

STANDARDS FOR THE QUALIFICATION OF ATTORNEYS APPOINTED PURSUANT TO VIRGINIA CODE § 16.1-266 TO REPRESENT PARENTS AND GUARDIANS IN CHILD DEPENDENCY CASES

Adopted October 21, 2025¹

Introduction

These standards apply to the qualification of attorneys appointed to represent a parent or guardian of a child who is the subject of a child dependency case as specified in Virginia Code § 16.1-266.1, including cases in the juvenile and domestic relations district courts and circuit courts on appeal, in which the child is alleged to have been abused or neglected; alleged to be at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in his care; the subject of a petition for approval of an entrustment agreement; the subject of a petition for relief of custody; placed in foster care and is the subject of a foster care or permanency plan; and the subject of a petition for termination of residual parental rights. These standards augment the standards for the performance of attorneys appointed pursuant to Virginia Code § 16.1-266 to represent parents and guardians in child dependency cases.

The Standards

The Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, sets forth the following standards for the qualification of attorneys appointed pursuant to Virginia Code § 16.1-266 to represent parents and guardians in child dependency cases.²

I. Waiver of Initial Qualification Requirements

The requirements for attorneys to qualify for appointment pursuant to Virginia Code § 16.1-266 to represent parents and guardians in child dependency cases, as set forth in Standard II, will be waived for an attorney who is an active member in good standing of the Virginia State Bar if:

- A. The attorney is duly certified as a guardian ad litem as of July 1, 2026; or
- B. The attorney certifies in writing to the Office of the Executive Secretary, Supreme Court of Virginia, that the attorney has, on or before July 1, 2026, served as a guardian ad litem for a child or as an attorney for a parent or guardian in at least

¹ The STANDARDS FOR THE QUALIFICATION OF ATTORNEYS APPOINTED PURSUANT TO VIRGINIA CODE § 16.1-266 TO REPRESENT PARENTS AND GUARDIANS IN CHILD DEPENDENCY CASES are effective July 1, 2026.

² Adopted by the Judicial Council of Virginia in accordance with [2024 Va. Act c. 428](#).

20 child dependency cases from initiation of a petition to the disposition of that petition.

II. Initial Qualification Requirements

In accordance with the provisions of § 16.1-266.1, to qualify for appointment pursuant to Virginia Code §16.1-266 to represent parents and guardians in child dependency cases, an attorney shall:

- A. Be an active member in good standing of the Virginia State Bar.
- B. If not waived as set forth in Standard I hereinabove, within the two-year period immediately prior to the date requesting initial qualification to be appointed to represent parents and guardians in child dependency cases, comply with the following provisions:
 1. Complete the seven-hour MCLE approved continuing legal education program for representation of parents and guardians in child dependency cases, which includes training on the roles, responsibilities, and duties of parent and guardian representation, as well as other applicable topics.
 - a. The applicant attorney completing this program must attend the live course or a video replay of the live course, as offered by Virginia C L E.
 - b. Certification of attendance at this course shall be submitted to the Office of the Executive Secretary, Supreme Court of Virginia, on the required form in accordance with Standard II.B.3.d herein.
 2. Demonstrate familiarity with the court system, and a general background and proficiency in child dependency law, by completion of one of the following:
 - a. Participation as an attorney, or as a third-year law student under Part 6, § IV, Para. 15 of the Rules of the Supreme Court of Virginia, in four cases in the juvenile and domestic relations district court involving children and their parents or guardians, excluding traffic cases; or
 - b. Provision of assistance to an attorney qualified for appointment to represent a parent or guardian, who is an active member in good standing of the Virginia State Bar, in two child dependency cases from petition to disposition in juvenile and domestic relations district court.

COMMENT:

Standard II B.2.a

The requirement to “participate” in four cases either as an attorney or qualified third-year law student may be met by serving either as lead counsel or co-counsel.

Standard II B.2.b

The requirement to “assist” one qualified attorney for a parent or guardian in two child dependency cases may be met by the applicant attorney associating with the qualified parent’s or guardian’s attorney who serves as a mentor for those two cases from the initiation of a petition to the disposition of that petition. The purpose of this association is to afford the applicant the opportunity to learn from the qualified parent’s or guardian’s attorney how to effectively handle these cases. In addition, such an association provides the mentor attorney an opportunity to effectively measure the applicant’s progress in handling these cases.

1. File with the Office of the Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Richmond, Virginia, 23219, a letter which:
 - a. Requests qualification to be appointed to represent parents and guardians in child dependency cases.
 - b. States the judicial districts in which the attorney wishes to accept appointments to represent parents and guardians in child dependency cases.
 - c. Includes the applicant’s written certification of compliance with paragraph B.2.a. or B.2.b. Case information which identifies the parties is not required nor to be provided.
 - d. If not previously submitted, includes the required form certifying attendance at the MCLE continuing legal education program specified in Standard II.B.1.

Upon successful completion of the requirements outlined in Standard II, the Office of the Executive Secretary, Supreme Court of Virginia, will provide the applicant attorney a date of qualification for purposes of completing the biennial continuing education requirements outlined in Standard III.

The names of applicants who meet these requirements will be included on a list of attorneys qualified for appointment to represent parents and guardians in child dependency cases published online by the Office of the Executive Secretary, Supreme Court of Virginia and distributed electronically to the juvenile and domestic relations district courts of the Commonwealth.

