

ALABAMA	Legal Authority
	GENERAL DUTIES AND ACTIVITIES OF THE CHILD'S LEGAL REPRESENTATIVE
<b>1. General Duties:</b> <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>- In every case involving an abused or neglected child which results in a judicial proceeding, an attorney shall be appointed to represent the child in such proceedings. Such attorney will represent the rights, interests, welfare, and well-being of the child, and serve as guardian ad litem for the child. <a href="#">Ala. Code § 26-14-11</a>. <a href="#">Admin Code r. 660-5-34-.11(f)</a>.</p> <p>- Appointment by juvenile courts of guardians ad litem.</p> <p>(a) In all dependency and termination of parental rights proceedings, the juvenile court shall appoint a guardian ad litem for a child who is a party to the proceedings and whose primary responsibility shall be to protect the best interests of the child. <a href="#">Ala. Code § 12-15-304</a>.</p>
<b>2. Out of Court - Actions to be Taken:</b> <i>Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</i>	<p>(b) The duties of the guardian ad litem include, but shall not be limited to, the following:</p> <p>(1) Irrespective of the age of the child, meet with the child prior to juvenile court hearings and when apprised of emergencies or significant events impacting the child. In addition, the guardian ad litem shall explain, in terms understandable to the child, what is expected to happen before, during, and after each juvenile court hearing.</p> <p>(2) Conduct a thorough and independent investigation.</p> <p>(3) Advocate for appropriate services for the child and the family.</p> <p>...</p> <p>(e) A guardian ad litem may be appointed to protect the best interests of more than one child of the same parent. A guardian ad litem also may be appointed to protect the best interests of both a minor (or otherwise incapacitated) parent and the child. <a href="#">Ala. Code § 12-15-304</a>.</p>
<b>3. In Court - Active Participation in Hearings:</b> <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</i>	<p>- At the commencement of the 72-hour hearing requirement, the juvenile court shall advise the parent, legal guardian, or legal custodian of the right to counsel and shall appoint counsel if the juvenile court determines he or she is indigent. If the juvenile court already has not done so, it shall appoint a guardian ad litem for a child who is a party to the proceeding. It is the responsibility of the guardian ad litem to present evidence supporting the best interests of the child. The parent, legal guardian, or legal custodian shall also be informed of the contents of the petition and, except as provided herein, shall be given an opportunity to admit or deny the allegations of the petition.</p> <p><a href="#">Ala. Code § 12-15-308(c)-(d)</a>.</p> <p>(b) The duties of the guardian ad litem include, but shall not be limited to, the following:</p>

<i>obligations post-disposition.</i>	... (4) Attend all juvenile court hearings scheduled by the juvenile court and file all necessary pleadings to facilitate the best interests of the child. <a href="#">Ala. Code § 12-15-304.</a>
<b>4. <i>Post-Hearing:</i></b> Review courts order, communicate order to child, and monitor implementation of orders.	<i>No explicit legal authority or requirement.</i>
<b>5. <i>Appellate Advocacy:</i></b> Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.	- Appeals relating to dependency and termination of parental rights cases shall take priority over other cases filed on appeal except for emergency matters, including appeals from denial of waiver of parental consent for abortion. <a href="#">Ala. Code § 12-15-323.</a>  - A party, including the state or any subdivision of the state, has the right to appeal a judgment or order from any juvenile court proceeding pursuant to this chapter. The procedure for appealing these cases shall be pursuant to rules of procedure adopted by the Supreme Court of Alabama. All appeals from juvenile court proceedings pursuant to this chapter shall take precedence over all other business of the court to which the appeal is taken. <a href="#">Ala. Code § 12-15-601.</a> <i>Note, however, that there is no explicit legal authority regarding the role of the attorney guardian ad litem on appeal.</i>
<b>6. <i>Cessation of Representation:</i></b> Contacts post representation, if any.	<i>No explicit legal authority or requirement.</i>
	<b>Organizational and Administrative Supports for the Child Representative</b>
<b>7. <i>General Representation Rules:</i></b> Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is	- (a) In all dependency and termination of parental rights proceedings, the juvenile court shall appoint a guardian ad litem for a child who is a party to the proceedings and whose primary responsibility shall be to protect the best interests of the child. <a href="#">Ala. Code § 12-15-304(a).</a>

<i>independent from the court</i>	
<b>8. <i>Lawyer Training:</i></b> <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i>	<p>(c) Before being appointed by the juvenile court, every guardian ad litem appointed in juvenile dependency or termination of parental rights cases shall receive training appropriate to their role.</p> <p>(d) Nothing in this section shall prohibit the juvenile court from appointing trained volunteers in addition to guardians ad litem in promoting the best interests of the child. <a href="#">Ala. Code § 12-15-304.</a></p>
<b>9. <i>Lawyer Compensation:</i></b> <i>Adequate and timely compensation, reimbursement provided for expenses.</i>	<p>If, after making a parent or other person legally obligated to care for and support a child a party to the action pursuant to this chapter and the Alabama Rules of Juvenile Procedure and after a hearing, the juvenile court finds that the parent or other person is financially able to pay all or part of the court costs, as provided by law, attorney fees, and expenses with respect to examination, treatment, care, detention, or support of the child incurred from the commencement of the proceeding in carrying out this chapter, the juvenile court shall order them to pay the same and may prescribe the manner of payment. <a href="#">Ala. Code § 12-15-109</a></p> <p><i>No explicit authority as to the amount or manner of compensation.</i></p>
<b>10. <i>Caseload Levels:</i></b> <i>Caseloads are of a manageable size.</i>	<p><i>No explicit legal authority or requirement.</i></p>