



Client Directed Counsel Memo – Appendix A

State	Client Directed? Yes (Y), No (N), Hybrid (H), Transition (T)	Appointment Statutes	Child party?	Relevant Role Statutes & Rules	Statutorily Enumerated Responsibilities & Relevant Practice Standards	Other information
ABA Model Act						
Alaska	<p>N in all cases Y if certain findings are made.</p> <p>Discretionary appointments, usually BIC, some authority to appoint counsel in specific/limited circumstances GAL isn't required to be attorney.</p>	<p>Whenever in the course of proceedings instituted under this chapter it appears to the court that the welfare of a child will be promoted by the appointment of an attorney to represent the child, the court may make the appointment. If it appears to the court that the welfare of a child in the proceeding will be promoted by the appointment of a guardian ad litem, the court shall make the appointment. A.S. § 47.10.050(a).</p> <p>The court shall appoint counsel . . . for a child when the court determines that the interests of justice require the appointment of an attorney to represent the child's expressed interests; and for a non-attorney guardian ad litem when legal representation of the guardian ad litem is necessary. AK CINA Rule 12(b)(3).</p>	<p>Yes. AK CINA Rule 2(l)</p>	<p>Appointment of a guardian ad litem or attorney shall be made under terms of AS 25.24.310</p> <p>(1) The court shall appoint a guardian ad litem (GAL) in all Child in Need of Aid (CINA) proceedings as soon as possible after the CINA petition is filed. The appointment shall continue through all phases of the CINA proceeding unless the court orders otherwise. AK R CINA Rule 11(a)(1).</p>	<p>“Guardian ad litem” means a person appointed by the court to represent the best interests of the child in the CINA proceeding as distinguished from a guardian of the person defined in paragraph (d). AK R CINA Rule 2(e).</p>	

Arizona	Y	<p>The court shall appoint an attorney for a child in all delinquency, dependency or termination of parental rights proceedings that are conducted pursuant to this title. The court shall appoint the attorney before the first hearing. The attorney shall represent the child at all states of the proceedings and, in a dependency proceeding, through permanency. Ariz. Rev. Stat. § 8-221(A) (Amended).</p> <p>In all juvenile court proceedings in which the dependency petition includes an allegation that the juvenile is abused or neglected, the court may appoint a guardian ad litem to protect the juvenile's best interests. This guardian shall be an attorney. The guardian ad litem is not the child's attorney. Ariz. Rev. Stat. § 8-221(G) (Amended).</p> <p>The presiding judge of the juvenile court in each county may appoint an adult as a special advocate for a child who is the subject of a dependency action. The court shall make this appointment at the earliest possible stage in the proceedings. A child, through the child's special advocate, guardian ad litem or attorney, has the right to be informed of, to be present at and to be heard in any proceeding involving dependency or termination of parental rights. Ariz. Rev. Stat. § 8-522 (a) (Amended).</p>	<p>Yes. Ariz. R. Juv. P. 37(A)</p>	<p>The court may appoint one or more of the following on behalf of a minor child:</p> <p>(1) a best interests attorney; or</p> <p>(2) a child's attorney. AZ ST RFLP Rule 10 (a)</p> <p>AZ ST JUV CT Rule 40.1: Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem</p>		
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Arkansas	N Mandatory appointments, BIC legal rep.	<p>The court shall appoint an attorney ad litem who shall meet standards and qualifications established by the Supreme Court to represent the best interest of the juvenile when a dependency-neglect petition is filed or when an emergency ex parte order is entered in a dependency-neglect case, whichever occurs earlier. Ark. Code Ann. § 9-27-316 (f)(1).</p> <p>The court may appoint an attorney ad litem to represent the best interest of a juvenile involved in any case before the court and shall consider the juvenile's best interest in determining whether to appoint an attorney ad litem. Ark. Code Ann. § 9-27-316 (f)(2).</p> <p>An attorney ad litem shall represent the best interest of the juvenile. Ark. Code Ann. § 9-27-316(f)(5)(A).</p>	Y- In D&N petitions, the juvenile shall have party status. AR ST 9-27-311(2)(a) .	<p>“Attorney ad litem” means an attorney appointed to represent the best interest of a juvenile; Ark. Code Ann. § 9-27-303(7).</p> <p>If the juvenile's wishes differ from the attorney's determination of the juvenile's best interest, the attorney ad litem shall communicate the juvenile's wishes to the court in addition to presenting his or her determination of the juvenile's best interest. Ark. Code Ann. § 9-27-316 (f)(5)(A)</p>	The best interest of the child shall be the standard for juvenile court determinations as to whether a child should be reunited with his or her family or removed from or remain in a home wherein the child has been abused or neglected. Ark. Code Ann. § 9-27-102 .	
CA	H Y unless court finds counsel appointment would not benefit child, then GAL.	<p>If child or nonminor dependent is not represented by counsel court shall appoint counsel unless court finds child or nonminor dependent would not benefit from counsel. Appointment continues throughout proceeding Cal. Welf. & Inst. Code § 317(c)(1).</p> <p>Court must appoint counsel for child who is subject of D&N petition unless court finds child would not benefit. If court finds child would not benefit, court must appoint CASA volunteer to serve as CAPTA GAL. Cal. Rules of Court. Rule 5.660 (b) (note that specific findings are required for court to find child would not benefit).</p>	Yes. See Cal. Welf. & Inst. Code § 317.5(b) .	<p>Primary responsibility of counsel is to advocate for protection, safety, and physical and emotional well-being of the child or nonminor dependent. Cal Welf. & Inst. Code § 317(c)(2).</p> <p>Counsel is charged with representation of child’s interests. Different requirements for different ages. Cal Welf & Inst Code § 317(e)(1).</p> <ul style="list-style-type: none"> If 4+ counsel must interview child to determine wishes and assess well-being & must advise court of child’s wishes. Shall not advocate for return of child if conflict with protection and safety of child. Counsel must investigate interests of child beyond scope of proceeding and report to court other interests that may need to be protected by the institution of other administrative or judicial proceedings. Counsel is not expected to assume SW responsibilities. Cal Wel. & Inst Code § 317(c)(2)-(3). 	<p>Investigation, examination of witnesses and introduction of evidence, making recommendations to court concerning child’s welfare, and participate in proceedings to the degree necessary to adequately represent child. Cal Welf. & Inst Code § 317(c)(1).</p> <p>Appointed counsel shall have caseload and training that ensures adequate representation and Judicial Counsel shall promulgate rules to establish caseload standards, training, and guidelines. Cal Welf. & Ins. Code § 317 (c)(5)(A).</p> <p>Competent counsel defined and standards set forth in Cal. Rules of Court. Rule 5.660 (d). Standards are relatively broad, including regular meetings, contact with social workers, working with other counsel and court to resolve disputed aspects of case without contested hearing; sufficient contact with child to establish and maintain an adequate and professional attorney-</p>	Elaborate conflict of interest rules for sibling groups. Court is allowed to appoint single attorney to represent sibling group; attorney must decline if actual conflict of interest exists or circumstances specific to case present reasonable likelihood of actual conflict of interest; once appointed, attorney must monitor for conflict of interest but need only take action if actual (versus reasonable likelihood) conflict of interest. Specific circumstances that do not necessarily demonstrate an actual conflict of interest or reasonable likelihood are listed (different ages, different parents, purely theoretical or abstract conflict; some siblings appear more likely adoptable, different permanent plans, siblings express conflicting desires,

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				<ul style="list-style-type: none"> When appointed to represent a nonminor dependent, counsel must represent dependent's wishes except when such advocacy conflicts with dependent's safety or protection. If court finds nonminor dependent is not competent to direct counsel, court shall appoint GAL. Cal Welf. & Inst. Code § 317(e)(1). <p>Statute is clear that none of statutory duties shall be construed to permit counsel to violate attorney-client privilege. Cal Welf. & Inst. Code § 317(e)(5).</p>	<p>client relationship; providing contact info to caregiver and child age 10+. Cal. Rules of Court, Rule 5.660 (d)(4)-(5).</p>	<p>objectives, accounts on non material issues). Specific procedure for conflicts, including notice of court and request to withdraw from representation of some or all and specific rules regarding when attorney can continue to represent some siblings. Cal. Rules of Court, Rule 5.660 (c).</p>
CT	Y	<p>In any proceedings involving abuse or neglect, a minor shall be represented by counsel. Conn. Gen. Stat § 45a-620. If court deems appropriate, court shall also appoint GAL to speak on behalf of best interests of minor (GAL need not be attorney licensed to practice law). <i>Id.</i></p> <p>Other provision allowing court to appoint separate GAL if court or counsel believes child cannot adequately act in his or her own best interests and the child's wishes could lead to substantial physical, financial or other harm absent protective action. Conn. Gen. Stat § 46b-129a.(2)(D).</p> <p><i>See also</i> Conn. Practice Book Sec. 32a-1 (restating right to counsel and ability to appoint GAL).</p> <p>At the commencement of any proceeding concerning the alleged delinquency of a child, the child shall have the right to counsel and be so informed by the judge, and that if the child and the parent or parents or guardian of the child are unable to afford counsel, counsel will be provided for the child. Conn. Gen. Stat § 46b-135(a)</p>	<p>Conn. Practice Book Sec. 32a-1 (b)provides right of confrontation and cross-examination.</p> <p>http://www.jud.ct.gov/family/GAL_code.pdf</p>	<p>Counsel for child shall act solely as attorney for child. Conn. Gen. Stat § 46b-129a.(2)(A).</p> <p>Primary role is to advocate for child in accordance with Rules of Professional Conduct, but if child is incapable of expressing wishes to counsel because of age/incapacity, counsel shall advocate for best interests of child. Conn. Gen. Stat § 46b-129a(2)(c).</p>	<p>Counsel must be knowledgeable about representing children. Conn. Gen. Stat § 46b-129a.(2)(A).</p> <p>Code of Conduct for Counsel for the Minor Child and Guardian ad Litem is available at http://www.jud.ct.gov/family/GAL_code.pdf . Standards for counsel are quite broad, such as competence, professional conduct, candor, maintain independence, treat parties with respect, avoid conflict of interest, limit duties to scope of appointment order.</p>	<p>This resource contains apparently updated overview of Connecticut law pertaining to counsel for children. http://www.jud.ct.gov/lawlib/notebooks/pathfinders/representingminors/nct/representingminors.pdf</p>

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DE	<p>N</p> <p>Mandatory Appointment of counsel - Best Interests Legal Rep.</p> <p>Allows discretion for court to also appoint counsel</p>	<p>In the event that the court determines that a child is in DSCYF Custody pursuant to Chapter 25 of Title 13, the court shall sign an order appointing an attorney to represent the child. Del. Code Ann. tit. 29, § 9007A (b)(1).</p> <p>(a) The Court shall appoint an attorney authorized to practice law in this state or a Court Appointed Special Advocate (“CASA”) to represent the best interests of the child.</p> <p>(b) The Court may appoint an attorney authorized to practice law in this state to represent the wishes of the child. DE R FAM CT RCP Rule 207.</p>	<p>Y- DE R FAM CT RCP Rule 17(b)</p>	<p>The attorney's duty is to the child. The scope of the representation of the child is the child's best interests. Del. Code Ann. tit. 29, § 9007A (c)</p>		
DC	<p>N but discretionary counsel appointment if conflict between GAL and child and then H.</p>	<p>A child alleged to be delinquent or in need of supervision is entitled to be represented by counsel at all critical stages of Division proceedings, including the time of admission or denial of allegations in the petition and all subsequent stages. D.C. Code § 16-2304 (a).</p> <p>The Superior Court shall in every case involving a neglected child which results in a judicial proceeding, including the termination of the parent and child relationship pursuant to subchapter III of this chapter, appoint a guardian ad litem who is an attorney to represent the child in the proceedings. The guardian ad litem shall in general be charged with the representation of the child's best interest. DC Code § 16-2304(b)(5).</p> <p>According to Firststar Report, DC Family Court Administrative Order 04-05 and Child Abuse and Neglect Practice Standards, Adopted by Administrative Order 03-07, require GAL attorney to notify court of conflict between child’s and GAL and allow court to appoint</p>	<p>Y in permanent guardianship proceedings and in proceedings for the termination of parent child relationship DC ST § 16-2385; DC ST § 16-2356</p> <p>The parties to a neglect proceeding shall include the District of Columbia, the child alleged to be neglected, and the parents, guardian or custodian. DC R NEGLECT AND ABUSE Rule 10(a)</p>	<p>GAL charged with representation of the child’s best interests. DC Code § 16-2304(b)(5).</p>	<p>The District of Columbia Family Court Act of 2001, Pub. L. 107-114, provides that the Superior Court shall establish standards of practice for attorneys appointed as counsel in matters under the jurisdiction of the Family Court.² The Court recognizes the legal and psychosocial complexity of child welfare matters and its oversight role with respect to attorneys appointed to represent children, parents, caretakers, and any other parties entitled to court appointed counsel in abuse and neglect cases.</p> <p>To accomplish the goals of the Family Court Act and to promote high quality representation for all parties in abuse and neglect proceedings, the Chief Judge issued Administrative Order No. 02-15, which required the Family Court Panels Committee to establish panels of qualified attorneys to represent children and families in abuse and neglect cases.³ These panels have been established. The following Child Abuse and Neglect Attorney Practice Standards were issued</p> <p>https://www.dccourts.gov/superior-court/family-court-operations/counsel-for-child-abuse-and-neglect</p>	

