

Rule 11. Appointment and Withdrawal of Counsel

(a) Right to counsel. Individuals who come or are brought before the Mental Health and Mental Retardation Branch of the Family Court have a right to be represented by retained or appointed counsel during any proceeding pursuant to D.C. Code §§ 7-1303.04, 1303.06, 1303.08, 1303.09, 1303.10, 1304.11, and 1306.05 (2003 Supp.), and in any other mental retardation proceeding as provided by D.C. Code § 7-1304.02 (2003 Supp.) or as otherwise provided by law. Individuals who come before the Court for voluntary admission to a facility are entitled to Court-appointed counsel only if admission is questioned on grounds of voluntariness or competence of the individual.

(b) Appointment of counsel by the Court. The Court shall appoint counsel pursuant to D.C. Code § 7-1304.02 (2003 Supp.) for any individual who is unable to afford counsel and has a right to counsel as provided by law. Such appointment shall be made promptly after a mental retardation proceeding is initiated. Appointed counsel shall be paid in accordance with Criminal Justice Act criteria established by the Court.

(c) Withdrawal and substitution of counsel. An attorney shall be permitted to withdraw from representation only upon the filing of a motion and proposed order for withdrawal with the Family Court Central Intake Center. Counsel may, in a motion to withdraw, propose substitute counsel, provided that the motion is accompanied by a certification signed by the proposed substitute counsel agreeing to assume the case. If counsel does not propose substitute counsel, or if such proposal is not accepted by the Court, the Court shall select and appoint substitute counsel. Upon withdrawal and substitution of counsel, the Mental Health and Mental Retardation Branch shall send notice to all parties and shall provide the substitute counsel with a copy of the order of appointment.