Public Comments on Juvenile Procedure 8.36 (due May 31, 2013)

Table of Contents

	(received)
Christina I. Thompson Comment	3-22-2013
Kathleen M. Neylan Comment	3-22-2013
Samuel Langholz Comment	3-23-2013
Patrick R. Grady Comment	4-02-2013
Constance Cohen Comment	5-21-2013
Susan Christensen Comment	5-21-2013
Jan Pratt Comment	5-28-2013
Lynhon Stout Comment	5-31-2013
Annette Boehlje Comment	5-31-2013
Brent M. Pattison Comment	5-31-2013
Ellen Ramsey-Kace Comment	5-31-2013
Ellen Ramsey-Kace Comment	5-31-2013
Brent Pattison Comment	6-1-2013

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March 21, 2013

FILED
MAR 22 2013
CLERK SUPREME COURT

Iowa Supreme Court
Iowa Judicial Branch Building
1111 East Court Ave
Des Moines, IA 50319

RE: Proposed New Rule of Juvenile Procedure 8.36

Hello:

Iowa family law attorneys often represent parents in private actions for termination of parental rights under Iowa Code chapter 600A, even when the attorney does not otherwise practice in juvenile court. The present draft of the rule seems to be broad enough to include attorneys who provide representation in private terminations. If the rule is not meant to include attorneys who handle cases under 600A, it is my belief the rule should be written to clearly state that it does not apply to chapter 600A situations.

Chapter 600A proceedings are separate from the more complicated and intertwined proceedings that can occur with CINA cases and terminations of rights sought by DHS and the state. 600A proceedings are often handled by family law attorneys who do not otherwise practice in juvenile court, and seem to fall more within the purview of family law due to the connection with adoptions. It is my belief, therefore, that the requirements of Rule 8.36 should not be applicable to attorneys who represent parents in private terminations under Chapter 600A, and the rule should be clarified on this matter.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Christina I. Thompson, AT0011346

CIT

Enclosures

FILED
MAR 22 2013
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"Kathleen M. Neylan"
<kneylan@alpinecom.net>
03/22/2013 06:26 PM

To <rules.comments@iowacourts.gov>,
cc <Family@iabar.org>
bcc
Subject Proposed New Rule of Juvenile Procedure 8.36

Who	Date	Time	Subject
Kathleen M. Neylan	03/22/2013	06:26 PM	Proposed New Rule of Juvenile Proce

Clarification is needed on whether this proposed new rule is intended to apply to attorneys who represent parents and step-parents in adoptions and in the preliminary step of termination which, under Ch 600A, is heard in juvenile court. As written, it appears to apply to ***all*** proceedings in juvenile court. That would include termination actions for step-parent adoptions. The requirements of proposed Rule 8.36 seem onerous for attorneys who do not appear in juvenile court except for this purpose.

Kathleen M. Neylan
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FILED
MAR 23 2013
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"Langholz, Samuel [SPD]"
<slangholz@spd.state.ia.us>
03/23/2013 10:41 PM

To "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,
cc
bcc
Subject Public Hearing Proposed Rule 8.36

Who	Date	Time	Subject
Langholz, Samuel [SPD]	03/23/2013	10:41 PM	Public Hearing Proposed Rule 8.36

I would like to request the opportunity to make an oral presentation regarding Proposed Rule 8.36 at the Public Hearing on July 9, 2013 at 8:30 a.m.

Sam Langholz
State Public Defender
Lucas State Office Building
321 E. 12th Street
Des Moines, IA 50319
(515) 242-6158

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APR 02 2013
CLERK SUPREME COURT

Patrick R
Grady/District6/JUDICIAL
04/02/2013 03:19 PM

To Rules Comments/SCA/JUDICIAL@JUDICIAL,
cc
bcc
Subject Proposed New Rule of Juvenile Procedure 8.36

Who	Date	Time	Subject
Patrick R Grady	04/02/2013	03:19 PM	Proposed New Rule of Juvenile Proce

