

December 2024



# THE Children's Representation Program NEWSLETTER

## IN THIS ISSUE:

- Introducing CRP's CVCi Coordinator
- NACC & ABA Report
- In the Matter of Dependency of MLW
- Contractor Highlight Story
- Keeping Legal Minds Intact

Also find attached three amazing resources from the National Association of Children's Counsel's 2024 NACC Virtual Conference, When Kids are at Court.

### **Client Voice & Community Impact Coordinator Nicolas Guzman**

The CRP is excited to share that Nicolas (Nick) Guzmán has joined the program as our very first Client Voice & Community Impact (CVCi) Coordinator. The CRP CVCi Coordinator will serve as a voice for legal system impacted individuals within the CRP, as well as outwardly facing community partners. In this role, Nick will ensure the active and meaningful engagement of young people to support the agency's overall intended impact and to meet statutory directive. Nick's personal and professional experiences position him well to ensure that the CRP continues to center the voice of impacted youth and young adults in its administration.

### **NACC and ABA Report on State Utilization of Title IV-E Funding to Support High-Quality Legal Representation**

The National Association of Children's Counsel partnered with the American Bar Association to release a new resource on State Utilization of Title IV-E Funding to Support High-Quality Legal Representation. This resource shows which states, including Washington State, are utilizing title IV-E funding to support high-quality parent representation and child representation. It also looks at how funds are being utilized and distributed, as well as providing advice for states looking at utilizing title IV-E funding to support high-quality legal representation.

[Find More Information Here >>](#)

Washington State Office of Civil Legal Aid

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## Children's Representation Resources



If you are interested in joining CYRAH, please find the link [here](#).



Please find a link [here](#) to the NACC's youth empowerment resources, including your case, your rights map, interactive journal, and companion guide.



### The Mockingbird Society

If you know a youth that is between the ages of 13 and 25 and interested in joining one of Mockingbird's regional chapters, information on their regional meetings can be found [here](#).

### In the Matter of Dependency of MLW, Supreme Court of Washington, No 102486-0

On November 14, 2024, the Washington State Supreme Court issued an opinion in the Matter of the Dependency of MLW. The case involved the appeal of an order involuntarily terminating TW's parental rights to two of her children, MLW and IAW. Prior to the termination trial, the Department dismissed the termination petition as to MW, TW's fourteen-year-old child who did not consent to adoption. Upon dismissal of MW's petition, he expressed a desire to participate in the termination trial as to his sisters, asserting that he had "a stake in the proceedings regarding his sisters because his sibling and familial relationship...would be jeopardized..." The Department and GAL moved to exclude MW, arguing that he lacked standing, and the trial court denied MW's request to intervene in the termination proceeding. MW did not seek appellate review; however, TW raised two issues on appeal - whether the superior court erroneously denied MW's motion to intervene and whether the actions, or inactions, of the social worker were tainted by racial bias.

#### Regarding Intervention.

MW did not appeal the trial court's order, therefore "[a] litigant seeking to raise a third party's rights must show that (1) the litigant has suffered an 'injury in fact,' thus giving them a 'sufficiently concrete interest' in the outcome of the issue in dispute,' (2) the litigant has a close relation to the third party, and (3) something hinders the third party's ability to protect their own interests." Powers v. Ohio, 499 U.S. 400, 111 S. Ct. 1364, 113 L. Ed 2d 411 (1991). Applying Powers, the Supreme Court held that TW met the first two prerequisites to third party standing. However, the Supreme Court found that MW could protect his own interests given that he was represented by counsel and could have sought appellate review on his own accord. The Supreme Court opined that:

Our decision rests solely on T.W.'s lack of standing. It does not disturb any decisions of this court or the appellate courts holding that the due process clause protects the right to family integrity.<sup>5</sup> It does not disturb our prior decisions recognizing that sibling relationships are encompassed within that right to family integrity. In M.S.R., we plainly held that children's "fundamental liberty interests" include "maintaining the integrity of the family relationships, including the child's parents, siblings, and other familiar relationships."... We therefore reemphasize the holding of M.S.R., that is, that the constitutional right to family integrity protects a child's interest in sibling relationships.

Pg. 20-22.

