

Practice Standards

December, 2012

Section XX, Representation of Parent/Guardian in Proceeding for Involuntary Commitment of Developmentally Disabled Person

1. TRAINING AND COMPETENCY:

A. All attorneys representing parents or guardians of a disabled person who are the subject of a petition for involuntary commitment must demonstrate proficiency or receive training in involuntary commitments and developmentally disabled respondents, before being assigned the representation of such parents/or guardian.

B. Counsel should be familiar with all relevant statutes, rules, and case laws regarding and related to involuntary commitments in Montana.

C. In addition to basic legal knowledge, the attorneys must have and continue to develop basic trial skills, basic advocacy skills, relevant motion practice, and a sufficient understanding of writ and appellate practice to advise the parents or guardians whether and how to seek such remedies and to protect the record in the District Court.

D. Counsel should be familiar with the public defender standards for representation of a respondent in a proceeding for involuntary commitment.