ATTORNEY FOR THE CHILD APPLICATION

1. Name (Enter name used for NYS attorney registration)

_____ _____ _____ _____
First Middle Last (Sr., Jr.)

2. Prior Name(s):

_____ _____ _____ _____
First Middle Last (Sr., Jr.)

3. Social Security Number _____

4. A - NYS Attorney Registration #: _____
(See your biennial registration statement, or go to www.nycourts.gov-"Attorney Directory")

B - Date/Department of NYS Bar Admission: Year _____ Dept. _____

C - Are you currently registered and in good standing with the NYS Office of Court Administration as required by Section 468-a of the Judiciary Law (having paid all biennial fees as required)?
Yes ____ No _____

5. Present Employment: since what date? _____ check if self-employed _____

_____
Name of Employer

_____
Street Address City/Town/Village State Zip

_____
Telephone Number Fax Number E-Mail Address

Do you serve in any public capacity such as a county attorney, public defender, assistant district attorney, municipal attorney, judge or justice of a city, town or village court or law clerk to a judge or justice, or legal services attorney, or are you employed full time by a government agency? Yes ____ No ____

If yes, please explain: _____

_____

_____

Is your availability to the Court limited? (e.g., "I am not available after 1:00 p.m." or "I am not available on Mondays and Fridays.") Yes____ No ____

If yes, please provide reason why: _____

_____

COMPLETE IF FEWER THAN FIVE YEARS IN PRESENT EMPLOYMENT:

Most recent prior employment From _____ to _____ Check if self-employed _____

_____
Name of Employer

_____
Street Address City/Town/Village State Zip

_____
Telephone Number Fax Number E-Mail Address

6. Address to which all notices should be sent (if different from current business address in no.5):

_____
Business Name (if any)

_____
Street Address City/Town/Village State Zip

_____
Telephone Number Fax Number E-Mail Address

7. County/Counties in which you are seeking panel designation (maximum of 3, must be contiguous):

_____ _____ _____

YOU MUST HAVE ACCESS TO THE INTERNET TO PROCESS VOUCHERS

____yes, I have internet access ____no, I do not have internet access

8. Foreign languages spoken fluently:

_____ _____

9. Academic degrees awarded:

Degree	Year	Institution
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. a. I have read and understand that I am required to follow Section 7.2 of the Rules of the Chief Judge and be in compliance with the Summary of Responsibilities of the Attorneys for Children that are attached and made a part of this application.

Yes ____ No ____

b. I understand that if my client is involved in an appeal, I am charged with knowledge of all information contained in the Appellate Training for AFC

presented on March 22, 2019. Videos of the training are posted on the AFC Program website.

Yes ____ No ____

c. If I do not wish to continue as AFC on appeal, I will contact the AFC Office to request substitution.

Yes ____ No ____

d. I understand that I must have billing records sufficient to justify charges on my AFC vouchers.

Yes ____ No ____

11. If accepted for AFC training, I will read and become fully familiar with the Compensation and Reimbursement Policies and Procedures, available on the AFC Program website https://www.nycourts.gov/courts/ad4/AFC/AFC-index.html

Yes ____ No ____

12. PERSONAL BACKGROUND:

Have you ever been, or are proceedings pending in which you may be,

a. Charged with or convicted of any crime other than a traffic infraction (including military proceedings)? Yes ____ No ____

b. Sanctioned or held in contempt by any court? Yes ____ No ____

c. Subject to an order of protection issued against you? Yes ____ No ____

d. Suspended, removed or asked to resign from any assigned counsel plan or attorney for the child panel?

Yes ____ No ____

e. Notified that you are a subject as a parent or person responsible for the care of a child of any indicated report to the Statewide Central Register of Child Abuse and Maltreatment?

Yes ____ No ____

f. Notified by an attorney grievance committee that you are the subject of any complaint or disciplinary proceeding or that you are the subject of any professional discipline?

