

## Frequently Asked Questions

### For Attorneys Who Would Like to Become an Attorney for Children (AFC)

How do I become an AFC?

To become an AFC:

1. You must be a member in good standing of the Bar of the State of New York and in any other jurisdiction in which you are admitted to the practice of law.
2. You must complete the AFC Program's Introductory Training. Introductory training is typically offered annually in April and October.
3. Within the past four years, you must have or obtain experience in the representation of children by substantial participation, either as counsel of record or as co-counsel, in:
  - A. A juvenile delinquency or person in need of supervision proceeding; and
  - B. A child abuse, child neglect, or termination of parental rights proceeding; and
  - C. A custody or visitation proceeding; and
  - D. Participated as counsel or co-counsel in, or observed, two hearings in Family Court at which testimony is taken. Child support hearings cannot be used to satisfy this requirement.
4. You may not be employed full-time by any governmental agency without the express written permission of the employer, Family Court, and the Attorneys for Children Program.

See 22 NYCRR 1032.4 (a) for additional information.

If I don't have experience representing children in Family Court, can I be connected with an AFC to shadow?

Yes, please contact AFC Program Deputy Director Jennifer McLaren [jlmclare@nycourts.gov](mailto:jlmclare@nycourts.gov) or (585)530-3176 to be connected with an AFC to shadow.

Where can I find more information about becoming an AFC?

Please visit the Become an AFC page on our website:  
<https://ad4.nycourts.gov/afc/prospective>

If you would like to receive the application to attend the next introductory webinar, please contact Jennifer Kohler [jkohler@nycourts.gov](mailto:jkohler@nycourts.gov)

Any additional questions regarding becoming an AFC may be addressed to AFC Program Deputy Director Jennifer McLaren [jlmclare@nycourts.gov](mailto:jlmclare@nycourts.gov) or (585)530-3176.

## **For Current AFC**

What are the requirements to remain on the AFC panel?

To remain on the panel an AFC must:

1. Submit an annual Redesignation Application by January 2 each year and be found qualified for redesignation.
2. Complete the biennial continuing education and training requirement by:
  - A. Attending a minimum of 5.5 hours of AFC Program webinars; or
  - B. Watching at least 5.5 hours of CLE videos on the AFC Program link to the Appellate Division, Fourth Department website; or
  - C. Attending/viewing a combination of webinars and videos totaling a minimum of 5.5 hours; or
  - D. Attending an in-person AFC Program seminar.
3. Accept one assignment every two years, at a minimum.

See 22 NYCRR 1032.4 (c) and 1032.5 for further information.

How do I know when my training will expire?

Your training expires on March 31 of the year that appears after your name on the AFC panel list posted on our website: <https://ad4.nycourts.gov/afc/panels>

How am I reimbursed for my work as an AFC?

AFC are reimbursed for their work through submission of an online voucher, completed through the Attorneys for Children Internet Voucher System (AFCIV). To register for AFCIV, please contact Amy Hugyecz [ahugyecz@nycourts.gov](mailto:ahugyecz@nycourts.gov).

Is there a FAQs document pertaining to AFC vouchers?

Yes, AFCIV Frequently Asked Questions can be found on our website: [https://www.nycourts.gov/courts/ad4/AFC/Quick\\_Answer\\_Guide\\_for\\_AFCIV.pdf](https://www.nycourts.gov/courts/ad4/AFC/Quick_Answer_Guide_for_AFCIV.pdf)

How can I be added to the Part 36 (private pay) list?

To be on the private pay AFC list, you must:

1. Be designated to the state pay AFC panel in the same county;
2. Complete the Part 36 application through the Office of Guardian & Fiduciary Services:  
<https://www.nycourts.gov/ip/gfs/LandingApplications.shtml>; and
3. View the Part 36 training video available on the AFC Program website:  
<https://ad4.nycourts.gov/afc/cle/courses?topic=PART%2036>

Am I able to add an additional county panel?

Yes, you can add an additional county panel if it is contiguous to a panel to which you have already been designated. Complete the application:  
[https://www.nycourts.gov/courts/ad4/AFC/Forms/AFC-forms/Application for Additional Panel.pdf](https://www.nycourts.gov/courts/ad4/AFC/Forms/AFC-forms/Application%20for%20Additional%20Panel.pdf) and affirmation:  
[https://www.nycourts.gov/courts/ad4/AFC/Forms/AFC-forms/Affirmation for Additional Panel.pdf](https://www.nycourts.gov/courts/ad4/AFC/Forms/AFC-forms/Affirmation%20for%20Additional%20Panel.pdf) to add a county panel available on our website and submit them to the AFC Program. You must submit a separate application and affirmation for each county you are seeking to add. AFC may be on the panel in a maximum of four counties.

How do I join the AFC appeals panel?

Complete the AFC Appeals Panel application available on our website:  
<https://www.nycourts.gov/courts/ad4/AFC/Appeals/appeals-panel-application.pdf> and submit it to the AFC Program together with a recent brief or other substantive writing sample. If your application is accepted, you will be required to watch certain online training videos available on our website prior to receiving appeals assignments.

If I don't want to continue as the AFC on an appeal, how do I request substitution?

