

PROVIDING LEGAL REPRESENTATION TO VULNERABLE FOSTER CHILDREN & YOUTH

Washington ranks 48th in the nation in protecting the legal interests of foster children & youth.

In 2012, our Supreme Court held that Washington's children have at least as great a right to an attorney as do their parents, in part because children have at least as much at stake.

As they should, parents—even when they have been found to have abused or neglected their child—have a right to an attorney under state law.

Vulnerable children & youth should have this right too.

The Problem

Foster care court hearings & trials have a greater impact on a child's life than any other legal proceeding. While children facing even one day of juvenile detention have the protection of an attorney, a foster child in Washington has no such right under state law.

This is true even though **foster children face up to 21 years in the state's custody**, placement away from family, return to a dangerous home, involuntary commitment, or even jail time for not following court orders.

Why provide vulnerable foster children with legal representation?

- ✓ **The National Conference of State Legislatures** acknowledges that providing foster children with attorneys is an **evidence-based practice** because lawyers have been shown to **dramatically shorten the amount of time a child spends in foster care**, without reducing the likelihood of the child returning to his or her biological family.
- ✓ Because advocacy by attorneys shortens time in care, it will **substantially reducing the costs of the state's foster care system**.
- ✓ **Most states** provide legal representation to all foster children.
- ✓ In 2010, the Legislature noted Washington's "inconsistent practices" in appointing counsel & unanimously recognized the **critical role of children's attorneys** in assisting with placement options, ensuring visitation with family, accessing educational services for older youth, as well as holding the foster care system accountable.
- ✓ In 2010, the **Supreme Court Commission on Children in Foster Care** called for all foster children to have legal representation.

The Solution

- ✓ Provide attorneys for the most vulnerable foster children, including those:
 - whose parents' parental rights have been terminated;
 - who have lived in multiple foster homes or who have been in care for many years;
 - who may be institutionalized;
 - who have been suspended or expelled from school;
 - who have run from their foster care placement; &
 - who are prescribed psychotropic medications.
- ✓ Clarify who can request that an attorney be appointed for a child, including a parent, the Department, the GAL/CASA, the child, or the court on its own initiative.

Contact

Casey Trupin: casey.trupin@columbialegal.org

Erin Shea McCann: erin.sheamccann@columbialegal.org

Columbia Legal Services

