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TESTIMONY ON SHB 1285
Representation of Children in Dependency Proceedings

HOUSE JUDICIARY COMMITTEE
Thursday, January 23, 2014 8:00 AM
House Hearing Room A
John L. O'Brien Building
Olympia, WA

Good morning Madame Chair Jenkins and members of the committee, my name is Patrick Dowd and I am with the Office of the Family & Children's Ombuds ("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. In fact, the benefit of attorney representation for children in dependency and termination of parental rights proceedings is a focal point of OFCO's 2013 Annual Report.¹

Children have at least the same due process right to counsel as do indigent parents subject to dependency proceedings.² Currently however, whether or not a child is represented by an attorney in a dependency proceeding lies with the discretion of the court, and depends largely on local practices in the county where the child's case is heard. As a result, a child in one county may have an attorney advocating for the child's stated interests and protecting the child's legal rights while in another county a similarly situated child is not represented by an attorney.

This legislation will assure that an attorney will be appointed for all dependent children once parental rights are terminated. This is a significant step towards protecting the child's rights and interests, particularly as to the fundamental issue of establishing a permanent placement for the child.

SHB 1285 will also establish a two year pilot project and evaluation, where all children in two selected counties will be appointed an attorney at shelter care. This pilot project will assure that that prior to termination of parental rights, a child subject to a dependency proceeding will be represented by an attorney who will advocate for the child's stated interests on issues such as:

¹ Available at: http://www.governor.wa.gov/ofco/reports/2013/ofco_2013_annual.pdf

² *In re the Dependency of MSR and TSR.*

- The child's safety and welfare while in state care
- Placement decisions which impact
 - Contact with relatives
 - Sibling separation
 - The child's school and community
- Visits with parents and siblings
- Services and treatment including
 - Mental health services
 - Substance abuse treatment
 - Medical care
- Permanency
 - Family reunification
 - Adoption
 - Guardianship

This bill also addresses the need for quality representation, as it incorporates the practice standards developed by the statewide children's representation workgroup.³

State law currently provides a child with the right to an attorney in At Risk Youth and Child in Need of Services cases⁴ where a child does not face the possibility of termination of the parent-child relationship. Children in dependency proceedings have much more at stake and deserve legal representation. Thank you for the opportunity to provide you with our testimony on this legislation.

³ The Child Representation Practice Standards are published in *Meaningful Legal Representation for Children and Youth in Washington's Child Welfare System*, available at: <http://www.law.washington.edu/Directory/Docs/kelly/HB2735.pdf>

⁴ RCW 13.32A.192 and RCW 13.32A.160