

NEVADA	Legal Authority
	GENERAL DUTIES AND ACTIVITIES OF THE CHILD'S LEGAL REPRESENTATIVE
<p>1. General Duties: <i>Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</i></p>	<p>[A GAL is appointed in abuse and neglect petitions, and the court may also appoint an attorney for the child (although the GAL could be an attorney). In termination proceedings, a court-appointed attorney also serves as a GAL, if the court had not appointed a separate GAL. The GAL is to be an unpaid volunteer.]</p> <ul style="list-style-type: none"> - 1. After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child. The person so appointed: <ul style="list-style-type: none"> (a) Must meet the training requirements of NRS 432B.505 or, if such a person is not available, a representative of an agency which provides child welfare services, a juvenile probation officer, an officer of the court or another volunteer. (b) Must not be a parent or other person responsible for the child's welfare. 2. No compensation may be allowed a person serving as a guardian ad litem pursuant to this section. 3. A guardian ad litem appointed pursuant to this section shall: <ul style="list-style-type: none"> (a) Represent and protect the best interests of the child until excused by the court; ... NRS 432B.500 <p>- 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent the person. The court may, if it finds it appropriate, appoint an attorney to represent the child. The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.</p> <p>2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:</p> <ul style="list-style-type: none"> (a) Shall appoint an attorney to represent the parent; (b) May appoint an attorney to represent the Indian child; and (c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney, as provided in the Indian Child Welfare Act. ...NRS 432B.420 <p>- 1. In any proceeding for terminating parental rights, or any rehearing or appeal thereon, or any proceeding for</p>

	<p>restoring parental rights, the court may appoint an attorney to represent the child as his or her counsel and, if the child does not have a guardian ad litem appointed pursuant to NRS 432B.500, as his or her guardian ad litem. The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.</p> <p>...</p> <p>3. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes. NRS 128.100</p>
<p>2. Out of Court - Actions to be Taken: <i>Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</i></p>	<p>3. A guardian ad litem appointed pursuant to this section shall:</p> <ul style="list-style-type: none"> (a) Represent and protect the best interests of the child until excused by the court; (b) Thoroughly research and ascertain the relevant facts of each case for which the guardian ad litem is appointed, and ensure that the court receives an independent, objective account of those facts; (c) Meet with the child wherever the child is placed as often as is necessary to determine that the child is safe and to ascertain the best interests of the child; (d) Explain to the child the role of the guardian ad litem and, when appropriate, the nature and purpose of each proceeding in the case; <p>...</p> <ul style="list-style-type: none"> (h) Present recommendations to the court and provide reasons in support of those recommendations; <p>...</p> <ul style="list-style-type: none"> (k) Perform such other duties as the court orders. NRS 432B.500(3) <p>- 1. Except as otherwise provided in subsections 2 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:</p> <p>...</p> <ul style="list-style-type: none"> (g) The attorney and the guardian ad litem of the child; ... NRS 432B.290 <p>- When the court appoints a guardian ad litem or special advocate for a child, an agency which provides child welfare services shall give the guardian ad litem or special advocate access to all reports and records relevant to the case. NAC 432B.280(4)</p>

	<i>There are no explicit requirements regarding out of court actions by attorneys for the child.</i>
3. In Court - Active Participation in Hearings: <i>Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</i>	<p>- A guardian ad litem appointed pursuant to this section shall:</p> <p>...</p> <p>(f) Appear at all proceedings regarding the child;</p> <p>(g) Inform the court of the desires of the child, but exercise independent judgment regarding the best interests of the child;</p> <p>(h) Present recommendations to the court and provide reasons in support of those recommendations;</p> <p>(i) Request the court to enter orders that are clear, specific and, when appropriate, include periods for compliance;</p> <p>(j) Review the progress of each case for which the guardian ad litem is appointed, and advocate for the expedient completion of the case; and</p> <p>(k) Perform such other duties as the court orders. NRS 432B.500(3)</p> <p><i>There are no explicit requirements regarding in court actions to be taken by attorneys for the child.</i></p>
4. Post-Hearing: <i>Review courts order, communicate order to child, and monitor implementation of orders.</i>	<p>- A guardian ad litem appointed pursuant to this section shall:</p> <p>(e) Participate in the development and negotiation of any plans for and orders regarding the child, and monitor the implementation of those plans and orders to determine whether services are being provided in an appropriate and timely manner;</p> <p>...</p> <p>(i) Request the court to enter orders that are clear, specific and, when appropriate, include periods for compliance</p> <p>...</p> <p>NRS 432B.500(3).</p> <p><i>There are no explicit requirements for attorneys for the child.</i></p>
5. Appellate Advocacy: <i>Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</i>	<p><i>No explicit legal requirements or authority.</i></p>

6. Cessation of Representation: <i>Contacts post representation, if any.</i>	<i>No explicit legal authority or requirement.</i>
	Organizational and Administrative Supports for the Child Representative
7. General Representation Rules: <i>Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the "court"</i>	<p>- GALs are appointed directly by the court. (NRS 432B.500) To be eligible to receive appointments, a prospective GAL must complete training as approved by the court. NRS 432B.505(4).</p> <p><i>There is no explicit authority regarding the appointment of lawyers for children. The Legal Aid Center of Southern Nevada's Children's Attorney Project provides lawyers in Clark County.</i></p>
8. Lawyer Training: <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i>	<p>- 1. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that includes a county whose population is less than 100,000, a special advocate must be a volunteer from the community who completes an initial 12 hours of specialized training and, annually thereafter, completes 6 hours of specialized training. The training must be approved by the court and include information regarding:</p> <ul style="list-style-type: none"> (a) The dynamics of the abuse and neglect of children; (b) Factors to consider in determining the best interests of a child, including planning for the permanent placement of the child; (c) The interrelationships between the family system, legal process and system of child welfare; (d) Skills in mediation and negotiation; (e) Federal, state and local laws affecting children; (f) Cultural, ethnic and gender-specific issues; (g) Domestic violence;

	<p>(h) Resources and services available in the community for children in need of protection;</p> <p>(i) Child development;</p> <p>(j) Standards for guardians ad litem;</p> <p>(k) Confidentiality issues; and</p> <p>(l) Such other topics as the court deems appropriate.</p> <p>2. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that does not include a county whose population is less than 100,000, a special advocate must be qualified pursuant to the standards for training of the National Court Appointed Special Advocate Association or its successor. If such an Association ceases to exist, the court shall determine the standards for training. NRS 432B.505</p> <p><i>There is no explicit training requirement for children's lawyers. Lawyers who participate in the Children's Attorney Project are required to attend a specific training program.</i></p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided expenses.</p>	<p>- 1. After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child.</p> <p>...</p> <p>2. No compensation may be allowed a person serving as a guardian ad litem pursuant to this section. NRS 432B.500</p> <p>- Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a child may also be appointed as guardian ad litem for the child. An attorney may not receive any compensation for services as a guardian ad litem. NRS 432B.420(3)</p> <p>- All expenses incurred in termination of parental rights cases shall be a county charge if so ordered by the court. NRS 128.140</p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>