

WEST VIRGINIA

<p>Structure, organization, and delivery of Child Representation</p> <p>State-by-state, county-by-county, etc.</p>	<p>(a) In any proceeding under the provisions of this article, the child, his or her or parents and his or her legally established custodian or other persons standing in loco parentis to him or her shall have the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be appointed. <a href="#">W.V. Code § 49-6-2.</a></p> <p>CASA Program: County-by-county. However, there is not a CASA Program in each county in West Virginia. See <a href="http://www.wvcasa.org/index.php/local-programs">http://www.wvcasa.org/index.php/local-programs</a></p>
<p>Funding Child Representation</p>	<p>If you are appointed as a <i>guardian ad litem</i> in a child abuse and neglect or juvenile justice case, then your voucher is submitted to <a href="#">Public Defender Services</a>. <a href="http://www.courtswv.gov/lower-courts/guardian-ad-litem/index-guardian.html">http://www.courtswv.gov/lower-courts/guardian-ad-litem/index-guardian.html</a></p> <p>Does PDS pay for guardian-ad-litem proceeding? ... YES for the following:</p> <p>Juvenile defendants (GAL of abused/neglected juvenile(s), delinquency, incorrigibility; or other criminal charges)</p>
<p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</p>	<p>"Guardian <i>ad Litem</i>" means the attorney appointed to represent a child, or children as set forth in Rule 18a of the Rules of Procedure for Child Abuse and Neglect Proceedings. <a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 3(k).</a></p> <p>(a) In any proceeding under the provisions of this article, the child, his or her or parents and his or her legally established custodian or other persons standing in loco parentis to him or her shall have the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be appointed. Counsel of the child shall be appointed in the initial order. If the order gives physical custody of the child to the state, the initial order shall appoint counsel for the parents or, if the parents are separated or divorced, the parents or parent or other person or persons standing in loco parentis who had physical custody of the child for the majority of the time in the period immediately preceding the petition: <i>Provided</i>, That such representation shall only continue after the first appearance if the parent or other persons standing in loco parentis cannot pay for the services of counsel. Counsel for other parties</p>

	<p>shall only be appointed upon request for appointment of counsel. If the requesting parties have not retained counsel and cannot pay for the services of counsel, the court shall, by order entered of record, appoint an attorney or attorneys to represent the other party or parties and so inform the parties. Under no circumstances may the same attorney represent both the child and the other party or parties, nor shall the same attorney represent both parents or custodians. <a href="#">W.V. Code § 49-6-2.</a></p> <p>Appointment of court-appointed special advocate representative. — Where a court-appointed special advocate program which is in good standing as a member of the National CASA Association and the West Virginia CASA Association is in place, the court may, after the filing of a civil petition, appoint a CASA representative to further the best interests of the child until further order of the court or until permanent placement of the child is achieved. <a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 52</a></p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p>	<p><u>Initial Stages of Representation</u></p> <ol style="list-style-type: none"> <li>1. Notify promptly the child and any caretaker of the child of the appointment of counsel and the means by which counsel can be contacted.</li> <li>2. Contact the caseworker and review the caseworker's file and all relevant information.</li> <li>3. Contact and interview persons such as older children, caseworkers, and caretakers who may have information with respect to the child and obtain names and addresses of hospital personnel, physicians, teachers, law enforcement, and other persons who may have pertinent information regarding the child and interview them.</li> <li>4. Absent extraordinary circumstances and the child is three or under:       <ol style="list-style-type: none"> <li>a. If the child is in the care of someone other than the respondent(s), conduct interviews with the child's caretakers concerning the type of services the child is now receiving and the type of services the child needs and visit the child in the caretaker's home, making observations of the child or</li> <li>b. If the child is in the care of the respondent(s), request from the respondent(s)' attorney interviews with the respondent(s) concerning the child's care and the type of services the child needs and visit the child in his/her home, making observations of the child. If refused, ask for assistance of the court.</li> </ol> </li> <li>5. Absent extraordinary circumstances and the client is over three:       <ol style="list-style-type: none"> <li>a. If the child is in the care of someone other than respondent(s), conduct interviews with the child's caretakers concerning the type of services the child is now receiving and the type of services the child needs.</li> <li>b. If the child is in the care of someone other than the respondent(s), conduct interviews with the child in a manner and environment appropriate to the child's age and maturity to obtain facts concerning the alleged abuse or neglect and to determine the child's wishes and needs regarding temporary visitation</li> </ol> </li> </ol>

and/or placement.

c. If the child is in the care of the respondent(s), request from the respondent(s)' attorney interviews with the child out of the presence of the respondent(s) in a manner and environment appropriate to the child's age and maturity. It is essential that the guardian ad litem understand that the interview is for the purpose of gathering information not influencing information. If refused, ask the assistance of the court.