#### Regarding Culturally Competent Services.

On the second issue, the Supreme Court held a careful review of the Record showed that substantial evidence supports the trial court's finding that the Department offered all necessary services and that the record lacks support for mother's argument that the social worker's decision was based on racial bias or was otherwise unreasonable.

[Please Read the Full Opinion Here >>](#)

## Attorney Spotlight:

### Brandon & Kindra Crawford in Yakima/Kittitas

For Brandon & Kindra Crawford, the attorneys behind Crawford Law PLLC, navigating the benefits and challenges that come with blurring the lines between personal and professional life is an ongoing effort.

There are certain things you expect to share with your spouse when you say “I do”- dinners & date nights, a home, hopes & dreams...

That list doesn’t often include sharing a law firm, a contract with a government agency, or office space.

Together for thirteen years & married for close to ten, the Crawfords share all of the above, as well as a passion for uplifting the voices of children & youth.

Based in Spokane, with cases assigned to them out of Yakima & Kittitas, the couple spends a lot of time on the road. Whether it’s to attend court or visit with clients, Brandon & Kindra do much of their travel together. Whereas the amount of time spent in transit could otherwise be a source of frustration for an individual contractor, a road trip together provides Brandon & Kindra with the opportunity to roundtable cases & discuss strategy. When asked how often they consult with each other on cases: “all day, every day.” says Brandon, adding playfully that “she doesn’t know how to turn it off.”

At the same time, the Crawfords recognize the importance of work/life balance. Still relatively new to child representation and law firm ownership, they strive to set boundaries for themselves that allow them to both fully engross in the work and enjoy lives outside of work. But the recognition that balance is needed and actually implementing practices to strike that balance are two different things, especially with the nature of the work, and the topic will continue to be an ongoing conversation in the household.

Rather than having hard and fast rules like set work hours, Brandon and Kindra do their best to “clock out” whenever one or both feels the need to. They try to take a vacation every six months. Together they enjoy going to hockey games, sailing, mountaineering/climbing, and have each completed an Ironman triathlon. Brandon also enjoys golfing and recently obtained his pilot’s license. Kindra enjoys spending time with family and doing crafts.

Back at the office, they utilize their individual strengths to create a formidable team. While Kindra is the driven academic who focuses on the legal research and writing, Brandon is the strategist and realist in helping to come up with ideas for getting a wanted result. And while the work is tough, they lean on each other for support & find strength in having a partner who “gets it.”

## Keeping Legal Minds Intact: Sustaining Well-Being

Free On-Demand Seminar

Presented in collaboration with the WSBA Member Wellness Program

Credits: 1.00 Ethics

Dr. Benjamin discusses briefly the etiology of lawyer stress that can lead to depression, alcohol/drug abuse, and cardiovascular disease. These are the conditions that most frequently plague lawyers in contrast to other professional populations. He provides the evidence-based findings from the scientific literature about how to sustain lawyer health, values, and spirits.

[Find More Information Here >>](#)

# Kids at Court Conference Handout: *Trauma-Sensitive Engagement Throughout the Life of a Case*

## The First Meeting

- Ideally not happening at court
- One of many professionals - *Who are you to them? What are the limits of your role?*
- Rapport building takes time
- Setting the scene & setting the stage - *Who? What? Where? When? Why?*
- Perceptions of attorneys (*"did I, or someone I care about, do something wrong?"*)
- Power & privilege at play



### Tips for Engagement

- ❖ Be authentic
- ❖ Be creative with time and space constraints
- ❖ Clearly explain your role in an age-appropriate way
- ❖ Language accessibility
- ❖ Come prepared and be flexible
- ❖ Connect with what they like (i.e., color together, play soccer outside)
- ❖ Acknowledge limited nature of the relationship
- ❖ Establish communication expectations
- ❖ Listen, listen, listen!!

