

Practice Standards

December, 2012

Section XXII, Representation of Children in Dependent/Neglect Cases

1. DEFINITIONS:

A. Abuse and neglect proceeding: a court proceeding under Title 41, Chapter 3, Part 4, MCA for the protection of a child from abuse or neglect or a court proceeding under Title 41, Chapter 3, Part 6, MCA in which termination of parental rights is at issue. These proceedings include:

- a. Abuse;
- b. Neglect
- c. Child in voluntary placement in state care;
- d. Termination of parental rights;
- e. Permanency hearings; and
- f. Post termination of parental rights through adoption or other permanency proceeding.

B. Best interest advocate: an individual, not functioning or intended to function as the child's lawyer, appointed by the court to assist the court in determining the best interests of the child.

C. Child: any person under the age of 18.

D. Child's lawyer (or lawyer for the children) : a lawyer who provides legal services for a child and who owes the same duties, including undivided loyalty, confidentiality and competent representation, to the child as is due an adult client.

E. Developmental level: a measure of the ability to communicate and understand others, taking into account such factors as age, mental capacity, level of education, cultural background, and degree of language acquisition.