



Minnesota Judicial Branch Policy

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Title:	Qualifications for Attorneys Appointed by the Court to Represent Parents, Guardians, and Legal Custodians in Juvenile Protection Matters
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Qualifications for Attorneys Appointed by the Court to Represent Parents, Guardians, and Legal Custodians in Juvenile Protection Matters

I. Policy

It is the policy of the Minnesota Judicial Branch that court appointed attorneys in juvenile protection matters will meet minimum qualifications established by the Judicial Council, pursuant to Minn. Stat. §260C.163, subd. 3.¹

Accordingly, effective June 1, 2013, attorneys appointed by the court to represent parents, guardians, or custodians in juvenile protection matters must submit to the State Court Administrator proof that they meet one of the following minimum qualifications:

- A. **Experience:** The attorney has a minimum of two years' experience representing parties or participants in juvenile protection matters, which means the attorney has handled at least 10 such cases during the two years preceding the attorney's request for qualification.
- B. **Qualifying Training:** The attorney has completed qualifying training offered or approved by the State Court Administrator. The training content shall be specific to parent representation in Minnesota juvenile protection matters, shall be at least 18 hours, and the general content shall be approved by the Children's Justice Initiative Advisory Committee. Qualifying training must be approved for credit by the Board of Continuing Legal Education. Qualifying training means the attorney has completed:
 1. a 6-hour core skills course prior to being appointed to serve on the first juvenile protection matter. Proof of completion of this core course authorizes the State Court Administrator to list the attorney on the roster of approved attorneys in a tentatively-approved status; and
 2. the remaining 12 hours of skills training within 120 days of the attorney's request for qualification. Proof of completion of the remaining hours of training authorizes the

¹ Minn. Stat. § 260C.163, subd. 3(f), provides that court-appointed counsel retained by the county in child protection matters must meet minimum qualifications established by the Judicial Council.

State Court Administrator to list the attorney on the roster of approved attorneys in a fully-approved capacity.

- C. **Supervision:** The attorney is supervised by a qualified attorney. This means the attorney is under the supervision of an attorney who is qualified under paragraphs A or B. The supervision may be provided either by virtue of employment or by written supervision agreement. If by written agreement, a copy of the agreement must be submitted with the attorney's attestation establishing qualifications by supervision. An attorney providing supervision under this policy has the ethical obligations of Rule 5.1 of the Rules of Professional Conduct. Supervision must include all juvenile protection matters on which the attorney is appointed through county contract or otherwise retained at county expense and shall, at a minimum, mean there is:
1. regular and routine access by the attorney to the supervisor for consultation on case-related legal issues and strategies and review of the progress of each juvenile protection matter handled by the attorney while under supervision; and
 2. in-person observation by the supervisor of the attorney's representation of a parent client at least twice during the period of supervision, including observing the attorney in court and in a client interview or counseling session.
- D. **Good Cause Exception:** If the court has made diligent efforts to obtain a qualified attorney and found none to be available, the court may appoint another attorney who the judge determines is otherwise competent.
- E. **Continuing Education Requirement:** To be maintained on the roster of qualified attorneys, each attorney must annually submit to the State Court Administrator proof of completion of a minimum of three hours of continuing legal education related to juvenile protection matters.

II. Implementation Authority

Implementation authority for this policy is with the State Court Administrator who shall establish a roster of attorneys meeting the minimum qualifications.

Attorneys on the roster shall attest to their qualifications on a form provided by the State Court Administrator. A law firm or government agency may be listed on the roster through the attestation of a supervising or managing attorney that the manager or supervisor meets requirements A. or B. and will supervise attorneys in the firm or agency according to the requirements of this policy. An attorney employed by a firm or agency on the roster need not be listed on the roster of qualified attorneys.

The State Court Administrator shall at least annually either provide qualifying training or approve qualifying training provided by other entities sufficient to meet the 18 hours requirement.

III. Executive Limitations

The State Court Administrator shall periodically consult with the CJI Advisory Committee about any recommended changes regarding ongoing minimum qualifications.