

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_ -CVD-\_\_\_ (\_\_\_)

Plaintiff,

vs.

Defendant.

**ORDER APPOINTING BEST INTEREST  
ATTORNEYS AND  
CFCR CUSTODY ADVOCATE**

This matter was before the Court for appointment of best interest attorneys and a custody advocate for the following child: \_\_\_\_\_, born \_\_\_\_\_, \_\_\_\_ (“the child”). It is in the child’s best interest and expedient to the administration of justice that best interest attorneys and a custody advocate be appointed. The Council for Children’s Rights (“CFCR”), a private, non-profit organization, operates the Custody Advocacy Program, which assigns attorneys and lay persons to work with a CFCR staff attorney to advocate for the best interests of children in civil actions related to child custody and visitation.

**IT IS THEREFORE ORDERED** that:

1. \_\_\_\_\_, staff attorney at CFCR, and \_\_\_\_\_, a volunteer attorney, are hereby appointed as the child’s best interest attorneys. \_\_\_\_\_, a volunteer, shall serve as the child’s custody advocate.

2. The best interest attorneys and custody advocate shall represent and advocate for the child's best interest in custody and visitation matters in this proceeding and, at the Court's discretion, with respect to child support issues. Their responsibilities shall include, without limitation, the following:

- a. To request, receive, review or copy documents concerning the child, whether or not the document is otherwise confidential;
- b. To investigate and determine the facts, the child's needs and the resources available to meet those needs and to present that information at hearings;
- c. To appear at all hearings in which custody or visitation is an issue and represent and advocate for the child's best interests by examining and cross-examining witnesses, otherwise presenting evidence, and making arguments to the Court;

d. To collect and present to the Court, to aid in custody and visitation determinations, all pertinent reports, evaluations, and other information regarding the child.

3. The best interest attorneys and custody advocate are further authorized to request, receive and review all information, records and reports concerning the child and the parties to this action, including medical, educational, and social services records, wherever located, whether confidential or not, that may, in their opinion, be relevant to the child's best interest in this action. All individuals, agencies, facilities, entities and organizations are asked to comply with CFCR's requests in a timely manner.

4. The parties are ordered to sign any necessary releases and otherwise cooperate with all entities and professionals including, but not limited to, physicians, therapists, psychologists, psychiatrists, and any other professionals providing care to the child and/or parties, including any Novant Health or Carolinas HealthCare System facility, to ensure the best interest attorneys and custody advocate are able to fulfill their responsibilities outlined herein, including having access to information, records or reports, whether confidential or not, concerning the child or the parties to this action that may, in the opinion of the best interest attorneys and custody advocate, be relevant to the child's best interest and custody/visitation issues in this action.

5. The parties shall cooperate with the best interest attorneys and custody advocate by making the minor child available to be interviewed, upon CFCR's request, at CFCR's office, at the minor child's school or at another neutral location, by the best interest attorneys and/or custody advocate, outside of the presence of any third party.

6. The best interest attorneys and the custody advocate shall not disclose any information about the child or the child's family except to the extent necessary to fulfill the duties and responsibilities imposed by this Order.

7. The Plaintiff shall pay a flat best interest attorney fee of \$\_\_\_\_\_ and the Defendant shall pay a flat best interest attorney fee of \$\_\_\_\_\_, both within ninety days of the filing of this Order. If either of the parties is unable to pay the fee assessed to him or her within the ninety-day period, he or she shall contact Ashley Neal of CFCR (704.943.9695) within thirty days of the filing of this Order to arrange payment terms. These fees are based upon the annual gross incomes of the parties as reported to CFCR and set according to the Flat Fee Scale attached hereto. The funds are to be sent to:

Council for Children's Rights  
ATTENTION: Ashley Neal  
601 East Fifth St., Suite 510  
Charlotte, NC 28202

8. The provisions of this Order (including paragraph 6 regarding best interest attorney fees) are enforceable by the Court's contempt powers. CFCR, as representative of the child who is indigent, shall not be required to pay filing fees for any Notice of Hearing that may be filed by it in this action.

9. This appointment shall continue until the entry of a permanent custody and visitation order or until terminated by further order.

This the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
District Court Judge

**COUNCIL FOR CHILDREN’S RIGHTS  
BEST INTEREST ATTORNEY FLAT FEE SCALE**

<u>Annual Gross Income</u>	<u>Fee</u>
0 to \$20,000	\$100
\$20,001 to \$25,000	\$200
\$25,001 to \$30,000	\$300
\$30,001 to \$35,000	\$400
\$35,001 to \$40,000	\$500
\$40,001 to \$45,000	\$600
\$45,001 to \$50,000	\$700
\$50,001 to \$55,000	\$800
\$55,001 to \$60,000	\$1,000
\$60,001 to \$65,000	\$1,250
\$65,001 to \$70,000	\$1,500
\$70,001 to \$75,000	\$1,750
\$75,001 to \$80,000	\$2,000
\$80,001 to \$85,000	\$2,250
\$85,001 to \$90,000	\$2,500
\$90,001 to \$95,000	\$2,750
\$95,001 to \$100,000	\$3,000

The fee for persons with annual gross incomes in excess of \$100,000 will be three percent (3%) of gross annual income.