

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 22-09**

Establishment of Post-Commitment Juvenile Attorney Panel Members

(Supersedes Administrative Order 22-08)

WHEREAS, the Criminal Justice Act (CJA), D.C. Code Ann. §§ 11-2601-2608 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 (OCA) 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 assigned to OCA if OCA has 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 in promoting the best interests of children, providing effective assistance of counsel, upholding the Court’s oversight responsibility to promote the appointment of attorneys with a high level of advocacy skills and improve the administration of justice;

NOW THEREFORE, it is by the Court,

ORDERED, that, after PDS has trained the CJA Juvenile Post-Commitment Panel, PDS’ Juvenile Services Program attorneys, OCA, and members of the CJA Juvenile Post-Commitment Panel will be eligible to receive appointments to represent juveniles in post-commitment delinquency cases. When the Family Court enters a disposition committing a respondent 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 appoint an attorney from OCA or the CJA

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

Juvenile Post-Commitment Panel, **unless** the respondent is represented by PDS. PDS will represent all respondents in post-commitment litigation where PDS has previously represented the respondent or is currently representing the respondent, **except** if there is a conflict of interest. PDS shall be appointed to post-commitment delinquency cases assigned to OCA if OCA 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 a respondent in the pretrial phase of a delinquency case shall be assigned to represent them in future delinquency cases in the Family Court; and it is further

ORDERED, that by November 18, 2022, PDS will train CJA Juvenile Post-Commitment Panel attorneys to litigate post-commitment matters involving juveniles in the Family Court delinquency system; and it is further

ORDERED, that by September 12, 2022, the Presiding Judge of the Family Court must provide written notice to all CJA Juvenile Panel attorneys of their eligibility to participate in post-commitment training offered by PDS. CJA Juvenile Panel members shall have until September 26, 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 PDS or OCA.; and it is further

ORDERED, that a list of attorneys eligible to receive appointments to handle post-commitment delinquency matters will be published in a separate Administrative Order issued by the Chief Judge and the panel will be reviewed on the same schedule as other Family Court Panels approved by the Superior Court of the District of Columbia; and it is further

ORDERED, that attorneys appointed under this Order 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 delinquency case; and it is further

ORDERED, that OCA's post-commitment juvenile attorneys or CJA Juvenile Post-Commitment 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; and it is further

ORDERED, that this Administrative Order supersedes Administrative Order 22-08: Establishment of Post-Commitment Juvenile Attorney Panel Members.

SO ORDERED.

BY THE COURT

June 24, 2022



Anita M. Josey-Herring
Chief Judge

Copies to:

Judges
Senior Judges
Magistrate Judges
Executive Office
Clerk of the Court
Family Court Director
Daily Washington Law Reporter
Library
Department of Youth Rehabilitation Services
Public Defender Service
District of Columbia Bar
Open City Advocates
CJA Juvenile Panel

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

³These 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: