

CONNECTICUT

<p>Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.</p>	<p>Chief Public Defender assigns counsel to each child in child welfare actions. See CONN. R. SUPER. CT. JUV. § 33A-7(A)(4) (page 348).</p> <p>(2) (A) A child shall be represented by counsel knowledgeable about representing such children who shall be assigned to represent the child by the office of Chief Public Defender, or appointed by the court if there is an immediate need for the appointment of counsel during a court proceeding. CONN. GEN. STAT. § 46b-129a(2).</p> <p>(c) (1) The division [Division of Public Defender Services] shall provide, pursuant to section 51-296a: (A) Legal services and guardians ad litem to children, youths and indigent respondents in family relations matters in which the state has been ordered to pay the cost of such legal services and guardians ad litem, provided legal services shall be provided to indigent respondents pursuant to this subparagraph only in paternity proceedings and contempt proceedings; and (B) legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters. To carry out the requirements of this subsection, the office of Chief Public Defender may contract with (i) appropriate not-for-profit legal services agencies, (ii) individual lawyers or law firms for the delivery of legal services to represent children and indigent legal parties in such proceedings, and (iii) mental health professionals as guardians ad litem in family relations matters. Any contract entered into pursuant to this subsection may include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation. CONN. GEN. STAT. § 51-296(c)(1).</p>
<p>Funding Child Representation</p>	<p>(2) If any order for the payment of money is issued by the Superior Court, including any order assessing costs issued under section ... 46b-136 [appointment of attorney to represent child or youth and parent or guardian], the collection of such money shall be made by the court, except orders for support of children committed to any state agency or department, which orders shall be made payable to and collected by the Department of Administrative Services. If the Superior Court after due diligence is unable to collect such moneys within six months, the court shall refer such case to the Department of Administrative Services for collection as a delinquent account. CONN. GEN. STAT. § 46b-121(b)(2).</p> <p>(12) Establish compensation for lawyers selected under subdivision (11) of this section for their services with the approval of the commission, to be paid from the budget of the Public Defender Services Commission. CONN. GEN. STAT. § 51-291(12).</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</p>	<p>(2) (A) A child shall be represented by counsel knowledgeable about representing such children who shall be assigned to represent the child by the office of Chief Public Defender, or appointed by the court if there is an immediate need for the appointment of counsel during a court proceeding. The court shall give the parties prior notice of such assignment or appointment. Counsel for the child shall act solely as attorney for the child.</p> <p>(B) If a child requiring assignment of counsel in a proceeding under section 46b-129 is represented by an attorney for a minor child in an ongoing probate or family matter proceeding, the court may appoint the attorney to represent the child in the proceeding under section 46b-129 provided (i) such counsel is knowledgeable about representing such children, and (ii) the court notifies the office of Chief Public Defender of the appointment. Any child who is subject to an ongoing probate or family matters proceeding who has been appointed a guardian ad litem in such proceeding shall be assigned a separate</p>

<p>preferences.</p>	<p>guardian ad litem in a proceeding under section 46b-129 if it is deemed necessary pursuant to subparagraph (D) of this subdivision.</p> <p>(C) The primary role of any counsel for the child shall be to advocate for the child in accordance with the Rules of Professional Conduct, except that if the child is incapable of expressing the child's wishes to the child's counsel because of age or other incapacity, the counsel for the child shall advocate for the best interests of the child. CONN. GEN. STAT. § 46b-129a(2).</p> <p>The primary role of any counsel for the child including the counsel who also serves as GAL, shall be to advocate for the child in accordance with the Rules of Professional Conduct. CONN. GEN. STAT. § 46b-129a(2).</p> <p>In any proceeding in a juvenile matter, the judge before whom such proceeding is pending shall, even in the absence of a request to do so, provide an attorney to represent the child or youth, the child's or youth's parent or parents or guardian, or other person having control of the child or youth, if such judge determines that the interests of justice so require, and in any proceeding in which the custody of a child is at issue, such judge shall provide an attorney to represent the child and may authorize such attorney or appoint another attorney to represent such child or youth, parent, guardian or other person on an appeal from a decision in such proceeding. CONN. GEN. STAT. § 46b-136.</p> <p>(D) If the court, based on evidence before it, or counsel for the child, determines that the child cannot adequately act in his or her own best interests and the child's wishes, as determined by counsel, if followed, could lead to substantial physical, financial or other harm to the child unless protective action is taken, counsel may request and the court may order that a separate guardian ad litem be assigned for the child, in which case the court shall either appoint a guardian ad litem to serve on a voluntary basis or notify the office of Chief Public Defender who shall assign a separate guardian ad litem for the child. The guardian ad litem shall perform an independent investigation of the case and may present at any hearing information pertinent to the court's determination of the best interests of the child. The guardian ad litem shall be subject to cross-examination upon the request of opposing counsel. The guardian ad litem is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children and relevant court procedures. If a separate guardian ad litem is assigned, the person previously serving as counsel for the child shall continue to serve as counsel for the child and a different person shall be assigned as guardian ad litem, unless the court for good cause also determines that a different person should serve as counsel for the child, in which case the court shall notify the office of Chief Public Defender who shall assign a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem. CONN. GEN. STAT. § 46b-129a(D).</p> <p>Representation by Counsel. Counsel shall represent the minor child's legal interest and consider the child's best interests. Counsel's role when representing a child should mirror as closely as possible counsel's role when representing an unimpaired adult. Code of Conduct I(a).</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and</p>	<p><i>No explicit legal authority or requirement.</i></p>

