

1
2
3
4
5
6
7 **SUPERIOR COURT OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**
9

10 IN RE THE MATTER OF:

11
12 Petitioner,

13 vs.

14
15 Respondent.
16
17 _____

) Case No.:

) ORDER APPOINTING COUNSEL FOR
) MINOR(S)

) FC § 3150

18 1. The Court hereby appoints _____,
19 whose address and phone are: _____

20
21 as an officer of this Court, pursuant to the provisions of California Family Code sections
22 3150, 3151, 3152 and 3153 for the purpose of representing the best interests of the
23 minor child(ren): _____

24
25 in the pending proceedings.

26 2. The court finds that the factors numbered _____ and listed in Section
27 20.5, subdivision (b), of the Standards of Judicial Administration recommended by the
28 Judicial Council in the Appendix to the California Rules of Court, are present in this

1 case. The issues with which counsel may be of service include:
2
3

4 3. The parties and their counsel are ordered to cooperate with child's counsel to
5 permit counsel to perform the duties of said appointment. In addition to the rights and
6 duties of counsel as described in Family Code section 3151, a copy of which is attached
7 and the particulars of which the parties are deemed to have knowledge, and any other
8 rights conferred upon counsel pursuant to California law:

9 a. Counsel for the minor(s) shall be provided with complete copies of all
10 relevant pleadings within ten (10) days of this appointment. Each party shall provide
11 legible copies of that party's pleadings in the immediately pending action, and to the
12 extent that counsel for the minor child(ren) may request, pleadings setting forth prior
13 existing orders and applications relevant to the issues pending before this Court.

14 b. The parties shall make arrangements as directed by counsel for the
15 minor child(ren), to permit counsel to interview the minor client(s) at counsel's office
16 and, as may be requested by counsel, at such other places as he/she may direct,
17 including but not limited to the home(s) and school(s) of the minor(s).

18 c. The parties shall provide complete information concerning school,
19 medical, psychological/psychiatric and/or other service providers for the minor(s) from
20 whom relevant information may be available to counsel for the child(ren), including
21 names, addresses and telephone numbers of said providers and approximate dates of
22 such services. To the extent available to a party, school, medical and other pertinent
23 records shall be provided to the child(ren)'s counsel upon request. The parties shall
24 execute such waivers and releases requested to facilitate access to records for the
25 minor(s).

26 4. Pursuant to Family Code Section 3151(a), counsel for the minor child(ren)
27 shall have the following duties, unless under the circumstances it is inappropriate to
28 exercise these duties: interviewing the child(ren), reviewing the court files and all

1 accessible relevant records available to both parties and making any further
2 investigations as counsel for the minor child(ren) deems necessary to ascertain facts
3 relevant to the custody or visitation hearings. Counsel for the minor child(ren) may
4 introduce and examine counsel's own witnesses, present arguments to the court
5 concerning the child(ren)'s welfare and participate further in the proceedings to the
6 degree necessary to adequately represent the child(ren).

7 5. Family Code Section 3151 (c) further provides that counsel for the minor
8 child(ren) shall have the following rights and responsibilities incident to counsel's
9 representation of the minor child(ren): reasonable access to the child(ren) with
10 adequate notice; notice of any and all proceedings including any request for
11 examinations affecting the child(ren); access to medical and school records for the
12 child(ren); the right to veto any physical or psychological examination or evaluation, for
13 the purposes of this proceeding, which has not been ordered by the court; the right to
14 assert on behalf of the child(ren) any privilege for discovery purposes; and the right to
15 seek independent psychological or physical examination or evaluation of the child(ren)
16 for purposes of the pending proceeding, upon application to the court.

17 6. Counsel for the minor child(ren) may, upon noticed motion to all parties and
18 the local child protective services agency, request the court to authorize the release of
19 relevant reports or files concerning the child(ren) represented by counsel, of the
20 relevant child protective services agency. The court shall review the reports or files in
21 camera in order to determine if they are relevant to the pending action and whether and
22 to what extent they should be released to counsel for the minor child(ren). Neither the
23 review by the court nor the release to counsel shall constitute a waiver of the
24 confidentiality of those records or files. Counsel shall not disclose the contents or
25 existence of those files or records to anyone unless otherwise permitted by law.

26 7. The parties and their counsel shall not compromise, settle, dismiss, or
27 otherwise remove from the court's calendar all or any portion of the issues, claims, or
28 proceedings concerning which child's counsel has been appointed without advance

1 notice to child's counsel and court approval of such compromise, settlement, dismissal,
2 or removal from calendar.

