



Youth Voice and the DS Settlement

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Agenda

- Presentation Objectives
- DS Settlement Overview
 - Outcomes of the DS lawsuit, programs that have resulted
 - Youth voice in the implementation process
- Power Dynamics in Child Welfare
- Legal Representation & Advocacy Models
- Small Group Activity (25m)
- Wrap Up / Reflections
- Q&A / come say hi

Objectives

1. Gain more knowledge about the DS settlement outcomes including how youth voice is included
2. Understand different legal representation models—what they are and what they are not
3. Evaluate how power dynamics influence youth experience in the child welfare system
4. Understand how the trajectory of a case can shift based on whether youth voice is being centered

Definitions

Lived Expert: in this context, children or youth who are currently experiencing or have experienced the foster care system directly.

Plaintiff: a party or individual who brings a case against another person or entity in a court of law.

DCYF: Department of Children, Youth, and Families

DRW: Disability Rights Washington

What are adult foster care alumni saying they want?

My Voice, My Story



Youth in foster care often find their casefiles do not accurately represent their experiences. Young people should be able to tell their own stories in their own words in their DCYF casefiles.

think of US

Driving Change for youth
to heal, develop & thrive.

Washington State's
Vision for the Future

Our “Vision for the Future” Report

Transitions

- Minimize disruptions during youth’s lives in care.
- Help offer a seamless transition into Extended Foster Care.
- Help youth have a cohesive offboarding experience from care.
- Ensure supportive adults and basic support even after care ends.


Resilience & Empowerment

- Maintain and strengthen youth’s supportive relationships.
- Ensure youth know about all available resources.
- Empower youth in court.
- Understand and respect adolescents as fluently as younger children in care.
- Place youth as the drivers of their goals, with a team to support them.

Healing-Centered

- Treat removal as the core trauma it is.
- Treat healing from trauma as the core objective.

Have you heard
these things
before? What do
you hear from
your clients?



DS Background

DCYF has had problems over the years utilizing night-to-night hotel stays, moving young people frequently, or even placing youth unnecessarily in residential or other treatment facilities due to “lack of placements”. This is especially true for teens and those who identify as LGBTQ+.

In 2021, Disability Rights Washington and three young people in foster care sued the Department of Children, Youth, and Families (DCYF) alleging that the DCYF had been failing to properly serve children with behavioral health and developmental disabilities, “essentially rendering them homeless for extended periods of time” and forcing youth to end up in institutions and facilities that further separated them from their families and communities.

*Source:

<https://disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families/>

Who qualifies as a DS class youth?

Any young person who:

- Is under 18 and in care through DCYF (does not include federal foster care)
- Meets one or more of the following:
 - has had 5 or more placement moves (does not include trial return home, respite, summer camps, and other temporary placement)
 - must have had 1 move in the past year unless at a QRTP
 - is referred to or is in out-of-state care
 - has experienced hotel or office stays in the past 6 months
 - are waiting for Seattle Children's Long-Term Inpatient Program

DS Settlement

DCYF settled the lawsuit with DRW in September 2022. The Settlement Agreement required DCYF to implement new statewide models for supporting youth in foster care and their families and to collaborate in additional ways with youth, families, and stakeholders to improve its policies and practices. These models include 8 “systems improvement” initiatives and developments:

- Emerging Adulthood Housing Program (ages 16 - 20)
- Professional Therapeutic Foster Homes
- State-Wide Hub Home Framework
- Revising Licensing Standards
- Kinship Engagement Unit
- Family Group Planning meeting improvements
- Referral and Transition improvements
- Qualified Residential Treatment Program (restrictions)

*Source:

<https://disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families/>

Youth Voice

Inclusion of lived expert voice in the settlement implementation process is an explicit requirement of the Settlement agreement:

“This Agreement will transform child safety and wellbeing practices to...continuously improve through ensuring the collaboration, inclusion, and leadership of those most affected—the children, young people, and families whose perspectives are informed by their own lived experiences.”

“Defendants will review Shared Planning Meeting (SPM) and Family Team Decision Meeting (FTDM) policies and practices for improvements and revise in response to input from individuals with lived experience and other stakeholdering feedback...”

“Defendants will develop trauma-informed, culturally responsive and LGBTQIA+ affirming referral and transition protocols in response to input from individuals with lived experience and other stakeholdering feedback...”

The Agreement additionally establishes a Stakeholder Facilitator directed to soliciting input from young people with lived experience in the child welfare system.