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		<p>counsel for child. SD did not locate orders yet.</p> <p>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. SCR-Neglect and Abuse Rule 42.</p>				
FL	<p>N</p> <p>Discretionary appointments. No RTC in Florida yet</p>	<p>The court shall appoint a guardian ad litem to represent the best interest of the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed. Fla. Stat. 39.807(2)(a).</p> <p>A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse, abandonment, or neglect judicial proceeding, whether civil or criminal. Fla. Stat. Ann. § 39.822(1).</p> <p>Child has the right to have a guardian ad litem appointed to represent, within reason, their best interests and, where appropriate, an attorney ad litem appointed to represent their legal interests; the guardian ad litem and attorney ad litem shall have immediate and unlimited access to the children they represent. Fla. Stat. Ann. § 39.4085 (20)</p>	<p>Y. Fla. R. Juv. P. 8.210(a)</p> <p>“Party” and “parties” shall include the petitioner, the child, the parent, the guardian ad litem where appointed, the custodian, and every person upon whom service of summons is required by law. FL ST JUV P Rule 8.610</p>		<p>The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits. The office shall develop a guardian ad litem training program. Fla. Stat. Ann. § 39.8296 (b).</p> <p>Office of the Guardian ad Litem Standards of Operation</p>	
GA	<p>BI or Hybrid throughout proceeding</p> <p>Y at termination only. H unless conflict of interest.</p>	<p>A child and any other party to a dependency proceeding shall have the right to an attorney at all stages of the proceedings. O.C.G.A. § 15-11-103(a).</p> <p>The court shall appoint a guardian ad litem for an alleged dependent child. An</p>	<p>Y</p>	<p>A child's attorney owes to a child the duties imposed by the law of this state in an attorney-client relationship. OCGA § 15-11-262(c).</p> <p>A lawyer shall abide by a client's decisions concerning the scope and objectives of representation and, as required by Rule 1.4, shall consult with the client as to</p>		

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		<p>attorney for an alleged dependent child may serve as such child's guardian ad litem unless or until there is conflict of interest between the attorney's duty to such child as such child's attorney and the attorney's considered opinion of such child's best interests as guardian ad litem. OCGA §15-11-104 (a), (b).</p> <p>The court shall appoint an attorney for a child in a termination of parental rights proceeding. OCGA § 15-11-262(b).</p> <p>The court shall appoint a guardian ad litem for a child in a termination proceeding; provided, however, that such guardian ad litem may be the same person as the child's attorney unless or until there is a conflict of interest between the attorney's duty to such child as such child's attorney and the attorney's considered opinion of such child's best interests as guardian ad litem. OCGA § 15-11-262(d).</p>		<p>the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. GA R BAR Rule 4-102, RPC Rule 1.2</p> <p>A court shall appoint a CASA to act as guardian ad litem whenever possible, and a CASA may be appointed in addition to an attorney who is serving as a guardian ad litem. Ga. Code Ann. § 15-11-104 (d)</p>		
HA	<p>N—Y if opinions and requests of child differ from GAL.</p> <p>Lay GAL appointed with discretionary appointment ability for client directed counsel. RTC not established in HA</p>	<p>GAL appointment required under HRS 587A-16(a). GAL is defined to include special advocate; need not be an attorney. HRS § 587A-4. If the child's opinions and requests differ from those being advocated by the guardian ad litem, the court shall evaluate and determine whether it is in the child's best interests to appoint an attorney to serve as the child's legal advocate concerning such issues and during such proceedings as the court deems to be in the best interests of the child. HRS 587A-16(c)(6).</p> <p>A child in foster care has the right to ask for an attorney, if the child's opinions and</p>	Y-- HRS § 587A-4 .	<p>When it appears to a judge that a person requesting the appointment of counsel requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any. Haw. Rev. Stat. Ann. § 571-87 (a)</p>		

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		requests differ from those being advocated by the GAL Haw. Rev. Stat. Ann. § 587A-3.1 (b)(4)				
ID	Y (age 12, with some exceptions) No RTC established, limited appointments. When appointment, Lay GAL for 11 and under and Client Directed 12 and older	I.C. § 16-1614(1) . Court shall appoint GAL for child under 12 and shall appoint counsel to represent GAL. If court has insufficient # of GALs, court shall appoint counsel. Court has discretion to additionally appoint counsel for child. For child 12+ court shall appoint counsel to represent the child and may, in addition, appoint GAL. Where appointment of counsel is not practicable or appropriate, court may appoint GAL for child & counsel to represent GAL. I.C. § 16-1614(2) . ID R. JUV Rule 37 . Right to counsel. Similar text to § 16-1614 .	N	“Guardian ad litem” means a person appointed by the court pursuant to a guardian ad litem volunteer program to act as special advocate for a child under this chapter ID LEGIS 281 (2021), 2021 Idaho Laws Ch. 281 (23)		

IL	<p>H</p> <p>RTC not established in IL.</p> <p>Hybrid in Cook County.</p> <p>Otherwise, counsel not required if Lay-GAL (CASA) is appointed and represented by counsel, unless a conflict with minor's interests.</p>	<p>705 ILCS 405/1-5 § 1-5 (1) provides that minor has right to be represented by counsel & specifically states that no hearing may be commenced unless minor who is subject of proceeding is represented by counsel.</p> <p>705 ILCS 405/1-5 § 1-5 (1) provides that if GAL has been appointed under § 2-17 & GAL is licensed attorney or if CASA has been appointed as GAL and counsel has been appointed to represent CASA, court may not require appointment of counsel to represent the minor unless the court finds minor's interests are in conflict with what GAL determines to be in best interests of minor.</p> <p>705 ILCS 405/2-17 provides that GAL shall be appointed in D&N proceedings involving abuse and neglect or sex abuse allegations, or if a parent does not appear. Unless the GAL is an attorney, she shall be represented by counsel. The GAL shall represent the best interests of the minor.</p>	<p>Somewhat unclear. 705 ILCS 405/1-5 § 1-5 (1) is entitled "Rights of Parties to the Proceeding" but refers to minor as subject of proceedings and parents, guardian, legal custodian, as parties but gives minor right to be present, be heard, present evidence, cross-examine witnesses, examine pertinent court files and records and to be represented by counsel.</p>	<p>Juvenile counsel must not only protect juvenile's legal rights but must also recognize and recommend a disposition in the juvenile's best interest, even when the juvenile does not recognize those interests. Although juvenile's counsel should consider the juvenile's wishes and inform the court of those wishes, the counsel has an obligation to protect the juvenile's best interests and if protecting a juvenile's best interest requires counsel make a recommendation contrary to juvenile's wishes, then counsel has a professional responsibility to make that recommendation. In Interest of K.M.B., 123 Ill.App.3d 645 (1984) (referring to delinquency attorney).</p> <p>In In re J.D., 351 Ill.App.3d 917 (2004), court held no error when same attorney was appointed as counsel for 2-year-old and attorney for GAL. Role of GAL and counsel are not inherently in conflict and nothing in the record shows that 2-year-old was capable of articulating a position contrary to attorney's advocacy. Court recognizes that under different circumstances counsel may be required; e.g., when attorney's dual representation creates conflict between two roles such as when a minor is able to share with attorney confidences the attorney would not be permitted to share with GAL. Courts should carefully consider potential conflicts before appointing someone in dual role.</p> <p>GAL shall participate fully in the proceedings and to the degree necessary to adequately advocate for the child's best interests. Idaho Code Ann. § 16-1633 (3)</p> <p>If represented by counsel, GAL may file pleadings, motions, memoranda and briefs on behalf of the child, and shall have all of the rights of a party whether conferred by statute, rule of court or otherwise. Idaho Code Ann. § 16-1634 (1)</p>		
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IA	H—counsel represents the legal interests and GAL represents best interests	Appointment of both counsel and GAL. I.C.A. § 232.89(2) . The same person may serve as both counsel and GAL. Court may appoint separate GAL if same person cannot properly represent legal interests and best interests of child. I.C.A. § 232.89(4) .	Yes. See I.C.A. § 232.89(2) (requiring appointment of counsel and GAL for child identified as party).	“Guardian ad litem” means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, subsection 1, paragraphs “a” and “d”, section 232.103, subsection 2, paragraph “c”, and section 232.111. Iowa Code Ann. § 232.2 (22)(a)	While the lawyer may attempt to persuade the child to accept a particular position, the lawyer may not advocate a position contrary to the child's expressed position except as provided by the applicable ethical standards. Iowa R. Civ. P. 62.Standard 4(B)(Commentary 4) If these Standards are properly applied, it will not be possible for courts to make a dual appointment, but there may be cases in which such an appointment was made before these Standards were adopted. The Child’s Attorney role involves a confidential relationship with privileged communications. Because the child has a right to confidentiality and advocacy of the child’s position, the Child’s Attorney can never abandon this role while remaining involved in the case in any way. Once a lawyer has an attorney-client relationship with a child, the lawyer cannot and should not assume any other role for the child, especially as Guardian ad Litem or witness or CFR who investigates and makes a report. Iowa R. Civ. P. 62.Standard 3(B)(Commentary) A Guardian ad Litem is functioning in a nontraditional role by determining the position to be advocated independently of the client. Iowa R. Civ. P. 62.Standard 5(E)(Commentary 2)	
IN	Y but discretionary appointment RTC not established in IN, Lay-GALs with varied access to counsel.	Discretionary Appointment of counsel pursuant to IC 31-32-4-2(b) : The court may appoint counsel to represent any child in any other [than delinquency] proceeding. All courts have the authority to: (1) appoint a GAL to defend the interests of any person under eighteen (18) years of age impleaded in a suit; and (2) permit any person, as next friend, to prosecute a suit in a minor's behalf. Ind. Code Ann. § 34-9-2-1	Y IC 31-34-9-7 .			