I am not sure that I have formally weighed in on my concerns about the mandatory requirements for representing parents in a Child in Need of Assistance cases. Though I am supportive of the Court's efforts to enhance the skill level of those representing parents in CINA proceedings, the problem usually lies with those on the court appointed list. However, if a parent chooses to hire their own lawyer to represent them in a CINA case and that lawyer believes they are competent within the rules of ethics, then that parent should be able to have their choice of attorney. It is my opinion that to not carve out an exception raises serious due process and financial issues for the generally non-indigent parent. First, as a general rule, litigants are allowed to have their choice of counsel so long as that attorney is licensed in the State courts and that attorney has made his or her own determination that they are competent to represent in the area. Second, in a situation such as an ongoing divorce that evolves into a CINA, due to domestic abuse, substance abuse, or some other issue, why should a non-indigent parent be forced to hire another lawyer who will duplicate a great deal of the work that will have to be done by the divorce lawyer? Though these cases may not be as frequent as they once were and while I often found the divorce lawyer's priorities to be different than your average juvenile practitioner, I do not believe it justifies the imposition on that litigant's choice of counsel or their wallet.

I hope you take this concern into consideration.

Patrick R. Grady
Chief Judge
Sixth Judicial District

FILED
MAY 21 2013
CLERK SUPREME COURT

Connie Cohen/District5/JUDICIAL
05/21/2013 01:38 PM

To Rules Comments/SCA/JUDICIAL@JUDICIAL,
cc
bcc
Subject Public Hearing Proposed Rule 8.36

Who	Date	Time	Subject
Connie Cohen	05/21/2013	01:38 PM	Public Hearing Proposed Rule 8.36

I previously submitted written comments in support of Rule 8.36 and am requesting the opportunity to participate in the public hearing on July 9, 2013.

Thank you.

Constance Cohen
Associate Juvenile Judge
Fifth Judicial District of Iowa
500 Mulberry
Des Moines, Iowa 50309
515-286-3037 (Voice)
515-323-5281 (Fax)

FILED
MAY 21 2013
CLERK SUPREME COURT

Susan Christensen/District4/JUDICIAL
05/21/2013 02:01 PM

To rules.comments@iowacourts.gov,
cc
bcc
Subject Proposed New Rule of Juvenile Procedure 8.36

Who	Date	Time	Subject
Susan Christensen	05/21/2013	02:01 PM	Proposed New Rule of Juvenile Proce

To Whom It May Concern:

As co-chair of the Parents Task Force, I would like to speak in favor of the standards.

It is my understanding the public meeting is to be held July 9, 2013 and the deadline to sign up for speaking is May 31 at 4:30.

Please confirm that I am signed up to speak so that I can take it off my "to do" list! Thanks so much.

Suzy

Susan Larson Christensen
District Associate Judge
4th Judicial District
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Harlan, IA 51537
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Susan.Christensen@iowacourts.gov

FILED
MAY 28 2013
CLERK SUPREME COURT

Jan Pratt
<Jan.Pratt@lsiowa.org>
05/28/2013 01:11 PM

To '"rules.comments@iowacourts.gov"' <rules.comments@iowacourts.gov>,
cc
bcc
Subject Proposed New Rule of Juvenile Procedure 8.36

Who	Date	Time	Subject
Jan Pratt	05/28/2013	01:11 PM	Proposed New Rule of Juvenile Proce

1 attachment

Proposed New Rules of Juvenile Procedure 8.36.docx

Jan Pratt, LMSW | Caseworker - Care Coordinator
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Connect with LSI:

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Proposed New Rules of Juvenile Procedure 8/36

836 (1) a: lines 7,8,9

8.36 (2): lines 20-29

Comment: I worked 33 years in the child protective arena through DHS. Throughout my tenure, it became abundantly clear that Parents were disadvantaged in the Juvenile court system due to poor representation. This proposal is critical to ensuring parents have, or are appointed, attorneys who understand what is at stake for parents and their children while progressing through the juvenile court system. It is fundamentally unjust when the representation they receive is inadequate because of a lack of knowledge, lack of training and lack of understanding.

