

Practice Standards

December, 2012

Section XXII, Representation of Children in Dependent/Neglect Cases

XXII. REPRESENTATION OF CHILDREN IN DEPENDENT/NEGLECT CASES (EXPRESSED WISHES)

GOALS:

- A. To actively and professionally advocate for children who are the subject of actions under the Child Abuse and Neglect laws of Montana and afford them every legal opportunity to state their expressed wishes in case and to protect their due process rights.**
- B. To serve the state interest of the client and be independent from the court and other participants in the litigation, including the client's parents or guardians, and be unprejudiced and uncompromised in representing the client. Attorneys representing children shall comply with the general standards for public defenders as well as specific standards.**
- C. To exercise independent and professional judgment in carrying out the duties and to participate fully in the case on behalf of the child. Attorneys representing a client subject to Child Abuse and Neglect law proceedings shall comply with the general standards for public defenders providing representation of an adult charged with violations, as well as the specific Standards contained herein.**
- D. To recognize that children are at a critical stage of development and that skilled juvenile advocacy will positively impact the course of clients' lives through holistic representation.**
- E. PARTICIPATION IN PROCEEDINGS - It is a goal that each child who is the subject of an abuse and neglect proceeding has the right to attend and fully participate in all hearings related to his or her case.**