

Practice Standards

January 2024

Section XXII, Representation of Children in Dependent/Neglect Cases

2. TRAINING:

- A. To be eligible for assignment to represent children in these court proceedings, counsel shall demonstrate proficiency or receive training in representing children including training in the Indian Child Welfare Act.
- B. Counsel shall be knowledgeable in the following areas:
 - a. Legislation and case law on abuse and neglect, termination of parental rights, and adoption of children, including those with special needs;
 - b. Early childhood, child, and adolescent development;
 - c. Child welfare and family preservation services available in the community and the problems they are designed to address;
 - d. Other relevant and available services and community resources for families;
 - e. Services and treatment options for youth both locally and statewide;
 - f. Services the State will and will not routinely pay for;
 - g. The structure and functioning of Child and Family Services of the Department of Public Health and Human Services;
 - h. Experts who can provide attorneys with consultation and testimony on the reasonableness and appropriateness of efforts to maintain or return the child to the home;
 - i. Local, state and national experts who can provide attorneys with consultation and testimony of the special needs of Indian children and cultural differences;
 - j. Basic knowledge of brain development and the effect of trauma on brain development;
 - k. Knowledge of mental health issues, substance abuse issues, and the impact of domestic violence in Child Welfare cases;
 - l. Special education laws, rights and remedies;
 - m. School related issues including school disciplinary procedures, zero tolerance policies, and IEP's;
 - n. Basic knowledge of disability issues and rights;
 - o. Methods for communicating with a child in a developmentally appropriate manner;
 - p. Methods for presenting child testimony and alternatives to direct testimony; and
 - q. The dynamics of abuse and neglect, child sexual abuse, trauma, grief, and attachment in Child Welfare cases.