

Ensure Parents' Rights to Consistent Legal Counsel

Minnesota must change the law to *mandate* the right to counsel for parents in child welfare cases from the first hearing on. Minnesota Statute 260C.163 Subd. 3 governs appointment of counsel for child protection matters. Minnesota is one of only seven states where appointment of counsel is discretionary. Under our current law a court shall appoint counsel when it “feels” it is appropriate.

Why should Minnesotans care?

Attorneys ensure the law is evenly applied, protect their clients from unjust accusations, and assist in creating visitation and case plans that make sense for the family. Without an attorney present to advocate for the family's perspective, we risk unnecessarily separating families, distressing familial bonds, and traumatizing children.

What does this mean for Minnesota's most vulnerable children and families?

Research shows that children are adversely impacted when they are removed from their homes and separated from their family. When we cannot keep children at home and removal is necessary, children fare better when their parents have consistent and high-quality legal representation.

Further, the right to parent one's children is a Constitutionally protected right and interference in the parent child relationship should not be taken lightly. Parents alone cannot safeguard their rights

and must have a lawyer present to protect their rights and responsibilities under the law.

What does this mean for Minnesota?

High quality legal representation for parents from the initial hearing on leads to better outcomes for children and families.* These outcomes include reunifications that occur more quickly and last longer (which means fewer children enter the child welfare system); permanency being established for children sooner; parents engaging in services more quickly and effectively; and money saved on behalf of Minnesota counties.

* Effects of an interdisciplinary approach to parental representation in child welfare. Lucas A. Gerber, Yuk C. Pang, Timothy Ross, Martin Guggenheim, Peter J. Pecora, and Joel Miller. <https://www.sciencedirect.com/science/article/pii/S019074091930088X>

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Stronger Families.**

