

Resolving Issues with a Child's Attorney

Most issues can be solved by talking to the 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 about the problem with the attorney. If that doesn't fix things, you can call the Foster Care Ombudsman at 844-286-0769. The Ombudsman's job is to help children with problems in their CPS case, including problems with their attorney.

More Information about the Legal Process in CPS Cases is Available through the Family Helpline.

The Family Helpline for Strong Families and Safe Children answers parent and caregiver questions about CPS issues. Attorneys with extensive CPS experience answer every call. Callers receive legal information and education, but not legal advice or legal representation. All callers are accepted.

The Family Helpline for Strong Families and Safe Children can be reached at **1-844-888-6565**, Monday through Friday, from **9:00 AM to 6:00 PM**.

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

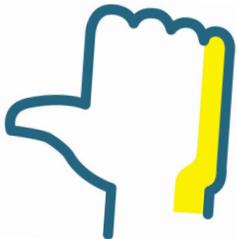
Here are the things an attorney **duties to their clients** and **responsibilities to the judge** overseeing a case.

There are things
a child's attorney

must



may

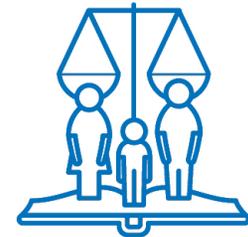


and

cannot
do.



What Does an Attorney for a Child in a CPS Case Do?



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 or 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 attorney cannot personally attend.



A child's attorney cannot:

- Represent two 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, religion, disability, age, sex, or sexual orientation.
- Fail to work on the child's case or not take care of their responsibilities to the child's case.