

CONNECTICUT	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>	<ul style="list-style-type: none"> - [In dependency proceedings]...a child shall be represented by counsel knowledgeable about representing such children who shall be appointed by the court to represent the child and to act as GAL for the child. C.G.S. §46b-129a(2). - The child or youth has the rights of confrontation and cross-examination and shall be represented by counsel in each and every phase of any and all proceedings in child protection matters, including appeals. The judicial authority before whom a juvenile matter is pending shall notify the chief child protection attorney who shall assign an attorney to represent the child or youth. Conn. Prac. Series § 32a-1(b). - The judicial authority on its own motion or upon the motion of any party, may appoint a separate guardian ad litem for the child or youth upon a finding that such appointment is necessary to protect the best interest of the child or youth. An attorney guardian ad litem shall be appointed for a child or youth who is a parent in a termination of parental rights...Conn. Prac. Series § 32a-1(c). - When a conflict arises between the child's wishes or position and that which counsel for the child believes is in the best interest of the child, the court shall appoint another person as guardian ad litem for the child. The guardian ad litem shall speak on behalf of the best interest of the child and is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children. In the event that a separate guardian ad litem is appointed, the person previously serving as both counsel and guardian ad litem for the child shall continue to serve as counsel for the child and a different person shall be appointed as guardian ad litem, unless the court for good cause also appoints a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem. C.G.S. §46b-129a(2). - The Chief Child Protection Attorney...shall (1) establish a system to provide...legal services and guardians ad litem to children...in proceedings before the superior court for juvenile matters...to carry out the requirements of this section, the Chief Child Protection Attorney may contract with (i) appropriate not-for-profit legal services agencies, and (ii) individual lawyers for the delivery of legal services to represent children...in such proceedings; (2) establish a system to ensure that attorneys providing legal services pursuant to this section are assigned to cases in a manner that will avoid conflicts of interest, as defined by the Rules of Professional Conduct...(b) Any contract entered into pursuant to subdivision (1) of subsection (a) of this section may include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation. C.G.S. § 46b-123d (a)(1), (2), (b). - The primary role of any counsel for the child including the counsel who also serves as GAL, shall be to advocate for the child in accordance with the Rules of Professional Conduct. C.G.S. § 46b-129a(2).
<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</i></p>	<p><i>No explicit legal authority or requirement.</i></p>

<i>settlements</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>	<i>No explicit legal authority or requirement.</i>
4. Post-Hearing: <i>Review courts order, communicate order to child, and monitor implementation of orders.</i>	<i>No explicit legal authority or requirement.</i>
5. Appellate Advocacy: <i>Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</i>	- In family and juvenile matters and other matters involving minor children, counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the appellee's brief, file either: (1) a brief, (2) a statement adopting the brief of either the appellant or an appellee, or (3) a detailed statement that the factual or legal issues on appeal do not implicate the child's interests. Conn. Prac. Series § 67-13.
6. Cessation of Representation: <i>Contacts post representation, if any.</i>	<i>No explicit legal authority or requirement.</i>
	Organizational and Administrative Supports Provided the Representative
7. General Representation Rules: <i>Administrative structure is clear for appointment, support and</i>	<p>Binding rules are established.</p> <p>Child's representative, governed by the Chief Child Protection Attorney, is independent of the court.</p>

<i>accountability of the CR. The child's representative is independent from the court</i>	
8. Lawyer Training: <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i>	<ul style="list-style-type: none"> - The Chief Child Protection Attorney...shall... establish training [and] practice...standards for the representation of children...Such standards shall apply to each attorney who represents children...and shall be designed to ensure a high quality of legal representation. The training standards for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence. C.G.S. § 46b-123d (a)(3).
9. Lawyer Compensation: <i>Adequate and timely compensation, reimbursement provided expenses.</i>	<ul style="list-style-type: none"> - The counsel and guardian ad litem's fees, if any, shall be paid by the parents or guardian, or the estate of the child, or, if such persons are unable to pay, by the court. C.G.S. §46b-129a(2). - The Commission [on Child Protection] may establish such requirements for the submission of billing statements, receipts and other documentation by not-for-profit legal services agencies, individual attorneys and private law firms as the commission deems necessary in furnishing compensation to such agencies, attorneys and law firms for providing legal services and serving as GALs. C.G.S. § 46b-123c(i). - The payment of any attorney who was appointed prior to July 1, 2006, to represent a child...who continues to represent such child or parent after July 1, 2006, shall be processed through the Commission on Child Protection and paid at the rate that was in effect at the time of such appointment. C.G.S. § 46b-123e(d). - Where under the provisions of this section, the judicial authority so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the judicial authority shall assess as costs on the appropriate form against such parents, guardian or custodian, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid for by the chief child protection attorney in providing such counsel, to the extent of their financial ability to do so, in accordance with the rates established by the commission on child protection for compensation of counsel. Reimbursement to the appointed attorney of unrecovered costs shall be made to that attorney by the chief child protection attorney upon the attorney's certification of his or her unrecovered expenses to the chief child protection attorney. Conn. Prac. Series § 32a-1(f).
10. Caseload Levels: <i>Caseloads are of a manageable size.</i>	<ul style="list-style-type: none"> - The Chief Child Protection Attorney...shall... establish...caseload standards for the representation of children...Such standards shall apply to each attorney who represents children...and shall be designed to ensure a high quality of legal representation. C.G.S. § 46b-123d (a)(3).