

IN THE JUVENILE COURT FOR _____ COUNTY, TENNESSEE

STATE OF TENNESSEE

) CHILD/CHILDREN UNDER

IN THE MATTER OF

) THE AGE OF EIGHTEEN

)

)

) DOCKET NO. _____

ORDER APPOINTING ATTORNEY PURSUANT TO SUPREME COURT RULE 40 AND ALLOWING DISCOVERY

This matter is before the Court on a dependency and neglect or termination proceeding involving the above named child(ren). Upon request of the guardian ad litem, pursuant to S.Ct. Rule 40(e), for the Court to appoint an attorney for the child(ren) to represent the child(ren)'s position, the Court FINDS AND ORDERS as follows:

[] Upon due consideration, it is the opinion of the Court that the guardian ad litem's position is contrary to that espoused by the child(ren), and _____, a licensed attorney, is hereby appointed to serve as the attorney for the child(ren) to advocate the child's position in these proceedings.

[] Upon due consideration, it is the opinion of the Court that the guardian ad litem's position is not necessarily contrary to that espoused by the child(ren) and does not warrant the appointment of an attorney. The guardian ad litem shall proceed to represent the child(ren)'s best interest and present the child(ren)'s position, pursuant to S.Ct. Rule 40(e)(3).

INDIGENCY/ADMINISTRATIVE FEE/PARTIAL PAYMENT

[] It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the child(ren) and parent/guardian, _____, are indigent pursuant to T.C.A. § 37-1-126 and compensation of the attorney shall be paid by the Administrative Office of the Courts.

[] The parent/guardian, _____, is hereby assessed an administrative fee in the amount of \$_____ (minimum fee \$50.00; maximum fee \$200.00) pursuant to T.C.A. § 37-1-126.

[] This fee shall be paid to the Office of the Clerk of the Court prior to the disposition of the case or within two (2) weeks following the appointment of counsel, whichever shall first occur.

[] This fee shall be paid as follows: _____.

[] The administrative fee shall be waived by the court due to lack of sufficient financial resources.

[] The child(ren) and parent/guardian are indigent but _____ is able to partially reimburse the Administrative Office of the Courts' expense of the attorney and shall pay into the Office of the Clerk of the Court the sum of \$_____ per _____ until the sum of \$_____ is paid, or until further order of the Court.

CHILD OR PARENT NOT INDIGENT

[] It appearing that the child(ren) and/or parent/guardian _____ are NOT indigent and compensation of the attorney shall be paid as follows: _____

DISCOVERY

It is further ordered that, for the purpose of preparing for the adjudication of matters pending before the Court, the attorney shall have access to all documents and records pertaining to the child(ren), including, but not limited to, all records of the Department of Children's Services and any other medical, health care, educational and/or psychological/psychiatric records. The attorney is further authorized to interview any individuals having contact with or providing services to the child(ren). All records and all information obtained by the attorney (including records related to the child(ren) or adults involved in this case) shall be maintained as confidential, for use only in the proceedings for which the guardian ad litem is hereby appointed. At the conclusion of these proceedings, any protected health information (as defined by C.F.R. 106.103) acquired by the attorney shall be returned to the Department of Children's Services or to the health care provider or shall be destroyed. Work products of the office of the District Attorney, counsel for the Tennessee Department of Children's Services or the police department and the identity of persons making reports/complaints to the Tennessee Department of Children's Services are excluded from this order for discovery.

All of which is hereby ordered. Enter this the _____ day of _____, _____.

JUDGE/MAGISTRATE