Yes ____ No ____

g. Denied a professional or occupational license, or been cautioned, admonished or censured by a licensing authority, or resigned a professional or occupational license, or had an occupational or professional license revoked or suspended?

Yes ____ No ____

h. Found civilly liable in an action involving fraud, misrepresentation, theft or conversion?

Yes ____ No ____

i. Discharged in bankruptcy? Yes ____ No ____

j. Found liable for unpaid money judgments, liens or judgments of foreclosure?

Yes ____ No ____

k. Found liable for civil penalties for unpaid taxes? Yes ____ No ____

l. In default in the performance or discharge of any duty or obligation imposed by a judgment, decree, order or directive of any court or governmental agency?
Yes ____ No ____

m. Removed as a fiduciary by a court of competent jurisdiction for misconduct? Yes ____ No ____

n. In forfeiture of a bond? Yes ____ No ____

o. Found to have committed an ethical violation as a member of a judicial, executive or legislative branch of government? Yes ____ No ____

If you answered YES to any of the questions above, you must attach a separate sheet of paper and explain your answer in detail, giving all relevant dates.

13. WAIVER OF CONFIDENTIALITY

I authorize the Committee of Professional Standards of the Fourth Judicial Department, or any other judicial department or grievance committee, to share information about me as an attorney with the Office of the Attorneys for Children in the Fourth Department.

14. **PLEASE NOTE**: The same proceeding cannot be used to satisfy requirements under both paragraphs 14 and 15. **All proceedings must have been pending in July 2017 or later.**

List three proceedings as follows: one juvenile delinquency or person in need of supervision proceeding; **AND** one child abuse, child neglect or termination of parental rights proceeding; **AND** one child custody or visitation proceeding through which you have obtained experience in the representation of children by substantial participation, either as counsel of record or co-counsel (*see*, 22 NYCRR 1032.4[a][1][iii], revised July 2013). Assigned Counsel / County Attorney experience is acceptable if an AFC was assigned in the proceeding.

Name of Proceeding	County	Docket Number(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____

If you shadowed an AFC in order to obtain experience in any of the proceedings above, please indicate the name of the AFC below:

Name of Proceeding	Name of AFC shadowed
_____	_____
_____	_____
_____	_____

15. List two hearings in Family Court at which you participated as counsel or co-counsel, **OR** observed as testimony was taken (*see*, 22 NYCRR 1032.4[a][1][iii], revised July 2013). **Child support hearings do not satisfy this requirement. All hearings must be July 2017 or later.** Assigned Counsel / County Attorney experience is acceptable if an AFC was assigned in the proceeding.

Name of Proceeding	County	Docket Number(s)
_____	_____	_____
_____	_____	_____

16. Please indicate the approximate number of Family Court proceedings in which you have appeared in addition to the proceedings listed in #14 and #15. _____

17. If accepted, you will receive information and training on AFC ethics, including application of the Chief Judge's rule (attached). **Before accepting an application, however, we want applicants to have some understanding of the nature of AFC representation. Please read the rule and the following scenario carefully. The scenario is not intended to be a realistic example of AFC decision-making. It is intended to make sure applicants have read the rule.**

Dad brings a petition for modification of custody, alleging that since the prior order, which granted physical custody to Mom and liberal access to Dad, Mom has failed to supervise their 15-year-old child adequately and does not pay sufficient attention to his educational needs. Your client is an intelligent, articulate young man. He used to get "all As" but now gets Cs and an occasional D. Based on your thorough investigation, you believe Mom is so involved in her social life that she leaves your client alone many evenings. Your client apparently spends his time on the internet playing video games instead of doing his homework. You have met with and advised your client several times. He wants things to remain as they are. **Based on these facts alone, which position among those listed below is most consistent with the Chief Judge's rule:**

___ Modification is not warranted.

___ Modification is warranted.

___ Modification is warranted, but my client wants to continue to live with his mother.

18. I affirm under penalties of perjury that the information contained in this application is true and correct.

19. While this application is pending, and if this application is accepted, I understand that I am under a continuing duty to advise the Office of Attorneys for Children promptly if circumstances occur that would change my answers to question 12.

