

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**.

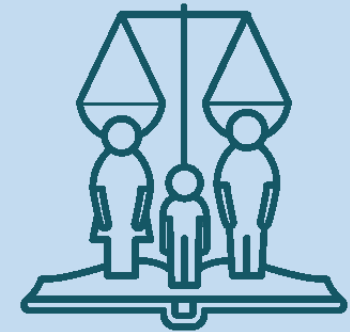
The **Family Helpline** answers **parent and caregiver questions** about **CPS matters**. Callers receive legal information and education, but not legal advice or legal representation.

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.