<p>counseling, file pleadings, request services, address special needs, negotiate settlements</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>Counsel or a guardian ad litem for the minor child or children shall be heard on all matters pertaining to the interests of any child, including the custody, care, support, education and visitation of the child, so long as the court deems such representation to be in the best interests of the child. To the extent practicable, when hearing from such counsel or guardian ad litem, the court shall permit such counsel or guardian ad litem to participate at the beginning of the matter, at the conclusion of the matter or at such other time the court deems appropriate so as to minimize legal fees incurred by the parties due to the participation of such counsel or guardian ad litem in the matter. Notwithstanding the provisions of this subsection, counsel or a guardian ad litem for any minor child shall not speak or report to the court on any medical diagnosis or conclusion made by a health care professional who is treating such minor child unless the parties have refused to cooperate in paying for or obtaining records containing the medical diagnosis or conclusion of the health care professional. If the court deems it to be in the best interests of the minor child, such health care professional shall be heard on matters pertaining to the interests of any such child, including the custody, care, support, education and visitation of such child. Conn. Pub. Acts No. 14-3(e).</p> <p>When recommending the entry of any order as provided in subsections (a) and (b) of section 46b-56, counsel or a guardian ad litem for the minor child shall consider the best interests of the child, and in doing so shall consider, but not be limited to, one or more of the following factors: (1) The temperament and developmental needs of the child; (2) the capacity and the disposition of the parents to understand and meet the needs of the child; (3) any relevant and material information obtained from the child, including the informed preferences of the child; (4) the wishes of the child's parents as to custody; (5) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; (6) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; (7) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; (8) the ability of each parent to be actively involved in the life of the child; (9) the child's adjustment to his or her home, school and community environments; (10) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided counsel or a guardian ad litem for the minor child may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; (11) the stability of the child's existing or proposed residences, or both; (12) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; (13) the child's cultural background; (14) the effect on the child of the actions of an abuser, if any domestic violence has occurred between the parents or between a parent and another individual or the child; (15) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b- 120; and (16) whether a party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. Counsel or a guardian ad litem for the minor child shall not be required to assign any weight to any of the factors considered. Conn. Pub. Acts No. 14-3(f).</p>

<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p>(l) Imminent Danger. Make an immediate report to the court if he or she believes that the child is in imminent danger of serious physical harm, unless one of the parties has already done so to the police, the Department of Children and Families or in writing to the court.</p> <p>(o) Maintain Documentation. Maintain documentation to substantiate recommendations and conclusions and keep written records of all interviews and investigations for six years from the date of completion of services rendered by counsel or a GAL.</p> <p>(p) Recordkeeping. Keep accurate records of work performed, time spent, fees charged and expenses incurred. Code of Conduct II(l), (o)-(p).</p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>The child or youth has the rights of confrontation and cross-examination and shall be represented by counsel in each and every phase of any and all proceedings in child protection matters, including appeals. CONN. R. SUPER. CT. JUV. § 32a-1(b), page 342.</p> <p>In family and juvenile matters and other matters involving minor children, counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the appellee's brief, file either: (1) a brief, (2) a statement adopting the brief of either the appellant or an appellee, or (3) a detailed statement that the factual or legal issues on appeal do not implicate the child's interests. CONN. R. SUPER. CT. JUV. § 67-13, page 474.</p> <p>In family and juvenile matters and other matters involving minor children, counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the appellee's brief, file either: (1) a brief, (2) a statement adopting the brief of either the appellant or an appellee, or (3) a detailed statement that the factual or legal issues on appeal do not implicate the child's interests. CONN. R. SUPER. CT. JUV. § 67-13, page 474.</p>
<p>6. Cessation of Representation: Contacts post representation, if any</p>	<p>(c) Not later than twenty-one days following the date on which the court enters an initial order appointing counsel or a guardian ad litem for any minor child pursuant to this section, the court shall enter a subsequent order that includes the following information: ... (2) the date on which the appointment of such counsel or guardian ad litem is to end, provided such end date may be extended for good cause shown pursuant to an order of the court Conn. Gen. Stat. § 46b-12(c)(2).</p> <p>Any party to an action involving the custody, care, support, education or visitation of a minor child shall have standing to file a motion that seeks removal of counsel for the minor child or a guardian ad litem for the minor child. The Judicial Branch shall establish a procedure to effectuate the hearing of such motion. Prior to hearing such motion, the court may refer the parties to the family services unit of the Judicial Branch. If the allegations set forth in the motion cannot be resolved, a hearing shall be held on the motion and a decision on the motion shall be made by the court. Conn. Gen. Stat. § 46b-12c.</p> <p>The following is effective as of October 1, 2014: Pursuant to Public Act 14-3 Sec. 4, any party who seeks the removal of counsel for the minor child or the guardian ad litem for the minor child shall do so by filing a motion with the court, with proper notice to all appearing counsel, self-represented parties of record and any guardian ad litem of record. Such motion shall set forth all facts upon which the party relies in seeking such removal. The motion shall be placed on the next available short calendar. Conn. R. Super. Ct. Stdg.</p>

