

Appendix A. State by State Survey of Child Representation in Abuse/Neglect Cases

State	Abuse/Neglect Cases
Alabama	Court shall appoint attorney who will serve as GAL. Ala. Code § 26-14-11.
Alaska	Child receives GAL, who may be an attorney. Alaska Ct. Rules 90.7(b).
Arizona	Juvenile has qualified right to be represented by attorney, but in practice lawyers are usually appointed. Ariz. Rev. Stat. §8-221(A). Best interests role presumed – See <i>In re Appeal in Yavapai County Juvenile Action No. J-8545</i> , 680 P.2d 146 (Ariz. 1984).
Arkansas	The Court shall appoint “attorney ad litem” who represents bests interests as mandated by Arkansas Sup Ct. Ark. Stat. § 9-27-316(5)(f)(1).
California	Court shall appoint attorney unless court finds that child wouldn’t benefit from appointment. West’s Ann.Cal.Welf. & Inst.Code §317. In practice lawyers are appointed, directed by statute to represent child’s interests.
Colorado	Court shall appoint GAL who is required to be attorney. Col. Rev. Stat. Ann. § 19-1-111. Duties further defined by statute (CASA duties defined as well). Col. Rev. Stat. Ann. § 13-91-105.
Connecticut	Mandatory appointment of attorney, to function as GAL. C.G.S.A § 46b-129a(2); C.G.S.A. § 45a-620).
Delaware	Child receives GAL who may be attorney or CASA. 10 Del. Code § 925(17).
DC	Child receives GAL who must be attorney. DC St. § 16-2304(b)(5).
Florida	GAL may be attorney but most are CASAs. Fla. Stat. Ann. § 39.820(1).
Georgia	By statute, child receives GAL who may be attorney or CASA. Ga.

	Code. Ann. § 15-11-9(b), but U.S. district court has held that foster children have due process right to representation by counsel. <i>Kenney A. ex .rel. Winn v. Perdue</i> , 356 F. Supp. 2d 1353 (N.D. Ga. 2005)
Hawaii	Child receives GAL , and court has discretion to appoint counsel when child and GAL are not in agreement. Hi. Stat § 587-34(a).
Idaho	GAL does not have to be attorney, but in "appropriate cases" court may appoint counsel for child. Idaho Code 16-1614.
Illinois	Child receives GAL who may be attorney. 705 ILCS 405/2-17. If not attorney, GAL must be represented by attorney. 705 ILCS 405/2-17(4). In practice, most GAL's are attorneys.
Indiana	GAL or CASA appointed for child and they are not attorneys. Ind. Code. 31-34-10-3. However, GAL and CASA may be represented by attorney if court determines appointment is necessary to protect the child's interests. Ind. Code 31-17-6-5.
Iowa	Court required to appoint attorney and GAL for child. Iowa Code Ann. §232.89(2).
Kansas	Court required to appoint GAL and GAL must be attorney. Kan. Stat. Ann. § 38-1505.
Kentucky	Court required to appoint GAL and GAL must be attorney. Ky. Rev. Stat. § 620.100(1)(a).
Louisiana	Court required to appoint attorney for child. La. Stat. Ann.-Ch. C. Art. 607.

Maine	Child receives GAL, who doesn't need to be attorney. However, GAL or child can request attorney. 22 Me. Rev. Stat. Ann. § 4005.
Maryland	Court required to appoint attorney. Md. Code Cts. & Judicial Proceedings (CJC) 3-813. Role is to advocate child's wishes if child has considered judgment or, if not, to advocate best interests. See Guidelines of Advocacy for Attorneys, Maryland Rules, Title 11.
Massachusetts	Court required to appoint attorney in dependency cases. Mass. Gen. Laws. Ann. 119 § 29 and Mass. R Juv. Ct. Order 1-93.
Michigan	Court must appoint "Lawyer-GAL." M.C.L.A. § 722.630.
Minnesota	Every child in need of protection has right to GAL, and child in juvenile protection matter who is at least 10 years old has right to appointed counsel. Minn. Stat. Ann § 260C.163(5). Counsel for child may not serve as GAL. Minn. R. of Juv. Protection Pro. 25.01. GAL can request attorney for child. M.S.A. Juv. Protection Pro. 26.02.
Mississippi	Court required to appoint attorney. Miss. Code. Ann. 43-21-201.
Missouri	Court required to appoint GAL, who may be attorney. Mo. Stat. Ann. § 210.160. In 11 th Judicial Circuit, only attorneys may serve as GAL's. See Mo. Rules 11 Cir. Rule 22.4.
Montana	Court required to appoint GAL, Mont. Code Ann. 41-3-112. In addition, every child in abuse/neglect proceeding has right to counsel. Mont. Code Ann. 41-3-425.
Nebraska	Court required to appoint GAL who must be attorney Neb. Stat. 43-272(2) and (3). Child may also have separate attorney. Neb. Stat. 43-272(1).