While I would recommend higher standards, these rules are a good start. I would recommend the rules be amended to require training on what it means for the wellness of children and the family system when children have to be removed from the home, when reunification is not timely, when termination of parental rights occurs. Attorneys representing parents need to understand the long term outcomes of children and parents who are not reunified. Parents need to be able to rely on attorneys who argue the point of where the greater harm could occur (removal/tpr or reunification). Certification as a Child Welfare Specialist should be a standing requirement to practice as a parent's attorney in juvenile court.

ifapa
a resource for families
Iowa Foster & Adoptive Parents Association
Iowa Foster and Adoptive Parents Association
6864 NE 14th Street, Suite 5 Ankeny, IA 50023

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May 31, 2013

Proposed Rules on Juvenile Court Procedures 8.36

As a member of the Children's Justice Advisory Committee for several years, I have supported the efforts to improve parent representation. I served as a member of the Parent Representation Task Force.

With termination of parental rights as a real possibility, a quality attorney would assure that the parent understood the importance of each hearing and the risks involved in non-compliance. Many of the parents involved in child welfare are undereducated, have learning disabilities, and have missed much of the nurturing and support that many of us have had. A competent and dedicated attorney can overcome those deficits to help their client understand the seriousness of the case, and elicit from the parent those things that might assist them to create a safe environment for their child. The family needs to realize that this is one of the most important processes that will happen with them and their children.

As Director of IFAPA, I see how lack of quality of representation results in termination when return home might be the best for the child. In many cases, with more appropriate services, advocated for by the parent's attorney, some of the parents could safely provide for their child or children. We believe strongly that if parents are offered the quality assistance that they need, then the system has done their job and we can support the outcome of the case, even if it results in termination.

The key to quality representation is to start with a good foundation. The training requirement in the standards puts every attorney on strong footing with the basics. The ongoing training keeps them up-to-date on changes in the law and in the emerging research on best practice. Finally, the standards provide a guide to assuring that vulnerable children and families will have the best opportunity to be successful.

In order to track the requirements, the attorney could simply certify they have met the requirements when they renew their State Public Defender contract if they are contract attorneys or state public defender attorney employees. The few other attorneys that might serve a private client in juvenile court that are not under contract could simply submit their certification as part of the materials submitted on the case for which they are serving.

We strongly support the proposed rules that will lead to quality representation for parents in Juvenile Court.

Sincerely,

Lynhon Stout
Executive Director
lstout@ifapa.org

FILED
MAY 31 2013
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I am writing in opposition to proposed Juvenile Court rule 8.36. I appreciate the additional time given to make comments. At the time these were initially proposed, I had just been appointed a District Associate Court judge. My docket includes juvenile court. At the first deadline for comments, I did not feel that I could speak to the rules as I did not have much experience in juvenile court. I am a licensed foster parent, so I was a bit concerned about how these proposals may affect the children in foster care in Iowa. Since the first comment period, my initial reaction to the proposed rules has been borne out and I feel compelled to advocate against this proposal.

While I certainly understand the desire to have attorneys be able, skilled practitioners, I do not understand why the Court would desire to eliminate a large segment of the practicing bar as potential attorneys in juvenile proceedings. These rules will effectively prevent the majority of Iowa licensed attorneys from representing parents in juvenile court.

The Court does not require attorneys (or judges, for that matter) to have any particular educational experience, other than required for an Iowa law license, prior to practicing in areas of the law such as probate, litigation, criminal law, tax, civil law, dissolutions or engaging in any other legal controversy. In the area of criminal law, the client's liberty is at stake, yet the Courts do not require a certificate of educational course work or any particular experience.

Under 8.36(1), this rule only applies to parents' attorneys, not county attorneys or guardian ad litems or children's attorneys. I fail to see any significant difference between the functions of these various juvenile practitioners: each is to advocate zealously for their client. Ironically, this is already the standard required by the Iowa Rules of Professional Conduct for all Iowa attorneys, not just those in juvenile court who represent parents. So why add additional duties and burdens to specific attorneys?

