

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
	*	HARFORD COUNTY
Defendant	*	CASE NO.:
* * * * *		

ORDER APPOINTING COUNSEL FOR MINOR CHILD

UPON CONSIDERATION of the best interests of the child(ren) in this matter, it is this ____ day of _____, 200__, by the Circuit Court for Harford County, Maryland

ORDERED, _____, Esquire, (410)_____ is hereby appointed as [] counsel or [] child(ren)'s privilege attorney for _____, the minor child(ren) of the parties pursuant to the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases; and it is further

ORDERED, that, _____, Esquire, (410) _____, is hereby appointed as a Best Interest Attorney in accordance with Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases. 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 it is further

ORDERED, that; _____, (410)_____, is hereby appointed as a Child Advocate pursuant to the Maryland Standards of Practice

for Court-Appointed Lawyers Representing Children in Custody Cases. A Child Advocate is a court-appointed lawyer who provides independent legal counsel for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client; and it is further

ORDERED, that _____, Esquire, (410)_____, 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. 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; and 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; and it is further

ORDERED, that the attorney appointed herein shall have reasonable access to the child and/or children 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 and

Additionally, the attorney appointed herein may exercise the option of obtaining a needs assessment of the child through the Office of Family Court Services at no charge, and the parents will make the child available for that consultation; and it is further

ORDERED, that the attorney appointed herein shall provide:

1. (Child's Privilege Attorney) A written document/line asserting or waiving the privilege, to be filed on or before _____; and it is further

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

1. Pro bono – the attorney appointed herein shall provide representation on a pro-bono basis.

2. 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 \$_____, within ten (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.

3. 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 \$_____ within ten (10) days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identifies 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; and it is further

ORDERED, that on an approximate monthly basis, the attorney appointed herein shall submit a statement for services rendered and at such time as the escrow balance falls below \$_____, Plaintiff shall deposit with said attorney, an additional amount of \$_____ and Defendant shall deposit with said attorney an additional amount of \$_____. That the final allocation of fees shall be determined by the Court at a hearing on the merits of the case or upon the petition of the attorney appointed herein; and it is further,

ORDERED, that 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, or shall be compensated in accordance with the Memorandum of Understanding and any subsequent directives issues by this Court. Absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal into his matter. Although the minor child(ren) are not parties to this action, the attorney appointed herein shall be entitled to engage in discovery as a part of the performance of the duties assigned herein, and to file motions or to seek order as appropriate in the fulfillment of the duties appointed herein; and it is further

ORDERED, that within ten (10) days of the date of this Order, counsel or Plaintiff, or Plaintiff shall provide the attorney appointed herein copies of all pleadings and papers filed in the above captioned action and any correspondence between the parties or counsel for the parties; and 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; and 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 shall 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

COPIES TO: