

Subject Court-appointed counsel in child protection cases

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Overview

Under current statute, courts have some discretion about providing court-appointed attorneys to represent financially eligible parents in child protection proceedings. Some counties provide counsel for financially eligible parents prior to the first hearing in a child protection case, but some do not. This bill requires that counsel be appointed for all financially eligible parents, guardians, and custodians who desire counsel prior to the first hearing and at all stages of a child protection proceeding. The bill also removes specific qualifications for court-appointed counsel and appropriates funding to assist counties with implementing the new requirement, and to collect statewide data on court-appointed counsel in child protection cases.

Summary

| Section | Description |
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| 1 | Appointment of counsel. |
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Amends § 260C.163, subd. 3. Requires the court to appoint counsel to represent each parent, guardian, or custodian who desires counsel and is financially eligible for counsel prior to the first hearing and at all stages, for all child protection proceedings where a child risks removal from the care of a parent, guardian, or custodian. This includes:

- a child in need of protection or services (CHIPS) petition;
- an action pursuing removal from the child's home;
- a termination of parental rights petition; and
- a petition for out-of-home placement.

Removes reference to qualifications for court-appointed counsel retained by counties, and removes paragraph (i) of the section, specifying qualifications for counsel retained by the counties to represent parents, guardians, and custodians. Makes this section effective July 1, 2022.

| Section | Description |
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| 2 | <p data-bbox="318 264 526 289">Appropriations.</p> <p data-bbox="318 310 1414 495">Paragraph (a) appropriates \$520,000 in fiscal year 2022 and \$520,000 in fiscal year 2023 to the commissioner of human services, to distribute to counties for costs related to implementing the new court-appointed counsel requirements. Funds are intended for counties that do not currently provide counsel at emergency protective care hearings.</p> <p data-bbox="318 537 1414 760">Paragraph (b) appropriates money in fiscal year 2022 to the commissioner of human services to provide assistance, including staffing and statewide data collection, to counties implementing the new counsel requirements and obtaining federal title IV-E reimbursement. Lists data to be collected, and requires a report on the data collected, to be submitted on or before July 1, 2022. Specifies that this is a onetime appropriation.</p> |



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