KY	Y	<p>K.R.S. § 620.100(1)(a), (c) court shall appoint counsel for child and may in the interest of justice appoint a CASA to represent best interests of the child.</p> <p>Mandatory appointment of best interests GAL for child in voluntary termination of parental rights proceeding Ky. Rev. Stat. Ann. § 625.041 (1)</p>	<p>Possibly. Some statutes give child rights of party without explicitly identifying child as party. A child and his parents or other person with custodial control have the rights to a full adjudicatory hearing, present evidence on their own behalf, and to an appeal. K.R.S. § 620.155. Court required to advise child of right to full adjudicatory hearing and to appeal. K.R.S. § 620.100(2).</p>			
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KS	<p>N—GAL</p> <p>Mandatory appointments of attorneys – Best interest legal Rep.</p>	<p>Upon the filing of a petition, the court shall appoint an attorney to serve as guardian <i>ad litem</i> for a child who is the subject of proceedings under this code. K.S.A. § 38-2205(a).</p> <p>GAL or the child may request the court to appoint a second attorney to serve as attorney for the child, and the court, on good cause shown, may appoint such second attorney. Kan. Stat. Ann. § 38-2205 (a)</p>	<p>Y -K.S.A. §38-2202(v)</p>	<p>The guardian <i>ad litem</i> shall make an independent investigation of the facts upon which the petition is based and shall appear for and represent the best interests of the child. K.S.A. § 38-2205(a).</p>		<p>All appointed attorneys, including GAL and those appointed to represent adults, should zealously advocate for his or her client KY ST FAM CT App. D(2)(1)</p> <p>The GAL's role is to advance the child(ren)'s interests in court, provide legal counsel, help the child understand the legal process, and empower the child to participate. To achieve this, the guardian ad litem should explain to the child that he or she represents the child and advocates in the child's best interest; understand the child's wishes in regard to the outcome of the case; ensure the client's voice is heard in the proceedings, which includes informing the court, upon permission of the child, of any wishes the child has that differ from the child's best interest. KY ST FAM CT App. D(3)</p>
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LA	Y	<p>LSA-Ch. C. Art. 607(A) Court shall appoint program designated by LA Supreme Court to provide qualified, independent counsel for the child at the time the order setting the first hearing is signed. Neither child nor anyone else permitting to act on his behalf may be permitted to waive the right.</p> <p>LSA-Ch.C. Art. 551 Provision of independent counsel for abused and neglected children is an essential due process right provided by Louisiana law to ensure sound and fair decision-making concerning children's safety, permanency, and well-being.</p> <p><i>But see In Interest of Dronet, 417 So.2d 1356 (1982)</i> (holding that atty for state/district attorney is sufficient representative of child) SD is unclear whether statutory revisions since this decision render it irrelevant.</p> <p><i>State v. James, 535 So.2d 1061</i> reverses and remands adjudication in which children were not represented by counsel, holding that deficiency “amounts to a deprivation of due process.” Notably, mother was never advised of children’s right to counsel and while she was appointed counsel is party who raised the issue on appeal. Note that a number of other cases side with the <i>James</i> decision; from these cases, it does appear that statutory scheme was different in the 1980s.</p>	<p>LSA-Ch. C. Art. 607(B). Child is party to proceedings.</p>	<p>Louisiana Supreme Court Rule XXXIII Part III Subpart II Standard 2 states that independent counsel for child owes same duties of loyalty, confidentiality, advocacy and competent representation to child as owed to any other client.</p> <p>Louisiana Supreme Court Rule XXXIII Part III Subpart II Standard 6 sets forth procedure for determining whether child is under a disability and when to request appointment of CASA. It also states that to the extent that child does not or will not express desires and preferences, child’s attorney should determine and advocate for best interests; best interests must be determined by objective criteria which are set forth in rule. If counsel determines that child’s expressed desires would be seriously detrimental, counsel may request appointment of CASA and continue to represent the child’s expressed desires unless position is prohibited by law or without any factual foundation. Counsel may not reveal basis for request for CASA appointment which would compromise child’s position.</p> <p>Attorney appointed to represent child has the same ethical and professional responsibilities towards client as any other attorney representing client in criminal or civil case. <i>In Interest of Genusa, 381 So.2d 504 (1980)</i>. Under LA ethical code, if client is incapable of making considered judgment and has no legal representative, attorney must be forced to make decisions himself/herself; under ethical code, attorney must consider all circumstances then prevailing and act with care to safeguard and advance interests of client.</p> <p>Consistent with the child's wishes, counsel should seek and advocate for appropriate services to access entitlements to protect the child's interests and to formulate or implement a plan for services including, but not limited to... (La. Sup. Ct. R. 33(Standard 10))</p>	<p>LSA-Ch. C. Art. 607(B). Attorney shall have authority to represent child at all stages of proceedings and to take actions including but not limited to accompanying child and pre present for all court appearances, school hearings, and educational and other meetings; view and copy child’s medical, dental, psychological, psychiatric, educational or counseling records.</p> <p>Louisiana Supreme Court Rule XXXIII Part III Subpart II, available at http://www.lasc.org/rules/supreme/RuleXXXIII.asp, contains standards for attorneys. Standards define ethical responsibilities of lawyer (same duties as for adult), require counsel to “ensure client-based direction by structuring all communications to account for the child’s age, level of education, developmental level, cultural context, and degree of language acquisition,” set forth advocacy and investigation responsibilities (standard 3); meeting with child no later than 15 days after appointment, prior to all court hearings, and when advised of any change of circumstances (standard 7); investigating , defined to include review of records, contact with parents, guardians and caretakers, interviewing other individuals, and attending treatment placement and administrative hearings (standard 8); filing pleadings (standard 9); request for services consistent with child’s witnesses (standard 10); participating in mediation and settlement agreements and hearings (standards 11, 12), continuing duties (Standard 13), and appellate review (Standard 14). Standards also define scope of representation (standard 15).</p>	<p>Louisiana Supreme Court Rule XXXIII Part III Subpart II Standard 5 states that if counsel has formerly represented another party in the case or is appointed for siblings, there may be a conflict which could require that counsel decline representation or withdraw from representing all of the children.</p>
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ME	<p>N but discretionary</p> <p>No RTC established, use lay GALs, discretionary appointments for counsel.</p>	<p>GAL appointment is required pursuant to 22 M.R.S. § 4005(1)(A).</p> <p>The guardian ad litem shall act in pursuit of the best interests of the child. 22 M.R.S. § 4005(b).</p> <p>Discretionary appointment statute at 22 M.R.S. 4005(1)(F) provides that “The guardian ad litem or the child may request the court to appoint legal counsel for the child.”</p>	N	<p>The District Court shall consider the wishes of the child, in a manner appropriate to the age of the child, including, but not limited to, whether the child wishes to participate or be heard in court. In addition, when a child's expressed views are inconsistent with those of the GAL, the court shall consider whether to consult with the child directly, when the child's age is appropriate. Me. Rev. Stat. tit. 22, § 4005(3)</p>		
MD	<p>Y/T</p> <p>Transitions from best interest when “Client considered to have considered judgement”</p>	<p>Party is entitled to assistance of counsel at every stage of any proceeding under the subtitle. The child who is the subject of the petition is specifically entitled to the assistance of counsel at state expense. MD Code, Courts and Judicial Proceedings, § 3-813.</p> <p>CASA appointment allowed in addition to but not instead of court appointed attorney. MD Code, Courts and Judicial Proceedings, § 3-813(e).</p>	<p>Party is defined to include child who is subject of petition in MD Code, Courts and Judicial Proceedings, § 3-801(u)(1)(i). See also <i>In re Adoption/Guardianship No. T97036005 et al (2000)</i>, 358 Md. 1, 15, 246 A.2d 379.</p>	<p>Appendix to Maryland Rule 11 sets forth Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoptions further define attorney’s role. Attorney must advocate a position consistent with the child’s wishes as long as the child has considered judgment. If the child does not have considered judgment, attorney should inform the court, advocate a position consistent with the best interests of the child & state the child’s position as part of the record. Detailed analysis and factors set forth governing determination of considered judgment. Attorney Guidelines state that they do not modify, amend, or alter fiduciary duties owed to client pursuant to Maryland Rules of Professional Conduct.</p>	<p>Yes. Appendix to Rule 11. These rules contain detailed analysis about when to represent best interests instead of stated interests and how to assess whether child has considered judgment. The guidelines also set forth components of independent investigation and requirements for contact with child, which are relatively detailed.</p>	<p>According to Guideline C2(f), Attorney must determine whether a conflict of interest requires attorney to move to withdraw from representing one or all of clients. Siblings listed as example. No other information about making determination appears in the rule.</p>

MA	Y	<p>Court shall appoint counsel for child if child is not able to retain counsel. M.G.L.A. 119 § 29.</p> <p>Department of Children and Families shall provide and administer a comprehensive child welfare program for children and families, including the following services:-</p> <ul style="list-style-type: none"> - (1) casework or counseling, including services to families, foster families or individuals; (2) protective services for children; (3) legal services for families, children or individuals who are clients of the department; <p>Mass. Gen. Laws Ann. ch. 18B, § 2 (1-4)</p> <p>Indigent includes a party who is a juvenile, a child who is in the care or custody of the Department of Children and Families, or a young adult provided, however, that when a judge has reason to believe that the juvenile or young adult is not indigent, a determination of indigency shall be made in accordance with Section 5 and other applicable provisions of this rule. MA Sup. Jud. Ct. Rule 3:10(1)(h)(4).</p> <p>If any party to a proceeding appears in court without counsel where the party has a right to be represented by counsel under the law of the Commonwealth, the judge shall advise the party or, if the party is a juvenile, the party and a parent or legal guardian, where appropriate, that: (a) the party may be entitled to the appointment of counsel at public expense; and (b) the Committee for Public Counsel Services will provide counsel to the party at no cost or at a reduced cost if the court finds that the party wants but cannot afford counsel. MA Sup. Jud. Ct. Rule 3:10(2).</p>	<p>Party is defined to include any person, including a juvenile (a child under the age of 18 who is subject of a child welfare proceeding or a delinquency or youthful offender proceeding). MA Sup. Jud. Ct. Rule 3:10(1)(l).</p>	<p>Counsel must elicit child’s preferences in developmentally appropriate manner and provide guidance. Must assist the child in having maximum input. Performance Standards Concerning the Representation of Parents and Children in Child Welfare Cases 1.6(a). If counsel reasonably determines that the child is able to make an adequately considered decision, counsel shall represent child’s expressed preference; only if counsel determines client is incapable of making adequately considered decisions may counsel deviate from this requirement, and even then counsel must as far as reasonably possible maintain a normal client-lawyer relationship. Child’s ability to determine own position may depend on particular matter to be determined or the circumstances involved at the time. Standards list a number of factors that counsel may consider in determining whether child is able to make an adequately informed decision and allows counsel to seek guidance from appropriate professionals. 1.6(b). If child is incapable of verbalizing a preference, counsel shall make good faith effort to determine child’s wishes and represent them/substitute judgment or seek appointment of GAL/next friend to direct counsel. 1.6(c). If child verbalizes preference but counsel determines unable to make adequately considered decision whether counsel advocates for child’s position depends on whether expressed preferences would place child at risk of substantial harm. Confidentiality/privilege discussed in standard 1.8.</p> <p>In carrying out its duties as prescribed in sections 5 and 6, the committee shall establish a children and family law program which shall, upon the court's appointment, provide representation to indigent persons in children and family law cases. Nothing herein shall be construed to limit the system as established in sections 5 and 6, whereby the court appoints certified private counsel to represent children and parents in the majority of children and family law cases. Mass. Gen. Laws Ann. ch. 211D, § 6A</p> <p>In carrying out its duties as prescribed in section 5, the committee shall establish, supervise and maintain a system for the appointment of private counsel, hereafter</p>	<p>Performance Standards Concerning the Representation of Parents and Children in Child Welfare Cases. These standards contain detailed description of duty to maintain contact with child (quarterly plus) and set forward independent investigation in the context of counsel being aware of and understanding the factors that influence the child’s decision-making process. Requirements for preparing for hearings are also enumerated in standards. Standard 3 defines investigation and discovery obligations in terms of obligation to develop and support client’s position. Areas of advocacy are specifically set forth in Standard 4 (Seeking Client Objectives) and relate to services, visits, pleadings, experts. .</p>	<p>Appointment to represent multiple siblings that have different positions specifically listed as a conflict requiring counsel to withdraw from representing all or some of clients. Standards also point out that rarely will children have capacity to consent to conflict and that “counsel should be mindful of the conflict in continuing to represent any of the multiple clients when counsel holds confidences from some or all of clients. Performance Standards Concerning the Representation of Parents and Children in Child Welfare Cases</p> <p>A spouse or parent shall be guilty of a felony and shall be subject to the penalties set forth in section fifteen A if:</p> <p>(1) he abandons his spouse or minor child without making reasonable provisions for the support of his spouse or minor child or both of them. Mass. Gen. Laws Ann. ch. 273, § 1 (1)</p>
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		<p>Any judge of a probate court may appoint a guardian ad litem to investigate the facts of any proceeding pending in said court relating to or involving questions as to the care, custody or maintenance of minor children. Mass. Gen. Laws Ann. ch. 215, § 56A</p> <p>All juveniles, regardless of the financial status of their parents or guardians, shall be entitled to the appointment of counsel. Unless the juvenile is represented by retained private counsel, the judge shall assign the Committee for Public Counsel Services to represent the juvenile in accordance with Section 6. If the juvenile is provided with appointed counsel and the judge determines that the juvenile's parent or legal guardian is not indigent, the judge shall assess the juvenile legal fee against the parent or guardian as payment toward the cost of counsel supplied by the Committee for Public Counsel Services. MA Sup. Jud. Ct. Rule 3:10(6A).</p>		<p>called the private counsel division, which shall include a children and family law program. The committee shall enter into contractual agreements with any state, county or local bar association or voluntary charitable group, corporation or association, including bar advocate groups, for the purpose of providing such counsel. The committee may also contract with such other organized groups of attorneys as may be formed to afford representation to indigent defendants and may appoint and compensate private attorneys, on a case-by-case basis, as counsel for indigents entitled to representation. Mass. Gen. Laws Ann. ch. 211D, § 6</p> <p>If the court is satisfied after the petitioner testifies under oath that there is reasonable cause to believe that: (i) the child is suffering from serious abuse or neglect or is in immediate danger of serious abuse or neglect; and (ii) that immediate removal of the child is necessary to protect the child from serious abuse or neglect, the court may issue an emergency order transferring custody of the child for up to 72 hours to DCF. Mass. Gen. Laws Ann. ch. 119, § 24</p>		
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MI	<p>N (but possibility of client-directed: discretionary)</p> <p>Mandatory appointment of attorney, best interests legal rep. with discretion to appoint counsel in limited circumstances</p>	<p>A lawyer-guardian ad litem is appointed by the court under M.C.L.A. 722.630.</p> <p>If, after discussion between the child and his or her lawyer-guardian ad litem, the lawyer-guardian ad litem determines that the child's interests as identified by the child are inconsistent with the lawyer-guardian ad litem's determination of the child's best interests, the lawyer-guardian ad litem shall communicate the child's position to the court. If the court considers the appointment appropriate considering the child's age and maturity and the nature of the inconsistency between the child's and the lawyer-guardian ad litem's identification of the child's interests, the court may appoint an attorney for the child. An attorney appointed under this subsection serves in addition to the child's lawyer-guardian ad litem. M.C.L.A. 712A.17d(2).</p>	<p>Yes. Party is defined to include child in protective proceeding. Mich. Ct. R. 3.903(19)(b).</p> <p>Children have right to notice, attend and participate in proceedings, and right of appeal. MCLA 712A.19b; MCR Rule 3.921; MCR Rule 3.976(C)</p>	<p>Attorney has "same duties of undivided loyalty, confidentiality, and zealous representation of the child's expressed wishes as the attorney would to an adult client and is defined to include lawyer GAL for purposes of notice only under M.C.L.A. 712A.13a(c)</p> <p>Lawyer guardian ad litem means attorney appointed under 17c of chapter and has all of the powers and duties set forth in 17d. M.C.L.A. 712A.13a.(g)</p> <p>To make a determination regarding the child's best interests and advocate for those best interests according to the lawyer-guardian ad litem's understanding of those best interests, regardless of whether the lawyer-guardian ad litem's determination reflects the child's wishes. The child's wishes are relevant to the lawyer-guardian ad litem's determination of the child's best interests, and the lawyer-guardian ad litem shall weigh the child's wishes according to the child's competence and maturity. Consistent with the law governing attorney-client privilege, the lawyer-guardian ad litem shall inform the court as to the child's wishes and preferences. M.C.L.A. 712A.17d(i).</p>	<p>M.C.L.A. 712A.17d requires independent investigation and sets forth components of it, which include review of file, meeting with child, interviewing with family members and other professionals; monitoring implementation of case plan. Meeting with child is specifically required before certain hearings.</p>	
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MS	Mandatory appointment of counsel with varied representation depending on whether GAL is lay or not.	<p>Court must appoint GAL in every case involving an abused or neglected child which results in a judicial proceeding. Miss. Code Ann. § 43-21-121(1)(c); Uniform Rules of Youth Court Practice Rule 13(a)(5).</p> <p>In cases in which court appoints layman as GAL, court must also appoint an attorney to represent the child. Miss. Code Ann. 43-21-121; Uniform Rules of Youth Court Practice Rule 13(a).</p> <p>If there is a conflict between the child's preferences and the GAL's recommendation, the court shall retain the GAL to represent the best interests of the child and appoint an attorney to represent the child's preferences and shall continue the proceedings for a reasonable time to allow the newly appointed attorney to prepare for the cause. Uniform Rules of Youth Court Practice Rule 13(f).</p> <p>Miss. Code Ann. 43-21-201(1) states that each party shall have the right to be represented by counsel at all stages of the proceeding.</p>	Yes. Party is defined to include child. Uniform Rules of Youth Court Practice Rule 4 .	Miss. Code Ann. 43-21-201(4) : The child's attorney shall owe the same duties of undivided loyalty, confidentiality and competent representation to the child or minor as is due an adult client pursuant to the Mississippi Rules of Professional Conduct.	Statute and rules set forth responsibilities for GAL and comments to Rule 13 contain some cases. SD did not find specific standards pertaining to counsel.	
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MN	<p>Y (age 10)</p> <p>RTC not established. Lay GAL for youth 10 and younger, Client directed for 11 and up.</p>	<p>M.S.A. § 260C.163 Subd. 3(b) provides that if child desires counsel but is unable to employ it court shall appoint counsel to represent the child who is ten years of age or older under section 6111.14, clause (4).</p>	<p>Y. M.S.A. § 260C.163 Subd. 8, entitled Rights of Parties at hearing, provides that minor is entitled to be heard, to present evidence material to the case, and to cross-examine witnesses.</p>	<p>Counsel for child shall not also act as the child's GAL. M.S.A. § 260C.163 Subd. 3(f)</p> <p>In any proceeding where the subject of a petition for a child in need of protection or services is not represented by an attorney, the court shall determine the child's preferences regarding the proceedings, including informing the child of the right to appointed counsel and asking whether the child desires counsel, if the child is of suitable age to express a preference. M.S.A. § 260C.163 Subd. 3(g)</p> <p>(c) Except in cases where the child is alleged to have been abused or neglected, the court may waive the appointment of a guardian ad litem pursuant to paragraph (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected. M.S.A. § 260C.163 Subd 5(c)</p>		<p>Court has discretion under M.S.A. § 260C.163 Subd. 5(a) to appoint GAL to protect interests of the minor under a broad array of circumstances (i.e., parent unavailable or in conflict, appointment is desirable) and also allows appointment of separate counsel for GAL if necessary.</p>
MO	<p>N</p> <p>Mandatory appointments of attorney – best interests legal rep.</p>	<p>A child is entitled to be represented by counsel in all D&N proceedings and mandatory appointment of a GAL (attorney) in all D&N proceedings. Mo. Rev. Stat. Ann. § 211.211.</p> <p>Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. Mo. Rev. Stat. Ann. § 211.211(6).</p>	<p>Y. The child shall be made a party to any action commenced under sections 210.817 to 210.852. Mo. Rev. Stat. Ann. § 210.830</p>			

