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## Judiciary Committee

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### HB 3048

**Title:** An act relating to creating a pilot program addressing legal representation for children in dependency proceedings who are age twelve and over.

**Brief Description:** Creating a pilot program addressing legal representation for children in dependency proceedings who are age twelve and over.

**Sponsors:** Representatives Lantz, Goodman, Pettigrew, Roberts, Darneille, Appleton, Hasegawa and Kenney.

#### Brief Summary of Bill

- Establishes a Dependent Youth Representation Pilot Program to ensure that in the selected counties all children ages twelve and over who are in dependency proceedings have legal representation.
- Requests that University of Washington School of Law, Children and Youth Advocacy Clinic administer the Pilot Program, measure its effectiveness and issue preliminary and final reports to the legislature.

**Hearing Date:** 1/25/08

**Staff:** Sarah Silbovitz (786-7119) and Trudes Tango (786-7384).

#### Background:

When the state determines that a child's health, safety or welfare is seriously endangered, the court will proceed with dependency proceedings to determine the rights and relationship between the parent and child. Under state law, a child must be represented by a Guardian ad Litem (GAL), and may be represented by a Court Appointed Special Advocate (CASA), or an attorney. A GAL is a non-legal advocate required to represent a child's best interest. A CASA is generally a non-legal volunteer from the community who is trained to represent the child's best interest. Children over the age of 12 can request an attorney; however, state law does not require legal

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representation for children in dependency proceedings. Only an attorney can represent a child's stated interests in a dependency proceeding.

**Summary of Bill:**

The Dependent Youth Representation Pilot Program (Pilot Program) is established to provide legal representation for children 12 years and older in dependency proceedings. The program will be administered by University of Washington School of Law, Children and Youth Advocacy Clinic (Clinic).

The Clinic will select at least two counties to participate in the Pilot Program. The selection criteria is based on the presence and strength of a parents' representation project; a CASA or GAL program; and a system appointing attorneys for dependent children 12 years and older. The Clinic will distribute to the counties the funding for the Pilot Program. The Clinic will establish the Pilot Program, ensuring that attorneys are appointed for all children 12 years and older that are the subject of a dependency proceeding; that attorney's are appointed prior to the child's first dependency hearing for those children placed out-of-home; that all of the attorneys involved are trained in dependency matters; that no attorney has a caseload larger than eighty current cases; and that the judges, commissioners, GALs and CASAs receive training in dependency matters to better understand the attorney's role in the proceedings with respect to their own roles.

The Clinic is responsible for measuring the effectiveness of the Pilot Program. The Pilot Program will be judged on an increase in personal visits between the caseworker and child; an increase in regular visits between siblings in separate placements and between separated children and parents; an increase in completed educational, physical and mental health assessments within the required time period; an increase in shared planning meetings; an increase in timely enrollment of the child in school if he or she was removed due to placement; and a decrease in the number of days a child was on runaway status.

The Clinic is also responsible for measuring the effectiveness of the attorney's activities, including: the amount of time that passes between the time the child enters care and the attorney is assigned to the case; whether the attorney's presence increases the child's courtroom involvement; whether the attorney's presence increases the number and value of services for the child; and whether the attorney made the child's information available to the court.

The Clinic will issue a preliminary report to the Legislature by December 31, 2008, and will issue a final report to the Legislature by September 30, 2009.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/19/08.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.