

[POLK COUNTY OR DALLAS COUNTY]

[TITLE, VENUE AND INTRODUCTION TO MOTION]

MOTION TO APPOINT CHILD'S ATTORNEY

1. This is an action for _, filed by ___, on ___, 202__.
2. The child/ren who are affected by this action is/are: [initials] born [year],

who is/are between 6 and 16 years of age.

3. It is appropriate that an attorney be appointed for the child/ren, because:

- The child is likely to be called as a witness to testify in this case
- The child has independent views or concerns which should be considered by the court in reaching a decision
- The child is refusing or resisting contact with a parent
- There is a high level of conflict/acrimony between the parties
- The child has special physical, mental health or educational needs
- Extraordinary remedies such as supervised visitation, termination or suspension of visitation, or awarding custody or visitation to a non-parent are being considered
- Relocation is being considered which could result in reduction of a child's time with a parent or sibling, disruption of education, or other important connections of the child
- There have been past findings or present allegations of child abuse, neglect or DHS involvement
- There is a need to minimize the harm to the child from family separation or litigation

4. I have contacted Iowa Center for Children's Justice and confirmed that an attorney is available to represent the child/ren.

5. I have confirmed the fees stated below with Iowa Center for Children's Justice, and I have informed my client of the fee schedule and billing structure.

6. The Petitioner's gross annual income is [\$__]. According to the fee schedule of Iowa Center for Children's Justice, Petitioner's fee is \$__.

7. The Respondent's gross annual income is [\$_]. According to the fee schedule of Iowa Center for Children's Justice, Respondent's fee is \$__.

8. I have contacted [name], counsel for the other party, who consents to/resists this motion.

WHEREFORE, the undersigned prays that the Court appoint an attorney from Iowa Center for Children's Justice as attorney for the minor child/ren, [initials].

[POLK COUNTY OR DALLAS COUNTY]

ORDER APPOINTING CHILD'S ATTORNEY

On the date indicated, this matter came before the Court on a Motion to Appoint Child's Attorney. The Court FINDS that appointing an attorney for the child/ren is necessary to assist the Court in deciding the case properly because [factors/allegations].

An attorney from Iowa Center for Children's Justice is hereby appointed as the attorney for the child/ren, [initials], born [birth year]. The attorney will represent the child/ren in a normal attorney-client relationship. She will not testify or submit a report to the Court. She will participate as an attorney in all court proceedings. The parties or their attorneys shall send copies to the Iowa Center for Children's Justice attorney of all pleadings and discovery exchanges.

The parties shall ensure that the Iowa Center for Children's Justice attorney has access to the child/ren. Iowa Center for Children's Justice shall also have access 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 beneficiary, and other records relevant to the case, including court records of the parties.

The child's attorney is authorized to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The child's attorney may interview any person providing medical, mental health, social, educational, or other services to the child; may attend any meeting with the medical or mental health providers, service providers, organizations, or educational institutions regarding the child/ren if deemed necessary by the child's attorney; and may inspect and copy any records relevant to the proceedings.

The parent, guardian, or other person having custody of the child shall immediately execute any release necessary to allow the child's attorney to effect the authorization granted under this order.

[OPTION 1--PREFERRED] The parties shall be responsible for paying attorney fees to Iowa Center for Children's Justice. The Petitioner shall pay an advance fee payment of \$___ and the Respondent shall pay an advance fee payment of \$___. Payment shall be made within thirty (30) days of the entry of this Order.

[OPTION 2] The parties shall be responsible for paying attorney fees to Iowa Center for Children's Justice. Within fifteen (15) days of the entry of this Order, each party shall provide Iowa Center for Children's Justice with proof of their gross annual income, including most recent W-2 forms, most recent federal and state income tax returns, and two (2) most recent paycheck subs. Iowa Center for Children's Justice will calculate a fee in accord with its fee schedule. In the event any party does not submit proof of income within fifteen (15) days, Iowa Center for Children's Justice may calculate each party's fee utilizing information on financial statements and child support guidelines worksheets signed by the parties. An additional order specifying the amount of advance fee payment to be made by each party may be entered by the Court upon receipt of that information.

Income verification information shall be provided to Iowa Center for Children's Justice at 501 SW 7th Street, Suite G, Des Moines, Iowa 50309. Attorney fees shall be paid directly to Iowa Center for Children's Justice at 501 SW 7th Street, Suite G, Des Moines, Iowa 50309. The phone number for Iowa Center for Children's Justice is (515)414-9562.

The Court may enter further orders in favor of Iowa Center for Children's Justice for fees and disbursements as submitted by the child's attorney, pursuant to Iowa Code 598.12A(3).