	<p>Orders Motion to Remove</p> <p>(r) Removal. Be subject to removal by a judicial authority upon motion of either party or upon the court’s own motion, for a violation of this Code of Conduct or for failure to comply with the court’s order of appointment. Code of Conduct II(r).</p>
<p>7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. The child’s representative is independent from the court</p>	<p>Binding rules are established. Child’s representative, governed by the Chief Child Protection Attorney, is independent of the court.</p> <p>(a) At the preliminary hearing on the order of temporary custody or order to appear, or at the first hearing on a petition for neglect, uncared for, dependency, or termination of parental rights, the judicial authority shall: (4) ensure that an attorney, and where appropriate, a separate guardian ad litem, has been assigned to represent the child or youth by the chief public defender, in accordance with General Statutes §§ 46b-129a (2), 46b-136, Public Acts 2011, No. 11-51 and Section 32a-1 of these rules CONN. R. SUPER. CT. JUV. § 33a-7(a)(4), page 348.</p> <p>The child or youth has the rights of confrontation and cross-examination and shall be represented by counsel in each and every phase of any and all proceedings in child protection matters, including appeals. The judicial authority before whom a juvenile matter is pending shall notify the chief child protection attorney who shall assign an attorney to represent the child or youth. CONN. R. SUPER. CT. JUV. § 32a-1(b), page 342.</p> <p>The judicial authority on its own motion or upon the motion of any party, may appoint a separate guardian ad litem for the child or youth upon a finding that such appointment is necessary to protect the best interest of the child or youth. An attorney guardian ad litem shall be appointed for a child or youth who is a parent in a termination of parental rights... CONN. R. SUPER. CT. JUV. § 32a-1(c), page 342.</p> <p>When a conflict arises between the child's wishes or position and that which counsel for the child believes is in the best interest of the child, the court shall appoint another person as guardian ad litem for the child. The guardian ad litem shall speak on behalf of the best interest of the child and is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children. In the event that a separate guardian ad litem is appointed, the person previously serving as both counsel and guardian ad litem for the child shall continue to serve as counsel for the child and a different person shall be appointed as guardian ad litem, unless the court for good cause also appoints a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem. CONN. GEN. STAT. § 46b-129a(2).</p> <p>(a) Except as provided in subsection (b) of this section, prior to appointing counsel or a guardian ad litem for any minor child in a family relations matter, the court shall provide the parties to the matter with written notification of fifteen persons who the court has determined eligible to serve as counsel or a guardian ad litem for any minor child in such matter. When making a determination as to whether a person is eligible to serve as counsel or a guardian ad litem for a minor child in a particular matter, the court shall give due consideration to any unique circumstances of the parties and any child to such matter. Circumstances considered shall include, but not be limited to: (1) Financial circumstances, (2) language barriers, (3) transportation barriers, (4) physical, mental or learning disabilities, and (5) the geographic proximity of such person's office</p>