Pursuant to Family Court Act Section 1120 (b), the AFC's assignment continues on appeal unless the Appellate Division grants the AFC's application for substitution. If you do not want to continue as the AFC on appeal, you should request substitution within 30 days of service of the notice of appeal, to ensure that the child is timely and appropriately represented on appeal. Submit a letter requesting substitution on appeal to AFC Program Deputy Director Jennifer McLaren via mail or scanned email [jlmclare@nycourts.gov](mailto:jlmclare@nycourts.gov).

1. Sign the letter yourself (no secretary's signature, stamped signature, etc.)
2. "cc" all counsel and any pro se parties on the letter requesting substitution.
3. Along with the letter requesting substitution, enclose copies of the following:
  - A. notice(s) of appeal;
  - B. affidavit of service if the AFC served a notice of appeal;

- C. order(s) appealed from; and
- D. decision, if any.

More information about appeals can be found in Guidelines for Attorneys for Children in the Fourth Department, beginning on page 59:

<https://www.nycourts.gov/courts/ad4/AFC/AFC-guidelines.pdf>

Is there a FAQs document pertaining to appeals vouchers?

Yes, Appeals Voucher FAQs is available on the AFC Program website:

<https://www.nycourts.gov/courts/ad4/AFC/Appeals/Appeal-QA.pdf>

How do I join the Advanced Juvenile Delinquency (AJD) Panel?

You must be on a felony 18b panel to apply to join the AJD panel. Submit the application available on our website:

[https://www.nycourts.gov/courts/ad4/AFC/Forms/AFC-forms/JD\\_Panel\\_Application.pdf](https://www.nycourts.gov/courts/ad4/AFC/Forms/AFC-forms/JD_Panel_Application.pdf) .

If your application is accepted, you will be required to complete training videos available on our website prior to being designated to the AJD panel. See 22 NYCRR 1032.4 (b) for more information.

Can the AFC Program pay me for a guardian ad litem (GAL) assignment?

No, the AFC Program is unable to pay attorneys for work as guardians ad litem (see CPLR 1204).

Are AFC permitted to order a transcript?

Yes, but the budget for transcripts is limited. Ordinarily, the AFC Program will pay for transcripts where the client is the appellant or where an AFC has been substituted and the substituted AFC needs the transcript because they were not present at a hearing. Transcript charges greater than \$500.00 must be approved by the AFC Program Director Linda Kostin [lkostin@nycourts.gov](mailto:lkostin@nycourts.gov) or Deputy Director Jennifer McLaren [jlmclare@nycourts.gov](mailto:jlmclare@nycourts.gov). This limitation does not apply when the child client is the appellant on an appeal. *Do not pay for transcripts out of pocket.* The AFC Program will reimburse the transcriber directly. AFC must not order expedited transcripts as the AFC Program is not authorized to pay for expedited transcripts. At the trial level, the rate for transcript preparation is \$2.50 per page. For appeals, the rate is \$2.50 per page and \$1.00 per page for a copy. Please see pages 13 and 14 of the Reimbursement Guidelines for information on obtaining trial transcripts:

<https://www.nycourts.gov/courts/ad4/AFC/AFC-reimb-guide.pdf>

Does the AFC Program have authorization to pay for experts?

Yes, the AFC Program has the authority to pay reasonable expenses of representation, e.g., compensate non-attorney experts, such as investigators, physicians, mental health professionals and social workers for services on behalf of AFC clients that are necessary to assure effective representation. The AFC Program is not authorized to pay

for expert services for a participant in a proceeding other than the client, or for services unrelated to the client's representation, such as treatment or counseling. Please see pages 10 and 11 of the Reimbursement Guidelines for information about hiring and paying an expert: <https://www.nycourts.gov/courts/ad4/AFC/AFC-reimb-guide.pdf>

## **For the Public**

Who is my child's attorney and how do I contact them?

Please contact the court in which your matter is pending or your attorney for contact information for your child's attorney.

How do I know if my child's attorney is representing my child appropriately?

Please refer to Guidelines for Attorneys for Children in the Fourth Department (LINK) and Ethics for Attorneys for Children <https://www.nycourts.gov/courts/ad4/AFC/AFC-ethics.pdf>

Can the AFC Program assign my child a new attorney?

No, AFC are appointed by judges or court attorney referees (CARs), not the AFC Program. Only judges or CARs have authority to remove and replace an AFC.

When can I file a complaint about my child's AFC if I have concerns about the quality of representation the AFC is providing?

After the matter has been concluded, through appeal (if any), you may submit a complaint by mail to AFC Program Director Linda Kostin. While the matter is pending, concerns regarding your child's AFC should be directed to your attorney or the court that assigned the AFC. The AFC Program will not accept complaints while a matter is pending in front of a judge.

How do I file a complaint about my child's attorney?

Please note that complaints are not accepted by email. To file a complaint about your child's attorney after your case has been concluded through appeal (if any), send a letter by mail detailing the reason for your complaint to:

Linda Kostin, Director  
Office of Attorneys for Children  
Appellate Division, Fourth Department  
M. Dolores Denman Courthouse  
50 East Ave.  
Rochester, New York 14604

What is the complaint process?

If it appears that the AFC has violated Guidelines for AFC in the Fourth Department: <https://www.nycourts.gov/courts/ad4/AFC/AFC-guidelines.pdf> or Ethics for AFC: <https://www.nycourts.gov/courts/ad4/AFC/AFC-ethics.pdf> your complaint will be photocopied and mailed to the AFC for response. After the AFC's response has been reviewed, you will be notified by letter of the outcome of the complaint.