
SUBSTITUTE HOUSE BILL 3048

State of Washington 60th Legislature 2008 Regular Session

By House Judiciary (originally sponsored by Representatives Lantz, Goodman, Pettigrew, Roberts, Darneille, Appleton, Hasegawa, and Kenney)

READ FIRST TIME 02/05/08.

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 guardians 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 children and youth advocacy clinic shall select at least
2 two counties for the pilot program. The counties selected shall be
3 determined by whether the county:

4 (a) Has a strong parents' representation project;

5 (b) Has a strong court-appointed special advocate or guardian ad
6 litem program to represent children age twelve and over; and

7 (c) Lacks a strong system appointing attorneys to represent the
8 stated interests of dependent children age twelve and over.

9 (2) The children and youth advocacy clinic shall administer funding
10 to the selected counties and shall establish a pilot program in which:

11 (a) All children age twelve and over who are the subject of a
12 dependency proceeding under chapter 13.34 RCW are appointed an
13 attorney. For those children whose dependency is filed after the
14 establishment of the pilot program, attorneys are appointed prior to
15 the first hearing in the child's dependency case;

16 (b) Attorneys are highly trained in dependency matters;

17 (c) Attorneys may not maintain a caseload larger than eighty
18 ongoing cases;

19 (d) Judges and commissioners receive training on dependency matters
20 and on how an attorney for the child affects the dynamics of the
21 dependency proceedings;

22 (e) Guardians ad litem and court-appointed special advocates
23 receive training on the different, but complementary roles of attorneys
24 and guardians ad litem/court appointed special advocates and how the
25 "best interest" standard differs from the "stated interest" standard;
26 and

27 (f) Existing legal training offered within the county and state is
28 coordinated.

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

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

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

36 (c) An increase in completed mental health and educational
37 screenings and assessments within the required time of a child entering
38 dependency;

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

3 (e) An increase in completion of screenings, assessments, and
4 treatment addressing the child's health care and other needs within the
5 required times and at regular intervals during the child's dependency;

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

9 (g) A decrease in the median number of days that the child was on
10 runaway status.

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

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

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

18 (c) Whether the attorney's efforts increased the number, and
19 appropriateness, of services ordered for and completed by the child.

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

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