

JUL 31 2026

By

Deputy Clerk

IN RE MINOR'S COUNSEL

APPOINTMENTS [FAMILY CODE

SECTION 3153(b)]

STANDING ORDER RE:

APPOINTMENT OF MINOR'S

COUNSEL

California Family Code section 3150 permits the court to appoint counsel to represent the interests of a minor child in custody and/or visitation proceedings. (Minor's Counsel) under specified circumstances as set forth in the Family Code and the California Rules of Court, Rules 5.240, 5.241 and 5.242.

A. Minor's Counsel Appointment

Family Code section 3150(a) proscribes how the court determines that it would be in the best interest of the minor child to appoint private counsel to represent the interest of that child in custody and/or visitation proceedings, provided the court and counsel comply with the requirements set forth in CRC Rules 5.240, 5.241 and 5.242.

B. Minor's Counsel Scope

The court shall consider the scope of Minor's Counsel on a case-by-case basis. In determining whether to appoint counsel, the court shall consider the following factors, including:

- (1) The issues of child custody and visitation are highly contested or protracted.
- (2) The child is subjected to stress because of the dispute that might be alleviated by the intervention of counsel representing the child.

- (3) Counsel representing the child would be likely to provide the court with relevant information not otherwise readily available or likely to be presented.
- (4) The dispute involves allegations of physical, emotional, or sexual abuse or neglect of the child.
- (5) It appears that one or both parents are incapable of providing a stable, safe, and secure environment.
- (6) Counsel is available for appointment who is knowledgeable about the issues being raised regarding the child in the proceeding.
- (7) The best interest of the child appears to require independent representation.
- (8) If there are two or more children, any child would require separate counsel to avoid a conflict of interest.

The court shall identify which of these factors are specific to the case. Any factors identified by the court in making an appointment shall be expressly listed in the Order to Appoint Minor's Counsel.

C. Minor's Counsel Fee Policy

Family Code section 3153 requires the court to determine compensation for Minor's Counsel. The court establishes the following requirements and procedures for Minor's Counsel accepting or continuing any appointment to represent a minor if the court determines, under the provisions of CRC Rule 5.241(b) [determination of ability to pay], that both parents together cannot afford the cost of Minor's Counsel and that the court shall pay all or some of the cost of Minor's Counsel:

- (1) Parties shall be ordered to submit an Income and Expense Declaration, from which the court shall determine their ability to pay some or all the cost of Minor's Counsel at the next scheduled court appearance.
- (2) In the event payment by the court is ordered, the court shall determine each party's ability to reimburse the court on an ongoing basis (a monthly payment plan should be considered). A review date regarding compensation of Minor's Counsel should be set out at a 30/60/90-day increments to ensure compliance with Family Code section 3151, with declarations of the parties to be submitted five (5) court days prior.
- (3) The court rate for Minor's Counsel is \$100.00 per hour and \$50 per hour for support staff.
- (4) The court shall establish, at the time of the appointment, a maximum compensation level of the Minor's Counsel fees and costs at no more than \$3000.00 in each case, which the court may modify for good cause shown.

- 1 (5) Absent further order of court, Minor's Counsel shall not be paid by the court beyond this
2 court authorized amount.
- 3 (6) If payment is requested by any Minor's Counsel that exceeds \$100,000 in any fiscal
4 year, for all cases for which they are appointed by this court (July 1 to June 30), Minor's
5 Counsel shall notify the Presiding Judge, who shall notify the Court Executive Officer
6 and the Court's Chief Financial Officer.
- 7 (7) Requests for additional compensation by court-appointed counsel above the initial
8 ceiling level shall be submitted in writing and must include the total amount previously
9 approved for the attorney and support staff on the case, as well as establish good cause
10 for the additional compensation. The court may award additional compensation upon
11 competent evidence shown establishing good cause.
- 12 (8) Minor's Counsel must inform the court at every hearing of the status of all fees incurred,
13 whether yet billed.

14 **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

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16 Dated: 7/31/2026

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18 Patricia L. Kelly
19 Presiding Judge
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