

# “Why do they do that??” Roles & Responsibilities of Parent and Youth Attorneys

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# Overview

- The Parent's Representation Program at the Office of Public Defense (OPD)
- The Children's Representation Program at the Office of Civil Legal Aid (OCLA)
- Attorney Roles and Responsibilities
- 10 Questions
- Audience Q&A





The  
Parent's Representation  
Program

# The WA State Office of Public Defense

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## Mission:

Uphold the rights of all people who are facing the loss of liberty or family by providing statewide leadership, administration and support to the multidisciplinary public defense profession.



Washington State  
**Office of  
Public  
Defense**

# The Parent's Representation Program

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- **Purpose**

Ensuring a fair and equitable child welfare system by leading, administering, and supporting the effective and efficient delivery of multidisciplinary right-to-counsel services for indigent parents facing state intervention in the parent-child relationship.

*“The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life.”*

- Supreme Court of the United States, *Santosky v. Kramer*, 455 U.S. 745 (1982).

# Right to Counsel for Parents

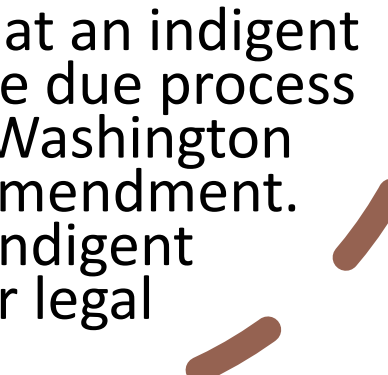
## **Statutory Right to Counsel: RCW 13.34.090(2)**

At all stages of a proceeding in which a child is alleged to be dependent, the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency

- Includes the right to counsel on appeal
- OPD Contracted Attorneys for Parents are in all 39 counties in the state


## **Constitutional Right to Counsel**

Washington State case law recognizes that an indigent parent's right to counsel derives from the due process guaranties of article 1, section 3, of the Washington Constitution as well as the Fourteenth Amendment. The right to counsel applies not only to indigent parents, but also to a child's guardians or legal custodians.



# The Parent's Representation Team


**Brett Ballew**  
Supervising Attorney




**Amelia Watson**  
Supervising Attorney




**Michael Heard**  
Social Services Supervisor



**Shrounda Selvinoff**  
Chief of Parents Representation



**Jacob D'Annunzio**  
Training Attorney  
Parent Rep Program




**Lisa Dabalos**  
Managing Attorney  
Parent Rep Program



**Tonia McClanahan**  
Parents Voice  
Advocacy Manager



**Darren Acoba**  
Managing Attorney  
Parent Rep Program




**Sharea Moberly**  
Managing Attorney  
Parent Rep Program




**Kui Hug**  
Social Services Manager



**Marci Comeau**  
Managing Attorney  
Parent Rep Program




**Elysia Ruvinsky**  
Managing Attorney  
Parent Rep Program




**Brooke Bolding**  
Program Assistant




**Tiana Price**  
Paralegal Rep Program



**Ryan Siu**  
Program Analyst  
Parent Rep Program



**Etta Gold**  
Program Assistant



**Nicole Johnston**  
Program Assistant



## Outline Key:

Gold: Leadership

Blue: Supervised by  
Amelia and Brett

Red: Supervised by Mike

Green: Supervised by  
Amelia, Mike, and Brett



# The Children's Representation Program

# The Office of Civil Legal Aid

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## RCW 2.53.005:

“...[T]he provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of civil and criminal justice... [S]tate-funded legal aid services should be administered by an independent office of civil legal aid located within the judicial branch and subject to formal continuing oversight that includes bipartisan legislative representation.”

## Mission:

Secure, invest and oversee the use of public funding for civil legal aid to low-income people in Washington State and to ensure accountability for public funds dedicated to this purpose.

# The Children's Representation Program

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## Mission:

Underwrite and oversee the delivery of effective standards-based, trauma-informed, and culturally-competent attorney representation for children subject to dependency and termination proceedings in Washington State

## Charge:


Statutorily directed to contract with attorneys to provide legal representation to children and youth appointed counsel pursuant to RCW 13.34.212(1) and (3). *RCW 2.53.045*

# Statutory Right to Counsel for Children & Youth

## RCW 13.34.212(1)

- Court must appoint counsel for children who remain dependent 6 months after parental rights have been terminated and no parental rights remain
- Operational in 19 counties

## RCW 13.34.212(3)

- Court must appoint counsel for children 8 and older in a dependency
  - Court must appoint counsel for dependent children under the age of 8 where a petition to terminate parental rights is filed
  - Operational in 20 counties
  - Statewide by January 1, 2032
- 



# The CRP Team

## Program Director

Ensures faithful execution of the CRP's statutory directives

## Training & Operations Manager

Oversees and executes a training curriculum designed to ensure contracted attorney compliance with established practice standards; manages internal operations

## Managing Attorneys

Monitor and oversee contracted attorney compliance with established practice, caseload, and training standards

## Client Voice & Community Impact Coordinator

Serves as the voice of legal system impacted children and youth within CRP operations as well as outwardly facing community partners

## Administrative Support Team

Keeps this train running!

