

**OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN**

**TESTIMONY ON HB 2760**

House Committee on Early Learning & Children's Services

January 30, 2008

Olympia, WA

Good morning, Representative Kagi and Members of the Committee. My name is Mary Meinig and I am the Director of the Office of the Family & Children's Ombudsman. We support the intent of HB 2760 which is to strengthen the rights of children in dependency proceedings. We wish to thank Representatives Dickerson, Kagi and other members for their sponsorship of this measure.

- Children have a critical voice that must find expression in dependency cases. Not only do these cases bear on a child's imminent safety and well being, but they go to the very core of a child's quality of life: Dependency hearings determine where and with whom the child may live; to what extent the child will have contact with their parents and siblings; and whether they may see relatives with whom they have a relationship. Dependency decisions influence a child's hope for the future and shape the kind of person they will become through court ordered services, educational opportunities, and possible reunification with parents.
- Perhaps less tangible is the effect dependency court proceedings can have on a child's world outlook. Children eventually age out of the foster care system and long before they do, they ask themselves: Do I matter, was I heard, was I treated fairly, can the expression of my needs, interests and opinions make a difference? The extent to which a child feels represented in the dependency proceeding can either be empowering and confidence building, or it can be disillusioning with kids feeling marginalized by the "system."
- Although a child's rights are central to a dependency case, we have found across the state that children do not always or even often actively participate in the proceedings.
- In our contact with youth, they report not being made aware of scheduled hearings or seldom attending dependency hearings even when they know about them because they were not provided an opportunity to attend and

have a say in what information was presented to the court. This was a consistent theme presented by a panel of teens that addressed the Braam Panel over the last year.

- Across the country, there has been little statutory guidance or legal precedent on the role of child advocates. This is changing as states increasingly recognize that children are better served in the child welfare system when representation increases and the duties and responsibilities of child advocates are made clearer. HB 2760 seeks to address this in several respects:
  - The bill establishes that children 8 or older have the right to receive notice of hearings, be personally present, and be heard (currently, unless a child is over the age of 12, there is no requirement that they be served with a copy of the notice, summons and dependency petition; nor is there a requirement that they receive further notice of dependency proceedings. Similarly there is no express right granted that a child be heard in the dependency proceedings);
  - The bill also specifies that the duties of a GAL will include meeting with, interviewing, or observing the child, depending on the child's age and developmental status, and reporting to the court any views expressed by the child on issue before the court:
  - The bill also directs the child's attorney or guardian ad litem to coordinate transportation for a child who wishes to attend a hearing.
  - The bill permits the court to interview a child in chambers regarding issues before the court. I believe the court already has the discretion to do this and does do this on occasion, but this language may have the effect of further encouraging a judge to seek the child's input when appropriate.
- We think these measures will go far to provide added safeguards for dependent children in the State of Washington.

We thank Representatives Kari and Dickerson for the opportunity to provide written testimony on this matter.