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### Children's Representation Spotlight.

#### Why I do this work.

By: Rachel da Silva

Jeff Adams was so right when he pointed out in a previous issue that our work as youth reps can be isolating and that “a sense of community is essential to our individual and collective well-being as attorneys for children.” When I started contracting with OCLA five years ago I had never worked professionally with children. I was a mom of a 15-year-old, which certainly gave me perspective, and I had done some family law, but never direct youth representation. Jill Malat, then the director of the CRP, assigned me two experienced mentors – Kristen Bishopp and Lynnda Brown. I called them frequently. Fortunately for me, they both have deep wells of experience and empathy and were happy to answer my questions. I felt very fortunate and never alone for too long.

Then came Covid. The Courts shuttered and everything went online. Social gatherings and our informal communities of practice seemed to evaporate overnight. Eventually the world started coming back to life and I attended my first Local Youth Attorney gathering in Olympia, organized by Sarah Beth Hernandez Huot. There were around a dozen people sitting in a circle at a park, actually meeting in person! It was wonderful and got me thinking about what we youth reps really need in order to feel connected and stay inspired. I'm a people person. I am energized when I have a community and feel a sense of belonging. I wondered if other youth reps were all so much more self-assured than me that they didn't need this support?

Somehow Bailey knew that I really like – maybe ‘need’ is more accurate – colleagues to connect with, to establish a community within this sometimes-isolating world of

sole practitioners like myself. She offered me the job of Attorney Mentor for Pierce County. It was a bit daunting at first – my contract said I was going to “provide technical support” and “direct mentorship.” Yikes! But I realized this was a wonderful opportunity for me to support the CRP and get my own needs met too – needs for collaboration, for brainstorming, and training. And again, I'm not alone – I rely on the amazing CRP staff regularly.

It's become fun and exciting to gather once a month, let down our hair, share some troubles and learn how others have dealt with similar concerns in our world of dependencies. Even if they didn't practice in the same counties as I did, colleagues usually had enough experience to point me toward an answer when I needed one. I have so appreciated learning how other attorneys organize their practices, how they fight on behalf of their clients, and why they do this work.

And lately I've realized that I too am bringing skills to the work – how to utilize interpreters well, keeping my cool thanks to years of work as a mediator, how to continually highlight the positive steps my clients take – my perspective as a parent and active godparent to three young adults helps so much in this.

So why do we do this work? Personally, my first job out of law school was in the Tri-Cities. I helped DV survivors get protection orders and temporary parenting plans. I helped agricultural workers get their unpaid wages. Later I worked in immigration law helping turn people's lived experience into a way forward towards legal status. I saw how much like a fragile spider's web our state, and federal, legal services and laws are. There are strong frameworks but also gaping holes. I saw how laws change and adapt to demands by practitioners who know the risks if vulnerable people fall through those gaps. So, coming to the CRP seemed familiar, although in a brand-new area of law.

So, what's next? We all have skills borrowed from our “other” lives and we can all learn from those willing to share. What CLEs would be useful for our community of practice? A deep dive into the OCLA standards of practice? How to push for more timely discovery in different jurisdictions? Best practice when working with an interpreter and what are our resources for using one?

A book group? I just started reading *Caste* by Isabel Wilkerson – I'd love to discuss how these themes open our eyes and impact our work. Let me know if that's something you'd like to join, and if you would be willing to share some of your "other" skills in CLEs in the future!

### High School Summer Internship Opportunity.

The Health Care Authority is hiring high school interns for this summer from North Thurston, Olympia, and Tumwater schools.

These internships are designed to be filled by local high school students for the purpose of learning about work in state government and, specifically, at the Washington State Health Care Authority. Interns will have different experiences depending on their work unit. All interns will learn about state government and the specific work of their unit. Each intern will be trained on necessary skills and assigned work tasks that further enhance their learning experience.

Position is posted until Sunday, April 30, at 11:59pm.  
Hourly wage: \$16.25

If you think this might be a good opportunity for a client, more information can be found [here](#).

### Free Dental, Vision & Medical Care for People in Need in Seattle/King County Clinic.

If you have clients in Seattle/King County, this is a great opportunity. Free Dental, Vision & Medical Care for People in Need, Thursday, April 27 - Sunday, April 30, Seattle Center (Starts at Fisher Pavilion). For more information, click [here](#).

