

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 22-08**

Establishment of Post-Commitment Juvenile Attorney Panel Members

WHEREAS, the Criminal Justice Act, D.C. Code Ann. §§ 11-2601 to 2608 provides that counsel appointed to represent respondents in juvenile proceedings who are alleged to be delinquent and who are financially unable to obtain adequate representation, “shall in every case be selected from panels of attorneys designated and approved by the courts.” D.C. Code Ann. §11-2602; and

WHEREAS, Administrative Order 09-07, issued on June 12, 2009, established a procedure for selecting attorneys to serve on Family Court Panels to represent respondents in juvenile proceedings; and

WHEREAS, youth who the Family Court has committed to the Department of Youth Rehabilitation Services (DYRS) have a right to representation under the Criminal Justice Act in DYRS proceedings and throughout the youth’s commitment to DYRS;¹ and the Family Court has determined that such representation requires a specialized practice; and

WHEREAS, Open City Advocates specializes in the legal representation of youth committed to the DYRS and are available to accept court appointments for post-commitment juvenile representation; and

WHEREAS, the Juvenile Services Program of the Public Defender Service of the District of Columbia (PDS) will handle post-commitment juvenile representation for PDS cases and is also available to handle cases if Open City Advocates or a member of the Juvenile Panel of the Criminal Justice Act Panel (CJA) have a conflict of interest; and

WHEREAS, training all members of the Court’s Juvenile Delinquency Panel in Post-Commitment Juvenile procedures in the Family Court will assist the Court in acting in the best interests of children, providing effective assistance of counsel, performing its oversight responsibility to promote the appointment of attorneys with a high level of advocacy skills and improving the administration of justice;

NOW THEREFORE, it is by the Court,

ORDERED, that, after July 5, 2022, in any delinquency case, when the Family Court enters a disposition under D.C. Code §16-2320(c)(2) (transfer of legal custody to a public agency for the care of delinquent children), the Court shall inquire in open court: a) whether the assigned trial attorney wishes to provide post-commitment representation to the respondent throughout the respondent’s commitment to the DYRS, or b) whether the assigned trial attorney or the respondent would like the Court to appoint an attorney from Open City Advocates or the CJA Juvenile Panel to represent a respondent in post-commitment matters. If either the assigned trial

¹ See *In re N.H.M.*, 224 A.3d 581 (D.C. 2020).

attorney or the respondent requests a post-commitment juvenile attorney, the Court shall appoint an attorney from either Open City Advocates or the CJA Juvenile Panel unless the respondent is represented by PDS. If the respondent has been assigned a PDS attorney, PDS will represent the respondent in all post-commitment litigation. Moreover, PDS shall receive appointments in post-commitment matters if Open City Advocates represents a respondent and has a conflict of interest under the D.C. Code of Professional Conduct. *See* Attachment A; and it is further

ORDERED that counsel appointed to represent the respondent in any pretrial delinquency case shall be assigned to represent respondent in cases in which the respondent is re-arrested; and it is further

ORDERED that by August 8, 2022, Open City Advocates will train its attorneys and CJA Juvenile Panel member attorneys to litigate post-commitment matters involving juveniles in the Family Court delinquency system; and it is further

ORDERED that by June 13, 2022, the Presiding Judge of the Family Court must provide written notice to all CJA Juvenile Panel attorneys of their eligibility to participate in the training program offered by Open City Advocates on post-commitment litigation. CJA Juvenile Panel member attorneys shall have until July 15, 2022 to notify the Presiding Judge of the Family Court by email of their interest in participating in such training. The Presiding Judge of the Family Court will also provide a list of all CJA Juvenile Panel members who express interest in such training to the Chief Judge whenever training is offered by Open City Advocates to its attorneys and CJA Juvenile Panel member attorneys for handling post-commitment juvenile cases; and it is further

ORDERED, that when the court makes appointments under this Order, the post-commitment juvenile attorney shall represent the respondent in Community Status Review Hearings, Team Decision Making Meetings, and other administrative proceedings before DYRS, as well as in hearings before the Family Court involving the respondent's underlying commitment in the assigned case; and it is further

ORDERED, that Open City Advocates' post-commitment juvenile attorneys or CJA Juvenile Panel members shall be compensated pursuant to the CJA Plan with a billing maximum of \$2,000 per year per case (under the current CJA hourly rate). However, because PDS receives federal appropriations, PDS shall not receive compensation from the Superior Court of the District of Columbia for representing juveniles post-commitment or otherwise.

