Working with ATTORNEYS FOR CHILDREN

Presenters: Thomas Mulinazzi and Sarah Nadolny of MLO/Mulinazzi Law Office and with special thanks to the Mentors of the MVLS Family Law University.

MVLS

ARYLAND VOLUNTEER LAWYERS SERVICE

WHY?
Why would you need an attorney for a child?

- Protect the child during the litigation
- Advocate for the child (“give the child a voice”)
- Liaison to DSS, therapist, etc.
- Assist with Settlement
- Court needs unique information
    - Privileged information
    - Hearsay

Child's Privilege Attorney

- Children have a right to confidentiality in their communications with certain professionals. Parents cannot waive that right on behalf of the child.
- The attorney is appointed by Court to waive or assert this privilege(s).
- Why and when is privileged waived?
- How is it waived?

Line – Waive or Assert Privilege

Child's Advocate Attorney

- An independent lawyer for the child and only appropriate when the child is mature.
  - What is old/mature enough? Who determines?
  - Sixteen year olds per Fam. Law 9-103.

- Must treat a child client the same way they treat an adult client, and must follow the client's instructions, and keep the confidentiality of communications.

Considered Judgment[1]

- A child has “considered judgment” when they can express a reasoned choice about issues.

- To determine whether the child has considered judgment, think about:
  - What is the child's decision and how did they reach that decision?
  - Did they consult anyone before making a decision? Who? When? Etc.
  - To the point it can be determined why did they make the decision they did
  - Does the child understand the consequences of their decision?
  - The attorney should consider the following factors when determining whether the child has considered judgment:
    - a) The child's developmental stage including cognitive ability, socialization and emotional and mental development;
    - b) The child's reasons for the legal position;
    - c) Relevant and available reports such as reports from social workers, psychiatrists, psychologists and schools.

1 https://maryland-familylaw.com/images/md_stds_rep_children.pdf

What is a Best Interests Attorney (BIA)?

- Attorney appointed by the Court to represent, protect, and advocate for the child's interests in high conflict custody/access cases.
- NO allegiance to either parent
- No confidentiality to child client
- The voice of and for the child.

Child's Best Interest Attorney (BIA)

BIAs **INVESTIGATE and** make observations after thorough review and investigation in the facts and issues of a case.

BIAs **SOLVE PROBLEMS** and **SETTLE** cases by proposing short or long terms solutions, referring to resources, making recommendations in an attempt to help the parties reach settlement.

BIAs **LITIGATE** *if the there is no settlement* then the BIA advocates for their client's best interests in Court.

Court Considerations for BIA appointment

- Agreement by the parties
- Prior use of a BIA
- Pleadings and case history
- Nature of the potential evidence to be presented
- Other available methods of obtaining information, including social service investigations and evaluations by mental health professionals
- Available resources for payment
- Rule 9-205.1 Factors

Rule 9.205.1 Factors for Appointment

Appointment may be most appropriate in cases involving the following factors, allegations, or concerns:

- (1) request of one or both parties;
- (2) high level of conflict;
- (3) inappropriate adult influence or manipulation;
- (4) past or current child abuse or neglect;
- (5) past or current mental health problems of the child or party;
- (6) special physical, educational, or mental health needs of the child that require investigation or advocacy;
- (7) actual or threatened family violence;
- (8) alcohol or other substance abuse;
- (9) consideration of terminating or suspending parenting time or awarding custody or visitation to a non-parent;
- (10) relocation that substantially reduces the child's time with a parent, sibling, or both; or
- (11) any other factor that the court considers relevant.

Example issues for BIA Appointments

- When the parties CANNOT coparent on even simple issues
- Child is consistently put in the middle or used for communication
- Child’s behavioral issues
- Gatekeeping
- Severe substance abuse issues
- (Untreated) mental health issues for either child or party
- Abuse of either a party, the child at issue, or other child in house
- When a party is estranged/lack of relationship with a child

How can a BIA help your client?

