

Attorneys who represent children and youth in CPS cases have **duties to their clients** and **responsibilities to the judge** overseeing the case.

There are things a child's attorney

must do



may do



cannot do



Resolving Issues with a Child's Attorney

If a child in your care is having a problem with their attorney, it's okay to ask for help. The **first step** is to talk with the attorney about the issue; this can solve most issues. If talking to the attorney does not fix things, you can call the **Foster Care Ombudsman** at **844-286-0769**. The Ombudsman's office can help youth in foster care, including problems with their attorney.

Educate Yourself

Every child should receive a copy of the **CPS Rights of Children and Youth in Foster Care**. Please speak with the child's caseworker if you have questions.

More information about the legal process in CPS cases is available through the Family Helpline.

The **Family Helpline** answers **parent and caregiver questions** about CPS matters. Callers receive legal information and education, but not legal advice or legal representation.

Family Helpline
1-844-888-6565
Monday through Friday
9:00 AM to 6:00 PM

Additional resources including this brochure are available on the **Children's Commission website** or by scanning the QR code below:



What Does an Attorney for a Child or Youth do in a CPS Case?



Important
Information for
**Caregivers of
Children
Involved in
CPS Cases**



A child's attorney must:

- Interview the child if the child is older than four years old. If the child is younger than four years old, the attorney must interview the child's primary caregiver.
- Investigate the child's case.
- Interview each person who knows important facts about the child's case.
- Interview parties to the child's case and their attorneys.
- Participate in the child's case the same way a party does.
- Review all documents in the court's file and provide copies to the child if the child asks for them.
- Request documents or other information from CPS and other parties.
- Meet with the child in person before each court hearing unless this is not possible.
- Explain things in a way that the child can understand.
- Offer advice about what the attorney thinks will happen in the child's case, even if it is difficult for the child to hear.
- Be loyal and keep what the child tells them private except when the attorney believes a child is being abused or neglected when sharing the information is required to prevent a crime from happening.
- Know the law in order to provide the child with good legal representation.
- Follow the child's decisions about what they want in their case.
- Take action to help the child get what the child wants in the case, including settling or negotiating an agreement outside of court.
- Review and sign all proposed orders that affect the child.
- Know when and where all court hearings for the child's case will be held.
- Keep the child informed about what's happening in the child's case and give the child an update whenever the child asks for one.



A child's attorney may:

- Request a hearing or a trial on the merits even if CPS chooses not to pursue a trial.
- Consent OR refuse to consent to let another attorney interview the child.
- Participate in any case staffing meetings run by CPS.
- Attend and participate in all legal proceedings in the case OR provide a substitute attorney if they cannot personally attend.



A child's attorney cannot:

- Represent two or more parties in a case if there is a conflict of interest.
- Knowingly make a false statement to a judge or jury or use evidence that the attorney knows is false.
- Stop another party from getting evidence, change evidence, or suggest that another person change or destroy evidence.
- Provide legal advice or services to anyone other than the child.
- Ask a witness to lie.
- Knowingly allow a witness to lie to the court.
- Knowingly treat any person involved in a court proceeding differently based on race, color, national origin, sex, religion, age, or disability.
- Fail to work on the child's case or not take care of their responsibilities to the child's case.