
House Bill 3048

State of Washington

60th Legislature

2008 Regular Session

By Representatives Lantz, Goodman, Pettigrew, Roberts, Darneille, and Appleton

1 AN ACT Relating to creating a pilot program addressing legal
2 representation for children in dependency proceedings who are age
3 twelve and over; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Dependency proceedings are complicated and
6 have significant impacts on a child's life. Although guardian ad
7 litem and court-appointed special advocates are appointed to represent
8 a child's best interests in dependency proceedings, they have different
9 skills than attorneys. Attorneys for children age twelve and over in
10 dependency proceedings can help explain legal proceedings to the child,
11 form confidential relationships with the child, and assist the child in
12 understanding what services are available to the child upon aging out
13 of care.

14 NEW SECTION. **Sec. 2.** The dependent youth representation pilot
15 program is established to promote adequate and effective legal
16 representation for children age twelve and over in dependency
17 proceedings. The pilot program shall be administered by the University
18 of Washington school of law, children and youth advocacy clinic.

1 (1) The pilot program shall consist of at least two counties
2 selected by the children and youth advocacy clinic, as determined by:

3 (a) The presence and strength of a parents' representation project;

4 (b) The presence and strength of a CASA or GAL program; and

5 (c) The presence and strength of a system appointing attorneys to
6 represent adolescents' stated interests.

7 (2) Counties that are chosen shall be provided funding through the
8 pilot program for and establish a program in which:

9 (a) Attorneys are provided for all children age twelve and over who
10 are the subject of dependency proceeding under chapter 13.34 RCW;

11 (b) Attorneys are provided for all children age twelve and over who
12 are placed out-of-home under chapter 13.34 RCW during the program. For
13 those children placed out-of-home, attorneys are appointed prior to the
14 first hearing in the child's dependency case;

15 (c) All attorneys are highly trained in dependency matters;

16 (d) Attorneys maintain a caseload no larger than eighty ongoing
17 cases;

18 (e) Judges and commissioners in the pilot counties will receive
19 training on dependency matters and how an attorney for the child
20 affects the dynamics of the proceedings;

21 (f) Guardian ad litem or CASA programs in the pilot counties will
22 receive training on the different, but complementary roles of attorneys
23 and GALs/CASAs and how the "best interest" standard differs from the
24 "stated interest" standard; and

25 (g) There is coordination with existing legal training offered
26 within the county and in the state.

27 (3) The children and youth advocacy clinic shall measure the
28 performance and outcomes of the program related to the health and
29 well-being of the child in dependency, including whether there was:

30 (a) An increase in monthly private and individual face-to-face
31 visits between the caseworker and the child;

32 (b) An increase in regular visits between siblings placed apart and
33 between children and parents;

34 (c) An increase in completed mental health and educational
35 screening and assessments within the required times of a child entering
36 dependency;

37 (d) An increase in shared planning meetings occurring within the
38 required time of the child entering dependency;

1 (e) An increase in completion of screening, diagnosis, and
2 treatment exams addressing the child's health care and other needs
3 within the required times and at regular intervals during the child's
4 dependency;

5 (f) An increase in timely enrollment in school if the child was
6 removed from his or her school of origin because of change in
7 placement; and

8 (g) A decrease in the median number of days that an adolescent was
9 on runaway status.

10 (4) The children and youth advocacy clinic shall measure the
11 performance and outcomes of the program related to the attorney's
12 activities, including:

13 (a) The amount of time that passed between when the child entered
14 care and when the attorney was assigned the case;

15 (b) Whether the attorney's presence increased the involvement of
16 children in their court proceedings;

17 (c) Whether the attorney's efforts increased the number, and
18 appropriateness, of services ordered for and completed by children; and

19 (d) Whether the attorney made the child's information available to
20 the court.

21 (5) The children and youth advocacy clinic shall issue a
22 preliminary report to the legislature by December 31, 2008, and shall
23 issue a final report and include findings, by September 30, 2009.

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