	<p>to the residence of each of the parties and to the court where the matter is pending. Not later than two weeks after the date on which the court provides such written notification, the parties shall provide written notification to the court of the name of the person who the parties have selected to serve as counsel or a guardian ad litem. In the event that the parties (A) fail to timely provide the court with the name of the person to serve as counsel or guardian ad litem, or (B) cannot agree on the name of the person to serve as counsel or guardian ad litem, the court shall appoint counsel or a guardian ad litem for the minor child by selecting one person from the fifteen names provided to the parties.</p> <p>(b) The provisions of subsection (a) of this section shall not apply when: (1) The parties have requested that counsel or a guardian ad litem be appointed and present to the court a written agreement that contains the name of the person who the parties have selected to serve as counsel or a guardian ad litem for the minor child for their matter; or (2) an emergency situation requires the immediate appointment of counsel or a guardian ad litem for the minor child. CONN. GEN. STAT. § 46b-12(a)-(b).</p> <p>(c) Not later than twenty-one days following the date on which the court enters an initial order appointing counsel or a guardian ad litem for any minor child pursuant to this section, the court shall enter a subsequent order that includes the following information:</p> <p>(1) The specific nature of the work that is to be undertaken by such counsel or guardian ad litem; ...</p> <p>(3) the deadline for such counsel or guardian ad litem to report back to the court concerning the work undertaken. CONN. GEN. STAT. § 46b-12(c)(1), (3).</p> <p>(a) Any appropriate party may move for child support, appointment of counsel or guardian ad litem for the minor child, counsel fees, or for an order or enforcement of an order with respect to the maintenance of the family or for any other statutorily authorized relief. CONN. R. SUPER. CT. FAM. § 25A-9(a), page 312.</p> <p>(c) The preliminary hearing on the order of temporary custody or order to appear or the first hearing on a petition filed pursuant to subsection (a) of this section shall be held in order for the court to:</p> <p>(1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135;</p> <p>(2) Ensure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section 51-296a and sections 46b-129a and 46b-136. CONN. GEN. STAT. § 46b-129(c)(1)-(2).</p>
<p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p>(3) The division [Division of Public Defender Services] shall establish training, practice and caseload standards for the representation of children, youths, indigent respondents and indigent legal parties pursuant to subdivision (1) of this subsection. Such standards shall apply to each attorney who represents children, youths, indigent respondents or indigent legal parties pursuant to this subsection and shall be designed to ensure a high quality of legal representation. The training standards for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence. CONN. GEN. STAT. § 51-296(c)(3).</p>

<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>Where under the provisions of this section, the judicial authority so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the judicial authority shall assess as costs on the appropriate form against such parents, guardian or custodian, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid for by the chief child protection attorney in providing such counsel, to the extent of their financial ability to do so, in accordance with the rates established by the commission on child protection for compensation of counsel. Reimbursement to the appointed attorney of unrecovered costs shall be made to that attorney by the chief child protection attorney upon the attorney's certification of his or her unrecovered expenses to the chief child protection attorney. CONN. R. SUPER. CT. JUV. § 32a-1(f), page 342.</p> <p>Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the court shall assess as costs against such parents, guardian or custodian, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid by the Division of Public Defender Services in providing such counsel, to the extent of their financial ability to do so. The Division of Public Defender Services shall establish the rate at which counsel provided pursuant to this section shall be compensated. CONN. GEN. STAT. § 46b-136.</p> <p>(E) The counsel and guardian ad litem's fees, if any, shall be paid by the office of Chief Public Defender unless the parents or guardian, or the estate of the child, are able to pay, in which case the court shall assess the rate the parent or guardian is able to pay and the office of Chief Public Defender may seek reimbursement for the costs of representation from the parents, guardian or estate of the child; CONN. GEN. STAT. § 46b-129a(2)(e).</p> <p>(c) Not later than twenty-one days following the date on which the court enters an initial order appointing counsel or a guardian ad litem for any minor child pursuant to this section, the court shall enter a subsequent order that includes the following information: ... (4) the fee schedule of such counsel or guardian ad litem that shall minimally set forth (A) the amount of the retainer, (B) the hourly rate to be charged, (C) the apportionment of the retainer and hourly fees between the parties, and (D) if applicable, all provisions related to the calculation of fees on a sliding-scale basis. ... CONN. GEN. STAT. § 46b-12(c)(4).</p> <p>... Not later than thirty days after the entry of a final judgment in a family relations matter involving counsel or a guardian ad litem for a minor child, such counsel or guardian ad litem shall file with the court an affidavit that sets forth (A) the case name, (B) the case docket number, and (C) the hourly fee charged, total number of hours billed, expenses billed and the total amount charged by such counsel or guardian ad litem. Counsel or a guardian ad litem for a minor child shall not charge the parties for the preparation of such affidavit. Upon the filing of the affidavit with the court, such affidavit shall be made part of the case file. CONN. GEN. STAT. § 46b-12(c)(5).</p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>