

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

388<sup>TH</sup> JUDICIAL DISTRICT COURT

IN THE INTEREST OF:

\_\_\_\_\_  
\_\_\_\_\_

A CHILD

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CAUSE NO. \_\_\_\_\_

**ORDER APPOINTING ATTORNEY AD LITEM**

The Court finds that under section 107.021 of the Texas Family Code an Attorney Ad Litem should be appointed in this case. The Court hereby appoints \_\_\_\_\_ as Attorney Ad Litem to provide legal services to \_\_\_\_\_, the child(ren) the subject of this suit.

The Court hereby finds that the Attorney Ad Litem is entitled to reasonable fees and expenses to be paid by the parties as follows: each party shall pay one-half of the fees. The Court hereby ORDERS Petitioner / Respondent to deposit the sum of \$\_\_\_\_\_ with the Attorney Ad Litem no later than 5:00 P.M. \_\_\_\_\_ days following the signing of this order / or \_\_\_\_\_. 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 Attorney Ad Litem without requiring a further order or release. The Court further ORDERS that any custodian of the child(ren) grant the Attorney Ad Litem immediate access to the child(ren) and fully cooperate with the Attorney Ad Litem.

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 Attorney Ad Litem, within seven days of the request.

The Attorney Ad Litem owes the child(ren) the duties of undivided loyalty, confidentiality, and competent representation. Pursuant to sections 107.003 and 107.004 of the Texas Family Code, the

Attorney Ad Litem 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 Attorney Ad Litem’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 Ad Litem 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 Attorney Ad Litem considers necessary to expedite the proceedings;
8. Encourage settlement and the use of alternative forms of dispute resolution;
9. Review and sign, or decline to sign, a proposed or agreed order affecting the child;
10. In a developmentally appropriate manner—
  - a. Advise the child and
  - b. Represent the child’s expressed objectives of representation and follow the child’s expressed objectives of representation during the course of litigation if the Attorney Ad Litem determines that the child is competent to understand the nature of an attorney-client relationship and has formed that relationship with the Attorney Ad Litem; and
11. As appropriate, considering the nature of the appointment, become familiar with the American Bar Association’s standards of practice for attorneys who represent children in

abuse and neglect cases, the suggested amendments to those standards adopted by the National Association of Counsel for Children, and the American Bar Association's standards of practice for attorneys who represent children in custody cases; and

12. Complete at least three hours of continuing legal education relating to child advocacy as soon as practicable; and
13. Except for good cause shown, meet before each court hearing with the child, if the child is at least four years of age, or with the individual with whom the child resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age.

The Attorney Ad Litem 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 Attorney Ad Litem 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 Attorney Ad Litem 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.

**SIGNED on** \_\_\_\_\_.

\_\_\_\_\_  
**PATRICIA A. MACIAS**  
**JUDGE PRESIDING**