MT	RTC not established, use Lay GALs with varied access to counsel.	<p>In every judicial proceeding, the court shall appoint a court-appointed special advocate as the guardian ad litem for any child alleged to be abused or neglected. If a court-appointed special advocate is not available for appointment, the court may appoint an attorney or other qualified person to serve as the guardian ad litem. MCA 41-3-112 (1).</p> <p>The court must immediately appoint the office of state public defender to assign counsel for any child involved in a D&N proceeding when a guardian ad litem is not appointed for the child. MT ST 41-3-425(b).</p> <p>When appropriate, the court may appoint the office of state public defender to assign counsel for any child involved in a D&N proceeding when a guardian ad litem is appointed for the child MT ST 41-3-425(3).</p>	N	<p>The guardian ad litem has a duty to conduct investigations that the guardian ad litem considers necessary to ascertain the facts related to the child's support, parenting, and parental contact, interview or observe the child who is the subject of the proceeding, to make written reports to the court concerning the child's support, parenting, and parental contact, and to appear and participate in all proceedings to the degree necessary to adequately represent the child and make recommendations to the court concerning the child's support, parenting, and parental contact. MT ST 40-4-205(2).</p>		
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NE	<p>H- mandatory appointment of attorney GAL (to serve “dual role” of bests interests and legal counsel) and GAL discretion regarding conflict of interests (and thus appointment of client-directed counsel)</p>	<p>The juvenile court in each county (for populations over 150,000) shall have jurisdiction of: (3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian is unable to provide or neglects or refuses to provide special care made necessary by the mental condition of the juvenile Neb. Rev. Stat. Ann. § 43-247 (3)</p> <p>The court, on its own motion or upon application of a party to the proceedings, shall appoint a GAL for the juvenile in any proceeding pursuant to the provisions of subdivision (3)(a) of section 43-247 (D&N). Neb. Rev. Stat. Ann. § 43-272 (2)</p> <p>GAL shall be appointed at the commencement of all cases brought under subdivision (3)(a) or (7) of section 43-247 Neb. Rev. Stat. Ann. § 43-272.01 (1)</p>	<p>Y- Parties means the juvenile as described in section 43-247 and his or her parent, guardian, or custodian;</p> <p>Neb. Rev. Stat. Ann. § 43-245 (18)</p>	<p>A GAL shall have the duty to protect the interests of the juvenile for whom he or she has been appointed guardian, and shall be deemed a parent of the juvenile as to those proceedings with respect to which his or her guardianship extends. (3) The court shall appoint an attorney as GAL who shall act as his or her own counsel and as counsel for the juvenile, unless there are special reasons in a particular case why the GAL or the juvenile or both should have separate counsel. In such cases the GAL shall have the right to counsel, except that the GAL shall be entitled to appointed counsel without regard to his or her financial ability to retain counsel. Neb. Rev. Stat. Ann. § 43-272 (2-3)</p>	<p>The Nebraska Supreme Court, through the Nebraska Supreme Court Attorney Services Division, shall develop the curriculum for the initial guardian ad litem education and provide specialized on-line training for guardians ad litem at a nominal cost. NE R CT Ch. 4, art. 4, App. A</p>	<p>A GAL in juvenile proceedings is to fulfill a “dual role” with respect to the juvenile, that is, to serve as:</p> <p>(a) An advocate for the juvenile who is deemed as the parent of the juvenile and charged with a duty to investigate facts and circumstances, determine what is in the juvenile's best interests, report to the court and make recommendations as to the juvenile's best interests, and take all necessary steps to protect and advance the juvenile's best interests; and (b) Legal counsel for the juvenile. NE R CT § 6-1705(C)(1).</p> <p>Where the juvenile expresses a preference which is inconsistent with the GAL’s determination of what is in the best interests of the juvenile, GAL shall assess whether there is a need to request the appointment of a separate legal counsel to represent the juvenile's legal interests in the proceeding. GAL considerations: The juvenile's age, capacity, level of maturity, and the nature of the inconsistency between the juvenile's expressed preference and the GAL’s determination as to the juvenile's best interests. GAL then requests the court determine whether reasons exist for the court to appoint separate legal counsel to represent the legal interests of the juvenile IF the following criteria are determined: the juvenile is of sufficient age, capacity, and maturity; the juvenile's expressed preference is significant and affecting the juvenile, and is within the bounds of law and reality; and the GAL believes that it would be a</p>
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						conflict of interest for them to continue to act as legal counsel for the juvenile in light of the preference expressed by the juvenile. NE R CT § 6-1705(C)(3) .
NM	Y after age 14 and best interests 13 and under.	<p>NMSA § 32A-4-10(C) requires the court to appoint a GAL (who must be an attorney) for a child under 14 at the inception of a D&N proceeding. If child is 14+, court shall appoint an attorney for a child. NMSA § 32A-4-10(E) provides that when a child reaches 14 years of age the GAL shall continue as the child’s attorney but that court shall appoint a different attorney if child requests a different attorney, GAL requests to be removed, or court determines that appointment of a different attorney is appropriate.</p> <p>NMRA, Rule 10-313(A) requires GAL to file notice of continued representation as attorney or motion requesting appointment of new attorney when child turns 14. (B) requires the court to inquire as to whether the child is represented by an attorney at the first appearance after the 14th birthday of a child in an abuse or neglect proceeding. If the child is not represented by an attorney, the court shall appoint an attorney.</p>	<p>Yes. NMRA, Rule 10-121(B)(3) specifically defines the child alleged to be abused or in need of court-ordered services as a party to the case.</p> <p>NMSA § 32A-4-10(A) states that a child subject to provisions of the Children’s Code “is entitled to the same basic rights as an adult, except as otherwise provided in the Children’s Code.”</p>	<p>NMSA §32A-1-7.1 (A) states that an attorney appointed to represent a child “shall provide the same manner of legal representation and be bound by the same duties to the child as is due an adult client, in accordance with the rules of professional conduct.”</p> <p>NMSA § 32A-4-10(F) provides that court shall assure GAL zealously represents child’s best interest and that child’s attorney zealously represents child.</p>	<p>Standards for GALs and RPC are attached to relevant chapters of NM Child Welfare Handbook (available at https://childlaw.unm.edu/assets/docs/2018-child-welfare-handbook.pdf)</p> <p>Youth attorney standards set forth minimum training requirements and provide for zealous representation of expressed interests and expressed cultural needs, representation of youth in accordance with Code of Professional Responsibility and confidentiality requirements, consultation with youth, accessibility to youth, attendance at various meetings, gathering and reviewing information (including review of written information, interviews with various folks, and personal observation of youth’s interaction with parents when reunification is anticipated), consultation with professionals involved in youth’s service plan and requests for services (after consultation with youth), courtroom performance, and appellate representation,</p>	<p>NMRA, Rule 10-313.1 provides that court may appoint same attorney to represent best interests of children under age 14 in a sibling group as GAL and over age 14 as attorney. The rule provides that attorney must decline appointment if a concurrent conflict of interest exists (direct adversity or significant risk of materially limited representation) but also provides that an attorney may provide representation in a concurrent conflict of interest situation if multiple conditions are met, which includes informed consent by any sibling age 14+. Rule also allows attorney to continue to represent one or more siblings if actual conflict of interest/no consent and multiple conditions are met. The rule also lists circumstances which standing alone do not constitute a conflict of interest.</p>

NV	Y	<p>The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings. Nev. Rev. Stat. Ann. § 432B.420 (2)</p> <p>After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a GAL for the child. The person so appointed must not be an attorney appointed to represent the child pursuant to NRS 432B.420. Nev. Rev. Stat. Ann. § 432B.500 (1)(c)</p>	<p>Yes. A child who is alleged to have been abused or neglected shall be deemed to be a party. Nev. Rev. Stat. Ann. § 432B.420 (2)</p>	<p>A GAL appointed pursuant to child in need of protection cases shall represent and protect the best interests of the child and inform the court of the desires of the child, but exercise independent judgment regarding the best interests of the child. Nev. Rev. Stat. Ann. § 432B.500 (2)(a)(g)</p>		
NH	<p>N- discretionary appointment of counsel in cases of conflict with GAL</p> <p>RTC not established, lay GAL or attorney under best interests model.</p>	<p>In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a Court Appointed Special Advocate (CASA) or other approved program GAL for the child. If a CASA or other approved program guardian ad litem is unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the GAL for the child. The court shall not appoint an attorney for any GAL appointed for the child. N.H. Rev. Stat. Ann. § 169-C:10</p> <p>In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for dispositional orders of the GAL, the court may appoint an attorney to represent the interests of the child N.H. Rev. Stat. Ann. § 169-C:10(II)(a)</p>	<p>Yes. "Party having an interest" means the child; the guardian ad litem of the child; the child's parent, guardian or custodian; the state; or any household member subject to court order.</p> <p>N.H. Rev. Stat. Ann. § 169-C:3(XXI)(a)</p>	<p>When an attorney is appointed as counsel for a child, representation may include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child. N.H. Rev. Stat. Ann. § 169-C:10(II)(b)</p> <p>Pursuant to RSA 169-C:10, II(a), in cases involving an abused or neglected child, where the child's expressed interests conflict with the recommendation for dispositional orders of the GAL or CASA GAL, the court may appoint an attorney to represent the interests of the child. NH R ABUSE AND NGLT CH 2 Protocol 6</p>		<p>The Guardian ad Litem shall be the representative for and of the best interest of the child or represented person. NH R GUARD PRAC Rule 2.2(a)</p> <p>If a guardian ad litem is aware that a recipient of services disagrees with a recommendation being made by the guardian ad litem, the guardian ad litem shall fully advise the appointing court of this fact. GAL State Agency Rule 504.01</p>

