

## 2023 Legislative Agenda: Establish a Statewide Office of Appellate Counsel and Training

### Establish an Office of Appellate Counsel and Training

**Minnesota must establish an Office of Appellate Counsel and Training.** Beginning in 2023, Minnesota Statutes, section 260C.163, subdivision 3 mandates the appointment of counsel for parents “at all stages of the proceedings,” including on appeal. Minnesota does not currently have a consistent, statewide process for appointing appellate counsel in child protection matters in either district or tribal courts. It also lacks a central resource for training parent attorneys and managing the costs associated with securing Title IV-E reimbursements that currently fall on each individual county. Establishing an Office to appoint appellate attorneys, train parent attorneys throughout the state including tribal jurisdictions, and support counties working with the Minnesota Department of Human Services (DHS) for Title IV-E reimbursement will increase access to well-trained and qualified parent attorneys at all stages of the proceedings.

#### Why Should Minnesotans Care?

The right to high-quality legal representation at all stages of child protection proceedings for parents, including those experiencing indigency, is fundamental to safeguarding important interests at stake in the proceedings. Because there is currently no centralized system for appointing appellate counsel, families are unable to effectively advocate for their right to remain together when they believe the district court has erred.

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Additionally, the system as a whole, and all those involved in it, have an interest in accurate and just proceedings which are more likely to occur when an appellate system is functioning effectively and when parent attorneys around the state have access to consistent training and support. Finally, there are federal dollars available to support this work that are currently unutilized.

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

Families suffer when they lack access to high-quality legal counsel in child protection proceedings. Not only are most families in the child protection system experiencing poverty, but American Indian, Black, Hispanic, and children with two or more races in Minnesota are statistically more likely to enter out-of-home care and have their parents’ rights terminated and are less likely than their white peers to be adopted. As such, the lack of access to a qualified attorney at all stages of the proceedings creates grave disparities for families in the system.

#### What can Minnesota do?

The Office of Appellate Counsel and Training would be an independent, statewide office governed by a seven-member board. The Office would be responsible for administering the appellate program, providing training for all parent attorneys in the state, and coordinating Title IV-E support for counties and tribes in collaboration with DHS.



<sup>1</sup> See Minnesota Department of Human Services, *Minnesota’s Out-of-Home Care and Permanency Report, 2019* (December 2020), <https://edocs.dhs.mn.us/lfserver/Public/DHS-540BLA-ENG>.

April 2, 2025

Dear Chair Scott and House Judiciary and Finance Committee Members:

I write to support HF1862, being heard in your committee this week. This bill provides a language adjustment to fully implement the underlying intent of the original bill SF1682 / HF 922 (from the 2023-2024 session). As one of the lead advocates on the original bill, I am thrilled that this bill received a hearing in your committee so that the new Office of Appellate Counsel and Training can be fully implemented.

The right to high-quality legal representation at all stages of child protection proceedings for parents, including those experiencing indigency, is fundamental to safeguarding important interests at stake in the proceedings. Because there is currently no centralized system for appointing appellate counsel, families are unable to effectively advocate for their right to remain together when they believe the district court has erred.

The Office of Appellate Counsel and Training would be an independent, statewide office governed by a seven-member board. The Office would be responsible for administering the appellate program, providing training for all parent attorneys in the state, and coordinating Title IV-E support for counties and tribes in collaboration with DHS.

Additionally, this office will support Minnesota's new MIFPA and MAAFPCWDA laws – which are critical in making sure that all families receive fair process and treatment in our child welfare system.

Thank you for hearing this important bill and I appreciate your support.

Sincerely,

***Joanna Woolman***

***Professor of Law***

***Executive Director Keeping Families Connected Minnesota***



# Adult Representation Services

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April 2, 2025

**Re: Support for H.F. 1862 Modifications to Statewide Office of Appellate Counsel and Training**

Chairs Scott, Liebling, and Committee Members,

On behalf of Adult Representation Services Hennepin County, we write in support of bill H.F. 1862. ARS is an independent county organization providing legal representation to families experiencing poverty in civil matters where they are entitled to an attorney, including representing parents/legal custodians in child protection matters.

During the 2023-2024 Minnesota Legislative session, the Legislature passed a bill to establish the Statewide Office of Appellate Counsel and Training. ARS supported establishment of this office for several reasons. Establishing a statewide office to handle appeals was a critical step in ensuring due process for families across Minnesota. Parents and legal custodians have a right to legal counsel at all stages of child protection proceedings, including the right to appeal. However, since Minnesota did not have a centralized resource for coordinating or assigning appeals to attorneys, many families have not been able to exercise their right to appeal. It is important to have a centralized effort surrounding appeals to ensure equitable and comprehensive challenges to the law.

H.F. 1862 makes necessary modifications to the law to ensure the Office can become fully operational, placing the Office within the executive branch. Thus, the Office will fulfill its purposes: representing families in child protection appeals and ensuring attorneys receive training to provide high quality representation across the state. H.F. 1862 is important to our clients and has no fiscal note.

We ask that members of the Committee vote in favor of H.F. 1862 to help indigent parents exercise their right to appeal and ensure legal representation at all stages of child protection proceedings. Thank you for your leadership and commitment to improving outcomes for children and families in Minnesota.

Sincerely,

*Jessica Ryan*

Principal Attorney  
Hennepin County Adult Representation Services