitled to have access to any and all privileged information including protected health information regarding the child, without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement, and educational records; 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, and the **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 initial contributions toward the attorney's 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 of child's counsel. Attorney for the child shall be entitled to charge an hourly fee for services not to exceed \$ 150.00, up to a maximum of \$1500.00, unless approved in advance by the Court.

☐ ***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. Child counsel may submit a bill for services to the Court at the conclusion of the case, or earlier upon motion. The Court will

compensate counsel for services at an amount not to exceed \$100.00 per hour, up to a maximum of \$500.00. Services rendered by counsel that would require payment over that amount shall be rendered *pro bono publico*.

□ ***Other Means:***

JUDGE, Circuit Court for Cecil County