



# Kentucky

Score: 68

Grade: D

1. Does state law mandate that attorneys be appointed for children in dependency proceedings?

Points: 40 out of 40

“If the court determines, as a result of a temporary removal hearing, that further proceedings are required, . . . [t]he court shall appoint counsel for the child” (KRS § 620.100).

2. When an attorney is appointed for a child in dependency proceedings, does state law define the duration of the appointment?

Points: 5 out of 10

Basis for deduction: Although children have the right to appeal (“any interested party . . . including the . . . child . . . may appeal . . . as a matter of right” (KRS § 620.155)), Kentucky law does not expressly require counsel for children on appeal in dependency proceedings.

3. When an attorney is appointed for a child in dependency proceedings, does state law require the attorney to advocate for the expressed wishes of the child in a client-directed manner?

Points: 3 out of 20

Basis for deduction: Kentucky law is vague as to the role of counsel appointed to represent children in dependency proceedings. It would appear that because Kentucky law authorizes the court to “appoint a court-appointed special advocate volunteer to represent the best interests of the child” (KRS § 620.100(1)(d)), the role of the counsel might be to represent the expressed wishes of the child; however, Kentucky law does not expressly state that this is the case.

4. To what extent are specialized education and/or training requirements for the child’s counsel required by state law? Is such education and/or training required to include multidisciplinary elements?

Points: 0 out of 10

Basis for deduction: Kentucky law does not mandate training requirements for attorneys representing children in dependency proceedings.

5. Does state law expressly give the child the legal status of a party with all rights appurtenant thereto? If not, does state law expressly give the child some of the rights of a party?

Points: 10 out of 10

Children in Kentucky appear to have the status of party (“[a]ny interested party . . . including the . . . child . . . may appeal from the juvenile court to the Circuit Court as a matter of right” (KRS § 620.155)) with all rights appurtenant thereto (“[i]f the court determines that further proceedings are required, the court also shall advise the child . . . that they have . . . a right to a full adjudicatory hearing at which they may confront and cross-examine all adverse witnesses, present evidence on their own behalf and to an appeal” (KRS § 620.100(2))).

**6. Do the Rules of Professional Conduct (or the state's equivalent thereto) pertaining to liability and confidentiality apply to attorneys representing children in dependency proceedings?**

**Points: 10 out of 10**

“When a client’s ability to make adequately considered decisions in connection with the representation is impaired, whether because of [minority] age, mental disability or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client” (KY R. of Prof. Conduct 1.14).

**Extra Credit: Does state law address caseload standards for children’s counsel in dependency proceedings?**

**Points: 0 extra credit points**

Kentucky law does not address caseload standards for attorneys representing children in dependency proceedings.

**SIDEBAR NOTES:**

- ★ The Administrative Office of the Courts has been responsible for preparing attorneys to provide legal representation to abused and neglected children across Kentucky since 1999. As part of this responsibility, the Administrative Office of the Courts has created a Guardian Ad Litem Program. The goal of this program is to produce highly qualified guardians ad litem by coordinating training sessions, providing educational materials and serving as an overall resource. The current training curriculum gives attorneys an overview of Kentucky statutory and case law as well as the federal law that requires reasonable efforts to keep families together and provide children with safe and permanent homes.
- ★ In 2007, the Administrative Office of the courts published recommendations for Guardians Ad Litem. These recommendations included the standard that “a GAL should advocate the child’s best interests but advise the court when the child disagrees with the attorney’s assessment of the case.”
- ★ In 1982, the Kentucky General Assembly created a Citizen Foster Care Review Board (CFCRB). Nearly 775 volunteers, from across the state and from a variety of educational and professional backgrounds, serve as members of the Board. The goal of the board is to decrease the time young people spend in foster care. Volunteer reviewers help ensure that necessary services are provided to children in alternative placement and make every effort to locate permanent homes for these children. All CFCRB members are required to engage in multi-disciplinary training and are required to engage in six hours of continuing education training each year. These advocates have a deep compassion for children and actively work to decrease the time that children spend in foster care.