



General Assembly

Substitute Bill No. 6871

January Session, 2005

* HB06871JUDAPP040605 *

**AN ACT CONCERNING THE QUALITY OF LEGAL REPRESENTATION
IN CHILD PROTECTION PROCEEDINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2006*) (a) There is established a
2 Commission on Child Protection that shall consist of seven members
3 appointed as follows: (1) The Chief Justice of the Supreme Court shall
4 appoint two judges of the Superior Court, or a judge of the Superior
5 Court and a retired judge of the Superior Court; (2) the speaker of the
6 House of Representatives, the president pro tempore of the Senate, the
7 minority leader of the House of Representatives and the minority
8 leader of the Senate shall each appoint one member; and (3) the
9 Governor shall appoint one member who shall serve as chairperson.

10 (b) Each member of the commission shall serve for a term of three
11 years and until the appointment and qualification of his or her
12 successor. No more than three of the members, other than the
13 chairperson, may be members of the same political party. At least two
14 of the nonjudicial members, other than the chairperson, shall not be
15 members of the bar of any state.

16 (c) If any vacancy occurs on the commission, the appointing
17 authority having the power to make the initial appointment under the
18 provisions of this section shall appoint a person for the unexpired term
19 in accordance with the provisions of this section.

20 (d) The members of the commission shall serve without
21 compensation but shall be reimbursed for actual expenses incurred
22 while engaged in the duties of the commission. The members of the
23 commission shall not be employed in any other position under this
24 section or section 2 of this act.

25 (e) The commission may adopt such rules as it deems necessary for
26 the conduct of its internal affairs.

27 (f) The commission shall be responsible for carrying out the
28 purposes of this section and section 2 of this act and shall appoint a
29 Chief Child Protection Attorney and an assistant to the Chief Child
30 Protection Attorney, both of whom shall serve at the pleasure of the
31 commission and whose compensation shall be fixed by the
32 commission.

33 Sec. 2. (NEW) (*Effective January 1, 2006*) The Chief Child Protection
34 Attorney appointed under section 1 of this act shall:

35 (1) Establish a system for the delivery of legal services to children
36 and indigent parents in proceedings before the superior court for
37 juvenile matters in which a child is alleged to be uncared-for,
38 neglected, dependent, abused or in a family with service needs, or is
39 the subject of a petition for termination of parental rights. To carry out
40 the requirements of this section, the Chief Child Protection Attorney
41 may (A) contract with appropriate not-for-profit legal services agencies
42 for the delivery of such services, and (B) maintain one or more lists of
43 trial lawyers who may be available to represent children and indigent
44 parents in such proceedings in the event that no appropriate not-for-
45 profit legal services agency is available or the contracted not-for-profit
46 legal services agency is unable to accept cases due to conflicts of
47 interest or caseload standards;

48 (2) Ensure that attorneys providing legal services pursuant to this
49 section are assigned to cases in a manner that will avoid conflicts of
50 interest, as defined by the Rules of Professional Conduct; and

51 (3) Provide initial and in-service training for attorneys providing
52 legal services pursuant to this section and establish training, practice
53 and caseload standards for the representation of children and indigent
54 parents in juvenile matters in which a child is alleged to be uncared-
55 for, neglected, dependent, abused or in a family with service needs, or
56 is the subject of a petition for termination of parental rights. Such
57 standards shall apply to any attorney who represents children or
58 indigent parents in such matters pursuant to this section and shall be
59 designed to ensure a high quality of legal representation. The training
60 for attorneys required by this subdivision shall be designed to ensure
61 proficiency in the procedural and substantive law related to such
62 matters and to establish a minimum level of proficiency in relevant
63 subject areas, including, but not limited to, family violence, child
64 development, behavioral health, educational disabilities and cultural
65 competence.

66 Sec. 3. (NEW) (*Effective January 1, 2006*) The Judicial Department
67 shall ensure that adequate space is available in the various courts for
68 attorneys who represent children and indigent parents pursuant to
69 section 2 of this act to meet in private with their clients.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2006</i>	New section
Sec. 2	<i>January 1, 2006</i>	New section
Sec. 3	<i>January 1, 2006</i>	New section

JUD

Joint Favorable Subst. C/R

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