- Access privileged information
- Provide context and evidence for best interest factors
- Provide recommendations to strengthen relationships
- Provide resources to help family now and in future
- Help settle/resolve cases
- Save money in the case
- But *could* hurt your client's case if …

STORY TIME

How to get a BIA:

- By agreement at scheduling conference or via Joint Motion

- By Motion
    - Pleading should include:
        - Position of other party
        - Relevant case history
        - Examples from the case directly related to the factors listed in *Rule 9-205.1*
        - Statement of why the BIA is necessary in this case. How will a BIA help the child and the court?
        - Positions on identity of BIA and positions on fee splitting

- *Sua sponte* based on the allegations in the pleadings

“Powers” of the BIA

A BIA can/may (see Order):

- **Speak with and see their clients**
- **Speak with doctors and therapists**
- **Speak with DSS/CPS**
- **Review child’s confidential info**
- **Speak with teachers and principals**
- **Conduct discovery (incl. depos)**
- **File Motions (incl. Emergency)**
- **NOT have *ex parte* communication w/Judge**

Duties the BIA during the case (varies by case and BIA style)

1. Review pleadings. Initial contact to parties/counsel. Initial contact to important neutral third parties.
2. Speak with attorneys. Meet with each parent. Explain your role and expectations.
3. Meet with children. Slowly build rapport. Assess for maturity, their involvement in case, etc.
4. Gather information and corroborate: Interview collateral witnesses, incl. household members
5. Reconnect with the children. Check in with them as case evolves. Handle new events and issues as they occur in real time.
6. Make Recommendations and participate in settlement conferences
7. TRIAL. The BIA is an equal participant and treated like any other attorney as long as the issue is relevant to the children.

Investigation: Sources of Information

- Pleadings and discovery responses
- Journal entries and drawings or parties and client(s)
- Texts between parties, and child(ren)'s texts
- Therapist/mental health notes
- Pediatrician notes
- School records/guidance counselors, teachers, principals
- CPS reports/social workers
- Police reports
- Custody evaluations
- Coaches/leaders of extracurricular activities
- Collateral witnesses identified by parties
- Witnesses named in records
- Family members who live with or previously lived with the family

What is your role vis-à-vis the BIA?

COMPLY WITH ORDER AND MANAGE YOUR CLIENT TO DO SO

MAY PARTICIPATE IN INTERVIEW AND COMM. BETWEEN BIA AND CLIENT

PROVIDE CONTEXT: ADVOCATE FOR YOUR CLIENT

PROVIDE UPDATES TO BIA

Trial - BIA as litigator

- Equal participant in trial -- often 2 v. 1
  - Opening & Closing
  - MUST inform Court of Recommendation and why
    - Must inform Court of child's considered judgment (or not) and the child's position
  - Issue trial subpoenas
  - Can cross-examine witnesses, object, etc.
  - Present evidence and witnesses to the Court
  - Must follow all Rules and Scheduling Order deadlines

Tips for working with BIAs

- Remember nothing is confidential
- Manage your client
- Freely provide information to assist the BIA
- Get BIA “buy-in” … ask for suggestions
- Remember the BIA must also sign on custody and access settlements
- Settle! Do not go into trial 2 vs. 1

STATEMENT OF UNDERSTANDING FOR COURT ORDERED CUSTODY EVALUATIONS

You have been court ordered to participate in a custody evaluation. Your custody evaluator will complete an impartial evaluation of custodial fitness. In accordance with Maryland Rule 9-205.3 the evaluation will include assessment of the following: domestic violence, child abuse and neglect, family conflict and dynamics, child and adult development, and the impact of divorce and separation on children and families. Every effort will be made to accommodate your needs for scheduling; however, in order to comply with timelines for completion, participants are expected to make themselves available and agree to attend all appointments in a timely manner.

PURPOSE OF THE EVALUATION

The goal of this evaluation is to provide information and analysis of the parties' abilities to care for and meet the child's needs, and an analysis of the needs and development of a child(ren) who is the subject of proceeding in this Court. The information in the evaluation will assist the court in making decisions regarding custody, access, and interventions that are in the best interest of your family and/or your child(ren). The evaluator is the court's neutral expert who is ordered to report factual findings about the needs of the child and the capacity of each party to meet the children's needs; and to provide custody and access recommendations based upon an analysis of the facts found, or if such a recommendation cannot be made, an explanation of why. The evaluator is not responsible for the final outcome of court proceedings.