NJ	Y	<p>NJ Stat. §§ 9:6-8.23</p> <p>A court-appointed guardian ad litem's services are to the court on behalf of the child. The GAL acts as an independent fact finder, investigator and evaluator as to what furthers the best interests of the child. The GAL submits a written report to the court and is available to testify. If the purpose of the appointment is for independent investigation and fact finding, then a GAL would be appointed. The GAL can be an attorney, a social worker, a mental health professional or other appropriate person. If the primary function of the GAL is to act in the capacity of an expert, then the court should ordinarily appoint a GAL from the appropriate area of expertise. Attorneys acting on behalf of children in abuse or neglect cases and in termination of parental rights cases should act as counsel for the child pursuant to Rule 5:8A rather than in the capacity of a GAL pursuant to Rule 5:8B. See, Matter of M.R., 135 N.J. 155, 174, 638 A.2d 1274, 1283 (1994)). N.J. Stat. § 5:8B, Official Comment.</p>	<p>No. Right to counsel, notice of placement review hearings, and right to contribute at proceedings (NJ Stat. §§ 9:6-8.23, 9:6-8.21; N.J. Div. of Youth and Fam. Servs vs. E.P., 196 N.J.88 (2008)). See also N.J. Stat. § 30:4C-61.2 (b)(2)</p>	<p>“Any minor who is the subject of a child abuse or neglect proceeding... must be represented by a law guardian” which means an attorney regularly employed to represent minors in abuse or neglect cases (NJ Stat. §§ 9:6-8.23, 9:6-8.21).</p> <p>The following persons may originate a proceeding under this act:</p> <ol style="list-style-type: none"> A parent or other person interested in the child. A duly authorized agency, association, society, institution or the division. A police officer. Any person having knowledge or information of a nature which convinces him that a child is abused or neglected. A person on the court's direction. The county prosecutor. In cases where a private individual is unwilling or reluctant to file a complaint, he may request the division to initiate a complaint in his stead. (N.J. Stat. Ann. § 9:6-8.34) <p>In child abuse or neglect cases, law guardians are obliged to make the wishes of their clients known, to make recommendations as to how a child client's desires may best be accomplished, to express any concerns regarding the child's safety or well-being and in a proper case to suggest the appointment of a GAL. Division of Youth and Family Services v. Robert M., 347 N.J. Super. 44, 788 A.2d 888 (A.D.2002)</p>		<p>The attorney-client privilege applies to communications between the law guardian and the represented child. In re Maraziti, 233 N.J. Super. 488 (App.Div. 1989).</p>
NY	Y	<p>Family Court Act § 1016</p> <p>“[T]he attorney for the child must zealously advocate the child’s position” (NY CLS Standards & Admin Pol § 7.2(d)). “If the child is capable of knowing, voluntary and considered judgment, the attorney for the child should be directed by the wishes of the child, even if the attorney for the child believes that what the child wants is not in the child’s best interests” (NY CLS Standards & Admin Pol § 7.2(d)(2)).</p>	<p>No. “All notices and reports required by law shall be provided to such law guardian” (NY CLS Family Ct Act § 1016). Child not expressly a party</p>	<p>In proceedings in which the child is the subject, the attorney must zealously advocate for the child’s position. The attorney must ascertain the child’s position by consulting with the child in a manner consistent with the child’s capacities, and by gaining a thorough knowledge of the child’s circumstances. If the child is capable of knowing, voluntary, and considered judgment, the attorney for the child should be directed by the wishes of the child, even if this conflicts with the attorney’s belief that what the child wants is not in the child’s best interests. The attorney should fully explain the options available to the child, and may recommend a course of</p>	<p>The attorney for the child is subject to the ethical requirements applicable to all lawyers, including but not limited to constraints on: ex parte communication; disclosure of client confidences and attorney work product; conflicts of interest; and becoming a witness in the litigation. NY CLS Standards & Admin Pol §7.2(b).</p>	<p>Standards of Practice- http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=55894. When the attorney for the child is convinced either that the child lacks the capacity for knowing, voluntary, and considered judgment, or that following the child’s wishes is likely to result in a substantial risk of imminent, serious harm to the child, the attorney for the child would be justified in advocating a position that is contrary to the child’s wishes.</p>

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		NB: Not sure how this satisfies CAPTA requirement		action that in the attorney’s view would best promote the child’s interests.		<p>In these circumstances, the attorney for the child must inform the court of the child’s articulated wishes if the child wants the attorney to do so, notwithstanding the attorney’s position</p> <p>Westchester County Combined Cases: The purpose of this rule is to promote the administration of justice in the courts of Westchester County and for minors who simultaneously are defendants in criminal cases and respondents in Family Court cases in such county.</p> <p>N.Y. Comp. Codes R. & Regs. tit. 22, § 45.1</p>
NC	N - Mandatory appointment of counsel, best interests legal rep.	When in a petition a juvenile is alleged to be abused or neglected, the court shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the court may appoint a guardian ad litem to represent the juvenile. Gen. Stat. § 7B-601(a) ; GAL Attorney Manual, Ch. 1, § 1.1.	“The juvenile is a party in all actions under this Subchapter” (N.C. Gen. Stat. Ann. § 7B- 601).	In every case where a non-attorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the juvenile's legal rights throughout the proceeding. The attorney-GAL is required to articulate but not advocate for the expressed wishes of the child. Gen. Stat. § 7B-601(a)	The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the court at the dispositional hearing; to conduct follow-up investigations to insure that the orders of the court are being properly executed; to report to the court when the needs of the juvenile are not being met; and to protect and promote the best interests of the juvenile until formally relieved of the responsibility by the court. Gen. Stat. § 7B-601(a) .	<p>Roles and Responsibilities of Attorney Advocate – GAL Attorney Practice Manual http://www.nccourts.org/Citizens/GAL/Documents/Manual/chapter01.pdf</p> <p>The definition of the GAL Attorney Advocate’s client has not been resolved by the North Carolina State Bar or in North Carolina cases. The best guidance in resolving this dilemma is to examine the language of 7B-601, which states that “. . . an attorney shall be appointed in the case in order to assure protection of the child’s legal rights . . .” This language specifically refers to protecting the child’s rights and not to representation of the GAL volunteer or the program. Thus, it is reasonable to infer that the attorney advocate represents the child, not the volunteer. However, the</p>

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						representation is unconventional in that it is done as a team, in cooperation with the volunteer, and is of the child's best interests, not wishes. Pg. 497 GAL Practice Manual
ND	Y RTC not established – new law in 2021 establishes option for client-directed counsel for children of “sufficient age and maturity” - otherwise lay GAL.	The court, in every case involving an abused or neglected child which results in a judicial proceeding, shall appoint a guardian ad litem for the child in those proceedings. Cent. Code 50-25.1-08 . http://www.ndguardian.net/guardians.html https://www.ndcourts.gov/legal-resources/rules/ndrjuvp/17 The court at any stage of a proceeding under this chapter, on application of a party or on motion of the court, shall appoint a guardian ad litem for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or the interests of the parent, guardian, or custodian conflict with the child's or in any other case in which the interests of the child require a guardian. N.D. Cent. Code Ann. § 27-20.2-18	Yes - “[P]arty means the child” (N.D. Cent. Code, § 27-20.2-18); also see N.D. R. Juv. P. 3(b) .	A child “who is indigent and unable to employ legal counsel is entitled to counsel at public expense at...custodial, post-petition, and informal adjustment stages of proceedings under this chapter” (N.D. Cent. Code, § 27-20-26(1). “If, at any time in the proceeding, the court determines that the interests of the child are, or may be, inadequately represented, it may appoint an attorney to represent the child, giving consideration to the preference of the child if the child is fourteen or more years of age” (N.D. Cent. Code, § 27-20-48.4(4)). Counsel for the child must be appointed, regardless of income, unless counsel is retained for the juvenile, in any proceeding in which the juvenile is alleged to be Delinquent; A child in need of services; or A child in need of protection if the child is of sufficient age and competency to assist counsel. N.D. Cent. Code § 27-20.2-12 In Interest of BB (2010) 2010 ND 9 [777 N.W.2d 350] the North Dakota Supreme Court held that where a minor was represented by the state through his custodian, Social Services, and where the court appointed a GAL to protect that minor's interests, the juvenile court did not err in denying a parent's request to appoint independent legal counsel for the minor. Thus, while North Dakota law requires the appointment of counsel for children at specific proceedings, the appointment of independent legal counsel is discretionary	A child will receive client-directed representation on a discretionary basis, but if not the child's wishes must be articulated to the court. “If, at any time in the proceeding, the court determines that the interests of the child are, or may be, inadequately represented, it may appoint an attorney to represent the child, giving consideration to the preference of the child if the child is 14 or more years of age ” (N.D. Cent. Code, § 27-20- 48.4(4)). “The court shall require payment for reimbursement of counsel appointed pursuant to this section from a person that has legal care, custody, or control of the child. The court must include this finding in the findings of fact and order for disposition” N.D. Cent. Code § 27-20.2-12 The role of counsel appointed to represent children is to “represent the child's wishes,” while a guardian ad litem “represents the child's best interests” (N.D. Department of Human Services, Wraparound Case Management Policy Manual, § 641-40-10).	ND R. Ct. 8.7(d) A GAL shall advocate the best interests of the child as to legal custody, physical placement, visitation, and support. A GAL shall function independently, in the same manner as an attorney for a party to the action, and, consistent with the Rules of Professional Conduct, shall consider, but not be bound by, the wishes of the child or others as to the best interests of the child. To be eligible for appointment as a GAL, an attorney must have completed 18 hours of GAL-related training. To remain eligible to be appointed as GAL, an individual shall complete an additional 18 hours of GAL-related training every 3 years.
OH	H	Rev. Code § 2151.281; Ohio Sup. R. 48.02 Always appoint a GAL, can appoint an attorney to serve as GAL and attorney for the child. If a person is serving as Guardian ad litem for a child or ward, and the court finds a conflict exists	Y - “Party” means a child who is the subject of a juvenile court proceeding, the child's spouse, if any, the child's parent or parents, or if the parent of a	A child, the child's parents or custodian, or any other person in loco parentis of the child is entitled to representation by legal counsel at all stages of the proceedings under this chapter or Chapter 2152 (Ohio Rev. Code Ann. § 2151.352). If a court appoints a person who is not an attorney admitted to practice in this state to be a guardian ad litem,		(C) If a person is serving as Guardian ad litem for a child or ward, and the court finds a conflict exists between the role of the Guardian ad litem and the interest or wishes of the child of the ward, the court shall appoint counsel for the child or ward.