20. Please briefly describe how you found out about the opportunity to become an Attorney for Children:

_____

_____

Date: _____ Applicant Signature: _____

PLEASE PROVIDE A HARD COPY OF APPLICATION WITH ORIGINAL SIGNATURE, AND INITIALS IN TWO (2) PLACES AS INDICATED ON PAGES 6 and 7.

Mail Applications to:
New York State Supreme Court
Appellate Division, Fourth Department
Office of Attorneys for Children
M. Dolores Denman Courthouse
50 East Avenue
Rochester, New York 14604

Incomplete, unsigned, uninitialed or illegible applications will be returned

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Section 7.2 of the Rules of the Chief Judge

Section 7.2 Function of the attorney for the child.

(a) As used in this part, "attorney for the child" means a law guardian appointed by family court pursuant to section 249 of the Family Court Act, or by the supreme court or a surrogate's court in a proceeding over which the family court might have exercised jurisdiction had such action or proceeding been commenced in family court or referred thereto.

(b) The attorney for the child is subject to the ethical requirements applicable to all lawyers, including but not limited to constraints on: ex-parte communication; disclosure of client confidences and attorney work product; conflicts of interest; and becoming a witness in the litigation.

(c) In juvenile delinquency and person in need of supervision proceedings, where the child is the respondent, the attorney for the child must zealously defend the child.

(d) In other types of proceedings, where the child is the subject, the attorney for the child must zealously advocate the child's position.

(1) In ascertaining the child's position, the attorney for the child must consult with and advise the child to the extent and in a manner consistent with the child's capacities, and have a thorough knowledge of the child's circumstances.

(2) If the child is capable of knowing, voluntary and considered judgment, the attorney for the child should be directed by the wishes of the child, even if the attorney for the child believes that what the child wants is not in the child's best interests. The attorney should explain fully the options available to the child, and may recommend to the child a course of action that in the attorney's view would best promote the child's interests.

(3) When the attorney for the child is convinced either that the child lacks the capacity for knowing, voluntary and considered judgment, or that following the child's wishes is likely to result in a substantial risk of imminent, serious harm to the child, the attorney for the child would be justified in advocating a position that is contrary to the child's wishes. In these circumstances, the attorney for the child must inform the court of the child's articulated wishes if the child wants the attorney to do so, notwithstanding the attorney's position.

(effective October 17, 2007) Initial here _____

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Summary of Responsibilities of the Attorney for the Child

While the activities of the attorney for the child will vary with the circumstances of each client and proceeding, in general those activities will include, but not be limited to, the following:

(1) Commence representation of the child promptly upon being notified of the appointment;

(2) Contact, interview and provide initial services to the child at the earliest practical opportunity, and prior to the first court appearance when feasible;

(3) Consult with and advise the child regularly concerning the course of the proceeding, maintain contact with the child so as to be aware of and respond to the child's concerns and significant changes in the child's circumstances, and remain accessible to the child;

(4) Conduct a full factual investigation and become familiar with all information and documents relevant to representation of the child. To that end, the lawyer for the child shall retain and consult with all experts necessary to assist in the representation of the child;

(5) Evaluate the legal remedies and services available to the child and pursue appropriate strategies for achieving case objectives;

(6) Appear at and participate actively in proceedings pertaining to the child;

(7) Remain accessible to the child and other appropriate individuals and agencies to monitor implementation of the dispositional and permanency orders, and seek intervention of the court to assure compliance with those orders or otherwise protect the interests of the child, while those orders are in effect; and

(8) Evaluate and pursue appellate remedies available to the child, including the expedited relief provided by statute, and participate actively in any appellate litigation pertaining to the child that is initiated by another party, unless the Appellate Division grants the application of the attorney for the child for appointment of a different attorney to represent the child on appeal.

Initial here _____