



TITLE	POLICY NUMBER	
Adoption Attorney Resource List	DCS 18-01	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Foster Care and Post Permanency Supports	March 11, 2020	1

I. POLICY STATEMENT

The Department of Child Safety (DCS) believes that every child has a right to a permanent family. As a service to families seeking legal representation in adoption proceedings, DCS shall provide a list of attorneys who are willing to assist and be compensated directly by DCS for their services. DCS offers this Adoption Attorney Resource List as a courtesy and cannot provide advice, opinions, or recommendations about any legal matters. This list is not privileged or confidential and is available to the public.

This policy is not intended to regulate attorneys or supersede existing State Bar of Arizona Rules of Professional Conduct. DCS assumes no responsibility for the quality of the professional services provided by the attorneys on the list.

II. APPLICABILITY

This policy governs the management of a list of attorneys who will be compensated directly by DCS at the standard compensation rate per adoption petition. Any exceptions to the standard compensation rate shall be determined by the Subsidy Program Manager.

III. AUTHORITY

[A.R.S. § 8-453](#)

Powers and duties

[Rule 74, Arizona Rules of the Supreme Court](#)

Certificates of Good Standing

IV. DEFINITIONS

Certificate of Good Standing: A document issued by the Arizona Supreme Court Certification and Licensing Division that includes any prior public discipline imposed, or transfer to or from disability inactive status, in the preceding 10 years. The certificate shall also include any public disciplinary proceedings that may be pending.

Department or DCS: The Arizona Department of Child Safety.

Disciplinary sanctions: Consequences for attorney misconduct that include disbarment, suspension, reprimand, admonition, and probation.

V. POLICY

A. Management and Use of the Adoption Attorney Resource List

1. The DCS Subsidy Program Manager is responsible for managing the list of adoption attorneys. This list shall be available to the public on the DCS website.
2. The Department shall furnish the list to families without offering an opinion on the quality, experience, or other descriptions of the listed attorneys.
3. The list shall be organized in a way that does not bestow preference to any individual attorney.
4. Placement of attorneys on the list is at the sole discretion of DCS. The Department shall make every effort to manage the list fairly and impartially.

B. Minimum Qualifications for Inclusion on the Adoption Attorney Resource List

1. Attorneys shall have at least three years of practice experience in adoption.
2. Attorneys shall be members in good standing as determined by the Arizona Supreme Court, with no disciplinary action for the past three years, and maintain that status in order to remain on the list.

C. Attorney Expectations*

1. It is expected that attorneys on the Adoption Attorney Resource List shall:

- a. fully comply with all laws and rules regulating the practice of law - including licensing rules and laws, ethical rules, and State Bar of Arizona Rules of Professional Conduct;
- b. notify the DCS Subsidy Program Manager immediately of any change in status with any agency for which the attorney has a contract to provide legal services (including an indigent defense services contract), or any adverse action taken by said agency, within three working days of such action occurring;
- c. maintain the highest standards of professional and ethical conduct;
- d. assure that clients are aware of their legal rights and obligations and that all parties are aware of their right to separate legal counsel;
- e. not simultaneously represent multiple parties with potentially conflicting or competing interests;
- f. actively discourage fraud or misrepresentation, shall not engage in such conduct, and shall take all reasonable measures, consistent with the confidentiality of the attorney/client relationship, to prevent fraud or misrepresentation;
- g. assure that parties to an adoption are aware of laws as to financial assistance to birth parents in an adoption; not assist or cooperate in any adoption matter in which there is reason to believe that the birth parent, parents, or parties are being paid or given anything of value contrary to law;
- h. ensure that the subsidy agreement is signed prior to the adoption.

* Several items in this list have been adapted from the Code of Ethics for the American Academy of Adoption and Assisted Reproduction Attorneys.

VI. PROCEDURES

A. Requesting Inclusion on the Adoption Attorney Resource List

1. To attain inclusion on the Adoption Attorney Resource List, attorneys shall submit a Certificate of Good Standing, issued by the Disciplinary

Clerk of the Arizona Supreme Court, to the Subsidy Program Manager. Certificates of Good Standing shall be maintained in a file by the Subsidy Program Manager.

- a. If the Certificate of Good Standing indicates that the attorney has had public disciplinary proceedings as of the date of the Certificate of Good Standing, the Subsidy Program Manager shall:
 - i. review the nature and type of disciplinary sanctions (e.g., suspension, reprimand, probation);
 - ii. determine if the punishment imposed for the disciplinary sanctions disqualifies an attorney from inclusion on the list.
- b. If the Certificate of Good Standing indicates that there are current disciplinary proceedings pending, the request for inclusion on the list shall be held in abeyance until a disposition is reached, at which time the Subsidy Program Manager shall determine if the punishment imposed for the disciplinary sanctions disqualifies the attorney from inclusion on the list.

2. Attorneys who seek inclusion on the Adoption Attorney Resource List shall be provided a copy of this policy and shall signify their full understanding and agreement with its provisions.

B. Distribution and Organization of Adoption Attorney Resource List

1. The list shall be made available to families by all DCS Specialists.
2. A list shall be created and available for each county of the state.
3. The list shall be organized alphabetically.

C. Removal from Adoption Attorney Resource List

1. DCS shall immediately delete from the list any attorneys who notify the Department of their desire to remove themselves from the list.
2. If an attorney reports an adverse action taken by an agency for which the attorney has a contract to provide legal services (including an indigent defense services contract), DCS may use this information as a factor in determining ongoing qualifications for retention on the Adoption Attorney Resource List.

3. DCS shall immediately delete from the list any attorneys who are unable to practice law as a result of disciplinary sanctions.

D. Reinstatement to Adoption Attorney Resource List

1. Attorneys who have received disciplinary sanctions may write, via letter or email, to the Subsidy Program Manager to request reinstatement to the list. This request shall only be considered if the attorney has not incurred any disciplinary action in the three years immediately prior to the date of the request. The request shall include:
 - a. a description of the conduct for which the attorney received a sanction;
 - b. an explanation of why the attorney believes they should be reinstated on the list, including actions taken to rectify the reason for the disciplinary sanction;
 - c. an affirmation that the attorney is now fully authorized to resume the practice of law.
2. The Adoption Subsidy Manager shall consult with Foster Care and Post Permanency Support management to determine if reinstatement on the list shall occur. If reinstatement is denied, the attorney will be notified in writing of the Department's decision.

VII. FORMS INDEX

N/A