6. Provide to the child, his or her parents, and any caretaker notice of the petition and all subsequent motions.

7. Maintain contact with the child throughout the case and assure that s/he is receiving counseling, tutoring, or any other services needed to provide as much stability and continuity as possible under the circumstances.

#### Preparation for and Representation at Adjudicatory and Dispositional Hearing

8. Pursue the discovery of evidence, formal and informal.

9. File timely and appropriate written motions such as motions for status conference, prompt hearing, evidentiary purpose, psychological examination, home study, and development and neurological study.

10. Evaluate any available improvement periods and actively assist in the formulation of an improvement period, where appropriate, and service plans.

11. Monitor the status of the child and progress of the parent(s) in satisfying the conditions of the improvement period by requiring monthly updates or status reports from agencies involved with the family.

12. Participate in any discussions regarding the proposed testimony of the child and, if it is determined that the child's testimony is necessary, strongly advocate for the testimony to be taken in a legally acceptable and emotionally neutral setting.

13. Maintain adequate records of documents filed in the case and of conversations with the client and potential witnesses.

14. Ensure that the child is not exposed to excessive interviews with the potential dangers inherent therein. Before multiple physical or psychological examinations are conducted, the requesting party must present to the judge evidence of a compelling

need or reason considering: (1) the nature of the examination requested and the intrusiveness; (2) the victim's age; (3) the resulting physical and/or emotional effects of the examination on the victim; (4) the probative value of the examination to the issue before the court; (5) the remoteness in time of the examination; and (6) the evidence already available for the defendant's use.

15. Ensure that a child who is court ordered to be interviewed by a psychologist or psychiatrist is

interviewed in the presence of the guardian ad litem attorney unless the court, after consulting the child's guardian ad litem, believes that the interview is best conducted without the guardian ad litem.

16. Subpoena witnesses for hearings or otherwise prepare testimony or cross-examination of witnesses and ensure that relevant material is introduced.

17. Review any predispositional report prepared for the court prior to the dispositional hearing and be prepared to submit another if the report is not consistent with all other appropriate evidence.

18. Apprise the court of the child's wishes.

19. Explain to the child, in terms the child can understand, the disposition.

20. Advocate a gradual transition period, in a manner intended to foster emotional adjustment whenever a child is to be removed from the custody of anyone with whom s/he has formed an important attachment.

21. Ensure that the court considers whether continued association with siblings in other placements is in the child's best interests and an appropriate order is entitled to preserve the rights of siblings to continued contact.

22. Ensure that the dispositional order contains provisions that direct the child protective agency to provide periodic reviews and reports. [West Virginia: Guidelines for Guardians ad Litem in Abuse and Neglect Cases \(from Appendix A to the West Virginia Supreme Court of Appeals opinion in In re Jeffrey R.L., 435 S.E.2d 162, 178-80 \(W.Va. 1993\)\)](#).

(a) The attorney for the child shall have access to the file kept by the Department and the file kept by the attorney for the petitioner, including all information set forth in W. Va. Code § 49-5-101 and the attorney may make such use thereof as may be appropriate to the case, subject to such limitations as the order of the court shall require;

(b) Unless otherwise ordered by the court pursuant to Rule 12, within three (3) days of the filing of the petition, the attorney for the petitioner shall provide to counsel for the respondent(s) or to the respondent(s) personally, if not represented by counsel, the attorney for the child, and all other persons entitled to notice and the opportunity to be heard, the following information, as is within the possession, custody, or control of the attorney for the petitioner, the existence of which is known, or by some exercise of due diligence may become known, to the attorney for the petitioner:

(2) Any relevant written or recorded statements made by the respondents (or any one of them), or copies thereof, and the substance of any oral statements which the petitioner intends to offer in evidence at the trial made by the respondents (or any one of them);

