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TESTIMONY ON SB 5461
Representation of Children in Dependency Proceedings

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS
Tuesday, February 12, 2013
Senate Hearing Room 1
J.A. Cherberg Building, 10:00 a.m.

Good morning Chairman Carrell and members of the committee, my name is Patrick Dowd and I am with the Office of the Family & Children's Ombudsman ("OFCO").

While OFCO remains neutral on specific proposed legislation, we support the intent of this legislation to modify provisions for attorney representation of children in dependency proceedings.

As discussed this morning, this legislation in part identifies specific factors that would trigger the appointment of an attorney to represent some of the most vulnerable dependent children, such as- Children who are: legally free; in restrictive placements; subjected to multiple placements; prescribed psychotropic medication; suspended or expelled from school; or charged with a crime.

Appointing an attorney to represent the child under these circumstances will help address systemic issues identified by OFCO¹. Specifically, this legislation will provide legal advocacy addressing the child's stated interests as to:

Collaboration and Coordination of Services Between Multiple Agencies. These children often need services from various agencies in addition to Children's Administration such as: Developmental Disabilities; Behavioral Rehabilitation Services; or school districts. Legal advocacy for these children can remove barriers between agencies and assure the delivery of services.

¹ See, 2010 OFCO Annual Report, *Systemic Intervention: Lack of Coordination Between DSHS Divisions*; *Systemic Intervention: Psychotropic Medication and Dependent Children*, (pages 53-61) and 2013 OFCO Annual Report, *Barriers to Placement With out-of-State Relatives*, (pages 69-76)..
<http://www.governor.wa.gov/ofco/reports/default.asp>

Psychotropic Medication and Dependent Youth. Complaints to OFCO raised the following concerns: off-label use of prescription psychotropic medications in children, use of multiple medications, lack of coordination between providers, and use of medications as behavioral restraint. Attorney representation will help protect the legal rights of foster children regarding the use of psychotropic medications and prevent the misuse of prescription drugs.

Relative Placement, Multiple Placements and Sibling Contact. OFCO frequently receives complaints regarding the failure to place a dependent child with available relatives, multiple placements and children separated from siblings through the dependency process. The child has the greatest stake in decisions regarding placement and visitation and attorney representation will ensure that the child's stated interest is heard.

Child Safety. Attorneys have a responsibility to establish a professional relationship, based on trust with their client. Because the attorney-client relationship affords confidential communication, a child can speak freely with his or her attorney about conditions in the home, or other circumstances in the case which may pose a threat to ensuring the child's safety in state care.

I understand there is a fiscal note regarding this bill. It is important to bear in mind that many of these children will eventually be appointed an attorney. For example, children on the run from placement or suspended or expelled from school are often subject of contempt proceeding. This legislation would assure that an attorney is appointed earlier in the process and advocate for appropriate services, education and placement for the child.

Thank you for the opportunity to provide you with our testimony on this legislation.