In theory, an attorney could be appointed to represent a criminal defendant charged with murdering their child, but that same attorney would not be deemed "qualified" to represent the same client in a juvenile court proceeding involving the deceased child's siblings unless they had completed the five hours training. I suspect this will create anxiety and confusion in the accused parent – is the attorney qualified to represent them in the murder trial? Why can't this attorney, that they like and trust, represent them in the juvenile proceeding? Multi-attorney representation often leads to conflicting and confusing information for clients and additional consumption of time for the attorneys.

In my experience, the biggest problem facing juvenile courts is the **lack** of attorneys. This is due in part to the amount of time representation of juveniles and adults takes in juvenile court, the low rate of pay for those hours, and the minimal number of attorneys in outlaying rural areas. Adding these requirements will not solve any of these problems, and will in fact exacerbate them.

Most attorneys practicing in juvenile court are not privately retained. Instead, the parties involved in and the attorneys practicing in this area are relying upon the state to fund their

representation. Even those who are privately retained often are doing so at a reduced rate. The vast majority of attorneys appearing before me in juvenile court are doing so because they feel it is an important part of their service to the community; it is not because they are able to make a living representing juveniles or their parents in juvenile court. And while juvenile cases can certainly spawn dissolutions, adoptions, estate planning, criminal representation and other legal work, juvenile cases are not huge money generators for the attorneys practicing in this area.

If money could be made easily in juvenile court, the difficulties in finding counsel for parents and juveniles would not exist in our smaller, rural areas. In two of the more rural counties I hold juvenile court, there is a dearth of available attorneys. In plain English, if I need more than three attorneys, I have to beg, borrow and plead with out of county attorneys to drive into the area to represent parents. I would add that in the "less rural area" I cover, which has many more practicing attorneys, I still have difficulty finding attorneys who will appear for juveniles or parents in juvenile court. There are large numbers of attorneys who appear in juvenile court, but the demand for counsel outstrips the supply. The local attorneys limit the number of cases they will take, due to the low pay and the time constraints.

Within the last two months, an attorney was needed in a case to represent a parent on an appeal from a permanency order and in a termination of parental rights. This took numerous phone calls and approximately a week of time before an attorney was found who agreed to do it. That attorney who finally agreed lives a significant distance from my courthouse and does not regularly practice in my counties. I am certain if the case involved numerous appearances that this attorney would not have taken the matter either.

If these "educational and experience" requirements are imposed, I do not believe I will have enough attorneys to handle the cases. I barely have enough without these requirements. Why would *more* attorneys take the additional efforts to become qualified if they will not currently take juvenile court cases *without* these requirements?

I also have concerns that the qualification and enforcement mechanism has not been adequately developed under 8.36(3)(b) and 8.36(6). The duties of a district court administrator should not include collecting, counting and holding educational credits of juvenile court attorneys. Neither should the duties of juvenile court judges be expanded to become clearinghouses of educational statements. It appears that no one wants to be in charge of or has adequate funding to care for these educational certifications. Without an easy to administer process, keeping track of who is and who isn't able to handle juvenile court cases will become impossible.

Further, are all juvenile cases to be vetted each July 2nd to verify that all parents' attorneys have complied with the educational requirements? Are reminders to recertify sent out? If so, by whom? Each year several attorneys fail to comply with the educational requirements for their law license, despite multiple letters, emails and other communications about the deadlines. What reminders will be given to juvenile court attorneys and judges? What happens if an attorney has not complied and no one realizes it until August 1st? If the child was removed from the parental home on July 15th, with a parent represented by an attorney who is out of compliance? Must the child go back to the home? Is this an

issue that can be appealed by the parents? What about hearings that spill into July when an attorney intended to be done before they were out of compliance? Must the court start the hearing over? What about multiple day TPRS that cross this July 1 deadline – is the TPR invalid if one of the attorneys is out of compliance?

Most juvenile court cases last a significant length of time, with significant paperwork generation over that time period. These are not matters that a new attorney can step into and be up to speed in two days. Rather, they can require a significant time period to read through the hundreds of pages of documents before speaking with a client or other parties about the case. Last minute substitution of counsel will require delays in the juvenile court process so that the new attorney can be adequately prepared to proceed.