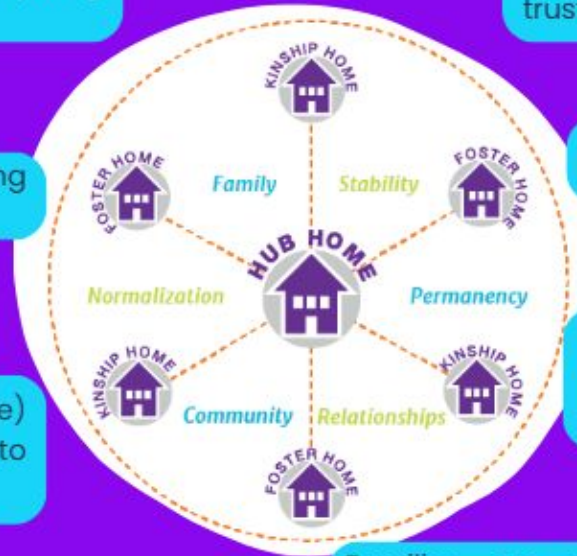
HUB HOME MODEL AKA MOCKINGBIRD FAMILY™



A relationship-first foster care framework, based in recreating an extended-family-like support network for caregivers and young people - called a Constellation.

Intentionally and thoughtfully designed to ensure young people who enter the foster care system are surrounded by multiple peers with similar experiences and caring, trusted adults.

Designed to reduce isolation for young people and foster/kinship families.



Supports youth voice, placement stability, and connection to siblings.

Provides dedicated peer support (Hub Home) with familiar, easily accessible caregivers to support crisis and celebrate success.

Builds collaboration between families to stabilize in crisis, and reduces staff time for respite or placement changes.

Families are all in relative, close proximity to each other.



DCYF & MBF CONTACTS BY REGION

MOCKINGBIRD FAMILY™



*Last updated in February 2026

REGIONS 1 + 2

Central and Eastern Washington

DCYF Liaisons: Trish + Ang (Yakima only)



Emily



Hayley

REGIONS 3 + 4

King County and North of King

DCYF Liaisons: Jess + Ang (South King only)



Elisabeth



Jeff

REGION 5

Pierce County

DCYF Liaison: Ang



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What's different?



Hub Homes

- Are experienced, specially trained foster families to support LGBTQ+ and culturally relevant care amongst their families
- They get to know all the young people, support in getting services met, provide immediate support during crisis, and celebrate life milestones (e.g. birthdays, graduations, etc.)

Familiarity & Consistency

- Families and young people see each other minimum monthly in a home setting with games, good, and a chance to just relax
- Siblings that can't stay in the same home can be placed in the same constellation and can coordinate directly handing out together whenever they like (and in a comfortable environment)

Stability

- In instances of crisis or potential disruption, young people have a familiar home they can go to while they determine next steps
- Hub Homes can provide mentoring and support to the young person and families in case return is desired, or work with the other families to find placement in the constellation

Shifting Gears

Power Dynamics in Child Welfare



State Intervention

Unclear Lines of Authority

- Social worker is the legal guardian and is responsible for ensuring the your basic needs are met in state care but also have the power to upend your life at any moment...
- Foster parents are the physical custodians and have their own rules and norms you must adapt to and follow...
- Bio parents retain parental authority under the law where decision-making doesn't relate to the underlying abuse or neglect...
- Judges listen to what all these people have to say about you and your life and get to make their own decisions that you then have to follow
 - Who is my parent? Who has authority over me? Who do I listen to? What if I don't agree? What if I don't think they are doing a good job?

Conflicting Interests

- State's job is always reunification, even where a youth might not want to reunify
- Child's position or priorities can be at odd's with those of their social worker
- Department policy not always aligned with what is best for a particular child

State Intervention

Information Gatekeeping

- DCYF has discretion as to whether and when to act on reports of abuse or neglect regardless of who makes the report (neighbor vs. medical providers vs. teachers, etc.)
- So much of the child's experience in state care hinges on the type and quality of information others in the system are getting
 - Judges
 - Prospective placements
 - Service providers
 - Schools
 - Subsequent social workers
- Without appointed legal counsel, the flow of information to the child is almost exclusively dictated by the social worker

State Intervention

Triaged Care

- Children in crisis get the most attention, while children who internalize their trauma or anguish can be overlooked.
- Less time and resources are available to support a child's interest in relational permanence

Confidentiality

- Youth in care and former youth in care routinely report foster care as an isolating experience, yearn for connections with other foster youth
- DCYF is the only entity with information as to who is in care, where they live, what schools they attend, etc. BUT
- Strict rules about what information DCYF can share

CASA/GALs

Imbalanced Communication Expectations

- Request a lot of information from youth in order to understand the child's needs (and to determine what they think is best course of action for the child) but are under no obligation to share information with the youth about their case.
- No confidentiality obligations
- No obligation to report to youth the work they are doing in the name of the child's best interest

Conflicting Interests

- Advocate for what they think is best for the child, irrespective of what the child may want
- May advocate for excluding children from the court process
- May withhold case information the youth desires
- May disclose information to parties that the youth would not want shared
- Get to pick and choose what is shared with the court

Court

Judicial Officers

- Powerful adults who make decisions that profoundly impact a child's life and are also the furthest removed from the child's reality
- Can be hostile to youth participation in court proceedings, even though a child's participation in hearings is nationally recognized best practice
- Many feel ill-equipped to provide youth with a trauma-informed, child-centered courtroom experience as they are not typically trained or provided resources to do so

