

**ATTORNEYS FOR CHILDREN PROGRAM
APPELLATE DIVISION, THIRD JUDICIAL DEPARTMENT
PROGRAM SUMMARY**

PROGRAM OVERVIEW

The objective of the Office of Attorneys for Children of the Appellate Division, Third Judicial Department is to provide high quality, cost-effective legal representation for each child appearing in the Family, Supreme and Surrogate's Courts of the Department's 28 counties. Legal services are rendered by attorneys in private practice who are designated by the Appellate Division as members of county panels and are then appointed by Family Court Judges and Supreme Court Justices to represent children on a case-by-case basis. In 10 counties, representation is also provided by children's law offices under agreements between the Appellate Division and qualified attorneys, and in three additional counties under contracts between the Office of Court Administration and Legal Aid Societies.

PROGRAM COMPONENTS

The Program has three components:

- The Office of Attorneys for Children, the Program's administrative branch, which includes the director, deputy director, compensation claim processors and auditors, and secretarial staff.
- The Advisory Committee for the Third Judicial Department, the Program's oversight board, includes judges, child welfare advocates, academics, and attorneys for children. The Advisory Committee meets quarterly and has been instrumental in the development of Program policy on such matters as training and education, initial designation and recertification of panel members, and children's law office development and management.
- Three Liaison Committees made up of panel member representatives from each county in the Department, who serve as a communications link between panel members and other Program components. Liaison Committees meet twice annually to discuss the operation of county panels and Program activities of interest to panel members, such as training and education.

PROGRAM FUNCTIONS

Regulation and administration of county panels of attorneys for children

County panels are the primary means through which representation is provided. To be designated by the Appellate Division as a panel member, an attorney must meet introductory training and experience requirements and be recommended by a Family Court Judge. Attorneys are also required to receive continuing legal education to remain panel members. The Office of Attorneys for Children monitors compliance with these requirements.

The Appellate Division redesignates county panels annually based on the recommendations of Family Court Judges after evaluation of panel members according to five criteria: rapport with clients, case preparation, legal knowledge, vigor of advocacy and punctuality, and any information contained on the panel redesignation application.

Professional staff from the Office of Attorneys for Children periodically visit Family Courts in the 28 counties in the Third Judicial Department to meet with attorneys, judges and court staff to review the status of panel operations and the interaction between the courts and the Office.

Compensation claims

The attorney for the child submits a voucher ever 12 months through conclusion of the case, claiming compensation and reimbursement of representation expenses to the trial court. Compensation vouchers are also submitted by providers of services required for representation, such as mental health evaluators. These vouchers are subsequently transmitted to the Office of Attorneys for Children for review and payment.

Compensation and reimbursement policies and procedures are included in the *Administrative Handbook*, which is revised and distributed periodically to all panel members, Family Court Judges and Family Court Clerks. The *Handbook* also contains statutes, rules and procedures related to every aspect of Program operation.

Training and education

The Office of Attorneys for Children produces a comprehensive series of continuing legal education seminars. These seminars are designed to meet the continuing legal education needs of attorneys at all experience levels, as well as to facilitate compliance with the Rules of the Appellate Division regarding introductory and continuing legal education. Programming for each annual training cycle is developed with the assistance of an ad hoc Curriculum Development Committee of experts in children's law education. The Office of Attorneys for Children was among the first organizations to be accredited as a provider of continuing legal education by the New York State Continuing Legal Education Board.

The major elements of the training activities are:

- Introduction to Effective Representation of Children: consists of a series of online videos and a live seminar that offers prospective attorneys for children an introduction to the Attorneys for Children Program and to all types of proceedings in which attorneys for children represent their clients. The conference includes the practical application of the culmination of the video series, including presentations on the role of the attorney for the child, the child welfare system, the juvenile justice system, custody and visitation, as well as child behavior, child development and child counseling, and persons in need of supervision proceedings. Attendees also receive a wide array of reference publications on children's law subjects.
- Children's Law Update: a series of one-day seminars designed to permit experienced practitioners to stay current with the latest developments in children's law, held each year at three locations around the Third Judicial Department. Update seminars typically include a presentation on an important nonlegal subject related to the representation of children, such as psychological testing, and a review of recent legislation and case law developments. A central aim of the Update seminars is to offer panel members high quality, live training by recognized experts within commuting distance of their homes at least once each year.

- Annual Topical Conference is an in-depth and detailed examination of a topic critical to the effective representation of children, typically featuring a nationally-recognized expert in the field. Topical Conferences have dealt with areas such as forensics, permanency planning, child custody and sexual abuse. The annual John T. Hamilton, Jr., Esq. Award for Excellence in Legal Representation of Children is presented at this conference.
- Locally based training programs provide locally relevant continuing legal education programs in a certain geographic area, many times as recommended by panel members. The locally-based programs often feature local attorneys and professionals who, aside from presenting on a particular issue, offer their thoughts from the perspective of the locality where the program is being held, so as to align the information with the practices of the particular legal community.
- Trial practice skills are provided periodically in a number of formats, including mock trials and hearings. Presentations on trial practice skills and evidentiary issues are oftentimes woven into one of the above categories of programs or are the subject of an entire stand alone program.

Select programs and webinars are recorded and available for online viewing on the Program's web page at nycourts.gov/ad3/oac. Additionally, the Office of Attorneys for Children collaborates with a variety of organizations and local bar associations, as well as the Offices of Attorneys for Children from the other Appellate Divisions.

Support services

The following support services are offered to assist attorneys in providing high quality representation:

- Litigation Support Service provides case consultation and legal research assistance to panel members. Office attorneys help panel members by discussing legal problems and tactical considerations in individual cases. The purpose of the service is not to give advice or to answer specific legal questions definitively, but to provide collegial interchange that aids attorneys in thinking through the issues that their cases present.
- Reference publications include weekly case law summaries emailed directly to the panel, and booklets and pamphlets on all aspects of children's law.

Children Law Offices

The Office of Attorneys for Children has developed and oversees the operation of children's law offices in 10 counties: Broome, Chemung, Chenango, Clinton, Essex, Franklin, Fulton, Otsego, Schuyler, and Sullivan. These offices are established under agreements between the Appellate Division and qualified attorneys. They are the first such offices developed in New York State.

The objective in creating an office is to establish a "mixed" representation system for the county that combines the skills of panel members with those of office staff attorneys. These offices are designed to supplement, rather than to supercede, county panels. In general, the offices serve children in approximately one half of a county's children's caseload, in all types of Family Court proceedings.

In three other Third Judicial Department counties – Chemung, Cortland, and Tompkins – offices operate under agreements between the Office of Court Administration and Legal Aid Societies.