

Practice Standards

December, 2012

Section XXIII, Representation of CASA/GAL in Dependent/Neglect Cases

3. HANDLING THE CASE:

A. Counsel for a CASA/GAL should seek the most expedient and timely resolution of the proceeding possible while providing effective advocacy for the CASA/GAL. Counsel should avoid seeking continuances unless it is necessary to effectively advocate for the CASA/GAL.

B. Counsel shall be familiar with the applicable court rules and rules of evidence.

C. In preparation for any hearing counsel shall:

- a. Review the petition and all other evidence;
- b. Be fully informed of the rules of evidence, court rules, and the law with relation to all stages of the hearing process; be familiar with legal and evidentiary issues that can reasonably be anticipated to arise in the hearing.
- c. Be aware of the substantive and procedural law regarding the preservation of legal error for appellate review;
- d. Preserve confidentiality in accordance with law.
- e. Prepare the CASA/GAL for the proceeding, explain the issues involved, and the review the alternatives open to the judge;
- f. Review all statements, documents, reports, and documentary evidence, including medical records, if any, and discuss these documents with the CASA/GAL;
- g. Familiarize himself/herself with relevant law; and,
- h. Interview all witnesses, favorable and adverse as directed by the CASA/GAL.

D. During any proceedings, counsel shall, when it furthers the position and recommendations of the CASA/GAL and is a necessary part of that representation:

- a. Examine and cross-examine adverse lay and expert witnesses and challenge other non-testimonial evidence;
- b. Offer evidence favorable to the CASA/GAL's case, if available; and,
- c. Determine whether an expert is needed to assist in preparation of the CASA/GAL's case.

E. If counsel withdraws from representation at any time during the legal process, counsel shall make reasonable efforts to ensure that the CASA/GAL has replacement legal representation by filing a notice of withdrawal with the applicable court and moving that court to appoint new replacement counsel.

F. Counsel for CASA/GAL may not engage in ex parte contact with the court except as authorized by the applicable rules of professional conduct, court order, or other law.