(3) Copies of the respondent's prior criminal records, if any;

(4) Copies of books, papers, documents, photographs, tangible objects, buildings, or places which are

- material to the preparation of the respondent's case or are intended for use by the attorney for the petitioner as evidence in chief at the trial or were obtained from or belonging to the respondent;
- (5) Copies of results or reports of physical and/or mental examinations, if any, and copies of scientific tests and/or experiments, if any, which are material to the preparation of the respondent's case or are intended for use by the attorney for the petitioner as evidence in chief at the trial; and
  - (6) A written list of names and addresses of all witnesses whom the attorney for the petitioner intends to call in the presentation of the case-in-chief, together with any record of prior convictions of any such witnesses;
- (c) Not less than five (5) days prior to any hearing wherein the respondent(s) intend(s) to introduce evidence, the respondent shall provide to the attorney for the petitioner, the attorney for the child, and all other persons entitled to notice and the right to be heard, the following information:
- (1) Copies of books, papers, documents, photographs, tangible objects, buildings, or places which are within the possession, custody, or control of the respondent and which the respondent intends to introduce as evidence in chief at the trial;
  - (2) Copies of any results and reports of physical and/or mental examinations, if any, and copies of scientific tests and/or experiments, if any, made in connection with the particular case, if any of such copies are within the possession or control of the respondent, which the respondent intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the respondent intends to call at the trial when the results and/or reports relate to his or her testimony; and
  - (3) A written list of the names and addresses of the witnesses the respondent intends to call in the presentation of the case-in-chief.
- (a) The disclosure provided for in this rule is not intended to limit the amount or nature of disclosure in these cases. This rule merely establishes the minimum amount of disclosure required.
- (e) If, prior to or during any hearing, a party discovers additional evidence or material that should have been disclosed, that party shall promptly notify all other parties and their counsel, persons entitled to notice and the right to be heard, and the court of the existence of the additional evidence or material. [R. of Proc. for Child Abuse & Neglect Proceedings, R. 10.](#)

#### Multidisciplinary research teams

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- (b) Access to and confidentiality of information. — The multidisciplinary investigative team created pursuant to W. Va. Code § 49-5D-2, the multi-disciplinary treatment team created pursuant to W. Va. Code § 49-5D-3, and the multidisciplinary community over-sight team created pursuant to W. Va. Code

§ 49-1-3(7) shall be afforded access to information in the possession of the Department and other agencies and the Department and other offices shall cooperate in the sharing of information as may be provided by W. Va. Code §§ 49-5D-2(d), 49-5D-3(d), 49-5D-6, 49-7-1, and any other relevant provisions of law. Any multi-disciplinary team member who acquires confidential information shall not disclose such information except as provided by statute.

(c) Responsibilities. — The multidisciplinary treatment team shall submit written reports to the court as required by these rules or by the court, shall meet with the court at least every three months until permanency is achieved for the child, and the case is dismissed from the docket; shall be available for status conferences and hearings as required by the court; and shall not be abrogated by an adoption review committee or other administrative process of the Department.

(d) Scope of this rule. — This rule is to be construed broadly to effectuate cooperation and communication between all service providers, parties, counsel, persons entitled to notice and the right to be heard, and the court. [R. of Proc. for Child Abuse & Neglect Proceedings, R. 51](#)

(b) Duties of CASA representative. — A CASA representative is to be appointed primarily in civil protection proceedings involving child abuse and/or neglect. Duties of a CASA representative include an independent gathering of information through interviews and review of records; facilitating prompt and thorough review of the case; protecting and promoting the best interests of the child; follow-up and monitoring of court orders and case plans; making a written report to the court with recommendations concerning the child's welfare; and negotiating and advocating on behalf of the child.

(c) Access to information. — The court may enter an order granting the CASA representative access to court records and confidential records of state, county, local agencies, and service providers, or the CASA representative may obtain a waiver for the release of such information from the parties as provided by W. Va. Code § 49-7-1, or in accordance with other law. If such an order is entered or such a waiver is obtained, the CASA representative shall be considered a person entitled to notice and the opportunity to be heard and shall be given notice of pleadings, court orders, hearings, and conferences and shall be allowed to attend proceedings to the extent allowed by the court. The CASA representative shall not disclose any confidential information he or she obtains except as authorized by statute.

