



Fast Facts – Court-Appointed Attorneys 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?

A packet of forms to apply for an attorney is available for statewide use on the [court's public web site](#). The packet includes 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.

Provide the completed application to court administration so it can be filed into the case. A court administration staff person will tell the filer the procedures for having a judicial officer review the application, which may vary depending on local practices.

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 in juvenile protection cases. Court staff will process these requests in the same way, but updates to the court's case management system (MNCIS) and processes will account for the appointment of attorneys to occur earlier than it does currently in many counties.

How is the MN Judicial Branch responding to these changes?

The Branch is establishing more consistency in the application process to ensure district courts receive requests with the information needed to determine financial eligibility and issue timely appointment orders. 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. The Branch is also exploring the use of an electronic tool that parents can use to apply for representation in juvenile protection matters.

Where can I get more information?

Direct questions to Children's Justice Initiative (CJI) Program staff at CJI@courts.state.mn.us.