

**63A-11-202 Contracted parental defense attorney.**

- (1) For child welfare cases, a contracted parental defense attorney shall:
  - (a) adequately prepare for and attend all court hearings, including initial and continued shelter hearings and mediations;
  - (b) fully advise the client of the nature of the proceedings and of the client's rights, communicate to the client any offers of settlement or compromise, and advise the client regarding the reasonably foreseeable consequences of any course of action in the proceedings;
  - (c) be reasonably available to consult with the client outside of court proceedings;
  - (d) where attendance of a parental defense attorney is reasonably needed, attend meetings regarding the client's case with representatives of one or more of the Division of Child and Family Services, the Office of the Attorney General, and the Office of Guardian Ad Litem;
  - (e) represent the interest of the client at all stages of the proceedings before the trial court; and
  - (f) participate in the training courses and otherwise maintain the standards described in Subsection (3).
- (2) If the department enters into a contract with an attorney under Section 63A-11-201, the contract shall require that each attorney in the firm who will provide representation of parents in child welfare cases under the contract perform the duties described in Subsection (1).
- (3)
  - (a) Except as otherwise provided in Subsection (3)(b), a contracted parental defense attorney shall meet the standards developed by the department, which may include:
    - (i) completion of a basic training course provided by the program;
    - (ii) experience in child welfare cases; and
    - (iii) participation each calendar year in continuing legal education courses providing no fewer than eight hours of instruction in child welfare law.
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may, by rule, exempt from the requirements of Subsection (3)(a) an attorney who has equivalent training or adequate experience.
- (4) Payment for the representation, costs, and expenses of the contracted parental defense attorney shall be made from the Child Welfare Parental Defense Fund as provided in Section 63A-11-203.

Amended by Chapter 265, 2011 General Session