## Preparing for Court

- Time is of the essence
- Collaboration with other professionals
- People and roles - *how does child feel about everyone who will be there? how do all of these roles work together?*
- Reframing victimization - *how do you view it versus the child?*
- Experiencing big emotions and responses - *How will it feel to hear all of this in court?*  
**\*\*normalizing anger as a response\*\***
- Prepare to set time aside to check in with the client afterwards

### Tips for Engagement

- ❖ Create a self care plan AND backup plan
- ❖ Paint a picture of the courthouse/courtroom
- ❖ Explain reality of court - name the constraints
- ❖ Discuss anticipated arguments/outcomes
- ❖ Identify multiple ways to share information with you during the hearing
- ❖ Invite feedback on wants and goals
- ❖ Validate emotions and feelings



## While at Court

- Emotions & behaviors can become intensified - may look like yelling and fidgeting or flat affect
- Regaining control in systems where there is little choice
- Decision making
- Opportunity to build or lose trust
- Language matters - phrases, words, names, characterizations



### Tips for Engagement

- ❖ Follow through on self care plan
- ❖ Anticipate behaviors to change
- ❖ Utilize a back-up plan
- ❖ Allow opportunity for the child's mind to change (i.e., sharing, choosing to write, etc.)
- ❖ Check-in about current physical state - *Did you eat? Rest? How long have you been waiting?*
- ❖ Name for the Court what is needed - ask for breaks/space/etc.
- ❖ Be mindful of your own emotions and responses

## After Court

- Court is complicated - *what actually happened ?!?!*
- Where is the child going after court? (i.e., doctor's appointment, back to school, meeting with probation officer)
- Right to privacy - *who needs to know what?*
- Discuss next steps either based on court order or otherwise - *what are your plans before the next hearing?*
- Discuss required meetings - *plans to attend, who do you want with you, what do you need to attend, what to say/not to say, etc.*
- Your "wins" may differ

### Tips for Engagement

- ❖ Movement - leave court together and walk around
- ❖ Go to a private space
- ❖ Offer an opportunity for venting, processing, & questions
- ❖ Acknowledge what may be going on in child's life after court
- ❖ Set up the next meeting (*especially when you have to run!*)
- ❖ Provide court order and explain it
- ❖ Give letters for school and work - bring them with you!



## Closing a Case

- How do you feel at case closing?
- What does the child understand about the case closing?
- What do you want the child to know at case closing?
- Is the outcome what you wanted?
- Is the outcome what the child wanted?
- Are you okay with not knowing what will happen to the child after the case closes, especially if not the outcome you wanted?

### Tips for Engagement

- ❖ Clearly explain how the relationship/role changes
- ❖ Create space to process the outcome for yourself and the child
- ❖ Make sure all the referrals are in and that the child knows who to contact for follow-up
- ❖ Identify support people for the child (i.e., mentor, counselor, etc.)
- ❖ Recognize where the child is in their healing - connect with supports if desired
- ❖ Acknowledge the grief - another relationship ending



## COURT PREP FORM

*This is a youth developed guide to help you participate in your court hearings and advocate for your case. Fill in the blanks according to your experience. If a statement doesn't apply to your experience, you can leave it blank. You should either fill this out with your attorney or talk with your attorney after you fill out the form.*

### School/Education

1. The most positive thing in school right now is \_\_\_\_\_.
2. The class I like the most right now is \_\_\_\_\_.
3.  **Tutoring**  **Counseling**  **Extra time with teachers** would help me in school.
4. After high school, I am interested in  **college**  **job**  **trade school**  **training program**.
5. I need help with \_\_\_\_\_.

### Employment

1. I am  **working**  **applying**  **interested in** \_\_\_\_\_.
2. I want more help in \_\_\_\_\_.

### Housing

1. My housing plan after I leave care is  
\_\_\_\_\_  
\_\_\_\_\_.
2. I still need to figure out \_\_\_\_\_ about my housing plan.
3. Currently, I am living at \_\_\_\_\_.  
It  **is going well**  **is not going well** because  
\_\_\_\_\_.
4. I need help with \_\_\_\_\_.

### Basic Needs

1. I **need** help getting  I **don't need** help getting  **food**  **clothing**  **hygiene items**  
**other:** \_\_\_\_\_
2. I need help with \_\_\_\_\_.

### Family, Friends, and Supportive Relationships

1. The adult I trust or feel supported by the most is \_\_\_\_\_.
2. I would like to have visitation with \_\_\_\_\_ (family/kin/another supportive adult).
3. I currently have visitation with \_\_\_\_\_ (family/friends/supportive adults).  
 **It is going well**  **It is not going well** because \_\_\_\_\_.
4. I need help with \_\_\_\_\_.

