

McKenna's Law
Script/Checklist for Judge and Consulting Attorney
to Notify Child Age 10 or Older of
Right to a Lawyer and Right to Participate in Court

You are getting this notice because you are a child age 10 or older who has special rights because your family is involved in a child protection case.

Right to a Lawyer

1. You can have a lawyer if you want one.
 - a. A lawyer is someone who works only for you and tells the judge, social worker, and others what you want the judge and others to know.
 - b. A lawyer can also talk to you about why your family is in court, why you are in foster care, what you would like to change in your life, how you are doing in school, whether you want to see a doctor or dentist, whether you can talk to the judge, whether you will have to go to a different school, whether you can see your Mom and Dad or your brothers and sisters, and whether you can go home.
 - c. You won't have to pay for the lawyer.
 - d. Anything you say or write in private to your lawyer will stay private. This means the lawyer cannot tell the judge or anyone else about what you said or wrote, unless you tell your lawyer it's okay to tell the judge or others or unless the lawyer is required by law to tell the judge.
 - e. If you are not sure about whether or not you want a lawyer, you will get to talk with a lawyer to find out more. After you meet with the lawyer, you can decide if you want a lawyer or not.

Right to Go to Court

2. You can go to court to tell the judge what you want to happen.
 - a. There will be meetings in court where the judge, lawyers, social worker, guardian ad litem and others will talk about what is happening in your case and what is happening with you and your family.
 - b. You can go to court to tell the judge what you want to happen.
 - c. If you want to go to court, your caretaker or social worker will be able to help you get to court.
 - d. If you don't want to go to court, you can let the judge know what you want to happen by writing a letter or by telling your social worker, guardian ad litem, or lawyer if you have one, so they can tell the judge for you.
 - e. Sometimes, hearings might be about something very personal to you, or it might be hard for you to talk about some things in a courtroom full of people. If you are worried about this, you or your attorney can ask the judge for a more private hearing.

STATE OF MINNESOTA

COUNTY OF _____

DISTRICT COURT
JUDICIAL DISTRICT
CASE TYPE: JUVENILE PROTECTION
COURT FILE NUMBER: _____

In the Matter of the Welfare of the
Child(ren) of:
_____, Mother,
and, _____
[Father] [Adjudicated Father]

**SOCIAL SERVICES NOTICE TO
CHILD AGE 10 OR OLDER
OF RIGHT TO LAWYER AND
RIGHT TO GO TO COURT**

This form is accessible to the public, unless it contains the signature of a child that is confidential under [Juv. Prot. Rule 8.04, subd. 2\(n\)](#). If a confidential signature is included, then this form is confidential and must be accompanied by a [Confidential Document Cover Sheet Form 11.3](#). The Confidential Coversheet shall be accessible to the public, but the document referenced in the Cover Sheet shall not be accessible to the public except by court order.

Child's Name _____ and Date of Birth _____

You are getting this notice because you are a child age 10 or older who has special rights because your family is involved in a child protection case.

Child's Right to a Lawyer

1. You can have a lawyer if you want one. A lawyer is someone who works only for you and tells the judge what you want the judge to know.
2. You won't have to pay for the lawyer.
3. Anything you say or write in private to your lawyer will stay private. This means the lawyer cannot tell the judge or anyone else about what you said or wrote, unless you tell your lawyer it's okay to tell the judge or others or unless the lawyer is required by law to tell the judge.
4. If you tell me you want a lawyer, I will tell the judge so the judge can get a lawyer for you.
5. If you are not sure about whether or not you want a lawyer, you will get to talk with a lawyer to find out more. After you meet with the lawyer, you can decide if you want a lawyer or not.

Child's Right to go to Court

6. There will be meetings in court where the judge, lawyers, social worker, guardian ad litem and others will talk about what is happening in your case and what is happening with you and your family.
7. You can go to court to tell the judge what you want to happen.
8. If you don't want to go to court, you can let the judge know what you want to happen by writing a letter to the judge or by telling your social worker, guardian ad litem, or lawyer (if you have one), so they can tell the judge for you.

Child's Signature

By signing this form I am telling the judge either that I have read this form or the social worker has been read to me.