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		<p>between the role of the Guardian ad litem and the interest or wishes of the child of the ward, the court shall appoint counsel for the child or ward. (Ohio Juv. R. 4(C)(1)).</p>	<p>child is a child, the parent of that parent, in appropriate cases, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court. OH. CT. R. JUV. PROC. 2(Y).</p>	<p>the court may appoint an attorney admitted to practice in this state to serve as attorney for the guardian ad litem. OH. CT. R. JUV. PROC. 4.</p> <p>http://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf#Rule48</p> <p>(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Ohio Rev. Code Ann. § 2151.281 (H)</p>		<p>OH. CT. R. JUV. PROC. 4.</p> <p>(B) Conflicts of Interest. (1) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations that might directly or indirectly benefit except from compensation for services as a guardian ad litem. (2) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately notify the court in writing. The court shall take action as it deems necessary. Ohio Sup. R. 48.03</p>
OK	Y Attorney best interest when client has diminished capacity.	<p>Ann. Stat. Tit. 10A, §§ 1-4-102; 1-4-306</p> <p>Discretionary - After a petition is filed, the court shall appoint a GAL upon the request of the child or the attorney of the child, and may appoint a GAL on its own motion or upon the request of the Department of Human Services, a licensed child-placing agency, or another party to the action. Role of the child's guardian ad litem. The court appoints a guardian ad litem or court-appointed special advocate (CASA) to advocate for and monitor the child's best interests. The guardian ad litem or CASA makes reports and recommendations to the court and conducts interviews with parents, foster parents, providers, CW workers, and others with knowledge of the case. [10A O.S. § 1-4-306 B.1] OKLA. ADMIN. CODE 340:75-3-110. "Guardian ad litem" means a person appointed by the court pursuant to the provisions of Section 1-</p>	<p>The child is "a party to the proceeding, [and] shall be given the opportunity to cross-examine witnesses and to present a case in chief if desired" (10A Okl. St. § 1-4-601(E)(2)).</p>	<p>Role of the attorney for the child. In deprived proceedings a separate attorney is appointed for the child. [Ann. Stat. Tit. 10A § 1-4-306] ... If, in any proceeding concerning child custody or visitation, the evidence indicates that a child has been subject to abuse or neglect, the court shall appoint an attorney to represent the child for that proceeding and any related proceedings and may appoint a guardian ad litem (GAL) for the child as permitted by law. 10A § 1-4-102</p> <p>A child will receive client-directed representation. A child's "attorney shall represent the child and any expressed interests of the child. To the extent that a child is unable to express an interest, either because the child is preverbal, very young or for any reason is incapable of judgment and meaningful communication, the attorney shall substitute his or her judgment for that of the child and formulate and present a position which serves the best interests of the child" (10A § 1-4-306(A)(2)(c)).</p>	<p>The attorney appointed for the child shall make arrangements to meet with the child as soon as possible after receiving notification of the appointment. To the extent that a child is unable to express an interest, either because the child is preverbal, very young, or for any reason incapable of judgment and meaningful communication, the attorney shall substitute his or her judgment for that of the child and formulate and present a position that serves the best interests of the child. Such formulation must be accomplished through the use of objective criteria rather than solely the life experience or instinct of the attorney. ... Ann. Stat. Tit. 10A § 1-4-306(A)(2)(b)</p>	

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		4-306 of this title having those duties and responsibilities as set forth in that section. The term "guardian ad litem" shall refer to a court appointed special advocate as well as to any other person appointed pursuant to the provisions of Section 1-4-306 of this title to serve as a guardian ad litem. OKLA. STAT. TIT. 10A, § 1-1-105(31).				
OR	Y (but capable of considered judgment)	<p>Discretionary appointment</p> <p>CAPTA?</p> <p>If the child, ward, parent or guardian requests counsel for the child or ward but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court may appoint suitable counsel to represent the child or ward at state expense if the child or ward is determined to be financially eligible under the policies, procedures, standards and guidelines of the Public Defense Services Commission.</p> <p>Or. Rev. Stat. Ann. § 419B.195</p> <p>After reviewing each case, the local citizen review board shall make written findings and recommendations with respect to: Whether the court should appoint an attorney or other person as special advocate to represent or appear on behalf of the child or ward under ORS 419B.195;</p> <p>Or. Rev. Stat. Ann. § 419A.116 (1)(i)</p>	Yes - (ORS § 419B.875(1)(a)(A) .(2)(a)-(d).)	A child will receive client-directed representation under specified circumstances. “When representing...children capable of considered judgment, a lawyer is bound by and should advocate for the client’s definition of his or her interests, and may not substitute counsel’s judgment for the client’s, nor ignore the client’s wishes because they are not to be perceived to be in the best interests of the child” (Specific Standards for Representation in Juvenile Dependency Cases 3.4).	Public Defense Services Commission: Parent Child Representation Program (PCRP): Oregon State Bar Specific Standards for Representation in Juvenile Dependency Cases: Task Force Report:	
PA	H -	<p>Cons. Stat. Tit. 42, §§ 6311; 6342</p> <p>Guardians ad litem (who must be attorneys-at-law) are appointed to represent the legal interests and best interests of children in dependency hearings. The courts may also appoint legal counsel under certain circumstances.]</p>	A party is “ a person or the county agency who has standing to participate in the proceedings but nothing in these Rules confers	<p>When a proceeding has been initiated alleging that the child is a dependent child, the court shall appoint a guardian ad litem (GAL) to represent the legal interests and the best interests of the child. The GAL must be an attorney-at-law.</p> <p>--A. Guardian ad litem for child. The court shall assign a guardian ad litem to represent the legal interests and the</p>	<p>Full list of responsibilities, including determine to the fullest extent possible the wishes of the child and communicate this information to the court. 42 Pa. C.S. §6311(b); Pa.R.J.C.P. No. 1154. Modified in PA ST JUV CT Rule 1800. <i>See also</i> Int. of A.M., 223 A.3d 691 (Pa. Super. Ct. 2019)</p>	The court shall appoint legal counsel for a child: 1) if a proceeding has been commenced alleging a child to be dependent who: a) while subject to compulsory school attendance is habitually and without justification truant from school; b) has committed a specific act or acts of

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		<p>Advise the court of the child’s wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child’s wishes. A difference between the child’s wishes and the GAL’s recommendations shall not be considered a conflict of interest for the GA. (repealed by Int. of A.M., 223 A.3d 691, 693 (Pa. Super. Ct. 2019)). Cons. Stat. Tit. 42, § 6311</p>	<p>standing upon a person.” (Pa.R.J.C.P. No. 1120). “In any permanency hearing held with respect to the child, the court shall consult with the child regarding the child’s permanency plan in a manner appropriate to the child’s age and maturity” (42 Pa. Consol Stat. §6351).</p> <p>Parties are the juvenile and the Commonwealth (for JD cases) (Pa.R.J.C.P. No. 120)</p>	<p>best interests of the child if a proceeding has been commenced alleging a child to be dependent who: 1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the physical, mental or emotional health, or morals; 2) has been placed for care or adoption in violation of law; 3) has been abandoned by parents, guardian, or other custodian; 4) is without a parent, guardian or legal custodian; or 5) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.Code § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety, or welfare of the child. The guardian ad litem must be an attorney. 42 Pa. Code § 6311(a); Pa.R.J.C.P. No. 1151.</p> <p>Counsel and Guardian ad litem for child. If a child has legal counsel and a guardian ad litem, counsel shall represent the legal interests of the child and the guardian ad litem shall represent the best interests of the child. Pa.R.J.C.P. No. 1151.</p> <p>If the child waives legal counsel, then the GAL should represent both the child’s best interests and legal interest.</p> <p>The court shall appoint counsel to represent the child in an involuntary termination proceeding when one or both of the parents are contesting the proceeding. The court may appoint counsel or a guardian ad litem to represent any child who has not reached the age of 18 years and is subject to any other proceeding under this part whenever it is in the best interests of the child. No attorney or law firm shall represent both the child and the adopting parent or parents. 23 Pa. Code § 2313.</p>		<p>habitual disobedience of the reasonable and lawful commands of the child’s guardian and who is ungovernable and found to be in need of care, treatment, or supervision; c) is under the age of ten years and has committed a delinquent act; d) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or e) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or 2) upon order of the court. Pa.R.J.C.P. No. 1151.</p>
RI	N Mandatory appt of attorney, best interests legal rep.	<p>Within seven days of the Department of Children Youth and Families’ filing of a petition, the court must assure that an attorney (either a guardian ad litem or an attorney with the court appointed special advocate program) “has been appointed to represent the child” (R.I. Gen. Laws § 40-11-7.1(b)(3)). Dependent children “have the right to an attorney to represent [their] best interest. A</p>	<p>Under Rhode Island law, children are considered to be parties to the legal proceedings (see, e.g., R.I. Gen. Laws § 40-11-</p>	<p>Any child who, is alleged to be abused or neglected as a subject of a petition filed in family court under this chapter, shall have a guardian ad litem and/or a court-appointed special advocate appointed by the court to represent this child, all in the discretion of the court. R.I. GEN. LAWS § 40-11-14.</p>	<p>“A lawyer Guardian ad litem is not the lawyer for the child and, therefore advocates the best interests of the child rather than merely representing the child’s preferences.” The GAL “will assure the child that the child’s opinions and feelings will be made known to the Court even when not consistent with the recommendations of the [GAL] (R.I. Fam. Ct.</p>	

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		guardian ad litem is an attorney appointed through the Court Appointed Special Advocate (CASA) program administered by the Court” (State of Rhode Island Office of Child Advocate, A Guide to Legal Issues Involving Youth in Rhode Island, Ch. 2, State Custody of a Youth Due to Dependency, Neglect and/or Abuse).	12.2(a) ; the permanency plan “shall clearly set forth the goals and obligations of the department, parent(s), child and all other parties” (emphasis added)).	http://sos.ri.gov/documents/archives/regdocs/released/pdf/DCYF/6643.pdf	Admin. Order 2006-02). Attorney GALs and CASA attorneys are charged with ensuring “that the best interests of the child are served” (R.I. Faml. Ct. Admin. Order 1979- 13(1)(2)).	
SC	N RTC not established, Lay GAL with some areas requiring CASA to be rep. By counsel. and allows some discretion for client directed appt	S.C. Code Ann. § 63-11-530 In all child abuse and neglect proceedings: (1) Children must be appointed a guardian ad litem by the family court. A guardian ad litem serving on behalf of the South Carolina Guardian ad Litem Program or Richland County CASA must be represented by legal counsel in any judicial proceeding pursuant to Section 63-11-530(C) . S.C. Code Ann. § 63-7-1620	N “Party in interest” includes the child, the child's attorney and guardian ad litem, the natural parent, an individual with physical or legal custody of the child, the foster parent, and the local foster care review board. S.C. Code Ann. § 63-7-20	The family court may appoint legal counsel for the child. Counsel for the child may not be the same as counsel for: (a) the parent, legal guardian, or other person subject to the proceeding; (b) any governmental or social agency involved in the proceeding; (c) the child's guardian ad litem. S.C. Code Ann. § 63-7-1620 2019 Amendment: GAL Program administered under Department of Children’s Advocacy. SC LEGIS 160 (2018), 2018 South Carolina Laws Act 160 (S.805)	A child will receive client-directed representation the appointment of client-directed counsel for children on a discretionary basis, but if not the GAL is generally required to communicate the wishes of the child to the court pursuant to S.C. Code Ann. § 63-11-510 . In matters involving a minor, whether the lawyer should look to the parents as natural guardians may depend on the type of proceeding or matter in which the lawyer is representing the minor. If the lawyer represents the guardian as distinct from the ward, and is aware that the guardian is acting adversely to the ward's interest, the lawyer may have an obligation to prevent or rectify the guardian's misconduct. S.C. App. Ct. R. RULE 407 RPC 1.14 (Comment 4)	A child subject to any judicial proceeding under this article must be appointed a guardian ad litem by the family court. If a guardian ad litem who is not an attorney finds that appointment of counsel is necessary to protect the rights and interests of the child, an attorney must be appointed. If the guardian ad litem is an attorney, the judge must determine on a case-by-case basis whether counsel is required for the guardian ad litem. However, counsel must be appointed for a guardian ad litem who is not an attorney in any case that is contested. S.C. Code Ann. § 63-7-2560 .
SD	N Mandatory attorney, best interests legal rep.	Ann. Stat. §§ 26-8A-18; 26-8A-20 “[T]he court shall appoint an attorney for any child alleged to be abused or neglected” (S.D. Codified Laws § 26-8A-18). “The attorney for the child shall represent the child’s best interests” (S.D. Codified Laws § 26-8A-18). Proceedings under this chapter and chapters 26-8A, 26-8B, and 26-8C shall be in the best interests of the child. (S.D. Codified Laws § 26-7A-5)	No - South Dakota law expressly gives the child some rights of a party, such as requiring the service of summons on the child and other named parties (S.D. Codified Laws § 26-7A-112 ; 26-7A-30 ; 26-7A-47 ; see also Guardian and	The court shall appoint an attorney for any child alleged to be abused or neglected in any judicial proceeding. The court may designate other persons, including a guardian ad litem or special advocate, who may or may not be attorneys licensed to practice law, to assist the attorney of the child in the performance of the attorney's duties. (S.D. Codified Laws § 26-8A-18) If a child is an apparent or alleged abused or neglected child, the court may appoint a special advocate to represent the best interests of the child and to assist the child's attorney. If a child has been adjudicated an abused or neglected child and is removed from the child's home with the child's parents, guardian or custodian, the court shall	The attorney for the child shall represent the child’s best interests and may not be the attorney for any other party involved in the judicial proceedings. A GAL or special advocate shall represent the best interests of the child and assist the child’s attorney in the performance of the attorney’s duties. (S.D. Codified Laws § 26-8A-18).	

