



Fast Facts – Court-Appointed Attorneys for Parents, Guardians, and Custodians in Juvenile Protection Cases

What happens if the parent of a child involved in a juvenile protection case would like an attorney to represent them but cannot afford one?

Minnesota law says that the parent, guardian, or custodian of a child who is the subject of a juvenile protection case may request the court to appoint an attorney for them. See [Minn. Stat. § 260C.163, subd. 3.](#)

How does one request a court-appointed attorney?

There are differences around the state when it comes to procedures for applying for and reviewing parent attorney applications.

A packet of forms to apply for an attorney is available for statewide use online at <https://mncourts.gov/forms> under the "Child Protection" forms category. Parents can either download the forms from the website or use Guide & File to complete the forms. The forms include instructions for requesting a court-appointed attorney and an application, referred to as an "affidavit." Translations of the forms into Spanish and Somali are also available for download from the Minnesota Judicial Branch (MJB) website.

Completed application forms are filed with the local court administration. A court administration staff person will tell the filer the procedures for having a judicial officer review the application, this may be different depending on court local practices.

Judicial officers generally look to public defender eligibility guidelines when determining if a parent financially qualifies and, if they do, the court has the discretion to appoint an attorney to them.

What is changing regarding the appointment of attorneys?

On January 1, 2023, changes to [Minn. Stat. § 260C.163, subd. 3](#) will take effect, requiring the appointment of attorneys to parents, guardians, and custodians who request and financially qualify for an attorney before the first hearing on the petition and at all stages of the juvenile protection proceedings.

In many parts of the state, the application and appointment will need to be made earlier in the process than what is currently happening now. Court staff will process these requests in the same way, but parents need to be informed of their options earlier in the process. After receiving the request, the district court must act quickly on the request for an attorney. This helps ensure that the parents who request it and qualify have an attorney present to represent them at their initial hearing. In many circumstances the initial hearing is the Emergency Protective Care (EPC) hearing.

How is the MN Judicial Branch responding to these changes?

The Minnesota Judicial Branch is establishing more consistency in the application process using statewide forms, tools, and resources to ensure district courts receive requests with the information needed to determine financial eligibility and issue timely appointment orders.

For counties that do not currently have attorneys present at the EPC hearing, the statewide Children's Justice Initiative (CJI) Program has been encouraging them to discuss as a local CJI team how practices

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could support earlier appointments. For example, district courts who neighbor one another may want to think about coordinating when and how they schedule their EPC hearings. If EPC hearings are scheduled in a way that is predictable and does not conflict with another neighboring district court calendar, it may enable attorneys to work in multiple jurisdictions and appear at an EPC hearing in any of those jurisdictions upon short notice.

All these efforts are tied together through a training and communication plan that involves outreach to both internal and external stakeholders.

These changes will support more comprehensive data gathering on the use of this process and the presence of attorneys at each stage of a juvenile protection case.

How are other justice partners responding?

Law enforcement and social services have been made aware of these changes as well as the resources available to apply for a court-appointed attorney so that they can provide early information to parents.

Counties have been given additional funding to increase their pool of attorney resources. It is important for district courts to engage county administration in conversations about parent attorney appointments especially as they relate to who is available for court appointments. The county handles the pay arrangements and many of them contract with attorneys for their services. Letting them know when a need exists and staying informed about who is available for current appointments can be very helpful.

Attorneys interested in being considered for appointments should contact both court administration and county administration in the area where they wish to work to express their interest and availability.

The parent attorney community has developed a list of attorneys in each district who can serve as a resource to one another and to others who ask. They are also exploring ways to further develop an interest in the work statewide and to support the creation of a statewide resource office to meet the growing demand for parent attorneys in juvenile protection cases.

Where can I get more information?

Direct questions and requests for technical assistance to statewide CJI Program staff at CJI@courts.state.mn.us.