# OPD & OCLA as Funders and Administrators

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**Courts are responsible for appointing counsel to children entitled to appointment of counsel**

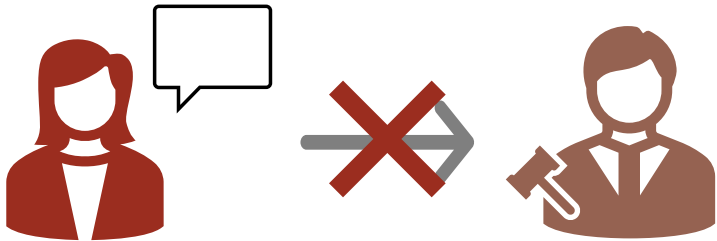


**Orders appointing counsel do not go through OCLA or OPD**

- Assignment procedures vary by county but all must comport with [GR 42](#) parameters
- OPD & OCLA provides courts with list of qualified attorneys eligible to accept appointments

# OPD & OCLA as Funders and Administrators

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## **OPD & OCLA are statutorily prohibited from providing direct representation of clients.**

- Our programs recruit, train, and compensate independently contracted attorney
- We provide oversight, not representation
- Cannot provide direct representation but do have access to confidential case files for oversight purposes

## **Attorneys are independent contractors, not employees of OPD or OCLA.**

- Contractual obligations to perform at independently prescribed standards
- Ongoing training requirements
- Submit to regular oversight functions such as timekeeping, real-time observations, and performance reviews



**Attorney  
Roles & Responsibilities**



# Survey

Who here has interacted with a parent or child attorney before?

In one word, how would you describe your interactions?

What are qualities YOU would look for in hiring an attorney?

# Being A Practicing Attorney

- Schooling:
  - BA—4 years, any field
  - JD—3 years; all the same degree, no majors/minors
- Examinations:
  - Bar Exam—two and half day long multiple choice and written exam
  - Ethics Exam—3 hours multiple choice
  - Washington State Law Component—open book, ??? Hours
- Washington State Bar Association CLE requirements (45 credits every 3 years)
- Contractual training requirements

# Practice Standards Attorneys Must Follow

- The Rules of Professional Conduct (RPC)
  - Attorneys can lose their license to practice law if they violate the RPCs!
- Supreme Court Orders on Indigent Defense Standards
- Specific Contractual Practice Standard Obligations
- OCLA-contracted attorneys: the *Representation of Children and Youth In Dependency Cases Practice, Caseload, and Training Standards* (Rev. Sept. 2022)



10 Questions

Question:

Why does the attorney argue for [insert disagreeable position here]? They can't possibly believe in what they are saying!

Answer:

RPC 1.2 dictates that an attorney "shall abide by a client's decisions concerning the objectives of representation. This means the attorney has an ethical obligation to fight for what their client wants, regardless of their personal feelings on the matter.

Question:

Why don't attorneys keep case information from their clients even when they know the client won't react well?

Answer:

RPC 1.4 requires that attorneys keep their clients "reasonably informed" so that clients can make informed decisions about their cases. Attorneys must "promptly comply" with requests for information.

Question:

Why do attorneys withhold information from other parties in the case? Isn't it better when we collaborate?

Answer:

RPC 1.6 dictates that an attorney shall not disclose information that the client has not either explicitly or impliedly authorized disclosure of.

Question:

Why do attorneys prevent people from talking to their clients without the attorney being present?

Answer:

Attorneys have an ethical obligation to protect the interests of their clients. When a person has legal representation, they have the right to have communication go through their legal counsel.

Question:

Why do attorneys argue for things that aren't safe for the child or in the child's best interest?

Answer:

What is "best" or "safe" for the child is subjective. Attorneys advocate for what their client has assessed is best or safe based on the client's own experience, expertise, values, and perspectives.

Question:

Why does the attorney keep fighting for their client when they know they are “guilty”/going to lose/aren’t even present for the hearing?

Answer:

Parents and children have a constitutional right to family integrity and RPC 1.3 requires that attorneys be “diligent” in their representation of clients. These facts don’t change based on the client’s character, credibility, or odds of prevailing.

Question:

Why won't the attorney let me sit in on meetings they have with the parent/child?

Answer:

RPC 1.6 again! Attorneys must have confidential meeting spaces so that they may communicate openly and frankly with their clients.

Question:

Why is the attorney being so mean to me in court? I thought we got along!

Answer:

“As advocate, a lawyer conscientiously and ardently asserts the client’s position under the rules of the adversary system.” While it can feel personal, it really just is the attorney doing their job. You would want the same thing if you were in our clients’ positions!

Question:

Why would an attorney discourage their client from participating in services or therapeutic court? Don't they want their client to be successful?

Answer:

“As advisor, a lawyer provides a client with an informed understanding of the client’s legal rights and obligations and explains their practical implications.” Attorneys may assess the course of action being proposed by others as being incongruous with the client’s stated interests and needs or that it could even be harmful to the client’s efforts.

Question:

Why would an attorney appeal a termination of parental rights order when it's clear there is no possibility of winning on appeal?

Answer:

RPC 1.2 again! If the client directs us to, we must appeal. Also, termination of parental rights is known as "the civil death penalty". The appellate process protects children and parents' due process rights to a fair, just, and accurate proceeding.



# Audience Q&A

Ask us anything!

# Resources

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[ABA Practice Standards for Parent Attorneys](#)

[WSBA Standards for Indigent Defense Services](#)

[Children's Representation Practice Standards](#)

[Washington Supreme Court Caseload Standards](#)



# Thank you!

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