

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. Under our current law a court shall appoint counsel when it “feels” it is appropriate.

Changing the statute is fair to families and inline with national standards

Minnesota's county by county approach is not effective. Some counties provide counsel at emergency protective care (EPC) hearings while others never do. Yet, the EPC hearing is one of the most critical points in a CHIPS case. Without an attorney present to advocate for the family's perspective, we risk unnecessarily separating families, distressing familial bonds, and traumatizing children. Additionally, Minnesota's county by county system results in a disparate contracting system among parent attorneys.

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

Parents have a constitutional right to parent their children. 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. Furthermore, Minnesota children have a right to appointed counsel under McKenna's law. Parents should, too.

Changing the statute is economically responsible for Minnesota

In 2018 The Children's Bureau announced a policy change which allocates Title IV-E funds of the Social Securities Act to be used for costs spent on parent representation and parent attorney training.

**Smarter Systems.
Stronger Families.**