3 **8. All custodians of records relating to the minor child(ren) and all**
4 **providers of services who have a confidential or nonconfidential relationship with**
5 **the minor child(ren) shall communicate with, shall reveal confidential and**
6 **nonconfidential communications from and relating to the minor child(ren) to, and**
7 **shall permit inspection and copying of records relating to the minor child(ren) by**
8 **counsel for the minor child(ren) regardless of whether the child(ren)'s parent(s)**
9 **or guardian(s) have executed waivers or releases on behalf of the child(ren).**

10 9. Counsel for the minor child(ren) shall be paid at the rate of \$ ___ per hour
11 plus reasonable costs. Pending further order the court orders:

12 ___ The parties are ordered to pay such fees and costs: ___ % by petitioner;
13 ___% by respondent;

14 ___ Paid by the County of Los Angeles;

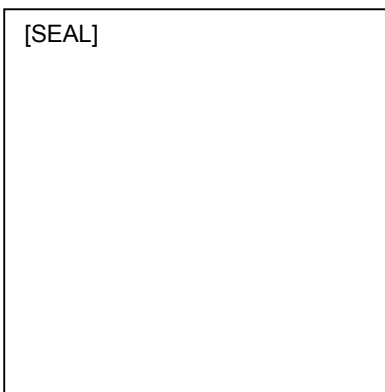
15 ___ Jurisdiction to determine costs is reserved. The court will conduct a hearing
16 on payment of costs and fees of counsel for the child(ren) reimbursement on ___ at
17 ___. Each side is to file and serve a completed Income and Expense Declaration by
18 ___ and bring to the hearing his/her most recent pay stub, last two years tax returns
19 and any loan applications submitted to any lender in the last two years.

20 10. The court waives filing and other court fees on behalf of the child. The clerk
21 shall honor a copy of this order presented as proof of counsel's right to obtain copies of
22 court documents without charge.

23
24 Dated:

Judicial Officer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



CLERK'S CERTIFICATE

I certify that the foregoing Order Appointing Court's Expert is a true and correct copy of the original on file in the court.

Date: Clerk, by _____, Deputy

1 **Family Code section 3151**

2 (a) The child's counsel appointed under this chapter is charged with the representation
3 of the child's best interests. The role of the child's counsel is to gather facts that bear on
4 the best interests of the child, and present those facts to the court, including the child's
5 wishes when counsel deems it appropriate for consideration by the court pursuant to
6 Section 3042. The counsel's duties, unless under the circumstances it is inappropriate
7 to exercise the duty, include interviewing the child, reviewing the court files and all
8 accessible relevant records available to both parties, and making any further
9 investigations as the counsel considers necessary to ascertain facts relevant to the
10 custody or visitation hearings.

11
12 (b) At the court's request, counsel shall prepare a written statement of issues and
13 contentions setting forth the facts that bear on the best interests of the child. The
14 statement shall set forth a summary of information received by counsel, a list of the
15 sources of information, the results of the counsel's investigation, and such other matters
16 as the court may direct. The statement of issues and contentions shall not contain any
17 communication subject to Section 954 of the Evidence Code. The statement of issues
18 and contentions shall be filed with the court and submitted to the parties or their
19 attorneys of record at least 10 days before the hearing, unless the court orders
20 otherwise. At the court's request, counsel may orally state the wishes of the child if that
21 information is not a privileged communication subject to Section 954 of the Evidence
22 Code, for consideration by the court pursuant to Section 3042. Counsel shall not be
23 called as a witness in the proceeding. Counsel may introduce and examine counsel's
24 own witnesses, present arguments to the court concerning the child's welfare, and
25 participate further in the proceeding to the degree necessary to represent the child
26 adequately. In consultation with representatives of the Family Law Section of the State
27 Bar and the Senate and Assembly Judiciary Committees, the Judicial Council may
28 specify standards for the preparation of the statement of issues and contentions and

1 may promulgate a model statement of issues and contentions, which shall include
2 simple instructions regarding how to subpoena a witness, and a blank subpoena form.

3
4 (c) The child's counsel shall have the following rights:

5 (1) Reasonable access to the child.

6 (2) Standing to seek affirmative relief on behalf of the child.

7 (3) Notice of any proceeding, and all phases of that proceeding, including a request for
8 examination affecting the child.

9 (4) The right to take any action that is available to a party to the proceeding, including,
10 but not limited to, the following: filing pleadings, making evidentiary objections, and
11 presenting evidence and being heard in the proceeding, which may include, but shall
12 not be limited to, presenting motions and orders to show cause, and participating in
13 settlement conferences, trials, seeking writs, appeals, and arbitrations.

14 (5) Access to the child's medical, dental, mental health, and other health care records,
15 school and educational records, and the right to interview school personnel, caretakers,
16 health care providers, mental health professionals, and others who have assessed the
17 child or provided care to the child. The release of this information to counsel shall not
18 constitute a waiver of the confidentiality of the reports, files, and any disclosed
19 communications. Counsel may interview mediators; however, the provisions of Sections
20 3177 and 3182 shall apply.

21 (6) The right to reasonable advance notice of and the right to refuse any physical or
22 psychological examination or evaluation, for purposes of the proceeding, which has not
23 been ordered by the court.

24 (7) The right to assert or waive any privilege on behalf of the child.

25 (8) The right to seek independent psychological or physical examination or evaluation of
26 the child for purposes of the pending proceeding, upon approval by the court. (Am Stats
27 1997, C449)