



Board of County Commissioners Agenda Request



Requested Meeting Date: January 27, 2026

Title of Item: Compensation for Attorneys in Child Protection Cases

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <input type="checkbox"/> Hold Public Hearing <i>*provide copy of hearing notice that was published</i>	<input checked="" type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Information Only
Submitted by: David Minke, County Administrator		Department: Administration
Presenter (Name and Title): David Minke, County Administrator		Estimated Time Needed: 10 Minutes
Summary of Issue: See attached memorandum		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion:		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		



AITKIN COUNTY ADMINISTRATION

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To: Aitkin County Board of Commissioners
From: David Minke, County Administrator
Date: January 27, 2026
Subject: Court Appointed Attorney's in Child Protection Cases

Summary/Background

In child protection cases in Minnesota, the child, parent, guardian, or custodian has the right to attorney representation in connection with a proceeding in juvenile court. Minnesota Statutes §260C.163 places the cost of providing those attorneys on the county.

These attorneys are appointed by the court, and generally, if the county has a contract with one or more attorneys to provide these services, then the court is to appoint the contracted attorney.

Aitkin county does not have contracts with any attorneys for these cases. In 2025 services were provided by the following four attorneys/firms with the estimated total payments for the year.

Jill Avery (\$1,496,.25)
Gammello & Pearson (\$7,725.75)
Haberkorn & Bright (\$12,917.50)
Shari Larson (\$4,317.79)
Paul Shaffer (\$56,943.75)

On January 12, at the invitation of the district court, I met with attorneys Christine Bright and Shari Larson. Judge Hawley and court administrator Dana Anderson were also in attendance. Attorney's Bright and Larson shared their frustration with the current rate of \$75/hour.

For comparison, the "PICK" (Pine, Isanti, Chisago, and Kanabec) attorney's are paid \$125/hour based on a judicial administrative order. Cass County also pays \$125/hour. Itasca County pays \$75/hour. Mille Lacs and Crow Wing Counties have contracts with attorneys to pay a flat monthly rate.

Attorney's Bright and Larson noted their frustration with the county for taking no action for many years. At the meeting I told them I thought that the county could consider going to \$125/hour to match what most of our neighbors are paying and then issue an RFP to move to the flat rate model in 2027. Attorney's Bright and Larson stated that they would stop taking cases unless the rate was \$150/hour.

At the meeting we also discussed the flat fee contract model that Crow Wing and Mille Lacs Counties use. If we wanted to use that method, we would issue an RFP to solicit firms and pricing. They expressed a preference for a flat fee model as it would reduce the administrative burden of the detailed billing which is currently required.

Requested Action

Provide Direction with regards to compensation for Court Appointed Attorney's in Child Protection Cases.

- A) Do nothing and risk loss of attorney participation and likely higher costs as the court will continue to appoint attorney's to cover the cases
- B) Meet with the court appointed attorneys, either as a board or appoint two commissioner, to continue the discussion directly with the attorneys.
- C) Set the rate at something greater than \$75 for 2026.
- D) Direct that an RFP be prepared and responses solicited. This action is a long-term strategy and not a solution to the immediate issue