

Rule 42. Appointment of Counsel; Attorney's Fees

(a) Appointment of counsel. The judicial officer shall appoint counsel from a list of attorneys prepared and maintained by the Family Court. An attorney shall be appointed to serve as guardian ad litem for a child or children alleged to be neglected and the Court may, in addition, appoint an attorney to represent such child or children. The judicial officer shall determine whether each parent, guardian, or custodian is eligible for appointment of counsel and shall appoint counsel for those found eligible. The judicial officer also shall determine whether the parent or other party is financially able to make a contribution to the payment of counsel if unable to pay the entire cost. If the party is able to make a contribution, the judicial officer shall determine the amount of the contribution to be made by the party and shall order the party to make such payment. In cases in which a parent, guardian or custodian is financially able to obtain adequate representation but has not retained counsel, the judicial officer may appoint counsel and order the payment of reasonable attorneys' fees or may advise the party to retain counsel within a specified period of time. In making appointments the judicial officer shall whenever possible appoint the same attorneys, if any, who represented the parties in previous appearances before the Family Court.

(b) Additional parties. When the judicial officer confers party status upon any person pursuant to Rule 10(b), the judicial officer shall also appoint counsel for that party according to the requirements for assignment of counsel to parents, guardians or custodians in paragraph (a).

(c) Appearance and withdrawal. Attorneys shall note their appearance by praecipe. Once an attorney has entered an appearance, the attorney shall receive copies of all notices required by these Rules to be given to the parties and shall be entitled to inspect all legal and social records relating to the client as provided by statute and these Rules. Where a case has been assigned to or retained by a judicial officer, withdrawal of appearance shall be by motion for leave to withdraw directed to that judicial officer. All other motions for leave to withdraw shall be directed to the Presiding Judge of the Family Court. All motions to withdraw shall be served upon the client and opposing counsel.

(d) Attorney's fees. Reasonable compensation for services and related expenses of counsel shall be allowed pursuant to D.C. Code § 16-2326.01. Counsel shall be required to submit a statement of time expended and allowable expenses incurred on the forms provided, which must be signed by a judicial officer before payment can be ordered. A party who has been ordered to pay all or part of his or her attorney's fees pursuant to paragraph (a) shall pay the monies directly to the District of Columbia Courts. Counsel for the party so ordered shall be compensated by the District of Columbia Courts.