

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

388TH JUDICIAL DISTRICT COURT

IN THE INTEREST OF:

A CHILD

§
§
§
§
§
§
§
§
§
§

CAUSE NO. _____

ORDER APPOINTING AMICUS ATTORNEY

The Court finds that under section 107.021 of the Texas Family Code an Amicus Attorney should be appointed in this case. The Court hereby appoints _____ as the Amicus Attorney to provide legal services necessary to assist the Court in protecting the best interests of _____, the child(ren) the subject of this suit.

The Court hereby finds that the Amicus Attorney is entitled to reasonable fees and expenses to be paid by the parties as follows: each party is ORDERED to pay one-half of the fees. The Court hereby ORDERS Petitioner / Respondent to deposit the sum of \$_____ with the Amicus Attorney no later than 5:00 P.M. _____ days following the signing of this order. The Court reserves the right to order additional cost deposits before trial.

The Court hereby ORDERS that the custodian of any relevant records relating to the child(ren), including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the child(ren) is / are (a) beneficiary(ies), shall provide immediate access to the records to the Amicus Attorney without requiring a further order or release. The Court further ORDERS that any custodian of the child(ren) grant the Amicus Attorney immediate access to the child(ren) and fully cooperate with the Amicus Attorney.

Petitioner and Respondent are ORDERED to sign any and all releases of information relative to the child(ren) or the parties in this case, as requested by the Amicus Attorney, within seven days of the request.

Pursuant to sections 107.003 and 107.005 of the Texas Family Code, Amicus Attorney is ORDERED to perform all appropriate duties in this case with regard to each child the subject of this suit:

1. Subject to rules 4.02, 4.03, and 4.04 of the 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; and
 - 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 child in formulating the Amicus 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 Amicus Attorney considers appropriate;
5. Obtain and review copies of relevant records relating to the child as provided by section 107.006 of the 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 Amicus Attorney considers necessary to expedite the proceedings;
8. Encourage settlement and the use of alternative forms of dispute resolution;
9. Advocate the best interests of the child after reviewing the facts and circumstances of the case;
10. Review and sign, or decline to sign, a proposed or agreed order affecting the child;
11. Become familiar with the American Bar Association’s standards of practice for attorneys who represent children in custody cases; and
12. In a developmentally appropriate manner—
 - a. With the consent of the child, ensure that the child’s expressed objectives of representation are made known to the Court;
 - b. Explain the role of the Amicus Attorney to the child; and

- c. Inform the child that Amicus Attorney may use information that the child provides in providing assistance to the Court.

Amicus Attorney has all the rights and privileges as contained in chapter 107 of the Texas Family Code, including the rights to—

1. Request clarification from the Court if the role of Amicus Attorney is ambiguous;
2. Request a hearing or trial on the merits;
3. Consent or refuse to consent to an interview of the child by another attorney;
4. Receive a copy of each pleading or other paper filed with the Court in the case in which Amicus Attorney is appointed;
5. Receive notice of each hearing in the case;
6. Participate in case staffings by an authorized agency concerning the child; and
7. Attend all legal proceedings in the case.

The Amicus Attorney is prohibited from disclosing confidential communications between the Amicus Attorney and the child unless the Amicus Attorney determines that disclosure is necessary to assist the Court regarding the best interests of the child.

SIGNED on _____, 2007.

PATRICIA A. MACIAS
PRESIDING JUDGE