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Overview

In 2017, the legislature added provisions requiring that children be notified of their right to counsel in cases where a petition alleges that a child is in need of protection or services and that the courts assure protections for waiver of that right. This bill makes technical changes to those provisions.

Section

- 1 Appointment of counsel.** Requires the responsible social services agency to notify a child over age ten of the right to counsel no later than the hearing held pursuant to Rule 34 of the Minnesota Rules of Juvenile Protection Procedure, replacing the current requirement that notification take place within 14 days after the filing of a petition. Clarifies that the social service agency must inform the court of the child's decision unless the court has already appointed counsel. Requires the social service agency to provide notice to a child no later than the first court hearing after the child turns ten.
- 2 Waiver.** Clarifies that a child's waiver of the right to counsel must be made on the record and after the responsible social service agency informed the child of the right to counsel. Permits a child to revoke a waiver of counsel at any time in any juvenile protection proceeding including (1) a child in need of protection or services matters; (2) permanency matters, including termination of parental rights; (3) postpermanency reviews; and (4) adoption matters.