SO ORDERED.

BY THE COURT

June 8, 2022



**Anita M. Josey-Herring
Chief Judge**

Copies to:

Judges

Senior Judges

Magistrate Judges

Executive Officer

Clerk of the Court

Family Court Director

Daily Washington Law Reporter

Library

Department of Youth Rehabilitation Services

Public Defender Service

District of Columbia Bar

Attachment A

**Superior Court of the District of Columbia
Family Court – Juvenile Branch**

IN THE MATTER OF

XXXX,

Respondent

:
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XXX DEL XXX

Judge XXX

ORDER APPOINTING POST-COMMITMENT JUVENILE ATTORNEY

Upon commitment of the Respondent, _____, to the Department of Youth Rehabilitation Services (DYRS) and upon due consideration of the interests of all parties, it is hereby

ORDERED that _____ is appointed as Post-Commitment Juvenile Attorney for _____ concerning _____’s commitment to DYRS;² it is

FURTHER ORDERED that the Post-Commitment Juvenile Attorney shall attend, participate in, and provide reports in connection with any D.C. Superior Court proceeding related to _____’s commitment to DYRS; it is

FURTHER ORDERED that the Post-Commitment Juvenile Attorney shall represent _____ in any proceeding relating to _____’s commitment to DYRS, including but not limited to, Community Status Review Hearings, Team Decision

² Respondent’s trial attorney maintains appointment for any re-arrest matters under the CJA appointment rules.

Making Meetings, and other administrative proceedings before DYRS, as well as hearings held by the Family Court related to _____'s commitment to DYRS;³ it is

FURTHER ORDERED that the Post-Commitment Juvenile Attorney is authorized to review both the court jacket and social records pertaining to this case; review and copy _____'s social, educational, medical, and DYRS records, including any psychiatric and psychological evaluations, in addition to any other relevant evaluations or records necessary to the performance of the Post-Commitment Juvenile Attorney's duties, subject to the provisions of the D.C. Code §§ 16-2331, 16-2332, and 16-2336 (1989 Repl.); it is

FURTHER ORDERED that the Post-Commitment Juvenile Attorney is authorized to release copies of this Order to obtain _____'s records; or to release _____'s records, as necessary, for the execution of the duties outlined herein, and it is

FURTHER ORDERED that the Post-Commitment Juvenile Attorney shall be compensated pursuant to Administrative Order 22-08; and it is

FURTHER ORDERED that all requests for expert services must be pre-approved by this Court in advance of procuring the service, if compensation for such services are to be paid by the D.C. Superior Court; it is

FURTHER ORDERED that the Post-Commitment Juvenile Attorney's appointment in a juvenile's individual post-commitment case shall automatically terminate upon the issuance of any Court order terminating _____'s commitment to DYRS or upon a decision by DYRS to terminate _____'s unrestrictive commitment; it is

³ These could include Article VI hearings under the Interstate Compact on the Placement of Children (D.C. § 4-1422), reviews of commitment, and hearings to review a dispositional order pursuant to D.C. Code § 16-2323(h).

FURTHER ORDERED that, unless otherwise terminated under the above conditions, this order will automatically terminate upon the expiration of _____'s commitment to DYRS in the underlying case for which defense counsel is appointed to as noted on _____'s Commitment Order.

SO ORDERED.

Date: _____

Judge XXX
Signed in Chambers

Copies via E-service to:

Assistant Attorney General:
Respondent's Trial Attorney:
Post-Commitment Juvenile Attorney:
CSS Probation Officer:
DYRS General Counsel:
CCAN Office:
Respondent: