



# JUVENILE LAW CERTIFICATION EXAMINATION SPECIFICATIONS



## 1. Purpose of Examination

The Juvenile Law Certification Examination consists of a combination of essay and multiple choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in juvenile law and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer.”

## 2. Examination Content

All the topic areas, except those marked with an \*, listed below may be covered on the juvenile law examination. Topics marked with an \* may only appear in the Dependency subspecialty portion of the exam. Delinquency and dependency items tested in the general portion of the exam will be tested in greater depth in the subspecialty portion of the exam. The inclusion of subtopics under some topic headings is provided to assist applicants in preparing and does not preclude the inclusion of other subtopics in the examination.

### **I. Juvenile Law Topics of Concern to All Practitioners (40%)**

- A. Ethical Issues in Representation of any Party or Participant in Proceedings involving Juveniles
  - i. Role of Counsel
  - ii. Client Communications
  - iii. Expressed Preferences
  - iv. Scope of Representation
  
- B. Global View of Juvenile Proceedings
  - i. Comparison of Adult Criminal Justice and Juvenile Justice Systems
  - ii. US Supreme Court Landmark Delinquency and Dependency Cases
  - iii. Confidentiality of Proceedings
  
- C. Right to Counsel
  - i. Waiver
  - ii. Ineffective Assistance of Counsel
  
- D. Practice and Procedure (Trial and Appellate)
  - i. Jurisdiction and Venue
  - ii. Trial Practice and Procedure
  - iii. Children’s Testimony
  - iv. Appellate Law and Practice
  - v. Extraordinary Writs

- vi. Contempt
  - vii. Investigative Interviewing (Child/Parent)
- E. Childhood Development
- i. Developmental Stages
  - ii. Adolescent Brain Development
  - iii. Developmental Delay
  - iv. Effects of Trauma
  - v. Child's Perception of Time
  - vi. Attachment Theory
  - vii. Childhood Sexual Behavior
- F. Health Care
- i. Medicaid/EPSDT (Early Periodic Screening, Diagnostic, and Treatment)
  - ii. Consent
  - iii. Confidentiality
  - iv. Developmental Services (APD)
  - v. Administration of Medication
  - vi. Mental Health and Substance Abuse
    - a. Baker & Marchman Acts
    - b. Competency (Delinquency)
    - c. Capacity to Parent (Dependency)
    - d. Residential Treatment Placements
    - e. Mental Health and Substance Abuse Evaluations
- G. Schools/Education
- i. Discipline
  - ii. Truancy
  - iii. Special Educational Services
  - iv. School Placement Stability
  - v. Early Education/Child Care
- H. Immigration
- i. State Court Jurisdiction
  - ii. Access to Needed Services (Health, Mental Health, Education)
  - iii. Immigration Relief Available to Children
  - ii. Collateral Immigration Consequences
- I. Special Populations
- i. Survivors of Human Trafficking
  - ii. Cross Over/Dually Involved Youth
  - iii. CINS/FINS
  - iv. LGBTQ Children and Youth
- J. Parental Rights, Responsibilities, and Obligations (e.g. Child Support and Restitution)
- K. Social Security
- i. Supplemental Security Income
  - ii. Other Social Security Benefits

- L. Interstate Compacts
  - i. Interstate Compact for Juveniles
  - ii. Interstate Compact on Placement of Children

**II. Delinquency (30%)**

- A. Specific Delinquency Offenses (including Violations of Probation, Traffic Offenses, and Status Offenses)
- B. Custody
- C. Intake Procedures, Juvenile Assessment and Detention Centers
- D. Speedy Trial
- E. Search and Seizure – Child Specific
- F. Admissibility of Statements – Child Specific
- G. Fifth and Sixth Amendment Issues
- H. Development of Mitigation
- I. Detention Hearings and Detention Qualifications
- J. Diversion and Alternatives to Formal Prosecution
- K. Prosecution Filing Decisions
- L. Arraignments
- M. Motion Practice and Discovery in Delinquency
- N. Competency/Insanity/Mental Health
- O. Pleas and Plea Negotiation
- P. Adjudicatory Hearings
- Q. Disposition Hearings
- R. Collateral Consequences
- S. Expungement or Sealing of Records