Please note, if the parties at any point believe the custody evaluation is no longer warranted, a Motion to Vacate Order for Custody Evaluation is required.

EVALUATION PROCESS

The custody evaluation will include:

- A review of the relevant court records pertaining to the litigation.
- An interview with each party and any adult who performs a caretaking role for the child(ren) or lives in a household with the child(ren).
- An interview with the child(ren), unless the evaluator determines and explains that by reason of age, disability, or lack of maturity, the child lacks capacity to be interviewed.
- A review of any relevant educational medical, social services, and legal records pertaining to the child(ren) or the parties.
- Observations of the child with each party as appropriate and possible.
- Screening for intimate partner violence.

In order for this evaluation to be as beneficial as possible, you will be required to answer personal and possibly uncomfortable questions. The parties will provide an in-depth personal and family history, as well as medical, residential, and employment history. Children are interviewed in an age-appropriate format. The evaluator will interview or obtain information from third parties, as appropriate, which will be discussed with you by your evaluator.

DOCUMENT GUILDLINES

You may provide documents not specifically requested by your evaluator. Your evaluator will review any documents you offer. It is recommended you consult with an attorney regarding what documents to provide. Please keep your documents to less than fifty pages. Documents can be emailed to your evaluator, or you may provide hard copies. Please note, any documents received become part of the evaluator's file and will not be returned. All documents must be received by your evaluator no later than three weeks prior to the due date of the custody evaluation report. Any documents received later will not be considered in the evaluation.

CONFIDENTIALITY

The principles of confidentiality and privilege do not apply within the context of a custody evaluation. The information learned during the evaluation is not protected from parties, attorneys, or the court. During this evaluation, the evaluator will reveal to one party what has been told by the other to ensure all issues or allegations are explored fully. The evaluation is confidential from third parties. Exceptions to confidentiality include any disclosure of abuse or neglect of a child or vulnerable adult or a court order to release confidential information.

Your signature on this form provides permission to have full access to medical, employment, education, and health records of all participants, including your children. Your evaluator may require to you to sign additional releases to access information when warranted. Your signature also provides permission to release information to attorneys and/or the court at any point in the evaluation process.

Please note, child(ren)'s mental health records are privileged. The court may appoint an attorney to determine if privilege should be waived.

CUSTODY EVALUATION REPORT

The evaluator's report will be provided to attorneys or pro-se litigants and uploaded into the electronic court file upon completion.

Please note, per the Maryland Rules and Court Order for Custody Evaluation, a party shall not disseminate the evaluation report, other than to individuals intended to be called as experts by the party. This includes personally sharing the report with other individuals, including the minor children, making copies of the report to give to persons not party or a designated expert in the case, and all social media postings. Failure to comply with this restriction may result in contempt proceedings and court ordered sanctions.

CUSTODY EVALUATION CONFERENCE

The evaluator may meet with the parties and their attorneys upon completion of the report. The evaluator will highlight the reasoning for their recommendations based on the strengths and needs of each party. Once the evaluator has finished presenting their recommendations, the attorneys and parties can ask the evaluator questions regarding the evaluator's report. Each side will have fifteen minutes for questions. After all questions are asked, the evaluator will facilitate settlement discussions as appropriate. If an agreement is reached, parties must submit a consent order or parenting agreement. If an agreement is not reached, the case will proceed to trial.

A party requesting the presence of the evaluator at a hearing or trial shall subpoena the evaluator no less than ten days before the hearing or trial. Per MD Rule 9-205.3, the court may admit a custody evaluation report into evidence without the presence of the evaluator.

LIMITATIONS AND RISKS

Reasonable steps are taken to minimize the distress associated with the evaluation process. The process is stressful and due to the need to question information provided by each party, it at times may feel you are being interrogated rather than interviewed. In order to perform the court ordered function, your evaluator must be an examiner, not a therapist.

During the evaluation process, the evaluator cannot change any current Court Orders, including provisions regarding custody and access. Questions regarding legal matters must be directed to an attorney.

