

Cause No. 323-

IN THE INTEREST OF	§	IN THE DISTRICT COURT OF
	§	
	§	TARRANT COUNTY, TEXAS
	§	
CHILDREN	§	323 RD JUDICIAL DISTRICT

ORDER APPOINTING AMICUS ATTORNEY FOR CHILDREN

On this day, the court has determined that the appointment of an amicus attorney is necessary to represent the best interest of the children the subject of this suit.

The court, pursuant to Texas Family Code, Section 107.003 et seq., appoints _____ as amicus attorney to provide legal services necessary to assist the court in protecting a child's best interests rather than to provide legal services to the children.

The amicus attorney shall:

1. Subject to Rule 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview:
 - a. the child in a developmentally appropriate manner, if the child is four years of age or older;
 - b. each person who has significant knowledge of the child's history and condition; including any foster parent of the child;
 - c. the parties to the suit.
2. seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;
3. consider the impact on the children in formulating the attorney's presentation of the child's expressed objectives of representation to the court;
4. investigate the facts of the case to the extent the attorney considers appropriate;
5. obtain and review copies of relevant records relating to the child as provided by Section 107.006, Texas Family Code;
6. participate in the conduct of the litigation to the same extent as an attorney for a party;
7. take any action consistent with the child's interests that the attorney considers necessary to expedite the proceedings;
8. encourage settlement and the use of alternative forms of dispute resolution; and
9. review and sign, or decline to sign, a proposed or agreed order affecting the child.

The amicus attorney is entitled to:

1. request clarification from the court if the role of the attorney is ambiguous;
2. request a hearing or trial on the merits;
3. consent or refuse to consent to an interview of the children by another attorney;
4. receive a copy of each pleading or other paper filed with the court;
5. receive notice of each hearing in the suit;
6. participate in any case staffing concerning the children conducted by an authorized agency; and
7. attend all legal proceedings in the suit

The amicus attorney shall:

1. have immediate access to the children and any information relating to the children;
2. advocate the best interests of the child after reviewing the facts and circumstances of the case.

The amicus attorney shall, in a developmentally appropriate manner:

1. with consent of the children, ensure that the child's expressed objectives of representation are made known to the court;
2. explain the role of the amicus attorney to the children;
3. inform the children that the amicus attorney may use the information that the children provides in providing assistance to the court; and
4. become familiar with the American Bar Association's standards of practice for attorneys who represent children in custody cases.

The amicus attorney may not:

1. disclose confidential communications between the amicus attorney and the children unless the amicus attorney determines that disclosure is necessary to assist the court regarding the best interests of the children;
2. be compelled to produce attorney work product developed during the appointment of the attorney;
3. be required to disclose the source of any information;
4. submit a report into evidence; or
5. testify in open court, except as authorized by Rule 3.08, Texas Disciplinary Rules of Professional Conduct.

Without requiring a further order or release, the custodian of any relevant records relating to the children, including records regarding social services, law enforcement, school records, records of a probate or court proceeding, and records of a trust or account for which the

children is a beneficiary, shall provide the attorney with access to the records. **TEX. FAM. CODE ANN. § 107.006(C).**

This appointment shall be effective immediately and shall remain in effect while the case is pending or until further order of the court.

IT IS ORDERED that all costs of court pertaining to the services of the Amicus shall be the responsibility of the Petitioner, _____. It is further ordered that Petitioner shall deposit \$500.00 into the registry of the Court by no later than _____, and that an additional \$500.00 shall be paid into the registry of the Court by _____; said moneys to be paid by the Court to the Amicus Attorney for services rendered.

SIGNED on _____

JUDGE PRESIDING