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PRESS RELEASE

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WASHINGTON'S FOSTER CHILDREN FIND A FRIEND IN FIRST STAR

Washington State Courts Consider a Child's Right to Counsel

WASHINGTON, DC, August 14, 2009—In September, the Washington State Court of Appeals will consider a case that has the potential to affect every child involved in a dependency proceeding in the State of Washington. *In re A.R. and D.R.*, currently before the Washington Court of Appeals, presented the question of whether to terminate the parental rights of the mother of A.R. and D.R., and whether the children were entitled to legal representation during these proceedings.

A victim of domestic violence, the mother of these children took and passed parenting courses in order to be able to care for her high needs children. Throughout the proceedings, she struggled, unsuccessfully, to get legal representation for her children. In foster and kinship care for nearly four years, little A.R. and D.R. were never given the opportunity to present their wishes to the court even though Washington State law allows children 12 and older to request an attorney (though the law does not require the court to appoint one upon a child's request). In fact, the only person assigned to represent the children, the Court Appointed Special Advocate (CASA), had never once met with one of the children and only briefly, on rare occasion, did she communicate with the other.

On Monday July 6, 2009, the State conceded that it was an error to terminate the mother's parental rights, and that A.R. and D.R. should have received attorneys at the termination trial. Unfortunately, far too many children run the risk of finding themselves in a similar situation because children in Washington State are not guaranteed the right to an attorney during dependency proceedings.

On September 9, 2009, the Court will hear oral arguments on the state's motion to reverse and remand the case in its entirety. Lawyers and advocates from across the country have asked the Court to retain jurisdiction over the question of whether it is a violation of the children's constitutional rights to deny them counsel in dependency proceedings. It is a rare opportunity for the courts to protect some of the most vulnerable members of our population—abused and neglected children.

First Star, a national organization dedicated to fighting for the rights of America's abused and neglected children, has submitted a declaration proclaiming an intent to file an *amicus curae* brief on the case. This declaration urges the Court to consider the ramifications of this decision and seize this opportunity to protect the rights of Washington's children. The declaration cites Washington's position as one of the worst in the country in terms of legal representation for maltreated children.

In 2007, First Star published [A Child's Right to Counsel: First Star's National Report Card on Legal Representation for Children](#), the first-ever comprehensive study of legal representation for children in dependency proceedings, which evaluated and graded states based on their laws providing children with legal counsel. In the 2007 edition, Washington State received an F.

First Star is currently preparing the second edition of [A Child's Right to Counsel](#), which will be released later this year. "It is unfortunate," says Amy Harfeld, Executive Director of First Star, "but our research to date shows that Washington will again earn a failing grade. This case represents an important opportunity for Washington State to make real progress towards recognizing the rights of their children."

Guaranteeing children the right to counsel is an important first step in ensuring that their voices are heard. But it is only the beginning. The First Star report illuminates glaring discrepancies amongst the states resulting in inconsistent recognition of children's rights from one state—and often even one county—to another. To obtain a copy of First Star's report or to learn more about the Campaign for A Child's Right to Counsel, please visit www.firststar.org.

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About First Star

First Star is a leading national 501(c) (3) charity dedicated to improving the lives of America's abused and neglected children by strengthening their rights, illuminating systemic failures, and igniting reform to correct those failures. First Star pursues this mission through research, public engagement, policy advocacy, and litigation.