



Counsel for Kids Model Statute

REPRESENTATION OF A CHILD IN DEPENDENCY PROCEEDINGS

1 Child's Right to Counsel. Upon the filing of a petition alleging abuse or neglect, the court shall appoint licensed legal counsel who has received training appropriate to the role, and who has adequate time and resources to provide effective legal representation for the child in the proceeding. Nothing in this section shall limit the power of the court to appoint counsel prior to the filing of a petition for good cause.

a Required Pre-Appointment Training. To be eligible for appointment as counsel for a child such individual must receive no less than 6 hours of initial multidisciplinary training appropriate to the role. Areas of education should include, but are not limited to:

- relevant state and federal law; immigration law; education law; disability rights;
- evidence and trial procedure; appellate procedure
- communicating with clients in developmentally appropriate manner; presenting child testimony and alternatives to direct testimony;
- professional ethics;
- early childhood, child, and adolescent development;
- dynamics of abuse and neglect; child sexual abuse; trauma; grief and attachment;
- cultural, ethnic, and socioeconomic issues, cultural awareness and humility; race equity; LGBTQ+ equity;
- mental health issues; substance abuse issues; impact of domestic violence;
- and available services and community resources for families.

b Continuing Legal Education. Thereafter, to remain eligible for appointment, the counsel for a child shall complete a minimum of 6 hours of annual continuing legal education or other courses relevant to an appointment that enhance counsel's knowledge of the issues of child representation.

c Duties. The child's counsel owes to his or her client duties imposed by applicable rules of professional conduct and statutes, court rules, and judicial directives governing the obligations of lawyers to their child clients. This includes adherence to Rule 1.14 [or equivalent state Rule of Professional Conduct] for clients of diminished capacity.

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d Duration of Appointment. The appointment of counsel for the child shall remain in effect for all stages of the judicial proceedings involving allegations of abuse or neglect and petitions for the termination of parental rights. Legal counsel appointed to represent a child in a dependency proceeding shall continue the representation in any subsequent appeals unless excused by the court, which may appoint separate counsel on appeal.

e Waiver. Following the appointment of counsel for the child, no waiver of the right to counsel shall be made until the child has had the opportunity to meaningfully consult with legal counsel to discuss the full implication of the waiver. Waiver of the right to counsel may be withdrawn at any stage of a proceeding, in which event the court shall appoint counsel for the child.

2 Child as Party; Right to Notice and Participation in Proceedings. A child who is the subject of a petition shall:

- a** Have party status as one who is directly interested in the subject-matter of the litigation.
- b** Be given written notice of the date, time, place, and purpose of the review or hearing. The written notice shall be delivered to the recipient at least 72 hours before the review or hearing by United States mail, email, or hand delivery, except in the case of preliminary protective custody hearings or emergency hearings when such notice is not possible. Service on the child may be accomplished by serving counsel for the child.
- c** Be permitted to participate in all proceedings on a petition, including the opportunity to personally attend all hearings, to be heard, to present evidence material to the case, and to cross-examine witnesses appearing at the hearing.

3 Additional Appointments. (Guardian *ad litem* or Court Appointed Special Advocate). Nothing in this section shall prohibit the juvenile court from appointing a guardian *ad litem*, who may be a Court Appointed Special Advocate volunteer, to make recommendations to the court concerning the best interests of the child.