Delay is the enemy of parents who want their child back today, and it is no friend to the children in foster care either, whether the path is to reunification or to termination. Delay, not efficiency, will be the steady companion of these new rules.

These new rules will create a whole new ineffective assistance of counsel stream of caselaw and will create multiple problems for juvenile court judges at the trial court level. These new rules do not provide adequate guidance to juvenile judges as to how to handle the certification process or what the consequences of having a non-certified attorney are for the case.

There does not appear to be an exception to the education requirement. However, in those counties without certified attorneys, how does the Court propose juvenile judges have court? If parents are entitled to counsel, but there is no counsel available, what is the juvenile court to do? Is there to be a "bank" of available stand-by parent attorneys? Or perhaps the parents will not get an attorney or an opportunity to be heard about the return of their children? Or, in all likelihood, matters will be continued indefinitely until counsel can be found. These are unacceptable outcomes for a system dedicated to the rule of law, fairness and due process.

Juvenile Court has priority over most other pending legal matters, according to the guidelines, yet even without these requirements scheduling with court reporters, judges and attorneys is difficult. Adding these requirements to the mix will grind juvenile court in many places to a complete standstill, thus affecting the rights of children and their parents, potentially placing children at risk, or keeping them out of their familial home longer than they should be. These actions have very real consequences to the children the Court is trying to protect.

As I write this comment, I am not aware of any educational programs that would qualify for the full 5 hours of juvenile court education. I do know that the Public Defender's annual seminar has a juvenile track, but I do not know whether that is a full 5 hours or not. There certainly is not a juvenile law education program available through the Iowa State Bar Association, and even the County Attorney's Association does not have more than 1 hour twice a year for juvenile court training. Yet, this rule change requires 5 full hours of education, but there are not 5 full hours currently offered in the state to comply with the rule! If these courses are offered in Des Moines, as I anticipate they will be, the burden on non-Des Moines attorneys attending will be great. It will require time away from work, home

and practice. Even a half-day class may require some attorneys to travel more than 4 hours one way. With courses offered via internet, there is still a large time commitment, and while the rule aspires toward free classes, there certainly is no guarantee that the courses will be free.

In sum, the proposed rule change looks like an idea that has not really been fleshed out to live in the real world – it is an aspirational illusion.

These requirements should not be *rules* for attorneys, they should be aspirations, much like pro bono work is currently for the entire bar.

Sincerely,

Annette Boehlje

FILED
MAY 31 2013
CLERK SUPREME COURT

Comments and Request for Oral Testimony on Proposed Rule of Juvenile Procedure 8.36

Middleton Center for Children's Rights

I. Introduction and Request for Opportunity for Oral Presentation at Hearing:

The Children's Rights Clinic at Drake University Law School is part of the Middleton Center for Children's Rights. Students in the Clinic represent children as guardians ad litem and attorneys in Child in Need of Assistance (CINA) cases. Our work in the clinical program provides us with a unique window into the advocacy for children and parents in Juvenile Court. The Center supports Proposed Rule 8.36 and requests an opportunity for oral testimony at the hearing set for July 9, 2013 at 8:30am.

II. Comments:

a. Separate Prerequisites and Training Requirements are Appropriate in Child Welfare Cases because Quality Representation for Parents is Critical to the Goal of Preserving Families and Maximizing Child Well-Being.

One important way to enhance and support parent representation in Iowa is to require a baseline of training and experience for attorneys representing parents. Strong parent representation is not only important because it results in due process for parents in child welfare cases, but also because it can improve outcomes for children and families as well. Well trained, effective parent advocates are "watchdogs" who ensure that DHS provides the services and support a family needs for reunification, and their role is even more important when DHS caseloads are high and budgets are tight. *See* Martin Guggenheim, *Parental Rights in Child Welfare Cases in New York City Family Courts*, 40 Colum. J.L. & Soc. Probs. 507, 520 (2007). A Washington state study found that improved support for parent attorneys in a parent representation pilot project resulted in faster rates to permanency for children, a 50% increase in reunification, a 45% decrease in terminations, and 50% decline in children leaving foster care without a permanent home. *See* National Council of Juvenile and Family Court Judges, *Improving Parent's Representation in Dependency Cases: a Washington State Pilot Project Evaluation* (2003). Increased training was one element of the support that led to improved outcomes. *Id.* Because of these possible improved outcomes, strengthening parent representation also has the potential to save millions in state funding. Bridge and Moore, *Implementing Equal Justice for Parents in Washington: A Dual Approach*, 53 Juv. & Fam. Ct. J. 31 (2002).