## LEGISLATIVE AND CASE LAW UPDATES

### [Case Law Updates](#)

[In the Matter of the Custody of AMF, slip op. No. 101270-5 \(Washington State Supreme Court, 2022\)](#)

In re the Dependency of AMF, the Washington State Supreme Court addressed the issue of compulsory testimony, invocation of the Fifth Amendment protection against self-incrimination, and the drawing of a negative inference therefrom. The Supreme Court upheld the termination, holding that the Court's reliance on a

negative inference was not error. However, the Supreme Court stressed "that such a negative inference must not be the only evidence supporting termination." In doing so, the Supreme Court opinion provides an avenue of argument dependent upon the facts. The case opinion can be found [here](#).

### *A Busy Month in Division 1*

[In the Matter of the Custody of ANDM, slip op. No. 82779-1 \(Washington State Court of Appeals, Division 1, 2022\)](#)

As part of an agreed parenting plan, a mother twice asked for superior court to enter findings regarding her daughter's eligibility for special immigrant juvenile status. The superior court denied both requests for different reasons. The Court of Appeals accepted review and reversed a declination of authority and denial of the motion on the merits. This case, although not a dependency, does a fantastic job of discussing the presentation and review of SIJS motions. Please consider reviewing this opinion for a refresher on SIJS. The opinion can be found [here](#).

Also, in a trio of recent unpublished opinions from Division One, the Court of Appeals upheld two terminations and reversed a third. *In re AaDY*, the Court of Appeals upheld a termination, finding against the appellant's argument that they may have had an intellectual disability. In a very fact specific opinion, the Court of Appeals distinguished *MASC*, *IM-M*, and *DH* and concluded that the Department made reasonable efforts to ascertain the extent of the disability, tailored its offer of services, and the tailoring was informed by current professional guidelines. A key factor in the opinion appeared to be the parent's lack of engagement without a nexus to a disability. While unpublished, the facts of the case bear scrutiny should you have a client with alleged intellectual disability. The opinion can be found [here](#).

In a second opinion, *In re JLLM-M*, the Court of Appeals denied a mother's claim that the Department failed to provide housing or domestic violence survivor services because neither service was court-ordered or necessary. The Court of appeals conducted an in-depth analysis of the facts and language in the pleadings. While unpublished, *JLLM-M* may be of interest where you are

examining the necessity and provisioning of services ahead of a termination. The opinion can be found [here](#).

Finally, *In re CECL*, the Court of Appeals reversed the denial of a motion to vacate a termination by termination. While unpublished, the case provides valuable insights into how to properly review and argue a CR 60 motion to vacate. The opinion can be found [here](#).

*UNDER RCW 2.06.040, COURT OF APPEALS UNPUBLISHED OPINIONS LACK PRECEDENTIAL VALUE; UNDER GR 14.1, THEY MAY NOT BE CITED AS BINDING AUTHORITY.*

## TRAINING OPPORTUNITIES

### HB 1227.

A primary request has been training on HB 1227. The CRP is committed to making a HB 1227 training available and is actively working in conjunction with OPD to create a series of information and practical trainings.

We anticipate a broad training regarding HB 1227 being available May 5, 2023, 12:00 – 1:30 PM. This training is virtual, free, and no registration is necessary. A Zoom link will be sent by email once it has been identified between the OCLA and OPD.

A second experiential training will be held on May 23, 2023, 12:00 – 1:30 PM. We are still finalizing the training plan and more details will follow. Again, this training is virtual, free, and no registration is necessary. Once finalized, a Zoom link will also be sent by email.

### Annual Contractor Conference.

The CRP is committed, within fiscal resources, to provide an annual conference for out contractors. We believe this conference is integral to building out statewide community of practice and this year we are excited to announce a joint annual conference with OPD and the Children's Home Society of Washington. This conference will be in-person at UW Tacoma. More details will follow. For now, we request that you save the date, September 11 – 12, 2023.

### An Opportunity to Provide Feedback to the U.S. Children's Bureau on Child Welfare Practice.

The U.S. Children's Bureau has released a survey for judges, attorneys, court clerks working in child welfare. It should take about 15 minutes to complete and is designed to help the federal government better understand child welfare court practice across the country. To complete the survey, click [here](#).

