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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1862

03/03/2025

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to judiciary; modifying the organization of the Statewide Office of
- 1.3 Appellate Counsel and Training and the State Board of Appellate Counsel and
- 1.4 Training; modifying salary and employment terms for Statewide Office of Appellate
- 1.5 Counsel and Training attorneys and other employees; amending Minnesota Statutes
- 1.6 2024, section 260C.419, subdivisions 2, 3, 4.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2024, section 260C.419, subdivision 2, is amended to read:
- 1.9 Subd. 2. **Statewide Office of Appellate Counsel and Training; establishment.** (a)
- 1.10 The Statewide Office of Appellate Counsel and Training is ~~established as an independent~~
- 1.11 ~~state office~~ created as an agency in the executive branch, with powers and duties established
- 1.12 by law. The office shall be responsible for:
- 1.13 (1) establishing and maintaining a system for providing appellate representation to
- 1.14 parents in juvenile protection matters, as provided in section 260C.163, subdivision 3,
- 1.15 paragraph (c), and in Tribal court jurisdictions;
- 1.16 (2) providing training to all parent attorneys practicing in the state on topics relevant to
- 1.17 their practice and establishing practice standards and training requirements for parent
- 1.18 attorneys practicing in the state; and
- 1.19 (3) collaborating with the Minnesota Department of Children, Youth, and Families to
- 1.20 coordinate and secure federal Title IV-E support for counties and Tribes interested in
- 1.21 accessing federal funding.
- 1.22 (b) The office shall be governed by a board as provided in subdivision 3.

2.1 Sec. 2. Minnesota Statutes 2024, section 260C.419, subdivision 3, is amended to read:

2.2 Subd. 3. **State Board of Appellate Counsel and Training; structure; membership.** (a)

2.3 The State Board of Appellate Counsel and Training is established to direct the Statewide
2.4 Office of Appellate Counsel and Training. The board shall consist of seven members,
2.5 including:

2.6 (1) four public members appointed by the governor; and

2.7 (2) three members appointed by the supreme court, at least one of whom must have
2.8 experience representing parents in juvenile court and who include two attorneys admitted
2.9 to practice law in the state and one public member.

2.10 (b) The appointing authorities may not appoint any of the following to be a member of
2.11 the board:

2.12 (1) a person who is a judge;

2.13 (2) a person who is a registered lobbyist;

2.14 (3) a person serving as a guardian ad litem or counsel for a guardian ad litem;

2.15 (4) a person who serves as counsel for children in juvenile court;

2.16 (5) a person under contract with or employed by the Department of Children, Youth,
2.17 and Families or a county department of human or social services; or

2.18 (6) a current city or county attorney or assistant city or county attorney.

2.19 (c) All members shall demonstrate an interest in maintaining a high quality, independent
2.20 appellate defense system for parents in juvenile protection proceedings who are unable to
2.21 obtain adequate representation, a robust program for parent attorneys in Minnesota, and an
2.22 efficient coordination effort, in collaboration with the Department of Children, Youth, and
2.23 Families, to secure and utilize Title IV-E funding. At least one member of the board appointed
2.24 by the governor must be a representative from a federally recognized Indian Tribe. No more
2.25 than five members of the board may belong to the same political party. At least three
2.26 members of the board shall be from judicial districts other than the First, Second, Fourth,
2.27 and Tenth Judicial Districts. To the extent practicable, the membership of the board must
2.28 include persons with disabilities, reflect the ethnic diversity of the state, take into
2.29 consideration race and gender, and include persons from throughout the state. The members
2.30 shall be well acquainted with representing parents in district court and appellate proceedings
2.31 related to child protection matters as well as the law that affects a parent attorney's work,
2.32 including chapter 260C, the Rules of Juvenile Protection Procedure, the Rules of Civil

Appellate Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation Act. The terms, compensation, and removal of members shall be as provided in section 15.0575. The governor shall designate one member to serve as the initial chair. Upon the expiration of the initial chair's term, board members shall elect a chair from among the membership and the chair shall serve a term of two years.

Sec. 3. Minnesota Statutes 2024, section 260C.419, subdivision 4, is amended to read:

Subd. 4. **Head appellate counsel for parents; assistant ~~and contracted~~ attorneys; other employees.** (a) Beginning January 1, 2024, and for every four years after that date, the board shall appoint a head appellate counsel in charge of executing the responsibilities of the office who shall provide for sufficient appellate counsel for parents and other personnel necessary to discharge the functions of the office. The head appellate counsel shall serve a four-year term and may be removed only for cause upon the order of the board. The head appellate counsel shall be a full-time ~~qualified~~ attorney, licensed to practice law in this state, and serve in the unclassified service of the state. Vacancies of the office shall be filled by the appointing authority for the unexpired term. The head appellate counsel shall devote full time to the performance of duties and shall not engage in the general practice of law. ~~The compensation~~ salary of the head appellate counsel shall be set ~~by the board and shall be commensurate with county attorneys in the state~~ according to section 43A.18, subdivision 3.

(b) ~~Consistent with the decisions of the board,~~ The head appellate counsel shall employ ~~assistants or hire independent contractors~~ or appoint attorneys to serve as assistant appellate counsel for parents. Each assistant appellate counsel ~~and independent contractor~~ serves at the pleasure of the head appellate counsel. ~~The compensation of~~ salary ranges for assistant appellate counsel ~~and independent contractors~~ shall be set ~~by the board and shall be commensurate with county attorneys in the state~~ in consultation with Minnesota Management and Budget.

(c) A person serving as appellate counsel shall be ~~a qualified~~ an attorney licensed to practice law in this state. A person serving as appellate counsel practicing in Tribal court shall be a licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate counsel and contracted appellate counsel may engage in the general practice of law where not employed or contracted to provide services on a full-time basis.

(d) The head appellate counsel shall, consistent with the responsibilities under subdivision 2, employ or hire the following:

(1) one managing appellate attorney;

4.1 (2) two staff attorneys;

4.2 (3) one director of training;

4.3 (4) one program administrator to support Title IV-E reimbursement in collaboration
4.4 with the Department of Children, Youth, and Families; and

4.5 (5) one office administrator.

4.6 (e) ~~Each employee~~ All attorneys identified in paragraph (d) ~~serves~~ serve at the pleasure
4.7 of the head appellate counsel. ~~The~~ Other employees shall serve in the classified service.
4.8 Compensation ~~of each employee~~ for all employees shall be set by the board ~~and shall be~~
4.9 ~~commensurate with county attorneys in the state.~~ in accordance with the collective bargaining
4.10 agreements or compensation plans covering the terms and conditions for executive branch
4.11 employees.

4.12 (f) Any person serving as managing appellate attorney, staff attorney, and director of
4.13 training shall be a qualified attorney licensed to practice law in the state.

4.14 (g) A person serving as the program administrator and office administrator must be
4.15 chosen solely on the basis of training, experience, and qualifications.