Courts in several states have acted to implement these kinds of standards and/or training requirements, and calls for similar requirements are on the rise. Arkansas has implemented standards for appointment and four hours of specialized training each year for parent and child advocates via administrative order.[1] Minnesota has a statute setting basic standards for initial appointment and a judicial policy requiring yearly training.[2] North Carolina has a local rule that requires a baseline of

[1] https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/order-15-attorneys-151-qualifications-and-standards.

[2] Minn. Stat. 260c.163(3); Minnesota Judicial Branch Policy 604.

training and expertise for parent representatives.[3] Just last year, the Superior Court for Orange County, California entered an administrative order with training requirements similar to those proposed in this rule.[4] A recent study in Michigan recommended requiring initial training and continuing education for parent representatives.[5] This proposed rule is a product of a growing consensus that standards and training are an important part of enhancing parent representation.

b. Training Requirements under the Proposed Rule are Appropriate in Light of the Unique Nature of Parent Representation in Juvenile Court and Similar Training Requirements for Child Advocates.

The training requirements in the proposed rule are wise because representing parents is a complex job that requires attorneys to have specialized knowledge not only of the law, but also DHS policies and practices, social work standards, child development, and social services in the areas of substance abuse, domestic violence, and mental health issues. Critics of the proposed rule have argued that this rule paves the way for training requirements in other areas of practice, but parent representation in CINA and TPR cases places unique demands on lawyers. As one parent representation expert has explained it, a child is usually not returned solely because of a cross-examination; instead, families are reunified when a lawyer has helped identify the services the parent needs and ensured that the agency provides them. *See* Guggenheim, 40 Columb. J.L. & Soc. Probs. at 520-21.

In recognition of the unique nature of juvenile court practice, federal law already requires special training for child advocates in child welfare cases. *See* 42 U.S.C. 5106a(b)(2)(B)(xiii)(requiring that representatives of children receive training appropriate to that role, including training in child and adolescent development). Requiring training also helps level the playing field for parent advocates. DHS is represented by county attorney offices and children are often represented by institutional law offices like the Public Defender, Youth Law Center, or even the Middleton Center in Polk County. These agencies provide extensive training for their employees, while parents' attorneys are appointed from a panel with little organization for training and professional development. This proposed court rule has the potential to address this traditional disadvantage for parent representatives.

The amount of training required annually (5 hours) will be relatively easy to obtain, and only constitutes a third of the yearly CLE requirements for lawyers in Iowa.[6] Merely attending the ISBA Juvenile Law Seminar each year would satisfy the lawyer's obligation, but there will be multiple other opportunities to receive training across the state. Iowa Children's Justice is committed to providing free or low cost training, and the Middleton Center is willing to assist in this area as well. The requirements for securing potential appointments are also straightforward enough that they should not result in reduced number of attorneys willing to be placed on the appointment lists. From a judicial point of

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[3] *See* Rule 6, North Carolina Local Rules for Juvenile Court , Judicial District 15A.

[4] http://www.occourts.org/general-public/notices/juvenile/admin-order-12-008-905.pdf.

[5] http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/michigan_parent_representation_report.authcheckdam.pdf.

[6] The ABA Parent Representation Standards recommend 15 hours of special training each year for attorneys respresenting parents in Juvenile Court. *See* Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases, American Bar Association at 1 (2006).

view, it seems unlikely courts would want to appoint someone who considered these training requirements too severe. And, while it is not possible to predict how much these requirements will improve the quality of parent representation, it is hard to argue against the value of training in this area. A newly proposed federal law, the Enhancement of the Quality of Parent Legal Representation Act of 2013, notes that training and standards are essential to quality representation for parents and that too many states have no training requirements or standards.[7]

c. The Iowa Standards of Practice for Attorneys Representing Parents in Juvenile Court Provide Useful Guidance to Lawyers and are Similar to Standards for Child Advocates Adopted by the ABA and National Association of Counsel for Children.