III. Continuing Education Requirements

To maintain qualification for appointment to represent parents and guardians in a child dependency case, an attorney shall fulfill the following requirements:

- A. Complete six hours of approved continuing education, biennially, on any topic related to the representation of parents and guardians in child dependency cases. Continuing education credit for repeating the initial qualifying program, will be approved once within a six-year period. A maximum of six hours will be approved within a six-year period for programs designed especially for attorneys specializing in adoption.
- B. To receive credit for completing the biennial continuing education requirement, submit to the Office of the Executive Secretary, Supreme Court of Virginia, the required Certificate of Attendance form certifying attendance at the required program hours.

COMMENT:

Standard III.A

The continuing education requirement of six hours every two years may be successfully fulfilled by attendance at a qualified MCLE approved program or any other non-MCLE approved program which assists an attorney in better representing parents and guardians, including interdisciplinary programs with other professions that also focus on serving parents, guardians and families. Examples of such programs include: programs on the effects of family separation; programs on substance use disorder and its effect on reunification of the family; and programs on the availability of community and government resources, such as social services, financial and housing assistance.

IV. Removal from the List of Attorneys Qualified for Appointment to Represent Parents and Guardians:

- A. An attorney will be removed from the list of attorneys qualified for appointment to represent parents and guardians in child dependency cases under the following circumstances:
 - 1. Receipt of a written request from the attorney that the attorney's name be removed from the list of qualified attorneys.
 - 2. Failure to complete the biennial continuing education requirements outlined in Standard III above.
 - 3. Suspension or revocation by the Virginia State Bar of the attorney's license to practice law in the Commonwealth. Removal under this circumstance will occur upon the Executive Secretary receiving notice of such license suspension or revocation. If an attorney's name is removed from the list of qualified attorneys because of a license suspension and the attorney would like to again accept

appointments, the attorney must contact the Office of the Executive Secretary at the end of the license suspension term, request reinstatement in writing, and complete the continuing education required by Standard III.B.

- B. An attorney removed from the list of qualified attorneys pursuant to Standard IV.A.1, Standard IV.A.2 or Standard IV.A.3, as it relates to a license suspension, must submit a written request to be included on the list, as well as the following, to the Office of the Executive Secretary to again be included on the list of attorneys eligible for appointment to represent parents and guardians in child dependency cases in the Commonwealth:
 - 1. Within five years of being removed from the list, certification of attendance indicating the attorney completed the required six hours of approved continuing education and that such continuing education was completed within the past two years.
 - 2. If more than five years pass since removal from the list, the attorney shall complete the initial qualification process as outlined in Standard II above.

Upon successful completion of the requirements of Standard IV.B.1, the Office of the Executive Secretary, Supreme Court of Virginia, will provide the attorney a date of qualification for purposes of completing the biennial continuing education requirements outlined in Standard III.

V. Extensions of Time

The Office of the Executive Secretary may grant extensions to the time periods within which an attorney must complete the requirements to become qualified or to maintain qualification for appointment during a period of declared judicial emergency upon a reasonable request by the attorney.

VI. Approval of Continuing Education Programs for Attorneys Qualified for Appointment to Represent Parents and Guardians in Child Dependency Cases:

- A. The Office of the Executive Secretary, Supreme Court of Virginia, approves programs for continuing education credit for attorneys qualified for appointment to represent parents and guardians in child dependency cases. Programs may be submitted by a sponsoring group/organization (“program sponsor”) or by a member of the Virginia State Bar. Programs submitted to the Office of the Executive Secretary may or may not carry MCLE credit, which is provided by the Virginia State Bar.

To request approval of continuing education credit of a program for attorneys qualified for appointment to represent parents and guardians in child dependency cases, submit to the Office of the Executive Secretary,

Supreme Court of Virginia, 100 N. 9th Street, 3rd floor, Richmond, Virginia 23219, or to galdrisadmin@vacourts.gov the following information:

1. Name of the sponsoring group/organization.
 2. Program date(s) and locations(s).
 3. Detailed program agenda with session times clearly identified.
 4. Identification of the program session(s) for which such credit is being sought.
 5. Presenter biographies.
 6. Substantive written materials.
- B. Program sponsors should submit the information referenced in Standard V. A at least ten business days prior to the first scheduled presentation. Programs approved for continuing education credit will receive a Certification of Attendance form for the dates and locations identified. Copies of this Certification of Attendance should be made available to program participants at the time the program is held.

Continuing education program approval is valid for one year from the date of approval. However, if a previously approved program is to be held on a date different from the date(s) identified in the initial request for continuing education approval, the program sponsor shall notify the Office of the Executive Secretary, Supreme Court of Virginia, of the additional program date(s) and provide a copy of any substantive change in program materials.

- C. Members of the Virginia State Bar who wish to request credit approval for an upcoming program that the attorney is planning to attend, should submit the information referenced in Standard V. A at least ten business days prior to the scheduled presentation, or as soon as possible after the program has been presented. Programs approved for continuing education credit will receive a Certification of Attendance form to be completed by the attorney requesting program approval.

Amendments adopted April 28, 2026; effective July 1, 2026