(d) Notification of hearings. — The CASA representative shall be notified of all hearings and changes in hearings, all status conferences, all treatment multidisciplinary team meetings, and all Department administrative reviews.

(e) Court orders. — The CASA representative shall receive copies of all court orders in the case to which

	<p>he or she is appointed.</p> <p><a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 52</a></p>
<p>3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p><u>Preparation for and Representation at Adjudicatory and Dispositional Hearing</u></p> <p>...</p> <p>18. Apprise the court of the child's wishes. <a href="#">West Virginia: Guidelines for Guardians ad Litem in Abuse and Neglect Cases (from Appendix A to the West Virginia Supreme Court of Appeals opinion in In re Jeffrey R.L., 435 S.E.2d 162, 178-80 (W.Va. 1993))</a>.</p> <p>(a) Restrictions on the testimony of children. — Notwithstanding any limitation on the ability to testify imposed by this rule, all children remain competent to testify in any proceeding before the court as determined by the Rules of Evidence and the Rules of Civil Procedure. However, there shall be a rebuttable presumption that the potential psychological harm to the child outweighs the necessity of the child's testimony and the court shall exclude this testimony if the potential psychological harm to the child outweighs the necessity of the child's testimony. Further, the court may exclude the child's testimony if (A) the equivalent evidence can be procured through other reasonable efforts; (B) the child's testimony is not more probative on the issue than the other forms of evidence presented; and (C) the general purposes of these rules and the interest of justice will best be served by the exclusion of the child's testimony.</p> <p>(b) Procedure for taking testimony from children. — The court may conduct in camera interviews of a minor child, outside the presence of the parent(s). The parties' attorneys shall be allowed to attend such interviews, except when the court determines that the presence of attorneys will be especially intimidating to the child witness. When attorneys are not allowed to be present for in camera</p>

interviews of a child, the court shall, unless otherwise agreed by the parties, have the interview electronically or stenographically recorded and make the recording available to the attorneys before the evidentiary hearing resumes. Under exceptional circumstances, the court may elect not to make the recording available to the attorneys but must place the basis for a finding of exceptional circumstances on the record. Under these exceptional circumstances, the recording only will be available for review by the Supreme Court of Appeals. When attorneys are present for an in camera interview of a child, the court may, before the interview, require the attorneys to submit questions for the court to ask the child witness rather than allow the attorneys to question the child directly, and the court may require the attorney to sit in an unobtrusive manner during the in camera interview. Whether or not the parties' attorneys are permitted to attend the in camera interview, they may submit interview questions and/or topics for consideration by the court.

(c) Sealing of child's testimony. — If an interview was recorded and disclosed to the attorneys, the record of the child's testimony thereafter shall be sealed and shall not be opened unless:

- (1) Ordered by the court for good cause shown; or
- (2) For purposes of appeal.

(d) A child subject to a case may attend all or portions of hearings, unless the court deems such attendance inappropriate, and may attend all or portions of multidisciplinary treatment team meetings, unless the multidisciplinary treatment team deems such participation inappropriate. Consideration shall be given to the child's preferences and developmental maturity. [R. of Proc. for Child Abuse & Neglect Proceedings, R. 8.](#)

(2) The guardian ad litem for the children, the respondents and their counsel, and persons entitled to notice and the right to be heard, shall advise at the dispositional hearing and, where termination is sought after the court's findings on the factual issues surrounding termination are announced, whether any such persons seek a modification of the child's case plan as submitted or desire to offer a substitute child's case plan for consideration by the court. The court shall require any proposed modifications or substitute plans to be promptly laid before the court and take such action, including the receipt of evidence with respect thereto, as the circumstances shall require. It shall be the duty of all the parties to the proceeding and their counsel to co-operate with the court in making this information available to the court as early as possible. It shall also be appropriate for the court to require alternative provisions of a case plan to be submitted prior to the taking of evidence in a dispositional hearing to suit alternative possible findings of the court after evidence is taken on any contested issues. Except as to the establishment of grounds for termination and the establishment of other necessary facts, dispositional hearings are not intended to be