### Safety

1. The following about my placement makes me feel unsafe:  
\_\_\_\_\_.
2. The following about my school or neighborhood makes me feel unsafe:  
\_\_\_\_\_.
3. I'm in a relationship that makes me feel **safe**  **unsafe**  **\*Be sure to tell your lawyer or another safe adult if you are feeling unsafe.**
4. I feel safe with \_\_\_\_\_.
5. A place I feel safe at is \_\_\_\_\_.

### Activities, Hobbies, and Leisure

1. In my free time, I \_\_\_\_\_.
2. I would like to be more involved in \_\_\_\_\_ (community/sports/internships/religion/volunteering/skill building/etc).
3. I need help with \_\_\_\_\_.

### Health

1. I have the following concerns about my physical and/or mental health:  
\_\_\_\_\_  
\_\_\_\_\_.
2. I need \_\_\_\_\_ to support my physical health and/or mental health.



### Communication and Participation

1. I attend my  **permanency conference meeting**  **membership development plan meeting**.
2. I speak with my caseworker \_\_\_\_\_ (how often).
3. I speak with my attorney \_\_\_\_\_ (how often).
4. I would be more likely to participate in my permanency hearing if \_\_\_\_\_.
5. I need help with \_\_\_\_\_.

### Vital Documents

1. Check the following boxes if you have:  
**◆ birth certificate ◆ social security card ◆ health insurance card ◆ state ID**  
 Original                       Original                       Original                       Original  
 Copy                               Copy                               Copy                               Copy
2.  **I do have**  **I do not have** a safe place to keep my documents.
3. I need my vital documents because \_\_\_\_\_.

### Court

1. I would like to  **speak in court**  **read something I have written in court**  **have my attorney read something that I have written in court**  **speak to the judge in their chambers**  **other:** \_\_\_\_\_
2. It would be easier to attend court if \_\_\_\_\_.
3. I would like to have \_\_\_\_\_ (supportive adult) present at my next court hearing.
4. If I don't attend court, it is because \_\_\_\_\_.
5. I  **would**  **would not** like more help from my attorney preparing for court.
6. I  **would**  **would not** like more help from my social worker preparing for court.
7. Do you need help with transportation getting to court? If so, how?  
\_\_\_\_\_.

Any additional comments or concerns that you would like to share with the judge or your attorney:

\_\_\_\_\_

# **Kids at Court Conference Handout:** *Court Preparation-at-a-Glance*

## **Practice Guidelines for Trauma-informed Court Prep:**

Maximize Safety

Enhance child's sense of control and preparedness

Understand where they are developmentally

## **Pre-Prep Session Homework:**

- ✓ Facts of case as alleged
- ✓ Any forensic evals done? Results?
- ✓ Engagement with the child's caregiver and assess support
- ✓ Know the accused's relationship to the child
- ✓ Concerns for the child's emotional or physical safety to consider
- ✓ Does the child have any special needs or diagnoses?
- ✓ Is the child in therapy?

## **Prep Logistics**

- ✓ Location
- ✓ Who should be present?
- ✓ How will you assess and engage the developmental level of child witness
- ✓ Timing – NOT the day before
- ✓ How many sessions will you need?
- ✓ Is there any additional information you need?
- ✓ Consider interactions with the caregiver

## **Make a plan to:**

Engage with Child

Build Rapport

Assess Competency



## Three-part test for competency:

- 1) Witness is able to recall the events testified to and has capacity to communicate
- 2) Witness understands the difference between truth and lie
- 3) Witness appreciates the duty to tell the truth

