

FINAL BILL REPORT

E2SSB 6126

C 108 L 14
Synopsis as Enacted

Brief Description: Concerning representation of children in dependency matters.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Darneille, Becker, Tom, Fraser, Pedersen, Kline, Pearson, Kohl-Welles, Braun and Frockt).

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Judiciary

House Committee on Appropriations

Background: The Department of Social and Health Services (DSHS) or any person may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent or custodian capable of caring for the child. If the court determines that the child is dependent, then the court will conduct periodic reviews and make determinations about the child's placement and the parents' progress in correcting parental deficiencies. Under certain circumstances, the court may order the filing of a petition for the termination of parental rights. If a child has been in out-of-home placement for 15 of the most recent 22 months, then the court must order DSHS to file a petition for termination, in the absence of a good-cause exception.

The court must appoint a guardian ad litem (GAL) for a child in a dependency proceeding unless the court finds the appointment unnecessary. The court has the discretion to appoint an attorney to represent a child in a dependency.

DSHS and the child's GAL must notify a child who is age 12 or older of the child's right to request an attorney and must ask the child whether the child wants an attorney. DSHS and the GAL must notify the child about the right to an attorney annually, and also upon the filing of any motion affecting the child's placement, services, or familial relationships.

DSHS must note in the child's service and safety plan, and the GAL must note in the report to the court, the child's position regarding the appointment of an attorney. The GAL must provide the court with the GAL's recommendation about whether the appointment of an attorney is in the child's best interests.

The court must also ask a child who is age 12 or older whether the child has been informed by DSHS and the GAL regarding the child's right to request an attorney. The court must

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make an additional inquiry at the first regularly scheduled hearing after the child's 15th birthday.

Summary: The court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship and when there is no remaining parent with parental rights. If a child is not already represented, then the court must appoint an attorney for a child when there is no remaining parent with parental rights for six months or longer prior to the effective date of this act. The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.

Subject to the availability of amounts appropriated for this specific purpose, the state must pay the costs for legal services of attorneys appointed to represent children six months after termination of parental rights if those services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation workgroup. When one attorney represents a sibling group, however, the first child is counted as one case, and each child thereafter is counted as one-half case for the purpose of determining compliance with caseload standards.

The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a GAL, a caregiver, or DSHS.

The child or any individual may retain an attorney for the purpose of filing a motion to request appointment of an attorney at public expense. Nothing with respect to this provision should be construed to change or alter the confidentiality provisions under RCW 13.50.100.

The Office of Civil Legal Aid (OCLA) must administer any money appropriated for the appointment of an attorney for a legally free child. OCLA may enter into contracts with counties to disburse state funds and may require a county to use attorneys under contract with the office to remain within appropriated amounts. Prior to disbursing state funds, OCLA must verify that the appointed attorneys meet the standards of practice, voluntary training, and caseload limits.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 1, 2014