The Iowa Standards of Practice that are referenced by the proposed rule are similar to standards already adopted for parent representation by the ABA, and as well as standards of representation for child advocates.[8] While standards for child representation are not incorporated by Juvenile Court Rule, there is already helpful guidance from state and federal law. Iowa Code Chapters 232.2(22) and 232.89 outline the obligations of the child representative in abuse and neglect proceedings, and there are also, as discussed above, training requirements for child representatives under federal law. Lastly, the standards are an especially helpful resource for new practitioners. My students referenced them this year in their clinical work, and found them helpful. They are also, however, a useful reminder for more experienced advocates and, if implemented, would enhance advocacy for parents in Iowa.

III. Conclusion:

The Middleton Center supports Proposed Juvenile Court Rule 8.36 for the above reasons and respectfully requests an opportunity for oral testimony at the hearing set for July 9, 2013 at 8:30am.

Best Regards,

/s/

Brent Pattison
Director, Middleton Center for Children's Rights
Assistant Clinical Professor of Law
Drake University Law School.

---

[7] To view the text of his bill, see http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.1096.

[8] *See supra* Note 2; http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/docs/nacc_standards_and_recommend.pdf; http://apps.americanbar.org/child/rclji/repstandwhole.pdf.

Ellen Ramsey-Kacena
<kacenalaw@yahoo.com>

05/31/2013 04:15 PM

Please respond to
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<kacenalaw@yahoo.com>

To "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,
cc
bcc
Subject Public Hearing Proposed Rule 8.36

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MAY 31 2013
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Who	Date	Time	Subject
Ellen Ramsey-Kacena	05/31/2013	04:15 PM	Public Hearing Proposed Rule 8.36

I am requesting time at the public hearing on July 9th, to speak in favor of the proposed rule 8.36 for parent representation standards. I am an attorney practicing in juvenile law in Linn, Johnson, and Jones County. I have worked with the ISBA and Children's Justice preparing seminars for juvenile attorneys. These standards are important and necessary for quality parent represenation in Iowa.

Ellen R. Ramsey-Kacena
Attorney at Law
4403 First Avenue SE, Suite 300
Cedar Rapids, IA 52402
(319) 393-4683
Fax (319) 393-4684

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June 3, 2013
May 31, 2013

RE: Proposed Rule 8.36

Dear Supreme Court:

I am writing in support of the proposed rule 8.36 initiating parent representation standards in juvenile court in Iowa. I have worked in juvenile court for the past ten years in Iowa, Linn, Johnson and Jones Counties. I support this rule because, for parents, there is no greater loss than the loss of the ability to parent their child. Many parents have told me in the course of their case that they would rather go to jail than lose their children. Termination of parental rights is the "death penalty" equivalent for a parent. This is why the proposed standards are so important.

Most attorneys who practice in this area would support parent representation standards because they know how important it is for parents to have quality representation and because they have seen what can happen to parents who are not well represented in Court. A juvenile case begins and ends with services. Quality attorneys who practice in this area know this and are well versed in the services and supports in their area. They are able to help their client navigate a difficult situation.

I am requesting an opportunity to also present oral argument in favor of the propsed rule. I have sent that request by separate email.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Ellen R. Ramsey-Kacena

ms

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CLERK SUPREME COURT

Brent M Pattison
<brent.pattison@drake.edu>
06/01/2013 12:14 PM

To "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,
cc
bcc
Subject Public Hearing Proposed Rule 8.36

Who	Date	Time	Subject
Brent M Pattison	06/01/2013	12:14 PM	Public Hearing Proposed Rule 8.36

I submitted comments regarding proposed rule 8.36 yesterday, including a request for oral presentation in the comments. I noted afterwards that the order setting the public hearing requires a separate request for oral presentation. I hope you will still consider allowing me a brief oral presentation in spite of the fact that I should have sent a separate request yesterday.

Best,

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