**III. Dependency (30%)**

- A. Abuse, Abandonment and Neglect (Definition, Evidence and Proof)

- B. Investigations
  - i. Voluntary Service Plans\*
  - ii. Safety Methodology\*
- C. Dependency Proceedings
  - i. Hearings
  - ii. Motion Practice and Discovery\*
  - iii. Staffings
- D. Placement
- E. Permanency
  - i. Case Plan Development & Compliance
  - ii. Reasonable Efforts\*
  - iii. Conditions for Return\*
  - iv. Adoptions\* (Intervention and Subsidy)
- F. Termination of Parental Rights Proceedings
- G. Services for Adolescents and Young Adults
  - i. Transition Planning\*
  - ii. Independent Living Programs \*
  - iii. College Support\*
  - iv. Guardianship and Alternatives for Persons with Disabilities
- H. Child Well Being
  - i. Ability to Participate in Normal Childhood Activities\*
  - ii. Visitation with Persons Important to the Child\*
  - iii. Sibling Placements
  - iv. Master Trust
  - v. Placement Transition\*
  - vi. Psychotropic Medication Administration\*

For examination purposes, topics that are not considered to be a part of juvenile law include:

- A. Family Law
- B. Probate Guardianship
- C. Adoption of Non-Child Welfare Involved Children

**State vs. Federal Law Emphasis:** The test will emphasize Florida law, but practitioners are expected to understand and apply federal statutes and case law.

Examinees will be tested on law that is in effect as of January 1 of the year in which the exam is administered.

### **3. Recommended Primary Source Study Materials**

#### **All Practitioners:**

- Florida Guidelines of Practice for Attorneys Who Represent Children in Delinquency Proceedings
- Florida Guidelines for Lawyers Who Represent Children in Abuse and Neglect Cases
- ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases
- ABA Standards of Practice for Lawyers Representing Child Welfare Agencies
- Florida Guardian Ad Litem Program Standards
- Guardian Ad Litem Dependency Practice Manual
- The Florida Juvenile Collateral Consequences Checklist: A Guide for Understanding the Consequences of Juvenile Court Involvement
  
- Florida Rules of Juvenile Procedure
- Florida Rules of Appellate Procedure
- Florida Rules of Judicial Administration
  
- Florida Juvenile Law and Practice
- Florida's Dependency Benchbook
- Florida's Juvenile Delinquency Benchbook
  
- Florida Statutes Chapters: 39, 984, 985
- Florida Statutes portions of Chapters: 119, 393, 394, 943
- Interstate Compact on Juveniles
- Interstate Compact on the Placement of Children
- Uniform Child Custody Jurisdiction and Enforcement Act

#### **For the Delinquency Subspecialty Exam:**

- Portions of the Traffic Statutes – Only Sections Applicable to Juveniles
- The Detention Risk Assessment Instrument (DRAI)

#### **For the Dependency Subspecialty Exam:**

- Florida Statutes Portions of Chapters 63 and 409
- Florida Administrative Code Chapter 65C
- Adoptions and Safe Families Act (ASFA)
- Chaffee Independent Living Program
- Child Abuse Prevention and Treatment Act (CAPTA)
- Every Student Succeeds Act (ESSA)
- Family Educational Rights and Privacy Act (FERPA)
- Fostering Connections to Success and Increasing Adoptions Act
- Indian Child Welfare Act (ICWA)
- Individuals with Disabilities Education Act (IDEA)
- McKinney Vento Homeless Assistance Act –*OR the federal law that repeals it if enacted prior to December 31, 2016*
- Strengthening Families and Preventing Sex Trafficking Act