

Choosing an Attorney: For Relatives & Kin

Made in collaboration with the Institute to Transform Child Protection

Before Hiring an Attorney

Under Minnesota law, relatives of a child involved in a child protection matter do not need an attorney to receive notice of hearings involving the child, to attend hearings, or to be heard at those hearings. Additionally, in some circumstances there may not be a significant benefit to hire an attorney. For instance, when your interests are aligned with the parents, the social service agency, and the child's interests, meaning you all want the same thing (e.g., for the child to be placed with you if they cannot be reunited with their parents), then it may not be worth hiring your own attorney. However, if you feel that your interests are not aligned or the social service agency opposes your involvement, then you may want to consider hiring an attorney to represent your interests.

Qualities to Look for in a Lawyer

- **Experience** – This area of the law is distinct and complex. It is best if you can find an attorney who has experience working with these specific legal issues. When you are talking with an attorney, ask them to tell you about any training or experience they have working with cases like yours.
- **Time** – Ask them if they have availability to take your case. These cases can be time consuming, and trials can take up to two weeks long.
- **Relationship** – You may need to spend a lot of time with this person. Do they foster trust? Do you feel heard? Keep in mind, working with an attorney doesn't guarantee a particular outcome. An experienced and trustworthy attorney will not make promises and will be transparent about what they are able and unable to do for you.

Cost & Fee Structure

Different attorneys will have different fee structures. Some offer **flat fees** (a fixed fee to represent you in your case), **sliding fees** (based on your income) or **unbundled services** (the attorney doesn't represent you in court, but can provide you with some limited legal services to help prepare you for court—this can help keep your cost down). It's important that you understand what your attorney's fee structure is before you agree to work together.

Consider asking the following questions:

- Do you provide a free initial consultation?
- What is your fee structure and what are your rates?
- Do you offer unbundled or limited scope services (e.g., writing a letter, or completing certain court documents)? What would that look like for my case?
- Do you offer a payment plan option?

Disclaimer: The information provided in this guide does not constitute legal advice and is intended for general informational purposes only. If you have questions about your situation please contact an attorney to obtain advice specific to your unique circumstances.

Your Rights When Working with a Lawyer

1. **Competence:** Your lawyer should know the law as it relates to your case and be able to give the appropriate time necessary to prepare for the case.
2. **Confidentiality:** Your lawyer should not share any information about your case without your informed consent.
3. **Communication:** Your lawyer should communicate with you about your case in a way that you can understand and keep you reasonably informed about the status of your case.
4. **Client Authority:** As the client, you have the right to have your goals respected and your attorney must consult with you about how you want to accomplish your objectives. With that said, lawyers must act within the bounds of the law and the code of professional conduct, while treating all others involved with courtesy and respect.
5. **Declining or Terminating Representation:** You have the right to fire your lawyer at any time. Should you choose to do so, your lawyer should provide you with all documents relating to your case. You should also ask about any upcoming deadlines related to your case and obtain new counsel well ahead of those deadlines.

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