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Written Testimony to be Incorporated into the Record on HB 2735

WRITTEN TESTIMONY ON HB 2735
HOUSE COMMITTEE ON JUDICIARY
Wednesday, January 27, 2010

House Hearing Rm A, John L. O'Brien Building, 8 a.m.

My name is Mary Meinig and I am the Director of the Office of the Family & Children's Ombudsman ("OFCO"). Thank you for this opportunity to provide written testimony on House Bill 2735.

While the Ombudsman does not support or oppose proposed legislation, **we support the intent of HB 2735** which takes important steps to engage and empower dependent youth in decision-making about their lives by providing them with critical information about their legal rights.

During the course of complaint investigations we frequently encounter, and intervene in, situations where youth have not been informed about their right to request legal counsel. Additionally, during our 2007 youth outreach project we had the opportunity to speak with youth residing in group homes across the state. Almost 40% of these youth reported that they generally had not been provided with adequate information. Many youth reported that they had not been included in decisions regarding their lives. In OFCO's resulting Group Care Report we recommended to agency officials and policymakers to *"...empower youth by engaging them in decision making regarding changes in their case plans and placement... and by ensuring that dependent youth have an attorney or CASA/GAL and know how to contact them."*

We think it is important that this proposed legislation:

- **Requires both DSHS and the CASA/GAL to notify children who are 12 or older about their right to request an attorney, and to inquire at least annually whether these youth would like to request an attorney.**
 - Obligating both DSHS and CASA/GAL to inform youth will help ensure that notification does not "slip through the cracks." Requiring these professionals to regularly, and directly, ask youth whether they would like to request an attorney will better engage youth in decision-making about their lives.

- **Requires the court to inquire whether a youth has been informed by DSHS and CASA/GAL regarding his or her right to request legal counsel.**
 - This measure will help ensure that DSHS and CASA/GAL have in fact provided youth with the required notification.

- **Requires DSHS or CASA/GAL to notify eligible youth about their right to petition the court to reinstate parental rights if the parent has contacted either DSHS or the CASA/GAL regarding reinstatement.**
 - In July 2007 a new law went into effect which allowed youth age 12 or older to petition the court to reinstate parental rights if a permanent plan was not achieved three years after termination.
 - This new law did not require eligible youth to be notified about their right to petition the court. DSHS/CA policy, but not law, currently requires social workers to notify eligible youth who are not already represented by legal counsel about their right to petition for reinstatement of parental rights.
 - OFCO is aware of a number of cases where eligible youth were not notified about their right to petition the court to reinstate parental rights and were not represented by legal counsel who could assist them in doing so.
 - In November 2009, OFCO recommended to DSHS/CA to implement a notification mechanism within FamLink to help social workers identify youth who are eligible to petition the court to reinstate parental rights. DSHS/CA agreed to implement a flagging system within FamLink. This new flagging system should help social workers comply with the existing policy mandate as well as the new notification requirements contained in this bill.
 - This legislation would legally obligate either DSHS or a CASA/GAL to notify eligible youth about their right to petition the court to reinstate parental rights, and will help ensure that youths' voices are heard regarding significant decisions in their lives.

- **Encourages the development of training and caseload standards for attorneys who represent dependent youth, by requiring the Administrative Office of the Courts, in coordination with the State Supreme Court Commission on Children in Foster Care to develop recommendations.**
 - This provision promotes effective legal representation of youth.

We thank Representatives Goodman, Appleton, Rolfes and others for their sponsorship of this legislation and for the opportunity to provide our thoughts on this proposal.