WEAPONS PLEDGE

Research shows having access to a weapon significantly increases the rates of homicide in family law cases. Custody and divorce proceedings often bring heightened tensions and expose children to increased risk, especially when firearms are present in the household. In an effort to reduce risk of harm, we respectfully request you temporarily store any weapons at an off-site location, such as a family member's residence, for the duration of divorce/custody litigation. Please visit mdpgv.org/safestoragemap for gun stores, law enforcement agencies, and other business throughout Maryland that can provide temporary, voluntary firearms storage.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

NORA E. [redacted]	*	
Plaintiff	*	FAMILY DIVISION
v.	*	
MICHAEL J.B. [redacted]	*	Case No.: 03-C-13-0[redacted]
Defendant	*	

PETITION TO MODIFY CUSTODY
(Pursuant to **MD ANN CODE FAM. LAW §9-103)**

COMES NOW, the Petitioner, Ian [redacted] (age 16 pursuant to MD ANN CODE FAM. LAW §9-103) to file his own Petition to Modify Custody and in support thereof he states that following:

1. The parties in the above-captioned case are my natural parents and I am over the age of sixteen years old.

2. I am mature, I am well above average intelligence, and I understand my rights under Maryland law as these were explained to me by my undersigned counsel. In short, I have considered judgment.

3. I discussed my preferences and the filing of this instant Petition with each of my parents already.

4. The assertions herein represent not only my preferences but I believe that these preferences are also in my best interests and in the best interests of my family based all of the current circumstances.

5. That my custody is governed by the parties' Judgment of Absolute Divorce dated January 16, 2015.

6. That the Judgment gives my father, your Defendant, primary physical custody of me and grants the Plaintiff, my mother, limited access of approximately every other weekend and one weekday evening each week.

7. Now, I ask this Court to modify the custody provisions as those provisions apply to me and order that the parties have shared physical custody of my pursuant to a 2-2-5 schedule and these are the terms I am requesting be in the Order:

a. Defendant/Father shall have custody of Ian every Monday and Tuesday overnight from after school until school starts the next day or until 9:00am if there is no school the next day;
b. Plaintiff/Mother shall have custody of Ian every Wednesday and Thursday overnight from after school until school starts the next day or until 9:00am if there is no school the next day; and
c. The parties shall alternate having Ian with him or her every other Friday, Saturday and Sunday overnight from After school on Friday until the parent drops Ian off at school on Monday or until 9:00am if there is no school on that Monday.
d. During the summers, the parents shall have custody of Ian pursuant to a week-on and week-off schedule which switches on Friday afternoons.
e. The parties recognize that given Ian's age and maturity there may be times when Ian wants to deviate from this schedule slightly. The parties commit to engaging Ian in a mature discussion and trying to come to a mutual agreement so that both parents know Ian's whereabouts.

8. That since the date of this Order, there have been significant and material changes affecting my best interests. Some of those are as follows:
   a. The order is from 2015 and back then I was a small elementary school boy and only eight (8) years old.
   b. That since that time, I've spent much more time with my Mother and she demonstrates a stable household and an ability to provide for me when I am with her.
   c. That since that time, my relationship with the Plaintiff (my mother) has developed and I would like to spend more time in her custody and care. She helps me with my homework, encourages my extra-curricular activities, she listens, and she is there for me. *All of these things are true of Defendant (my father) as well.*
   d. That since the date of the last Order and especially much more recently, I feel that both parties can cooperate better and that neither is interested in putting me in the middle of this litigation. I am confident that a shared physical custody schedule will work now – at least for me – due to my age and maturity and due to my parents' ability to speak with me as a young adult.

	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
	)	HOWARD COUNTY
	)	
Defendant	)	Case No.: C-13-FM-20

MOTION TO APPOINT BEST INTEREST ATTORNEY
(Karen Amos, Esq. by agreement)

COMES NOW, the Plaintiff, by and through her counsel, Thomas Mulinazzi, Esq., and MLO/MULINAZZI LAW OFFICE, to file this Motion to Appoint Best Interests (and Child Privilege) Attorney for the parties' minor child and, in support thereof, represents to this Court as follows:

1. That both counsel discussed the issue of involving a Best Interests Attorney at length, more than once over a month ago. Eventually Defendant's counsel came back and reported that his client will not consent to the appointment. However both sides do agree that if this Court does appoint a BIA, that Karen Amos, Esq., would be an appropriate and acceptable appointment.

