

Practice Standards

December, 2012

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

1. TRAINING:

- A. To be eligible for assignment to represent CASA/GAL in these court proceedings, counsel shall complete all training required of CASA/GAL, or the equivalent of such training in the form of experience and/or other training as is acceptable to OPD.
- B. In addition, counsel shall complete training devoted to the Indian Child Welfare Act.
- C. 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. Child and adolescent development;
 - c. Child welfare and family preservation services available in the community and the problems they are designed to address;
 - d. Services and treatment options for youth both locally and statewide;
 - e. Services the State will and won't routinely pay for;
 - f. The structure and functioning of Child and Family Services of the Department of Public Health and Human Services;
 - g. Local 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;
 - h. Local and state experts who can provide attorneys with consultation and testimony of the special needs of Indian children and cultural differences;
 - i. Basic knowledge of brain development and the effect of trauma on brain development
 - j. Basic knowledge of mental health issues;
 - k. Substance abuse issues;
 - l. Special education laws, rights and remedies;
 - m. School related issues including school disciplinary procedures, zero tolerance policies, and IEPs; and
 - n. Basic knowledge of disability rights and issues.
- D. Case Load
 - a. In order for OPD to effectively monitor the assignment of DN cases, counsel for CASA/GAL has an affirmative duty to promptly notify OPD any time counsel's

Montana Public Defender Commission

Practice Standards

December, 2012

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

case load is excessive and/or affecting counsel's ability to provide appropriate legal representation.