The Courtroom Itself

- Often windowless or cramped
- Chairs set to adult height
- Sterile, bland, severe
- Intimidating layouts—judges often elevated above the parties
- Filled with strangers, often seated directly behind you

Social Factors

Racial Bias

- Many children and youth of color experience a child welfare system overwhelmingly dominated by White decision makers

Class Bias

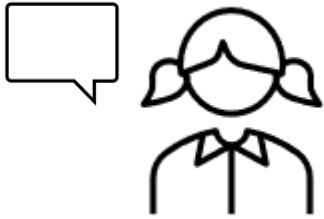
- Decision-makers typically do not reflect the socioeconomic make up of the families who are most entangled in the child welfare system

Age Bias

- Children dismissed as lacking ability to reflect meaningfully on their wants and needs and to identify what is best for them
- Exclusion from the decision-making process on the grounds that “kids should be kids”

Are there any additional power dynamics you can think of? Can you think of a time you saw any of those power dynamics play out?

Legal Representation & Advocacy Models



Stated Interest



Legal Interest



Best Interest

Best Interest Advocacy



- Reserved for CASA/GALs
- Requires that the child advocate make recommendations to the court based on what the advocate themselves believes is in the child's best interest.
- As a matter of sufficiency or professional standards, the best interest argument:
 - Is not required to align with the child's wishes
 - Is not required to align with the child's legal rights
 - Is not required to be supported by prevailing social science or other research bearing on the issue at hand
 - Is not required to be informed by any sort of specialized knowledge or expertise (i.e. not an "opinion")
- NOT a legal representation model

Legal Interest Representation



- Legal representation model
- Reserved for lawyers representing children who are unable to direct representation, such as pre-verbal or non-verbal children
 - Unethical for a lawyer to engage in “best interest” advocacy, no matter how young the client is
- Requires that the attorney take positions and make arguments based on what the child’s relevant legal rights are in a given situation
 - Law, which is assumed to be in the child’s “best interest”, determines the position that the attorney must take on any legal question
 - Attorney’s responsibility is to achieve the child’s legal rights in a safe manner although safety concerns do not in themselves preclude arguing for a particular legal outcome
 - Legal rights are found in statute, case law, court rule, federal regulations, WACs, agency policies...
 - Attorney’s personal belief about what is best has no bearing on the analysis

Stated Interest Representation



- Legal representation model
- Reserved for lawyers representing children who are able to direct representation
 - Lawyers must communicate with their clients in a trauma-informed, developmentally-appropriate manner to ascertain the child's needs and interests
 - Ability to direct representation determined by the child's capacity, not their chronological age
- Lawyers are ethically obligated to follow their client's stated interests
 - Unethical for a lawyer to engage in "best interest" advocacy, no matter how much they disagree with a client's interests or objectives
 - May counsel clients as to the relative "pros and cons" of a certain position, but at no point does the attorney get to override the stated interests of their client

Stated Interest Representation



- Lawyers have an ethical obligation to share case information with their clients
 - Unethical for an attorney to withhold information from a client who is capable of directing representation
 - Information should be shared in a trauma-informed, developmentally-appropriate manner
- Lawyers have an ethical obligation to maintain client confidentiality
 - NOT mandated reporters
 - Can only break confidentiality rules to extent necessary to prevent “reasonably certain death or substantial bodily harm”
- Lawyers for children are entitled to discovery i.e. all of the information the State and CASA/GALs may have pertaining to the child
- Lawyers have an ethical obligation to explain the child’s legal rights to them

Practicing in
real-time



Three Takeaways

1. Give us a chance to share our perspective and call out misinformation.
2. See each of us as a whole, complex person and make sure that is reflected in paperwork and other communication.
3. Acknowledge and strive to meet each person's unique needs.

Key Points from Listening Sessions

- In general, we want to be seen as a whole, complex person and we want paperwork and other communication to reflect that.
- We deserve a chance to share our perspective and call out misinformation in paperwork that is often gathered from our abuser(s).
- We want to be trusted in what we say we need. We know our situations and experiences best. But we still sometimes need to be informed about what healthy caregiving looks like and what needs (attachment and other) we deserve to have met by our current and past caregivers.
- We need to know our options in order to make educated decisions about what we want. You have some of the puzzle pieces, and so do we- you have the language and options, and we have our experiences. We need all the puzzle pieces in order to see the full picture.
- Young people want to know who has the power to change their circumstances.
- We want to know what to expect.
- We want to be and feel empowered.
- Counsel should do more than just ensure safety, it should help young people in care have access to opportunities their peers do.

1. Ask what they want
2. Seek to understand why
-knowing the WHY allows for more impactful advocacy and representation
3. Respect their stated interests

How is what's happening affecting you?

Bottom Line

You can meaningfully honor youth voice in practice by gathering and sharing information (as desired by the young person) about **who your client is and how they are experiencing the things that are happening**. What matters is that young people are fully advised of their rights to express their thoughts and feelings, either in their own words or through their attorney.

Reflect and debrief



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