2. That a Motion to Shorten Time has been filed contemporaneously with the instant Motion requesting the Defendant file his Answer to this Motion within five days. That will not prejudice Defendant as counsel have discussed this issue for over one month and the narrow issue is not complex.

3. The parties' have one (1) minor child, namely: XXXXXXXXX born in August 2015, hereinafter referred to as "the minor child."

4. On or about May 7, 2020, the parties Judgment of Absolute Divorce incorporated but did not merge the parties Parenting and Separation Agreement and Addendum to Separation Agreement, both dated September 1, 2020.

5. The parties' Consent Order awarded the Plaintiff primary physical of the minor child and the parties were awarded joint legal custody.

6. Since the date the Judgment and even more so recently Defendant and his girlfriend have exhibited very aggressive behavior toward Plaintiff and Defendant's actions place the child directly into the conflict that he and his girlfriend create with your Plaintiff.

7. The Defendant's girlfriend is openly hostile to Plaintiff and recently gave Plaintiff

grandfather's conduct with the minor child after she had one CPI, resulting from this baseless accusation Defendant now contends that the minor child should never be alone with her maternal grandfather and has discussed same with the child. In fact in text message Defendant informed Plaintiff that the minor child is not allowed to spend a night at her parents' house without his consent. He then went on to say, "I am not comfortable with her around your dad. I am comfortable with her around any old man."

11. The Defendant removes the child from school over the Plaintiff's objection and he does regardless of whether it is his custodial day or Plaintiff's custodial day.

12. Defendant frequently cajoles and bullies Plaintiff into keeping the minor child for extra vacation days to include days where the child misses school – all over Mother objections.

13. This April Defendant when Mother would not agree to allow the minor child to miss even more school to go away with Defendant, he had the minor child text Mother from his phone on 4/1/2023 at 9;02pm and write, "Hi mommy I just called and I really want to go to frostberg {sic} and I want to go so please get back to me good night." And " Hi mommy can you please respond to my text. And I called you. I really want to go Frostburg. This is all from me"

14. Defendant and his significant other continue to involve the minor child in situations and conversations not appropriate for her age.

15. Defendant is not supportive of the minor child's enrollment in therapy and refuses to participate in or help pay for the sessions.

16. The Defendant and his significant other continue to triangulate the minor child in and make her feel bad for not spending more time with the Defendant.

17. The facts and allegations set forth in this case require that a Best Interest Attorney and Child Privilege Attorney be appointed for the minor child to assist the Court in reaching a proper

decision regarding her welfare.

18. In actions involving child custody and visitation, Section 1-202 of the Family Law Article of the Annotated Code of Maryland authorizes this Court to appoint an attorney to represent the minor child.

19. Pursuant to Maryland Rule 9-205.1 governing the appointment of a child's attorney, the Court should consider "the nature of the potential evidence to be presented, other available methods of obtaining information, including social service investigations and evaluations by mental health professionals, and available resources for payment."

20. The rule further states that "[a]ppointment may be most appropriate in cases involving . . . (1) request of one or both parties; (2) high level of conflict; (3) inappropriate adult influence or manipulation; (4) past or current child abuse or neglect; (5) past or current mental health problems of the child or party; (6) special physical, educational, or mental health needs of the child that require investigation or advocacy; (7) actual or threatened family violence; (8) alcohol or other substance abuse; (9) consideration of terminating or suspending parenting time or awarding custody or visitation to a non-parent; (10) relocation that substantially reduces the child's time with a parent, sibling, or both; or (11) any other factor that the court considers relevant."

21. Similarly, Section 3-834(a) of the Courts and Judicial proceedings Article provides that in addition to any requirement relating to the appointment of counsel for the children, the Court may appoint an attorney to represent the interests of the children at any time during the pendency of any action where it appears to the Court that the protection of the rights of the children requires independent representation. In addition, Section 7.1 of the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases authorizes this Court to appoint counsel for children as soon as practicable if such appointment is necessary in order for the court to decide the case.

