

APPELLATE DIVISION, FOURTH DEPARTMENT
OFFICE OF ATTORNEYS FOR CHILDREN (AFC)
ANNUAL PANEL RE-DESIGNATION APPLICATION

This application must be submitted to the Office of Attorneys for Children on or before **January 2** each year in order for the applicant to be eligible for panel re-designation.

First Name: _____ Last Name: _____

Panel member in these counties: _____

Address: _____

Phone : _____ Fax No. _____

E-mail address: _____

1. I wish to be re-designated as an attorney for the child panel member: Yes ___ No ___

2. 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)

Yes ___ No ___

Attorney Registration. # _____

3. I am employed full time by a government agency. Yes ___ No ___

If yes, please attach express written permission for panel membership from employer, Family Court and the Office of Attorneys for Children.

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

Yes ___ No ___

If yes, please indicate county of such employment: _____ county.

5. (a) I have read and understand that I am required to follow Section 7.2 of the Rules of the Chief Judge and be in compliance with the Summary of Responsibilities of the Attorneys for Children that are attached and made a part of this application.

Yes ___ No ___

(b) I understand that if my client is involved in an appeal, I am charged with knowledge of all information contained in the Appellate Training for AFC seminar presented on March 26, 2013. All segments of that seminar are available on the 4th Dept. AFC website.

Yes ___ No ___

(c) I understand that I must have billing records sufficient to justify charges on my AFC vouchers.

Yes ___ No ___

6. I have read and am fully familiar with the Compensation and Reimbursement Policies and Procedures.

Yes ___ No ___

7. During the past year, I have (append statement, if applicable):

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

If yes, please state particulars and indicate the status thereof.

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

If yes, please state particulars.

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

If yes, please state particulars.

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

Yes ___ No ___

If yes, please state particulars.

e. Been notified that you are a subject as a parent or person responsible for the care of a child of any indicated report to the Statewide Central Register of Child Abuse and Maltreatment.

Yes ___ No ___

If yes, please state particulars and indicate the status thereof.

- f. Been notified by an attorney grievance committee that you are the subject of any complaint or disciplinary proceeding or that you are the subject of any professional discipline.

Yes ____ No ____

If yes, please state particulars and indicate the status thereof. If status is pending you must provide the Fourth Dept. AFC Program Office with the outcome.

8. I have accepted AFC assignments within the last two years. Yes ____ No ____

If no, provide reason why.

9. My availability to the Court is limited (e.g. "I am not available after 1:00 p.m." or "I am not available on Mondays and Fridays.")

Yes ____ No ____

If yes, provide reason why.

10. 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 the Attorneys for Children in the Fourth Department.

11. I affirm under penalties of perjury that the above is true and correct.

Name (please print)

Signature

Date

Please initial Section 7.2 Rules of the Chief Judge and Summary of Responsibilities attached hereto.

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[n attorney] 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.

Initial here _____

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.

Initial here _____