

Juvenile Court Standing Order 1-18

Notification Requirements and Counsel Appointment Procedures for Permanency Hearings Held Pursuant to G.L. c. 119, § 29B and Trial Court Rule VI, Uniform Permanency Hearings

1. **Purpose.** The purpose of this Standing Order is to establish procedures for notification to parties and attorneys and for appointment of counsel for permanency hearings held pursuant to G.L. c. 119, § 29B and Trial Court Rule VI.
2. **Applicability.** This Standing Order is applicable to all Divisions of the Juvenile Court and to all matters where a permanency hearing is required pursuant to G.L. c. 119, § 29B.
3. **Scheduled Hearing List.** (a). No less than ninety (90) days prior to the required scheduled hearing date in accordance with G.L. c. 119, § 29B and Rule 3 of Trial Court Rule VI, the clerk's office of the court wherein the hearing is to be convened shall send a list of cases scheduled for permanency hearings to the Department of Children and Families ('Department'). (b). The Department shall, within thirty (30) days of receipt of the list, advise the court in writing of the name of any child or young adult on the list who is no longer in the care or custody of the Department and therefore no longer requires a permanency hearing. In addition, the Department shall advise the court in writing whether the parents' rights to consent or receive notice of any petition for adoption, custody, guardianship or other disposition have been dispensed with pursuant to G.L. c. 119, § 26 or G.L. c. 210, § 3, whether the parents have signed voluntary surrenders under G.L. c. 119, § 23(a) or G.L. c. 210, § 2 or whether the young adult or the Department terminated the agreement to continue responsibility for the young adult under G.L. c. 119, § 23(f).
4. **Notice.** No less than forty-five (45) days prior to the hearing date, the clerk's office shall send notice of the hearing to the Department, to the petitioner, if different from the Department, to the child or young adult's attorney, and unless the parents' rights to consent or receive notice of any petition for adoption, custody, guardianship or other disposition of the child have been dispensed with, or the parents have signed voluntary surrenders or the subject of the hearing is a young adult, to the parents, by mailing to their last known addresses, or if the parents are represented by counsel, to their attorney(s) of record. Such notice shall inform the parties of the date, time, and location of the hearing, of their right to counsel pursuant to G.L. c. 119, § 29, and of the right to file objections pursuant to Rule 6. If a case is scheduled for permanency hearing and the child or young adult is no longer in the care or custody of the Department, the Department shall notify the court and all parties, or if the parties are represented by counsel, the attorneys of record, and the court will take the case off the hearing list. The time for notice provided in this paragraph shall not apply if the court has determined that reasonable efforts to reunify the family are not required pursuant to G.L. c. 119, § 29C.
5. **Appointment of Counsel.** (a). All parties have the right to counsel. If a party was represented by counsel at the trial, that counsel shall continue to represent the party until the court permits him/her to withdraw his/her appearance or until an appearance is filed by successor counsel. If trial counsel wishes to withdraw his/her appearance, and if the party has been determined to be indigent, a motion for withdrawal requesting appointment of successor counsel shall be filed. Any motion under this paragraph shall be scheduled for hearing no later than seven (7) days after filing. Counsel wishing to withdraw shall ensure that the motion to withdraw and appoint successor counsel is scheduled for hearing no less than thirty (30) days prior to the date of the

scheduled permanency hearing. A permanency hearing shall not be taken off a court calendar to accommodate a motion to withdraw.

(b). If the attorney of record is no longer available to represent the child or young adult, the court shall remove the attorney and appoint successor counsel. The clerk's office shall send notice of the permanency hearing as set forth in section 4 of this Standing Order to the newly appointed counsel.

(c). If the attorney of record is no longer available to represent a parent and if the parent is indigent and their rights have not been dispensed with or the parent has not signed a voluntary surrender, the court shall remove the attorney and appoint successor counsel. The clerk's office shall send notice of the permanency hearing as set forth in section 4 of this Standing Order to the newly appointed counsel.

6. Effective Date. This Standing Order is effective on March 1, 2018.

Amy L. Nechtem
Chief Justice of the Juvenile Court

Date: _____