(proposed new rule)

Rule 8.36 Qualification and Training to Represent Parents in Juvenile Court.

8.36(1) *Initial requirements for representing parents.* Before representing a parent in a juvenile court proceeding in a district, an attorney must have done the following:

a. Participated in five hours of continuing legal education providing basic training in the core substantive and procedural law used in child welfare proceedings in juvenile court;

b. Met the prior experience requirement set forth in 8.36(2);

c. Reviewed and agreed to comply with the Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court, as made available on the Iowa Judicial Branch website.

d. Submitted a signed certification to the district court administrator of that district that the attorney has completed steps (*a*)-(*c*), together with any separate certification required by 8.36(2)(*b*).

8.36(2) *Prior experience requirement.*

a. The prior experience requirement must be met in one of the following ways:

(1) Five hours of mentoring by an individual attorney with at least three years of experience representing parents in juvenile court proceedings.

(2) Five hours observing juvenile court proceedings conducted by a single Iowa juvenile court judge.

(3) At least 40 hours of prior practice in Iowa juvenile court.

(4) Certification as a Child Welfare Specialist by the National Association of Counsel for Children (NACC).

(5) Completion of at least one semester of a law school legal clinic educational program that provides practice experience in an Iowa juvenile court.

b. The attorney's prior experience must be certified as follows:

(1) For 8.36(2)(*a*)(1), the mentoring attorney must provide a signed statement.

(2) For 8.36(2)(*a*)(2), the juvenile court judge must provide a signed statement.

(3) For 8.36(2)(*a*)(3), a juvenile court judge must provide a signed statement.

(4) For 8.36(2)(*a*)(4), the attorney must provide a copy of the certification.

(5) For 8.36(2)(*a*)(5), the attorney must sign a statement confirming completion of the requirement.

c. An attorney who provides mentoring pursuant to 8.36(*a*)(1), with the informed consent of his or her client, may disclose or allow to be disclosed confidential and privileged material relating to the representation to the mentored attorney. The mentored attorney shall have the same confidentiality obligations with respect to that material as if he or she were the attorney for the client.

d. An attorney's observation of juvenile court proceedings pursuant to 8.36(*a*)(1) or 8.36(*a*)(2), with advance notice to and permission from the judge, shall not be considered public access to the proceeding for purposes of Iowa Code chapter 232.

8.36(3) *Ongoing requirements for representing parents.*

a. An attorney continuing to represent parents in juvenile court proceedings shall participate in five hours of continuing legal education related to child welfare law each calendar year. This requirement shall begin with the calendar year in which the attorney submits his or her first 8.36(1)(*d*) certification anywhere in Iowa, unless the attorney submits that initial certification after July 1, in which case the requirement shall begin the following calendar year. An attorney who fails to meet this requirement in a given calendar year shall not be eligible to represent a parent in the following year until he or she completes the previous year's continuing education requirement and files a certification of compliance as required by 8.36(3)(*b*).

b. No later than March 1 of each year, the attorney shall file a signed certification with the district court administrator of each district in which the attorney has previously filed an 8.36(1)(*d*) certification, detailing how the attorney met the requirements of 8.36(3)(*a*) in the prior calendar year.

8.36(4) *Prohibition on representing parents without complying with educational and training requirements.* An attorney shall not accept representation of a parent in a juvenile court proceeding, and a court shall not knowingly appoint an attorney or allow an attorney to continue to represent a parent in a juvenile court proceeding, unless the attorney has met the applicable requirements of 8.36(1)-(3).

8.36(5) *Required continuing legal education classes.* The Iowa Children's Justice Initiative, or another entity designated by the Iowa Supreme Court or the Iowa State Court Administrator, shall be responsible for sponsoring and approving courses that meet the requirements of 8.36(1)(*a*) and 8.36(3). It is anticipated that these courses will be available throughout the state in a live or video format at a modest cost or no cost to the attorney. Any courses meeting the requirements of rule 8.36 must be accredited by the commission on continuing legal education and may be applied toward continuing legal education requirements established by the commission.

8.36(6) *Required documentation.* An attorney who represents or seeks to represent a parent in a juvenile court proceeding may be required by the court, the state court administrator, or a district court administrator to provide documentation of his or her compliance with this rule. This documentation may include a copy of any report filed pursuant to rule 41.4.

8.36(7) *Potential sanctions.* If an attorney fails to competently represent a parent in a juvenile court proceeding, by failing to follow the Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court or otherwise, the court may take appropriate action as authorized by law and the Iowa Court Rules.

8.36(8) *Effective date.* Attorneys representing parents in juvenile court proceedings are expected to complete the initial requirements of 8.36(1) and (2)

no later than December 31, 2013. Any attorney undertaking representation of a parent in juvenile court on or after January 1, 2014, must be in full compliance with this rule.

Initial Certification of Compliance
to Represent Parents in Iowa Juvenile Court

(To be filed with District Court Administrator for a district prior to representing a parent in a juvenile court proceeding in that district.)

Pursuant to Iowa R. Juv. Proc. 8.36(1)(*d*), the undersigned attorney certifies:

☐ 1. I have participated in at least five (5) hours of continuing legal education courses, approved by the Iowa Children's Justice Initiative, which provided basic training in the core substantive and procedural law used in child welfare proceedings in juvenile court.

2. Select at least one of the following:

☐ I have participated in five (5) hours of mentoring or observation of juvenile court proceedings, and attached to this certification is a signed statement by the attorney who provided the mentoring or the judge in whose courtroom I observed proceedings attesting to the completing of the five (5) hours of mentoring or observation.

Or

☐ Attached to this certification is a signed statement of an Iowa juvenile court judge attesting that I have practiced in juvenile court for at least forty (40) hours.

Or

☐ I am a NACC Certified Child Welfare Specialist and my certificate is attached; or I have participated in at least one semester of a law school legal clinic educational program that provides practice experience in an Iowa juvenile court.

☐ 3. I have reviewed and will comply with the Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court.

☐ 4. I will continue to comply with the ongoing requirements of Iowa R. Juv. P. 8.36(2) by completing five (5) hours of continuing legal education related to child welfare law every successive calendar year, as long as I am representing parents in juvenile court proceedings in this district.

☐ 5. Upon request, I will provide proof of my compliance with Iowa R. Juv. P. 8.36.

Date: _____/_____/_____

_____
(Attorney name and ID #)

_____
(Phone)

_____
(Address)

_____
(E-mail address)

_____
(Address)

Annual Certification of Compliance
to Represent Parents in Iowa Juvenile Court

(To be filed with the District Court Administrator for a district no later than March 1 for required coursework completed the preceding calendar year.)

Pursuant to Iowa R. Juv. Proc. 8.36(2)(*b*), the undersigned attorney certifies that during the calendar year ____, I attended the following hours of continuing legal education related to child welfare law:

Activity Number	Date(s)	Sponsor	Course Name	Hours Attended

Date: _____/_____/_____

_____
(Attorney name and ID #)

_____
(Phone)

_____
(Address)

_____
(E-mail address)

_____
(Address)