	<p>confrontational hearings; rather such are concerned with the best interests of the abused or neglected children involved. <a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 35</a></p>
<p>2. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p><a href="#">Preparation for and Representation at Adjudicatory and Dispositional Hearing</a></p> <p>...</p> <p>10. Evaluate any available improvement periods and actively assist in the formulation of an improvement period, where appropriate, and service plans.</p> <p>11. Monitor the status of the child and progress of the parent(s) in satisfying the conditions of the improvement period by requiring monthly updates or status reports from agencies involved with the family</p> <p>...</p> <p>19. Explain to the child, in terms the child can understand, the disposition.</p> <p>20. Advocate a gradual transition period, in a manner intended to foster emotional adjustment whenever a child is to be removed from the custody of anyone with whom s/he has formed an important attachment.</p> <p>21. Ensure that the court considers whether continued association with siblings in other placements is in the child's best interests and an appropriate order is entitled to preserve the rights of siblings to continued contact.</p> <p>22. Ensure that the dispositional order contains provisions that direct the child protective agency to provide periodic reviews and reports. <a href="#">West Virginia: Guidelines for Guardians ad Litem in Abuse and Neglect Cases (from Appendix A to the West Virginia Supreme Court of Appeals opinion in In re Jeffrey R.L., 435 S.E.2d 162, 178-80 (W.Va. 1993)).</a></p> <p>A child, a child's parent (whose parental rights have not been terminated), a child's custodian, or the Department shall file a motion in the circuit court of original jurisdiction in order to modify or supplement an order of the court at any time; provided, that a dispositional order pursuant to W.Va. Code § 49-6-5(a)(6) shall not be modified after the child has been adopted. The court shall conduct a hearing and, upon a showing of a material change of circumstances, may modify or supplement the order if, by clear and convincing evidence, it is in the best interest of the child. Provided: an order of child support may be modified if, by the preponderance of the evidence, there is a substantial change in circumstances, pursuant to W.Va. Code § 48-11-105. Adequate and timely notice of any motion for modification shall be given to the child's counsel, counsel for the child's parent(s) (whose parental rights have not been terminated) or custodian, and to the Department, as well as to other persons entitled to notice and the right to be heard. The court may consider a stipulated modification of an order, provided that the child has not been adopted as aforesaid, if the court determines that the parties and persons entitled to notice</p>

	<p>and the right to be heard understand the contents and consequences of the stipulation and voluntarily consent to its terms, that the stipulation meets the purposes of these rules and controlling statutes, and that the stipulation is in the best interest of the child. <a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 46</a></p>
<p>3. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p><u>Post-Dispositional Representation</u></p> <p>23. Inform the child of his/her right to appeal.</p> <p>24. Exercise the appellate rights of the child, if under the reasonable judgment of the guardian <u>ad litem</u>, an appeal is necessary.</p> <p>25. File a motion for modification of the dispositional order if a change of circumstances occurs for the child which warrants a modification or represent the child if said motion for modification is filed by any other party.</p> <p>26. Continue to represent the child until such time as the child is adopted, placed in a permanent home, or the case is dismissed after an improvement period. <a href="#">West Virginia: Guidelines for Guardians ad Litem in Abuse and Neglect Cases (from Appendix A to the West Virginia Supreme Court of Appeals opinion in In re Jeffrey R.L., 435 S.E.2d 162, 178-80 (W.Va. 1993))</a>.</p> <p>Appeals of orders under W.Va. Code § 49-6-1, et seq., are governed by the Revised Rules of Appellate Procedure. Within thirty (30) days of entry of the order being appealed, the petitioner shall file a notice of appeal, including required attachments and copies, with the Office of the Clerk of the Supreme Court of Appeals of West Virginia, with service provided as prescribed by the Revised Rules of Appellate Procedure. All parties to the proceeding in the court from which the appeal is taken, including the guardian(s) ad litem for the minor children, shall be deemed parties in the Supreme Court of Appeals, unless the appealing party indicates on the notice of appeal that one or more of the parties below has no interest in the outcome of the matter. Appeals may proceed without a transcript, as deemed appropriate by the Supreme Court of Appeals. An appeal must be perfected within sixty (60) days of entry of the order being appealed. The circuit court from which the appeal is taken or the Supreme Court of Appeals may, for good cause shown, by order entered of record, extend such period, not to exceed a total extension of two months, if the notice of appeal was properly and timely filed by the party seeking the appeal. The filing of any motion to modify an order shall not toll the time for appeal. The Supreme Court of Appeals shall give priority to appeals of child abuse and/or neglect proceedings and termination of parental rights cases and shall establish and administer an accelerated schedule in each case, to include the completion of the record, briefing, oral argument, and decision. <a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 49</a></p>