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			<p>Conservatorship Act)</p> <p>A minor may enforce his rights by civil action, or other legal proceedings, in the same manner as a person of full age. However, a guardian or conservator must be appointed to conduct the same.</p> <p>(S.D. Codified Laws § 26-1-3)</p>	<p>appoint a guardian ad litem or a special advocate to represent the best interests of the child and to assist the child's attorney. The guardian ad litem or special advocate is an officer of the court for the purpose of representing the child's best interests. (S.D. Codified Laws § 26-8A-20)</p>		
TN	<p>N</p> <p>Mandatory attorney, best interests legal rep.</p>	<p>TN R S CT Rule 40; Tenn. Code Ann. § 37-1-149</p> <p>"Guardian ad litem" is a lawyer appointed by the court to advocate for the best interests of a child and to ensure that the child's concerns and preferences are effectively advocated. (TN R S CT Rule 40(b)(1))</p> <p>The court may also appoint a nonlawyer special advocate trained in accordance with that role and in accordance with the standards of the Tennessee Court Appointed Special Advocates Association (CASA) to act in the best interest of a child before, during and after court proceedings. (Tenn. Code Ann. § 37-1-149 (b)(1))</p>	<p>Not expressly party status, express rights in some cases (e.g., the summons shall be directed to the child if the child is 14 years of age or more (Tenn. Code Ann. § 37-1-121(a)).</p> <p>Service of process for juvenile court proceedings may be completed by any individual authorized to serve process under the Tennessee Rules of Civil Procedure or the Tennessee Rules of Juvenile Procedure, including, but not limited to, a</p>	<p>The court at any stage of a proceeding under this part, on application of a party or on its own motion, shall appoint a guardian ad litem for a child who is a party to the proceeding if such child has no parent, guardian or custodian appearing on such child's behalf or such parent's, guardian's or custodian's interests conflict with the child's or in any other case in which the interests of the child require a guardian. (Tenn. Code Ann. § 37-1-149 (a)(1))</p> <p>The court shall make every effort to appoint a guardian ad litem for the child prior to the preliminary hearing. (Tenn. R. of Juv. P., R 302(d)(1))</p>	<p>The responsibilities and duties of the guardian ad litem include, but are not limited to the following: ... (7) Advocating the position that serves the best interest of the child by: (i) Petitioning the court for relief on behalf of the child and filing and responding to appropriate motions and pleadings; (ii) Participating in depositions, discovery and pretrial conferences; (iii) Participating in settlement negotiations to seek expeditious resolution of the case, keeping in mind the effect of continuances and delays on the child; (iv) Making opening statements and closing arguments; (v) Calling, examining and cross-examining witnesses, offering exhibits and introducing independent evidence in any proceeding; (vi) Filing briefs and legal memoranda; (vii) Preparing and submitting proposed findings of facts and conclusions of law; (viii) Ensuring that written orders are promptly entered that accurately reflect the findings of the court; (ix) Monitoring compliance with the orders of the court and filing motions and other pleadings and taking other actions to ensure services are being provided; (x) Attending all staffings, reviews and hearings, including permanency plan staffings, foster care review</p>	<p>The child is the client of the guardian ad litem. The guardian ad litem is appointed by the court to represent the child by advocating for the child's best interests and ensuring that the child's concerns and preferences are effectively advocated. (TN R S CT Rule 40(c)(1))</p>

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			<p>sheriff, constable, or private process server. (Tenn. Code Ann. § 37-1-121)</p> <p>The summons shall also be directed to the child alleged to be dependent and neglected and 14 or more years of age. (TN R JUV P Rule 103)</p>		<p>board hearings, judicial reviews and the permanency hearing; (xi) Attending treatment, school and placement meetings regarding the child as deemed necessary... (TN R S CT Rule 40(d)(7)).</p>	
TX	<p>H</p> <p>RTC not mandatory for entire case, hybrid model.</p>	<p>Family Code §§ 107.001; 107.011; 107.012</p> <p>Except as otherwise provided by this subchapter, in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for a child, the court shall appoint a guardian ad litem to represent the best interests of the child immediately after the filing of the petition but before the full adversary hearing. (Tex. Fam. Code Ann. § 107.011 (a))</p> <p>“Guardian ad litem” means a person appointed to represent the best interests of a child. The term includes:</p> <p>(A) a volunteer advocate from a charitable organization described by Subchapter C¹ who is appointed by the court as the child's guardian ad litem;</p> <p>(B) a professional, other than an attorney, who holds a relevant professional license and whose training relates to the determination of a child's best interests;</p> <p>(C) an adult having the competence, training, and expertise determined by the court to be sufficient to represent the best interests of the child; or</p> <p>(D) an attorney ad litem appointed to serve in the dual role. (Tex. Fam. Code Ann. § 107.001(5)).</p>	<p>Not expressly party - Texas law expressly gives children certain rights in dependency proceedings, such as the right to “attend each permanency hearing unless the court specifically excuses the child's attendance” (Tex. Fam. Code § 263.302).</p>	<p>In order to comply with the mandatory appointment of a guardian ad litem under Section 107.011 and the mandatory appointment of an attorney ad litem under Section 107.012, the court may appoint an attorney to serve in the dual role. Tex. Fam. Code § 107.0125(a).</p> <p>The attorney ad litem for child “shall...represent the child's expressed objectives of representation and follow the child's expressed objectives of representation during the course of litigation if the attorney ad litem determines that the child is competent to understand the nature of an attorney-client relationship and has formed that relationship with the attorney ad litem” (Tex. Fam. Code § 107.004(a)(2)).</p> <p>(a) An attorney ad litem appointed to represent a child or an attorney appointed in the dual role may determine that the child cannot meaningfully formulate the child's objectives of representation in a case because the child:</p> <p>(1) lacks sufficient maturity to understand and form an attorney-client relationship with the attorney;</p> <p>(2) despite appropriate legal counseling, continues to express objectives of representation that would be seriously injurious to the child; or</p> <p>(3) for any other reason is incapable of making reasonable judgments and engaging in meaningful communication.</p> <p>(b) An attorney ad litem or an attorney appointed in the dual role who determines that the child cannot meaningfully formulate the child's expressed objectives</p>	<p>“Attorney ad litem” means an attorney who provides legal services to a person, including a child, and who owes to the person the duties of undivided loyalty, confidentiality, and competent representation. (Tex. Fam. Code § 107.001(2))</p> <p>In order to comply with the mandatory appointment of a GAL and attorney ad litem, the court may appoint an attorney to serve in the dual role. If the court appoints an attorney to serve in the dual role, the court may at any time during the pendency of the suit appoint another person to serve as GAL for the child and restrict the attorney to acting as an attorney ad litem for the child. (Tex. Fam. Code Ann. § 107.0125 (a-b)).</p>	<p>The attorney shall advise the child, represent the child's expressed wishes, and follow the child's wishes during the course of litigation if he or she determines that the child is competent to understand the nature of an attorney-client relationship. (Tex. Fam. Code Ann. § 107.004 (a)(1-2)).</p> <p>The attorney ad litem shall meet before each court hearing with the child if the child is at least age 4 or the person with whom the child ordinarily resides if the child is younger than age 4. If the child is not present at the court hearing, the attorney must file a written statement with the court indicating that the attorney has met with the child as required. (Tex. Fam. Code Ann. § 107.004(d)).</p>

				<p>of representation may present to the court a position that the attorney determines will serve the best interests of the child.</p> <p>(c) If a guardian ad litem has been appointed for the child in a suit filed by a governmental entity requesting termination of the parent-child relationship or appointment of the entity as conservator of the child, an attorney ad litem who determines that the child cannot meaningfully formulate the child's expressed objectives of representation:</p> <p>(1) shall consult with the guardian ad litem and, without being bound by the guardian ad litem's opinion or recommendation, ensure that the guardian ad litem's opinion and basis for any recommendation regarding the best interests of the child are presented to the court; and</p> <p>(2) may present to the court a position that the attorney determines will serve the best interests of the child. (Tex. Fam. Code Ann. § 107.008)</p>		
UT	<p>N</p> <p>Mandatory attorney, best interests legal rep.</p>	<p>Utah Code Ann. § 78A-6-902</p> <p>“The attorney guardian ad litem shall continue to represent the best interest of the minor until released from that duty by the court” (Utah Code Ann. § 78A-6-902(5)).</p> <p>An attorney guardian ad litem “participates in all appeals, unless excused by the court” (Utah Code Ann. § 78A-6-902(3)(f)).</p> <p>An attorney guardian ad litem shall represent the best interest of each child who may become the subject of a petition alleging abuse, neglect, or dependency...(Utah Code Ann. § 78A-6-902 (2)).</p> <p>In every abuse, neglect, or dependency proceeding under this chapter, the court shall order that the child be represented by a guardian ad litem. (Utah Code Ann. § 78A-6-317 (4)).</p>	<p>No - A child who is the subject of a juvenile court hearing is entitled to notice of, and to be present at, each hearing and proceeding (Utah Code Ann. § 78A-6-317(1)).</p>	<p>“An attorney guardian ad litem shall represent the best interest of the minor...If the minor’s wishes differ from the attorney’s determination of the minor’s best interest, the attorney guardian ad litem shall communicate the minor’s wishes to the court in addition to presenting the attorney’s determination of the minor’s best interest (Utah Code Ann. § 78A-6-902(8)(a)-(b)).</p> <p>(b) If the minor's wishes differ from the attorney's determination of the minor's best interest, the attorney guardian ad litem shall communicate the minor's wishes to the court in addition to presenting the attorney's determination of the minor's best interest.</p> <p>(c) A difference between the minor's wishes and the attorney's determination of best interest may not be considered a conflict of interest for the attorney.</p> <p>(d) The guardian ad litem shall disclose the wishes of the child unless the child:</p> <p>(i) instructs the guardian ad litem to not disclose the child's wishes; or</p> <p>(ii) has not expressed any wishes. (Utah Code Ann. § 78A-6-902 (8)(b-d)).</p>	<p>Personally or through a trained volunteer, paralegal, or other trained staff, the GAL keeps the minor advised of:</p> <p>(i) the status of the minor's case;</p> <p>(ii) all court and administrative proceedings;</p> <p>(iii) discussions with, and proposals made by, other parties;</p> <p>(iv) court action; and</p> <p>(v) the psychiatric, medical, or other treatment or diagnostic services that are to be provided to the minor (Utah Code Ann. § 78A-6-902 (3)(h)).</p>	

VT	Y (provides for BOTH GAL and legal counsel)	33 VT. STAT ANN. § 5112 The court shall appoint a guardian ad litem for a child under 18 years of age who is a party to a proceeding brought under the juvenile judicial proceedings chapters. . . .The guardian ad litem appointed under this section shall not be a party to that proceeding or an employee or representative of such party. (33 VT. STAT ANN. § 5112 (a)).	Party’ includes the child with respect to whom the proceedings are brought. (33 VT. STAT ANN. § 5102(22)(A)).	An attorney shall be appointed for a child who is a party to a proceeding brought under the juvenile judicial proceedings chapters. (33 VT. STAT ANN. § 5112 (a)). <i>Disagreements Between Ward and Guardian Ad Litem.</i> When a ward and a ward’s guardian ad litem disagree as to a matter governed by subdivision (d)(1) of this rule, the attorney assigned to represent the ward shall promptly and fully inform the court of the position of the guardian ad litem. The guardian ad litem also shall be afforded the right to be heard but shall not disclose privileged information or information that has not been admitted into evidence. The court may, in its discretion, appoint additional counsel for the guardian ad litem. (VT R FAM P Rule 6(d)(2)).	The GAL shall act as an independent advisor and advocate whose goal shall be to safeguard the respondent’s best interests and legal rights. When the respondent can effectively communicate his or her wishes with respect to any aspect of the proceedings, the GAL’s advocacy shall be consistent with the expressed wishes of the respondent, and the GAL shall state no fact nor disclose any opinion in regard to that aspect of the proceeding except with the express consent of the respondent. (VT Rules Fam. Proc., Rule 6.1(e)(1)).	Vermont Juvenile Law and Practice Manual http://dgsearch.no-ip.biz/juvenile/JUVENILE%20MANUAL%202013.pdf Includes a rebuttable presumption that children under the age of 13 are incapable of understanding the nature and consequence of the waiver or admission and of communicating with respect to the waiver or admission. A person thirteen or older shall be rebuttable presumed to be capable. (VT Rules Fam. Proc., Rule 6(d)(4)).
VA	N Mandatory attorney, best interest legal rep.	Ann. Code §§ 16.1-266; 9.1-153 the court shall appoint a discreet and competent attorney-at-law as guardian ad litem to represent the child pursuant to § 16.1-266.1 . (Va. Code Ann. § 16.1-266 (A)).	Not a party A child may admit the allegations of the petition or summons by pleading guilty, or the child may plead not guilty, nolo contendere, or enter no plea. If the child enters no plea, the court will proceed as if a denial were entered to the allegations of the petition or summons. (Va. Sup. Ct. R. 8:18).	The role and responsibility of the GAL is to represent, as an attorney, the child’s best interests before the court. VA Ct. R.: Standards to Govern the Performance of Guardian ad Litem for Children, Introduction. http://www.courts.state.va.us/courtadmin/aoc/cip/programs/gal/children/gal_performance_standards_children.pdf Prior to the hearing by the court of any case involving a child who is alleged to be abused or neglected or who is the subject of an entrustment agreement or a petition seeking termination of residual parental rights or who is otherwise before the court pursuant to § 16.1-241(a)(4) or § 63.2-1230 , the court shall appoint a discreet and competent attorney-at-law as guardian ad litem (GAL) to represent the child. (Va. Code Ann. § 16.1-266 (A)). Virginia law also provides that under specified circumstances the court may appoint an attorney to act as legal counsel for the child (Va. Code Ann. § 16.1-266(E)).	The GAL must vigorously represent the child fully protecting the child’s interests and welfare. The GAL must advise the court of the wishes of the child in any case where the wishes of the child conflict with the opinion of the GAL as to what is in the child’s interests and welfare. Va. Sup. Ct. Rule 8:6	In dependency proceedings, Virginia law gives children the right to be represented by an attorney GAL (Va. Code Ann. § 16.1-266(A)), and the right to participate on appeal (Virginia Judicial Council, Standards to Govern the Performance of Guardians ad Litem for Children, Standard J).
WA	T Transition at age 8	Wash. Rev. Code Ann. § 13.34.030 ; Wash. Rev. Code Ann. § 13.34.090 In any judicial proceeding under this chapter or chapter 13.34 RCW [dependency or termination	Washington law does not expressly provide party status to children in dependency proceedings.	“If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child’s position” (Rev. Code Wash. § 13.34.100(6)(f)); 2013 Washington Senate Bill No. 5170	The statewide children’s legal representation program is responsible for implementation of section 6 of this act and RCW 2.53.045 except that it is the court’s responsibility to appoint attorneys in dependency proceedings. (WA	

