



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

A. 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\(i\)](#).

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.
- 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, 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 a 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 an approved status.
- C. Supervision:** The attorney is supervised by a qualified attorney. This means the attorney is under the supervision of an attorney who is listed or could be listed on the roster of approved attorneys 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 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.

- D. Good Cause Exception:** If the court has made diligent efforts to obtain a qualified attorney from the roster of approved attorneys and found none to be available, or a conflict of interest exists, the court may appoint another attorney who the judge determines is otherwise competent.

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 core skills requirements detailed above.

III. Executive Limitations

The State Court Administrator shall periodically consult with the CJI Advisory Committee about any recommended changes regarding ongoing minimum qualifications¹.

¹ On February 1, 2021 following recommendations from the CJI Advisory Committee, the continuing education requirement was removed and the qualifying training requirement was changed from 18 hours to a general core skills course.