Signature of child: _____ Date: _____

Social Worker's Signature

By signing this form, I am telling the judge that I have informed the child of the child's rights under McKenna's Law, Minn. Stat. 260C.163, subd. 3, as contained in this form.

- The child wants a lawyer.
- The child is not sure if the child wants a lawyer at this time and the child should consult with a lawyer to learn more.
- The child does not want a lawyer at this time.
- The child is not able to sign this form because _____

- The child does not want to sign this form.
- Other _____

Name of social worker providing notice (print):

Signature of social worker: _____ Date: _____

STATE OF MINNESOTA

COUNTY OF _____

DISTRICT COURT

JUDICIAL DISTRICT

CASE TYPE: JUVENILE
PROTECTION

COURT FILE NUMBER: _____

In the Matter of the Welfare of the
Child(ren) of:

_____, Mother, and,
_____, [Father]
[Adjudicated Father]

**CHILD AGE 10 OR OLDER
REQUEST FOR LAWYER OR
WAIVER OF COURT-APPOINTED
LAWYER**

This form is accessible to the public, unless it contains the signature of a child that is confidential under [Juv. Prot. Rule 8.04, subd. 2\(n\)](#). If a confidential signature is included, then this form is confidential and must be accompanied by a [Confidential Document Cover Sheet Form 11.3](#). The Confidential Coversheet shall be accessible to the public, but the document referenced in the Cover Sheet shall not be accessible to the public except by court order.

Child's Name _____ and Date of Birth _____

Child's Acknowledgment

- 3. The social worker gave me a paper telling me I can have a lawyer if I want one. The paper also told me I can ask to go to court.
- 4. I have talked with a lawyer about whether I want a court-appointed lawyer and whether I want to go to court.
- 5. After talking with a social worker and lawyer, I have decided:
 - I want a lawyer. I will talk with my lawyer about whether I do or do not want to go to court.
 - Right now, I do not want a lawyer and I do not want to go to court, but I know I can change my mind.
 - I do not want a lawyer, but I do want to attend some or all court hearings.

Signature of child: _____ Date: _____

Consulting Attorney's Acknowledgement

By signing below, I am telling the judge that I talked with the child about the child's right to a lawyer and right to go to court.

Name of attorney who consulted with child (print): _____

Signature of attorney: _____ Date: _____

STATE OF MINNESOTA

COUNTY OF _____

DISTRICT COURT
JUDICIAL DISTRICT

CASE TYPE: JUVENILE PROTECTION
COURT FILE NUMBER: _____

In the Matter of the Welfare of the
Child(ren) of:

_____, Mother,
and, _____
[Father] [Adjudicated Father]

**FINDINGS AND ORDER
REGARDING CHILD AGE 10 OR
OLDER REQUEST FOR LAWYER OR
WAIVER OF LAWYER**

Child's Name _____ and Date of Birth _____

Pursuant to Minn. Stat. 260C.163, subds. 3 and 10, the court makes the following findings of fact and order:

FINDINGS OF FACT

1. The child is age 10 or older.
2. This proceeding involves a child in need of protection or services or a child who is under the guardianship of the commissioner of human services.
3. The social services agency timely, fully, and effectively informed the child of the child's right to a court-appointed lawyer and the right to participate in all hearings.
4. The child:
 - Wants an attorney and cannot afford an attorney.
 - Submitted a written waiver of the right to a court-appointed lawyer.
 - The child consulted with a court-appointed lawyer who fully and effectively informed the child of the child's right to a court-appointed lawyer and right to participate in all hearings.
 - The child's waiver of the right to a court-appointed lawyer was an express waiver made voluntarily and intelligently based upon the totality of the circumstances, including the child's age, maturity, intelligence, education, experience, and ability to comprehend, and the presence and competence of the child's parent(s), guardian, or guardian ad litem.

ORDER

- The court will issue an order appointing the state public defender under Minn. Stat. 611.14(4) or other counsel at public expense to represent child.
- The court will not appoint a lawyer for the child at this time, but will do so if requested by the child in the future. The lawyer appointed to initially consult with the child is discharged from further representation of the child.

Date: _____

JUDGE OF DISTRICT COURT
