

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:</p>	
<p>ORDER APPOINTING COUNSEL FOR A CHILD</p>	<p>CASE NUMBER:</p>

1. The proceeding was heard:

On *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
 Judge *(name)*: _____ Temporary Judge
 Petitioner/Plaintiff present Attorney present *(name)*: _____
 Respondent/Defendant present Attorney present *(name)*: _____
 Other parent/party present Attorney present *(name)*: _____
 On the request for order, order to show cause, or motion filed *(date)*: _____ by *(name)*: _____

2. **THE COURT FINDS** it is in the best interest of the child to appoint counsel to represent the child under Family Code section 3150(a).

- a. Counsel appointed for the child *(name of counsel)*:
- b. Address:
- c. Phone number: _____
- d. Email address (optional): _____

3. **CHILD OR CHILDREN FOR WHOM COUNSEL IS APPOINTED**

<u>Name</u>	<u>Date of birth</u>	<u>Address(es) (if appropriate)</u>
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4. **REASON FOR APPOINTMENT** *(specify)*:

5. **DETERMINATION OF FEES AND PAYMENT**

a. Counsel for the child will be compensated as follows:

(1) *(Specify amount or rate and terms)*:

(2) The court reserves jurisdiction to determine compensation payable to counsel for the child.

(3) The court reserves jurisdiction to modify the compensation payable to counsel for the child retroactively.

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5. b. The court finds that the parties are able to pay the compensation and expenses for the child's counsel.
 The parties are ordered to pay counsel for the child as follows:
- (1) Petitioner/Plaintiff % Respondent/Defendant: % Other parent/party: %
- (a) Petitioner/Plaintiff must make installment payments of \$ per month until paid or modified by court order.
- (b) Respondent/Defendant must make installment payments of \$ per month until paid or modified by court order.
- (c) Other parent/party must make installment payments of \$ per month until paid or modified by court order.
- (2) The court reserves jurisdiction to reallocate attorney's fees and costs between the parties.
- c. The court finds that the parties are unable to pay all a portion of the costs for child's counsel.
 The child's counsel must be paid as follows:
- (1) The court will pay all the fees and expenses for the child's attorney.
- (2) Petitioner/Plaintiff % Respondent/Defendant: % Other parent/party: %
- Payable by court: %
- (a) Petitioner/Plaintiff must make installment payments of \$ per month until paid or modified by court order.
- (b) Respondent/Defendant must make installment payments of \$ per month until paid or modified by court order.
- (c) Other parent/party must make installment payments of \$ per month until paid or modified by court order.
- (3) The court reserves jurisdiction to reallocate attorney fees and costs between the parties.
- (4) The court may seek reimbursement from the parties if the court pays all or a portion of the compensation for the child's counsel.
- d. Other:

6. ADDITIONAL ORDERS

- a. No later than 10 court days after being appointed by the court and before beginning work on the case, counsel for a child must file a declaration with the court indicating compliance with the requirements of rule 5.242 of the California Rules of Court. *Declaration of Counsel for a Child Regarding Qualifications* (form FL-322) or other local court forms may be used for this purpose.
- b. The parties and their counsel are ordered to cooperate with counsel for the child to permit the performance of his or her duties.
- c. Counsel for the child must be provided with complete copies of all relevant documents and records filed in the proceeding within 10 days of the appointment.
- d. The parties must provide complete information concerning the child's school, medical, psychological, psychiatric, and other pertinent records to the child's counsel on request. The parties must execute such waivers and releases necessary to facilitate the child's counsel in securing access to records for the child.
- e. The parties and/or their counsel must not compromise, settle, dismiss, or otherwise remove from the court's calendar all or any portion of the issues, claims, or proceedings concerning which the child's counsel has been appointed, without participation of the child's counsel or advance notice to the child's counsel.
- f. Counsel must continue to represent the child until the appointment terminates, as provided in rule 5.240(f) of the California Rules of Court, or as stated below in item 7.

7. OTHER ORDERS:

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8. DUTIES OF COUNSEL FOR A CHILD

- a. Counsel for a child must:
 - (1) Represent the child's best interests.
 - (2) Gather evidence that bears on the best interest of the child and present that admissible evidence to the court in any manner appropriate for the counsel of a party.
 - (3) Present the child's wishes to the court if the child so desires.
 - (4) Serve notices and pleadings on all parties consistent with rules and laws applicable to parties.
 - (5) Unless under the circumstances it is inappropriate to exercise the duty:
 - (a) Interview the child;
 - (b) Review the court files and all accessible relevant records available to both parties; and
 - (c) Make any further investigations child's counsel considers necessary to ascertain evidence relevant to the custody or visitation hearings.
 - (6) If so informed by the child at any point, provide notice that the child:
 - (a) Wishes to address the court; or
 - (b) Has changed their choice about addressing the court.
 - (7) Provide the notice in (6) as soon as feasible to the parties or their attorneys, other professionals serving on the case, and then to the judicial officer.
- b. Counsel may introduce and examine witnesses, present arguments to the court concerning the child's welfare, and participate further in the proceeding to the degree necessary to represent the child adequately.

9. COUNSEL FOR A CHILD HAS THE FOLLOWING RIGHTS:

- a. To have reasonable access to the child;
- b. To have standing to seek affirmative relief on behalf of the child;
- c. To receive notice of any proceeding, and all phases of that proceeding, including a request for examination affecting the child;
- d. To be heard in the proceeding and take any action available to a party in the proceeding;
- e. To have access to the child's medical, dental, mental health, and other health-care records;
- f. To have access to the child's school and educational records;
- g. To interview school personnel, caretakers, health-care providers, mental health professionals, and others who have assessed the child or provided care to the child;
- h. To interview mediators subject to the provisions of Family Code sections 3177 and 3182;
- i. To assert or waive any privilege on behalf of the child;
- j. To receive reasonable advance notice of and the right to refuse any physical or psychological examination or evaluation that has not been ordered by the court;
- k. On approval of the court, to seek independent psychological or physical examination or evaluation of the child for purposes of the pending proceeding;
- l. On noticed motion to all parties and the local child protective services agency, to request the court to authorize the relevant local child protective services agency to release relevant reports or files concerning the child represented by the counsel as provided by Family Code section 3152; and
- m. Not to be called as a witness in the proceeding. (Family Code section 3151(b)).

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

NOTICE

Any party required to pay court-ordered attorney fees or reimburse the court for attorney fees paid on a party's behalf must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year. Failure to pay court-ordered attorney fees or reimburse the court for fees paid on a party's behalf may result in a legal action being initiated to collect overdue payments and interest on overdue amounts.

