

# INSTRUCTIONS

## Applying for Court-Appointed Attorney

Minn. Stat. § 260C.163, subd. 3

### Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

#### Have questions about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the MN Courts Self-Help Center at 651-435-6535

#### Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

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### Form You Will Need

- *Affidavit for Court-Appointed Attorney* (CHP1002)

The form is available online at <https://mncourts.gov/GetForms.aspx?c=5&f=875>.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

### General Information

If you cannot afford to pay for an attorney, you may qualify for a court-appointed attorney. Under the law, the court may appoint an attorney if:

1. You or any legal dependent living in your household are receiving public assistance under one or more of the following means-tested government benefit programs:

Minnesota Supplemental Assistance (MSA) Programs; Minnesota Family Investment Program (MFIP); Food Stamps (EBT Card); General Assistance; MinnesotaCare; Medical Assistance; Energy Assistance; and Supplemental Security Income (SSI).

**OR**

2. Your assets and income are not enough to pay for the reasonable costs charged by a private attorney in your area while also paying for the common necessities of life for yourself and the people you support. "Assets" are things that are not necessary to meet your basic needs and that you could easily sell. Your house and car are not included.

If you believe you meet one of the categories above, you can apply for an attorney to be appointed by the court and paid for by the county.

### **Step 1**

#### **Fill Out *Affidavit for Court-Appointed Attorney* (CHP1002)**

If you need help completing the *Affidavit*, let a court administration staff person at your local county courthouse know. Once the *Affidavit* is complete, sign the *Affidavit* under penalty of perjury. This means you are stating that the information in the *Affidavit* is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

### **Step 2**

#### **File *Affidavit for Court-Appointed Attorney with Court Administration***

Provide the completed affidavit to the Court Administrator so it can be filed in your case. The court administration staff person will tell you the procedures for having a judicial officer review your application.

### **What to Expect Next...**

If the judicial officer grants your request for a court appointed attorney, the order will only apply to the court case listed in the caption of the order. Court Administration will assign you to a specific court-appointed attorney and notify you and the attorney of the assignment. The court-appointed attorney will represent your interests in the case until court jurisdiction is terminated and time has lapsed for filing and resolution of all post-trial motions under Juvenile Protection Rule 21; or upon further order of the court.

The court may alter or amend the order at any time before expiration of the order.