## Know the Child's Developmental Stage:

Stage & Age	Characteristics	Communication Strategies
Pre-school to early school age: Ages 2-6	<ul style="list-style-type: none"> <li>• Learn through play</li> <li>• Need repetition and routine</li> <li>• Easily frustrated and big emotions</li> <li>• Short attention spans</li> <li>• Ego-centric</li> <li>• Less able to answer complex questions</li> </ul>	<ul style="list-style-type: none"> <li>• Speak slowly with simple language</li> <li>• Use gentle tone and repetition</li> <li>• Try using different ways of asking or explaining</li> <li>• Encourage questions</li> <li>• Get closer to child's level</li> <li>• Use activities to build rapport</li> <li>• Offer choices and take breaks</li> </ul>
Elementary School: Ages 7-10	<ul style="list-style-type: none"> <li>• Better understanding of rules, cause, effect, and morality</li> <li>• Sense of fairness and responsibility</li> <li>• Growing independence</li> <li>• Critical thinking still developing</li> <li>• Still ego-centric but better able to consider other perspectives</li> <li>• Not great estimators of time, height, weight</li> </ul>	<ul style="list-style-type: none"> <li>• Use positive language about caregivers</li> <li>• Encourage simple decision-making, problem-solving and pro-social behaviors</li> <li>• Use examples or stories of others dealing with similar challenges</li> <li>• Use humor when appropriate</li> </ul>
Pre-Teen/Early Adolescence: Ages 11-14	<ul style="list-style-type: none"> <li>• Shifting to more focus on peers</li> <li>• Engaging in more risk-taking and rebelling from authority</li> <li>• Belief formation</li> <li>• Trying to figure out "normal" and may engage in comparisons</li> <li>• Can understand hypotheticals</li> </ul>	<ul style="list-style-type: none"> <li>• Use preferred name and pronouns</li> <li>• Discuss their issues and concerns and engage in topics of interest</li> <li>• Be open-minded and non-judgmental</li> <li>• Don't talk down</li> <li>• Use humor</li> <li>• Help them consider multiple perspectives and share stories or examples to demonstrate resilience</li> </ul>
Adolescence/Teen Years: Ages 15-18	<ul style="list-style-type: none"> <li>• Increasingly peer-focused with prioritization of romance and sexuality</li> <li>• Able to exercise complex and abstract thinking</li> <li>• Better able to assess risk but still impulsive</li> <li>• Difficulty understanding long-term consequences</li> </ul>	<ul style="list-style-type: none"> <li>• Remain calm and help them process big emotions and think through decisions</li> <li>• Allow space and opportunity to reflect</li> <li>• Frame situations in terms of their rights and options available</li> </ul>

### At every stage:

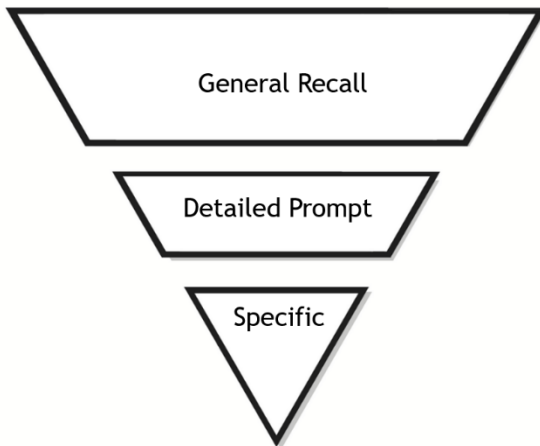
Affirm and identify feelings

Allow choices and take breaks

Allow for variation in maturity levels

Remember that physical maturity and social emotional maturity do not always match

## Information Gathering



Use the funnel approach to use prompts to move the child from general recall to more specific information.

Use “tell me more” and “then what?”

Repeat back to make sure you have their details right.

## Information Sharing

Share everything the child needs to know about the following aspects of court. Use drawings, social stories, pictures, role play, and courtroom tours to enhance the feeling of preparedness.

The Rules	<ul style="list-style-type: none"> <li>• Tell the truth.</li> <li>• Don't guess: ok to say “I don't know” or “I don't remember”</li> <li>• Anything specific to the courtroom or hearing process</li> </ul>
The Roles	<ul style="list-style-type: none"> <li>• Who's who?</li> <li>• Who else will be in courtroom</li> </ul>
The Room	<ul style="list-style-type: none"> <li>• Where will they sit?</li> <li>• Where will they testify?</li> </ul>

### Plan ahead and talk about:

What does child need in court to feel more safe?

What snacks, toys, books would help?

What should you do if child becomes upset?

Who will be there to support them?

Motions, requests, experts that would support the child?

### Tools for supporting the child:

- Ask about child's concerns and problem solve
- Help identify their coping mechanisms before court
- Safety plan with child and caregiver
- Connect with victim advocate and/or therapeutic supports





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EXCELLENCE  
IN ADVOCACY



C O N F E R E N C E

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