22. These statutes and the Maryland Standards of Practice for Court Appointed Lawyers Representing Children in Custody Cases recognize that children who are caught in the middle of a custody or visitation controversy have independent rights which may not be adequately represented by their parents' attorneys. *See Levitt v. Levitt*, 79 Md. App. 394 (1979) (recognizing the importance of an appointment of counsel for a minor child in a custody dispute).

23. It is appropriate and in the best interest of the minor child that a Best Interest

Attorney and a Child Privilege Attorney be appointed to determine what is in the best interest of the minor child in accordance with Maryland law and the Standards of Practice for Court-Appointed Lawyers Representing Children in Custody Cases.

24. In this matter, this young girl needs an advocate to keep her out of the middle of the conflict involving all of her parental figures. Accordingly, this Honorable Court should appoint a Best Interests Attorney for the minor child.

WHEREFORE, Plaintiff, **XXXXXXXXXXXXXX**, respectfully requests that this Court:

A. GRANT Plaintiff's Motion to Appoint Best Interests Attorney and GRANT the relief requested therein;

B. APPOINT Karen Amos, Esq. as the Best Interest and Privilege Attorney for the minor child;

C. ISSUE the standard Best Interest Attorney Order;

D. ORDER that the parties equally share the cost of the best interest attorney; and

E. AWARD such other and further relief as this Court may deem just and proper.

I HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, BELIEF, AND UNDERSTANDING.

, Plaintiff

Respectfully Submitted:
MULINAZZI LAW OFFICE, L.L.C.

Thomas E. Mulinazzi, Esq.
CPF: 0312170080
10015 Old Columbia Road, Suite B215
Columbia, Maryland 21046
(410) 290-6270: thomas@mulinazzi.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of June, 2023, I served a copy of the foregoing Motion to Appoint Best Interest Attorney via MDEC to Defendant's Counsel of Record: [illegible]r P. [illegible]5 Columbia, MD 21045.

CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND
9250 Judicial Way, Ellicott City, Maryland, 21043

Main: 410-313-2111
Civil: 410-313-3844
Criminal: 410-313-3822
Juvenile: 410-313-3827
Land Records: 410-313-5850
Calendar Office: 410-313-4185
Family Law: 410-313-2225

Case Number: **C-13-FM-20-**
Other Reference Numbers:

BRANDY **VS. LIAM**

ORDER APPOINTING COUNSEL FOR A MINOR CHILD

Having held a Scheduling Conference in this case on April 16, 2025, and upon consent of the parties, this court has determined that appointing a Best Interest Attorney would be in the best interests of the children. Therefore, it is this 21st of April, 2025 date, by the Circuit Court for Howard County, Maryland, hereby

ORDERED, that, **Thomas Mulinazzi, Esquire**, is hereby appointed as a Best Interest Attorney in accordance with Maryland Rules of Procedure Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access. A Best Interest Attorney is a court-appointed lawyer who provides independent legal services for the purpose of protecting a child's best interests, without being bound by the child's directives or objectives. It is further

ORDERED, that, **Thomas Mulinazzi, Esquire**, is hereby appointed as a Children's Privilege Attorney pursuant to the Maryland Rules of Procedure Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access. A Children's Privilege Attorney is a lawyer appointed in accordance with *Nagle v. Hooks*, 296 Md. 123 (1983), to decide whether to assert or waive, on behalf of a minor child in a custody action, any statutory privilege. It is further

ORDERED, that the attorney appointed herein shall provide:

A written document/line asserting or waiving the privilege, to be filed on or before **June 15, 2025**. It is further

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court. It is further

ORDERED, that the attorney appointed herein shall have reasonable access to: **Connor n 5/9/12, Garret , born 8/31/14 and Trist. , born 1/11/18** and to all otherwise privileged or confidential information, including but not limited to any protected health information, about the children, without the necessity of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, Department of Social Services, Department of Juvenile Services, drug and alcohol treatment, law enforcement and educational records and information.

