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THE Children's Representation Program NEWSLETTER

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Washington State Prison Efforts to Create Normalcy for Families

According to a recent King 5 article from Conner Board, 8,000 inmates in prison in Washington State are also parents and, sadly, the children of incarcerated people “are six times more likely to end up incarcerated themselves.” To foster relationships between incarcerated parents and their children, Strafford Creek Corrections Center in Aberdeen is exploring the use of video games to create bonding moments between kids and their incarcerated fathers. Importantly, the video games are part of a larger effort to create a healthier prison culture at Aberdeen. This program is modeled on concepts used in Norway “to create more humane conditions and to create more human interaction to prepare incarcerated people for success when they are let out.”

To read the full article, click [here](#).

FAMILIES STRONGER TOGETHER CONFERENCE

September 29, 2024 - October 1, 2024

Please mark your calendars. OCLA, ODP, and Akin will be gathering in Yakima, Washington for the 2nd Families Stronger Together Conference, September 29, 2024 – October 1, 2024. On Sunday September 29, 2024, OCLA will host an evening dinner with our new director and an opportunity to learn and socialize amongst fellow children's attorneys. This will be followed by two days of joint presentations and workshops. We look forward to seeing you there.

Washington State Office of Civil Legal Aid

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Public Service Loan Repayment Assistance for UW Alumni

The University of Washington School of Law is currently accepting applications for the 2024 cycle of our Loan Repayment Assistance Program (LRAP). Through the program, UW Law alums working in public interest may receive up to \$15,000 of student loan repayment assistance over three years.

To be eligible for the program, applicants must be graduates (or graduating) from UW's JD program, must be employed in a position located in Washington State, and must hold a qualifying legal position for a 501(c)(3) non-profit organization or government employer. More information about eligibility and the application process can be found [here](#).

The **deadline** to apply is **June 13**. If you have any questions, please feel free to reach out to Travis Pietila, Assistant Director, William H. Gates Public Service Law Program at tpietila@uw.edu.

In re the Matter of the Dependency of EM, No 84605-1-I

(Court of Appeals Division One)

As part of the trial court's purported dispositional order, the father was required to complete a DV assessment and follow recommendations. The father appealed, asserting that the Department must prove his need for a DV service at the clear, cogent, and convincing evidence standard and not a preponderance of the evidence standard and that the evidence was insufficient to demonstrate he had a parental deficiency related to DV. The Court of Appeals for Division One disagreed.

The court of appeals began by clarifying the distinction between a dependency fact-finding hearing and a dispositional hearing. The court of appeals stated "[t]her purpose of a disposition hearing is to determine the placement of the children" and "[t]o support placement of a child outside the home of the parents, 'the Department has the burden to prove by clear, cogent, and convincing evidence that the [parent's] deficiencies jeopardize [] the children's rights to conditions of basic nurture, health, or safety in a circumstance where an in-home placement would pose a manifest danger to the children.'" The court of appeals then noted that out-of-home placement was agreed to at the fact-finding and the only issue reserved for the disposition was the DV assessment and treatment. This to the court of appeals was a continuation of the fact-finding hearing. "Because the placement of the children was not at issue, the hearing was essentially a continuation of the dependency hearing to address the sole issue of whether the court found DV as a parental deficiency that warranted services of a DV assessment and treatment." As a continuation of the fact-finding hearing, the burden of proof was a preponderance of the evidence.

The father also claimed that the evidence was insufficient to show he had a parental deficiency related to DV. Specifically, the father argued that the declaration of the social worker and two police reports entered at the purported disposition hearing were insufficient as they contained hearsay, but the father did not object to the hearsay's admission. The father only argued weight, without substantive argument. Yet, the court of appeals did not feel restricted to this evidence and considered the facts from the agreed dependency order, stating that "[t]he findings of fact in the agreed dependency order were alone sufficient to support the court's later finding that the Department provided by a preponderance of the evidence that there was a nexus between [the father's] parental deficiencies and the need to undergo a DV assessment and participate in any recommended treatment."

This case is unpublished, but the full opinion is worthwhile to read and can be found [here](#).