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	<p>Lay GALs for 7 and under unless certain circumstances</p>	<p>of parental rights actions] in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings. (Wash. Rev. Code § 26.44.053(1)).</p> <p>A guardian ad litem shall represent the best interests of the person for whom he or she is appointed. Representation of best interests may be inconsistent with the wishes of the person whose interest the guardian ad litem represents. The guardian ad litem shall not advocate on behalf of or advise any party so as to create in the mind of a reasonable person the appearance of representing that party as an attorney. (WA R SUPER CT GUARDIAN GALR 2(a)).</p>	<p>Washington law expressly provides children in dependency proceedings with the right to service of summons “if the child is twelve or more years of age” (Wash. Rev. Code Ann. §13.34.070).</p>	<p>When an attorney is appointed for a child in dependency proceedings, the role of the attorney is “to represent the child’s position” (Rev. Code Wash. § 13.34.100(6)(f)).</p> <p>At all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel. Counsel shall be provided at public expense subject to the phase-in schedule as provided in section 6 of this act. (WA LEGIS 210 (2021), 2021 Wash. Legis. Serv. Ch. 210 (S.S.H.B. 1219) (3))</p> <p>“Guardian ad litem” means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. (Wash. Rev. Code § 13.34.030(11)).</p> <p>The court shall appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights. (WA LEGIS 210 (2021), 2021 Wash. Legis. Serv. Ch. 210 (S.S.H.B. 1219) (1)(a)).</p>	<p>LEGIS 210 (2021), 2021 Wash. Legis. Serv. Ch. 210 (S.S.H.B. 1219)(2.53)(2).</p> <p>In every case in which a guardian ad litem is a party to the case pursuant to RCW 13.34 or RCW 26.26, a guardian ad litem shall have the rights and powers set forth below. These rights and powers are subject to all applicable statutes and court rules.</p> <p>(1) <i>File documents and respond to discovery.</i> A guardian ad litem shall have the right to file pleadings, motions, notices memoranda, briefs, and other documents, and may, subject to the trial court's discretion engage in and respond to discovery.</p> <p>(2) <i>Note motions and request hearings.</i> A guardian ad litem shall have the right to note motions and request hearings before the court as appropriate to the best interests of the person(s) for whom a guardian ad litem was appointed.</p> <p>(3) <i>Introduce exhibits and examine witnesses.</i> A guardian ad litem shall have the right, subject to the trial court's discretion, to introduce exhibits, subpoena witnesses, and conduct direct and cross examination of witnesses.</p> <p>(4) <i>Oral argument and submission of reports.</i> A guardian ad litem shall have the right to fully participate in the proceedings through submission of written reports, and, may with the consent of the trial court present oral argument. (WA R SUPER CT GUARDIAN GALR 4(h)).</p>	
WV	H	<p>Appendix A. Guidelines for Children’s Guardians Ad Litem in Child Abuse and Neglect Cases</p> <p>The court automatically appoints an attorney to represent children in abuse and neglect proceedings. W.V. Code § 49-4-601.</p> <p>In the initial order resulting from the filing of an abuse and neglect petition, the circuit court</p>	<p>Y - “Parties” means the petitioner, co-petitioner, respondent, adjudicated battered parent, and child. (R. of Proc. for Child Abuse & Neglect)</p>	<p>In any child abuse or neglect proceeding, the child shall have the right to be represented by counsel at every stage of the proceedings. Counsel of the child shall be appointed by the court in the initial order. W.V. Code § 49-4-601 (f).</p> <p>In any proceeding under this article, the child shall have counsel to represent his or her interests at all stages of the proceedings. (2) The court's initial order shall appoint counsel for the child and for any parent, guardian, custodian, or other person standing <i>in loco parentis</i> with</p>	<p>Maintain contact with the child throughout the case to monitor whether the child is receiving counseling, tutoring, or any other services needed to provide as much support as possible under the circumstances. When appropriate, keep the child apprised of any developments in the case and actions of the court or parties involved. (R. of Proc. for Child Abuse & Neglect Proceedings, P App. A(C)(7-8)).</p>	<p>A child subject to a case may attend all or portions of hearings, unless the court deems such attendance inappropriate, and may attend all or portions of multidisciplinary treatment team meetings, unless the multidisciplinary treatment team deems such participation inappropriate. Consideration shall be given to the child’s preferences and developmental maturity. (R. of Proc.</p>

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		<p>appoints a guardian <i>ad litem</i> to represent a child from a list of qualified attorneys who have completed the required guardian <i>ad litem</i> training. A guardian <i>ad litem</i> may be appointed to represent more than one child unless the representation of more than one child creates a conflict of interest. (R. of Proc. for Child Abuse & Neglect Proceedings, R. 18a(a)).</p> <p>"Guardian ad Litem" means the attorney appointed to represent the child. (R. of Proc. for Child Abuse & Neglect Proceedings, R. 3(k)).</p> <p>The court shall appoint an attorney for the child, who shall receive a copy of the case plan as provided in subsection (b) of this section. (W. Va. Code Ann. § 49-4-116 (c)).</p>	<p>Proceedings, R. 3(m)).</p> <p>The court shall schedule a hearing and give notice of the time and place and right to be present at the hearing to:</p> <p>(1) The child's attorney;</p> <p>(2) The child, if twelve years of age or older; (W. Va. Code Ann. § 49-4-116 (d)(1-2)).</p>	<p>the child if such person is without retained counsel. (W. Va. Code Ann. § 49-4-601 (f)(1-2))</p>	<p>The GAL in a child abuse and neglect case has a dual role, both as an attorney, and to represent the best interests of the child. A GAL has broad discretion in determining what is necessary to protect the best interests of a child. The safety, well-being, and timely permanent placement of a child in an abuse and neglect proceeding are central to all aspects of a GAL's representation. (R. of Proc. for Child Abuse & Neglect Proceedings, P App. A(A)(1)).</p>	<p>for Child Abuse & Neglect Proceedings, R. 8).</p> <p>Under no circumstances may the same attorney represent both the child and another party. The same attorney may not represent more than one parent or custodian: <i>Provided</i>, That one attorney may represent both parents or custodians where both parents or custodians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney advises the court that she or he is able to represent each client without impairing her or his professional judgment. If more than one child from a family is involved in the proceeding, one attorney may represent all the children. (W. Va. Code Ann. § 49-4-601 (5)).</p> <p>A GAL determines that there is a conflict of interest in performing both roles as GAL and the child's attorney. In such instance, the lawyer should continue to represent the child as the child's attorney and withdraw as GAL. The lawyer should simultaneously ask the court to appoint a new GAL to represent the best interests of the child. A mere disagreement regarding the best interests of the child does not in itself constitute a basis for withdrawing as counsel.</p> <p>2. A conflict of interest arises when siblings represented by the same GAL have opposing interests. If the GAL discovers the conflict before commencing representation of the siblings, the GAL shall only accept</p>
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						<p>appointment of one sibling or non-conflicting siblings. If the GAL discovers the conflict of interest after accepting appointment to represent the siblings, the GAL shall request that the court appoint a new GAL to represent the interests of the conflicting sibling or siblings.</p> <p>3. A conflict of interest arises when a GAL subsequently represents a child's parent, relative, caregiver, foster parent, or pre-adoptive parent in another matter. In such instance, a GAL should not engage in a subsequent representation that compromises the GAL's ability to independently consider the best interests of the child. (R. of Proc. for Child Abuse & Neglect Proceedings, P App. A.(B)(3)).</p>
WI	<p>T</p> <p>Best interests until age 12, client directed 12 and older.</p>	<p>Ann. Stat. §§ 48.23; 48.235; 767.407</p> <p>In any proceeding under § 48.13 in which the court finds that providing the services of a court-appointed special advocate (CASA) would be in the best interests of the child, the court may request a CASA program to designate a person who meets the qualifications as a CASA. (Wis. Stat. Ann. § 48.236 (1)).</p> <p>Guardians ad litem or counsel for abused or neglected children. The court shall appoint counsel for any child alleged to be in need of protection or services under s. 48.13(3), (3m), (10), (10m) and (11), except that if the child is less than 12 years of age the court may appoint a guardian ad litem instead of counsel. The guardian ad litem or counsel for the child may not act as counsel for any other party or any governmental or social agency involved in the proceeding and may not act as court-appointed special advocate</p>	<p>No</p> <p>The petitioner shall cause the petition and notice of the time and place of the hearing under par. (cm) to be served upon all of the following persons:</p> <ol style="list-style-type: none"> The child if the child is 12 years of age or older. The child's guardian and legal custodian. The child's guardian ad litem. The child's counsel. The child's parent. (Wis. Stat. 	<p>“Counsel” means an attorney acting as adversary counsel who shall advance and protect the legal rights of the party represented, and who may not act as guardian ad litem or court-appointed special advocate for any party in the same proceeding (Wis. Stat. Ann. § 48.23 (1g)).</p>	<p>The guardian ad litem shall be an advocate for the best interests of the person or unborn child for whom the appointment is made. The guardian ad litem shall function independently, in the same manner as an attorney for a party to the action, and shall consider, but shall not be bound by, the wishes of that person or the positions of others as to the best interests of that person or unborn child. If the guardian ad litem determines that the best interests of the person are substantially inconsistent with the wishes of that person, the guardian ad litem shall so inform the court and the court may appoint counsel to represent that person. The guardian ad litem has none of the rights or duties of a general guardian. (Wis. Stat. Ann. § 48.235 (3)(a)).</p>	<p>For a child younger than age 12, the judge may appoint a guardian ad litem (GAL) instead of counsel. (Wis. Stat. § 48.23(1m)(b)).</p>

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		<p>for the child in the proceeding. (Wis. Stat. Ann. § 48.23 (3m)).</p> <p>The court shall appoint a guardian ad litem for a minor child in any action affecting the family if any of the following conditions exists:</p> <p>1. The court has reason for special concern as to the welfare of a minor child. (Wis. Stat. Ann. § 767.407 (1)(a)(1)).</p>	<p>Ann. § 48.977 (4)(a).</p>		
WY	<p>N</p> <p>Mandatory attorney, best interests legal rep.</p>	<p>Wyo. Admin. Code 008.0001.1 §7(a)</p> <p>“The court shall appoint counsel to represent any child in a court proceeding in which the child is alleged to be abused or neglected. Any attorney representing a child under this section shall also serve as the child’s guardian ad litem unless a guardian ad litem shall be charged with representation of the child’s best interest” (Wyo. Stat. Ann. § 14-3-211(a)).</p>	<p>Y - “Parties’ include the child, his parents, guardian, or custodian, the state of Wyoming and any other person made a party by an order to appear, or named by the juvenile court (Wyo. Stat. Ann. § 14-3-402(a)(xiv)).</p>	<p>Rather than taking direction from the client, as is the case in traditional attorney representation of adults, the attorney guardian ad litem is charged with forming the client’s position by using his/her own judgment as to the child’s “best interests”. The attorney guardian ad litem is required to consider the child’s wishes and preferences when determining the child’s best interests, but he or she is not bound by them as in the traditional attorney-client relationship. If the attorney guardian ad litem determines that the child’s expressed preference is not in the best interests of the child, both the child’s wishes and the basis of the attorney guardian ad litem’s disagreement must be presented to the by court. (Wyo. Admin. Code 008.0001.2 §2(a)).</p> <p>The Juvenile Court may appoint a CASA to serve the best interests of a child in abuse or neglect actions. All CASAs must be sworn in by the Juvenile Court before beginning their duties. The CASA serves at the pleasure of the court. The CASA volunteer shall not act as the legal representative or attorney guardian ad litem of any child in any appointed case. The CASA serves a role that is separate from the role of the attorney guardian ad litem although it is the expectation of the court that the attorney guardian ad litem and the CASA would collaborate and cooperate in the best interests of the child. The CASA serves until the case is concluded or the court enters an order for removal. (WY R RPJC Rule 8(c)).</p>	<p>“Best interests.” Refers to a determination of the most appropriate course of action based on objective considerations of the child's specific needs and preferences. The determination of the best interests of the child should be based on objective criteria as set forth in the law that are related to the purposes of the proceedings. The criteria should address the child's specific needs and preferences, the goal of expeditious resolution of the case so the child can remain or return home or be placed in a safe, nurturing, and permanent environment, and the use of the least restrictive alternatives available. This determination must include the presumption that it is in the child's best interest to be with his or her parent(s), as outlined by the Wyoming Supreme Court per In re Guardianship of MEO, 2006 WY 87, 138 P.3d 1145 (Wyo. 2006). (Wyo. Admin. Code 008.0001.1 §7(a)).</p>