It is further

ORDERED, that the attorney appointed herein shall be compensated as follows:

1. Payment into attorney's trust account. Plaintiff is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of ONE THOUSAND EIGHT HUNDRED DOLLARS ($1,800.00) within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.
2. Payment into attorney's trust account. Defendant is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of FOUR THOUSAND TWO HUNDRED DOLLARS ($4,200.00) within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.
3. Attorney fees that are not covered by the initial contribution shall be allocated and billed to the parties in accordance with the initial retainer.
4. Final allocation of fees shall be determined by the Court at a hearing on the merits of this case or upon the petition of the attorney appointed herein.
5. The attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion.
6. Upon this appointment, the attorney appointed herein has agreed to bill parties at an hourly rate of two hundred dollars ($200.00) for the first ten working hours. If the appointment requires more than ten working hours, the attorney is permitted to bill his or her hourly rate for any additional fees; it is further

ORDERED that absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter. It is further

ORDERED that although the minor child is not a party in this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein. It is further

ORDERED, that within ten (10) days of the date of this Order, counsel for Plaintiff, or Plaintiff shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties. It is further

ORDERED, that within ten (10) days of the date of this Order, each party is provide the attorney appointed herein the names and known addresses and telephone numbers of any, and all, mental health providers who have evaluated or treated the children and anyone else with whom the children may have a privilege pursuant to the statute. It is further

ORDERED, that the attorney appointed herein shall not have any ex-parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the children without the prior permission of the attorney appointed herein.

Mary M. Kramer

JUDGE Mary M. Kramer, Judge

Entered: Clerk, Circuit Court for
Howard County, MD
April 22, 2025

Copies:
I
, Esq.
Thomas Mulinazzi, Esq.

Divorce Rules

Directions: Post these rules on your refrigerator as a reminder of your commitment to care. Ask your child to let you know if you forget one of the rules. Never reprimand your child when he or she gives you this feedback.

Dear Mom and Dad, I'm just a kid, so please . . .

1. Do not talk badly about my other parent. *(This makes me feel torn apart! It also makes me feel bad about myself!)*
2. Do not talk about my other parent's friends or relatives. *(Let me care for someone even if you don't.)*
3. Do not talk about the divorce or other grown-up stuff. *(This makes me feel sick. Please leave me out of it!)*
4. Do not talk about money or child support. *(This makes me feel guilty or like I'm a possession instead of your kid.)*
5. Do not make me feel bad when I enjoy my time with my other parent. *(This makes me afraid to tell you things.)*
6. Do not block my visits or prevent me from speaking to my other parent on the phone. *(This makes me very upset.)*
7. Do not interrupt my time with my other parent by calling too much or by planning my activities during our time together.
8. Do not argue in front of me or on the phone when I can hear you! *(This just turns my stomach inside out!)*
9. Do not ask me to spy for you when I am at my other parent's home. *(This makes me feel disloyal and dishonest.)*
10. Do not ask me to keep secrets from my other parent. *(Secrets make me feel anxious.)*
11. Do not ask me questions about my other parent's life or about our time together. *(This makes me uncomfortable. So just let me tell you.)*
12. Do not give me verbal messages to deliver to my other parent. *(I end up feeling anxious about their reaction. So please just call them, leave them a message at work or put a note in the mail.)*
13. Do not send written messages with me or place them in my bag. *(This also makes me uncomfortable.)*
14. Do not blame my other parent for the divorce or for things that go wrong in your life. *(This really feels terrible! I end up wanting to defend them from your attack. Sometimes it makes me feel sorry for you and that makes me want to protect you. I just want to be a kid, so please, please . . . stop putting me into the middle!)*
15. Do not treat me like an adult, it causes way too much stress for me. *(Please find a friend or therapist to talk with.)*
16. Do not ignore my other parent or sit on opposite sides of the room during my school or sports activities. *(This makes me very sad and embarrassed. Please act like parents and be friendly, even if it is just for me.)*
17. Do let me take items to my other home as long as I can carry them back and forth. *(Otherwise it feels like you are treating me like a possession.)*
18. Do not use guilt to pressure me to love you more and do not ask me where I want to live.
19. Do realize that I have two homes, not just one. *(It doesn't matter how much time I spend there.)*
20. Do let me love both of you and see each of you as much as possible! Be flexible even when it is not part of our regular schedule.

Thanks, your loving child

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