Nevada	Court may appoint attorney for child, West's Nev. Rev. Stat. 432B.420, and is required to appoint GAL after filing of petition that child is in need of protection. West's Nev. Rev. Stat. 432.500.
New Hampshire	As preliminary matter, court must appoint GAL or CASA (CASA doesn't need to be attorney, but can be). N.H. Rev. Stat. 169-C:10(I). Attorney must be appointed if court finds reasonable cause to believe child is abused or neglected. N.H. Rev. Stat. 169-C:15.
New Jersey	Court must appoint "Law Guardian" who must be attorney. N.J.S.A. 9:6-8.21 and 23.
New Mexico	Court required to appoint GAL, and GAL must be attorney. N. Mex. Stat. Ann. 1978, § 32A-4-10.
New York	Court must appoint "law guardian." McKinney's Cons. Laws of N.Y. Art. 2, Part 4 §§ 241-49.
North Carolina	If child's GAL is not attorney, attorney must be appointed. N. Car. Gen. Stat. Ann. § 7B-601(a), N. Car. Gen. Stat. Ann. § 7B-601(a), GAL Program N. Car. Gen. Stat. Ann. § 7B-1200 et seq.
North Dakota	Court required to appoint GAL. North Dakota Century Code, § 50-25.1-08. GAL must be attorney. North Dakota Rules of Court, Rule 8.7
Ohio	GAL is mandatory and GAL may be attorney. Ohio Rev. Code. § 2151.281(h). If GAL not attorney, GAL must have graduate degree in psychology, psychiatry or social work. OH R Cuyahoga Dom Rel Rule 35.
Oklahoma	Child entitled to appointment of attorney. 10 Okla. St. Ann. § 7002-1.2(c), 10 Okla. St. Ann. § 7003-3.7(A)(1)(a).
Oregon	Court has discretion to appoint attorney for child. Ore. Rev. Stat. §§ 419B.195(1).

Pennsylvania	Court required to appoint attorney for child who acts as GAL. 42 Pa. C.S.A. § 6311(a).
Rhode Island	Mandatory appointment of GAL and/or CASA. R.I. Gen.Laws § 40-11-14. Not clear that GAL or CASA has to be attorney.
South Carolina	Court required to appoint attorney and GAL. S.C. Code 1976 § 20-7-110(1).
South Dakota	Court required to appoint attorney to represent child's best interests. S.Dak.C.L. § 26-8A-18.
Tennessee	Court required to appoint attorney who acts as GAL. Tenn. Code. Ann § 37-1-149(a).
Texas	Court required to appoint "attorney ad litem" and GAL in government-initiated abuse/neglect proceedings, but single attorney may serve in dual role. Vernon's Tex. Code Ann., Family Code §§ 107.011, 107.12, and 107.0125.
Utah	Court required to appoint "attorney GAL" to represent child's best interests. Utah Code Ann. 1953 §§ 78-3a-314(5), and 78-3a-912.
Vermont	In all juvenile proceedings, court required to appoint counsel or GAL for minor, Vt. Stat. Title 33 § 5525, but by court rule, court must appoint counsel and GAL. See Vt. R. Fam. Pro. Rule 6.

Virginia	Court required to appoint attorney for child. Va. Code Ann. § 16.1-266(a).
Washington	Discretionary appointment of GAL and GAL does not have to be attorney. Rev. Code Wash. Ann. § 13.34.100.
West Virginia	Court required to appoint counsel for child. W. Va. Code § 49-6-2(a).
Wisconsin	Court required to appoint attorney. Wis. Stat. Ann. § 48.23(1m)(b), (3m).
Wyoming	Court required to appoint attorney; attorney can also be GAL. Wyo. Stat.1977 § 14-3-211.