

**SUPREME COURT, APPELLATE DIVISION FOURTH DEPARTMENT
OFFICE OF ATTORNEYS FOR CHILDREN
APPLICATION FOR COUNTY ADVANCED JD PANEL OF ATTORNEYS FOR CHILDREN**

Applying for Advanced JD panel status in _____ County/Countries

Name of Applicant: _____

Firm Name: _____

Address: _____

Phone: _____ Fax: _____

Email Address: _____

1. I am currently registered and in good standing with the Office of Court Administration as required by section 468-a of the Judiciary Law (having paid all biennial fees as required).

Attorney Registration # _____ Yes ___ No ___

2. I am an attorney for children. Yes ___ No ___

If yes, please list counties designated to: _____, _____

3. I am a member of an assigned counsel (18B) panel. Yes ___ No ___

If yes, please list which county and what panel. County _____

Family _____ Criminal _____

4. I am employed as an Assistant District Attorney, County Attorney, Municipal Corporation counsel, Public Defender, judge or justice of a city, town or village court or law clerk to a judge or justice.

Yes ___ No ___

If yes, please indicate position and county.

Position: _____

County: _____

5. Foreign languages spoken fluently:

6. I have:

a. Been charged with or convicted of any crime? Yes ___ No ___

If yes, please state particulars and indicate status thereof.

b. Been sanctioned or held in contempt by court? Yes ___ No ___

If yes, please state particulars.

c. Had an order of protection issued against me? Yes ___ No ___

If yes, please state particulars.

d. Been notified that I am the subject as a parent or person responsible for the care of a child of any indicated report to the Statewide Register of Child Abuse and Maltreatment?

Yes ___ No ___

If yes, please state particulars and indicate status thereof.

e. Been suspended, removed or asked to resign from any assigned counsel plan or attorney for the child panel?

Yes ___ No ___

If so, please state particulars and indicate status thereof.

f. Been notified by an Attorney Grievance Committee that I am the subject of any public or private professional discipline, including letters of education and/or advisement?

Yes ___ No ___

If yes, please state particulars and include any related documentation.

7. WAIVER OF CONFIDENTIALITY

I authorize the Committee of Professional Standards of the Fourth Judicial Department, or any other judicial department or grievance committee, to share information about me as an attorney with the Office of Attorneys for Children in the Fourth Department. Yes ___ No ___

8. I have the following substantial and relevant experience in the practice of criminal law to effectively represent children in felony cases:

9. I am willing to appear for a juvenile who is arrested after business hours. Yes ___ No ___
Please note courts prefer that Advanced JD panel members are willing to appear after business hours.

10. While this application is pending, and if this application is accepted, I understand that I am under a continuing duty to advise the Attorneys for Children Program promptly if circumstances occur that would change my answers to question 6. Yes ___ No ___

11. I have read and understand Section 7.2 of the Rules of the Chief Judge and the Summary of the Responsibilities of the AFC, attached to and made part of this application, and I will conform to the requirements therein. Yes ___ No ___

12. I affirm under penalties of perjury that the foregoing information is true and correct.

Name (please print)

Signature

Date

Please complete, sign and mail the application to:

Appellate Division Fourth Department
Attorneys for Children Program
M. Dolores Denman Courthouse
50 East Avenue
Rochester, NY 14604

or e-mail to:
Linda Kostin, AFC Program Director
lkostin@nycourts.gov

Section 7.2 of the Rules of the Chief Judge

Section 7.2 Function of the attorney for the child.

(a) As used in this part, "attorney for the child" means a law guardian appointed by family court pursuant to section 249 of the Family Court Act, or by the supreme court or a surrogate's court in a proceeding over which the family court might have exercised jurisdiction had such action or proceeding been commenced in family court or referred thereto.

(b) The attorney for the child is subject to the ethical requirements applicable to all lawyers, including but not limited to constraints on: ex-parte communication; disclosure of client confidences and attorney work product; conflicts of interest; and becoming a witness in the litigation.

(c) In juvenile delinquency and person in need of supervision proceedings, where the child is the respondent, the attorney for the child must zealously defend the child.

(d) In other types of proceedings, where the child is the subject, the attorney for the child must zealously advocate the child's position.

(1) In ascertaining the child's position, the attorney for the child must consult with and advise the child to the extent and in a manner consistent with the child's capacities, and have a thorough knowledge of the child's circumstances.

(2) If the child is capable of knowing, voluntary and considered judgment, the attorney for the child should be directed by the wishes of the child, even if the attorney for the child believes that what the child wants is not in the child's best interests. The attorney should explain fully the options available to the child, and may recommend to the child a course of action that in the attorney's view would best promote the child's interests.

(3) When the attorney for the child is convinced either that the child lacks the capacity for knowing, voluntary and considered judgment, or that following the child's wishes is likely to result in a substantial risk of imminent, serious harm to the child, the attorney for the child would be justified in advocating a position that is contrary to the child's wishes. In these circumstances, the attorney for the child must inform the court of the child's articulated wishes if the child wants the attorney to do so, notwithstanding the attorney's position.

(effective October 17, 2007)

Summary of Responsibilities of the Attorney for the Child

While the activities of the attorney for the child will vary with the circumstances of each client and proceeding, in general those activities will include, but not be limited to, the following:

- (1) Commence representation of the child promptly upon being notified of the appointment;
- (2) Contact, interview and provide initial services to the child at the earliest practical opportunity, and prior to the first court appearance when feasible;
- (3) Consult with and advise the child regularly concerning the course of the proceeding, maintain contact with the child so as to be aware of and respond to the child's concerns and significant changes in the child's circumstances, and remain accessible to the child;
- (4) Conduct a full factual investigation and become familiar with all information and documents relevant to representation of the child. To that end, the lawyer for the child shall retain and consult with all experts necessary to assist in the representation of the child;
- (5) Evaluate the legal remedies and services available to the child and pursue appropriate strategies for achieving case objectives;
- (6) Appear at and participate actively in proceedings pertaining to the child;
- (7) Remain accessible to the child and other appropriate individuals and agencies to monitor implementation of the dispositional and permanency orders, and seek intervention of the court to assure compliance with those orders or otherwise protect the interests of the child, while those orders are in effect; and
- (8) Evaluate and pursue appellate remedies available to the child, including the expedited relief provided by statute, and participate actively in any appellate litigation pertaining to the child that is initiated by another party, unless the Appellate Division grants the application of the attorney for the child for appointment of a different attorney to represent the child on appeal.