

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File No.:

_____)
_____)
Plaintiff,)
)
v.)
)
_____)
Defendant.)
_____)

Assigned Judge:

**ORDER APPOINTING
THE CHILD’S ADVOCATE
or PRO BONO ATTORNEY**

The Court hereby determines that appointment of counsel for the minor child(ren) in this matter is necessary to help the Court determine what is in the best interests of the minor(s) and/or to protect the interests of the minor(s), and hereby appoints counsel for the minor child/children as set forth below.

IT IS ORDERED, ADJUDGED and DECREED as follows:

1. The Child’s Advocate (hereafter referred to as “TCA”), a project of Legal Aid of North Carolina (LANC), or Pro Bono Attorney identified by TCA (hereafter referred to as “Pro Bono Attorney”), is hereby appointed as the Attorney for the child(ren):
2. The Child’s Advocate or Pro Bono Attorney will represent the child(ren) in accordance with the Rules of Professional Conduct.
3. Within seven (7) days of the date of entry of this Appointment Order, each named party shall contact The Child’s Advocate at (919) 821-5393 to schedule intake.
4. If TCA refers the case to a Pro Bono Attorney, the Pro Bono Attorney shall file a Notice of Substitution of Counsel within seven (7) days of the referral.
5. Each party shall cooperate with TCA or Pro Bono Attorney and shall ensure that TCA or Pro Bono Attorney has timely access to the child(ren) and to confidential information about the child(ren) without the necessity of any further order or release. Such information includes, but is not limited to, social services, drug and alcohol treatment, medical, mental health, law enforcement, school, probate and court records, records of trusts and accounts of which the child(ren) is/are a beneficiary, and other records relevant to the case, including court records of parties.
6. TCA or Pro Bono Attorney is invested with the following powers: 1) to investigate the child(ren)’s circumstances, including talking with any parent, caretaker, educator, health care provider or other person with knowledge of the child(ren); 2) to obtain all relevant information related to the child(ren); 3) to act on behalf of the child(ren) for purposes of trying to resolve disputes regarding the child(ren); and 4) to appear as counsel for the child(ren) at all proceedings related to the child(ren).
7. The parties or their attorneys shall promptly serve TCA or Pro Bono Attorney with copies of all pleadings, motions, and other legal documents related to custody and visitation.

8. The party moving for appointment of TCA or Pro Bono Attorney shall be responsible for serving upon TCA a copy of the signed appointment order. The Court shall be responsible for serving upon TCA a copy of the appointment order when entered upon the Court's own motion.
9. All educational facilities, medical care or mental health treatment providers, and others having information about the above named parties and/or the child(ren) are authorized to release same to the child(ren)'s Attorney upon presentation of a photocopy of this Order. Unless otherwise required, no specific authorization by the party is required. This authority of TCA or Pro Bono Attorney includes all of the powers expected of a "personal representative" for the use and disclosure of protected health care information as provided in the Health Insurance Portability and Accountability Act of 1996 (HIPAA, Title 42 U.S.C. Chap. 7) and 45 CFR Part 164, as may be amended hereafter, and for that purpose, TCA or Pro Bono Attorney is hereby named as the Personal Representative of the child(ren).
10. TCA or Pro Bono Attorney shall not redistribute or reveal without further court order any medical, mental health or CPS records obtained during the course of representing the child(ren).
11. TCA or Pro Bono Attorney shall insure to the greatest extent possible that the minor child(ren)'s interests are protected and considered by the Court and by the parties and, if represented, by the parties' attorneys. Consistent with the attorney-client relationship, TCA or Pro Bono Attorney shall investigate and convey the child's views, needs, concerns, feelings and desires in an effort to help the parties resolve matters without litigation, but if litigation is required, TCA or Pro Bono Attorney shall represent the child and the child's interests at all court proceedings and shall participate as any other attorney in the action, including but not limited to filing motions, calling and examining witnesses, offering exhibits into evidence, and making arguments to the Court.
12. Any consent order regarding the child(ren) entered in this matter shall require the approval of TCA or Pro Bono Attorney.
13. In the event that TCA or Pro Bono Attorney must incur fees or costs associated with representation of the child(ren), TCA or Pro Bono Attorney may file a motion or petition the Court to determine how fees should be apportioned.
14. The provisions of this Order are enforceable by the contempt powers of the Court. Neither TCA nor Pro Bono Attorney charge for its services but may motion the Court for sanctions if a party fails to comply with this Order.

This the _____ day of _____, 20____.

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I have served all parties, or their attorneys, and The Child's Advocate with the foregoing **Order Appointing The Child's Advocate or Pro Bono Attorney**, by placing a copy in the United States Mail, postage prepaid, addressed as follows:

The Child's Advocate
P.O. Box 106
Raleigh, NC 27602

This the _____ day of _____, 20____.

-
- Plaintiff / Attorney for Plaintiff
 - Defendant / Attorney for Defendant
 - Deputy Clerk / Family Court Case Coordinator

Name: _____

Address: _____

Telephone No.: _____

Email Address: _____