	<p>If a guardian <i>ad litem</i> did not initiate the appeal, he or she is required to file either a responsive brief or a summary response in appropriate cases. W. Va. R.R.A.P. 11(h). A guardian <i>ad litem</i> must also appear at any oral argument scheduled in the case, unless the Court orders otherwise. In addition, the Supreme Court, has, in case law, repeatedly emphasized the importance of the role of guardians <i>ad litem</i> in the appellate process. <a href="#">Benchbook, XIV. Appeal, B.</a></p> <p>(h) Responsibilities of guardian ad litem. The guardian ad litem for any minor child involved in an abuse and neglect appeal must file a brief—or a summary response in an appropriate case—and if argument is held the guardian must appear and present argument unless otherwise specifically ordered by the Court. <a href="#">W. Va. R.R.A.P. 11(h).</a></p>
<p>4. Cessation of Representation: Contacts post representation, if any</p>	<p>Attorneys represent the child through appeals. See <a href="#">Benchbook, XIV. Appeal, B.</a></p> <p><u>Post-Dispositional Representation</u></p> <p>26. Continue to represent the child until such time as the child is adopted, placed in a permanent home, or the case is dismissed after an improvement period. <a href="#">West Virginia: Guidelines for Guardians ad Litem in Abuse and Neglect Cases (from Appendix A to the West Virginia Supreme Court of Appeals opinion in In re Jeffrey R.L., 435 S.E.2d 162, 178-80 (W.Va. 1993)).</a></p> <p>(e) Termination. — The CASA representative shall stay involved in the case until further order of the court or permanent placement of the child is achieved. The CASA representative shall have access to information in the selection process of adoptive parents, legal guardians or permanent foster care parents. The CASA representative also shall monitor and advocate for services for the permanent placement family until the final order is entered.</p> <p>(f) Continued duties of the child’s attorney. — The appointment of a CASA representative shall not in any way abrogate the duties and responsibilities imposed by law on the attorney for the child. The duties and responsibilities of a child's guardian ad litem shall continue until such child has a permanent placement, and the guardian ad litem shall not be relieved of his responsibilities until such permanent placement has been achieved. <a href="#">R. of Proc. for Child Abuse &amp; Neglect Proceedings, R. 52</a></p>
<p>5. General Representation Rules: Administrative structure is clear for</p>	<p>(a) In any proceeding under the provisions of this article, the child, his or her or parents and his or her legally established custodian or other persons standing in loco parentis to him or her shall have the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be</p>

<p>appointment, support and accountability of the CR. The child's representative is independent from the court</p>	<p>appointed. <a href="#">W.V. Code § 49-6-2.</a></p>
<p>6. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p>(a) ... Effective July 1, 2012, any attorney appointed pursuant to this section shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, after July 1, 2013, any attorney appointed to represent a child must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section by July 1, 2012: <i>Provided, however,</i> That where no attorney who has completed this training is available for such appointment, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the parent or child. Any attorney appointed pursuant to this section shall perform all duties required as an attorney licensed to practice law in the State of West Virginia. <a href="#">W.V. Code § 49-6-2.</a></p>
<p>7. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>If you are appointed as a <i>guardian ad litem</i> in a child abuse and neglect or juvenile justice case, then your voucher is submitted to <a href="#">Public Defender Services</a>. <a href="http://www.courtswv.gov/lower-courts/guardian-ad-litem/index-guardian.html">http://www.courtswv.gov/lower-courts/guardian-ad-litem/index-guardian.html</a></p> <p>Does PDS pay for guardian-ad-litem proceeding? ... YES for the following: Juvenile defendants (GAL of abused/neglected juvenile(s), delinquency, incorrigibility; or other criminal charges)</p>
<p>8. Caseload Levels: Caseloads are of a manageable size</p>	<p><i>No explicit legal authority or requirement.</i></p>