

(Proposed)

**TEMPORARY KENTON COUNTY FAMILY COURT LOCAL RULES FOR
PARTICIPATION IN THE KRS 620 GUARDIAN AD LITEM AND
APPOINTED COUNSEL ROSTER**

1. Each division will maintain a separate roster. Eligible attorneys can serve in either division or both. The rosters are public records.
2. Each attorney on the rosters must be a member in good standing with the Kentucky Bar Association.
3. Each attorney on the rosters must complete the DNA training provided by the Administrative Office of the Courts.
4. Each attorney on the Second Division roster must be available every Monday at 9:00 am and every Thursday beginning at 8:30 am, unless excused by the Court. Each attorney on the Fifth Division roster must be available every Monday at 1:00 p.m. and every Thursday beginning at 8:30 a.m., unless excused by the Court.
5. Each attorney on the rosters must attend any meetings called by the Court.
6. Each attorney on the rosters shall complete a minimum of four hours of relevant legal or multi-disciplinary training every two years. Relevant legal education must include instruction on improved practice and current law regarding DNA, termination of parental rights, or related proceedings. Multi-disciplinary training must include instruction on child development, trauma-informed care and approaches, substance abuse disorder, child welfare forensics, impact of the Americans with Disabilities Act, or other matters related to practice in actions under KRS Chapters 199.600 and 625. Court-appointed counsel shall provide proof that he or she has completed the required training to the Court to remain eligible for appointments. This will include any training provided by the Kenton Family Court.
6. Each attorney appointed as counsel for a parent shall have the responsibilities set forth in Appendix D of FCRPP 35, attached, and [ADD].
7. Each attorney appointed as counsel for a person or persons exercising custodian control shall have the responsibilities set forth in Appendix D of the FCRPP 35, attached, and [ADD].
8. Each attorney appointed as counsel for a *de facto* custodian shall have the responsibilities set forth in Appendix D of the FCRPP 35, attached, and [ADD].
9. Each attorney appointed as GAL for a child shall have the responsibilities set forth in Appendix D of the FCRPP 35, attached, and the following:

- a. Act as an independent fact finder (or investigator) whose task is to review all relevant records, including but not limited to all school and medical records, and timely interview the child, parents, social workers, teachers, and other persons to ascertain the facts and circumstances of the child's situation;
 - b. Ascertain the interests of the child, taking into account the child's safety, maturity, culture, and ethnicity, including maintaining a trusting, meaningful relationship with the child via face-to-face contact;
 - c. Seek cooperative resolutions to the child's situation within the scope of the child's interest, abilities and welfare;
 - d. Provide information with recommendations to the Court to assure that all relevant facts are before the court;
 - e. Appear at all hearing prepared to represent the party's interest;
 - f. Explain the Court proceedings, including the role of the GAL, to the child in language and terms that the child can understand; and seek any possible information that can be used as a defense or explanation;
 - g. Ask that clear and specific orders are entered for the evaluation, assessment, services, and treatment of the child and parents such that the child/parent/custodian fully understands what is expected of them;
 - h. Monitor implementation of service plans and dispositional orders to determine whether services ordered by the Court are actually provided, are provided in a timely manner, and are accomplishing their desired goal until such time as permanency is achieved;
 - i. Inform the Court promptly via motion if the services are not being made available to the child and/or families, if the family fails to take advantage of such services, or if such services are not achieving their purpose, and bring to the Court's attention any violation of orders, or new developments requiring the Court's attention;
 - j. Advocate competently and diligently for the child's best interests in mental health, educational, family court, juvenile justice, criminal justice, and other community systems; and
10. No attorney shall be appointed exclusively as GAL for a child or as counsel for an adult.
 11. The rosters will be prepared alphabetically and the appointments shall be made sequentially unless: (a) another attorney has previously represented that person in a DNA matter or a Termination of Parental Rights matter;
(b) appointing the attorney would create a conflict; or (c) the specific and unique circumstances of a party require, in the interest of justice, that a non-sequential attorney be appointed who has specific and identifiable attributes which would best fit the party's circumstances, per FCRPP 35(7). If the attorney is appointed per the provisions of 11(a) then that appointment will not count against appointments as the court proceeded down the alphabetical roster.
 12. Applications for the rosters shall be kept open for a period of 30 days.

13. The roster under the newly adopted rules shall become effective on March 1, 2020. The court shall review and modify the rosters every year in February and August. Any modifications will become effective on March 1 and September 1.
14. Each attorney on the rosters must inform the Court(s) of any disciplinary action by the Kentucky Bar Association.
15. Each attorney on the rosters shall have the right to withdraw from the roster upon notice to the Court(s). Upon such notice, the attorney shall present to the Court(s) a list of all cases in which the attorney is actively serving as court-appointed counsel. ADD
16. Each attorney on the rosters shall be prohibited from making any campaign contribution to any sitting Kenton County Family Court Judge or any candidate for Kenton Family Court Judge.
17. Each attorney on the rosters must sign an agreement to abide by these Temporary Kenton County Local Rules and the Local Rules which will be enacted in the future.
18. Each attorney on the rosters shall assist the Court in obtaining AOC-DNA-11 forms from those who may qualify for court-appointed counsel, per FCRPP 35 – 38.
19. An attorney must be present to be appointed in a manner, unless it is an attorney appointed per the provisions of 11(a).

SO ORDERED ON _____ **2020,**

TO BE EFFECTIVE ON _____