

Foster Youth: Right to Counsel

Which foster children are entitled to legal counsel? In a dependency case, the court must appoint a lawyer to any child who has had both parents' rights terminated for six months. The child's age does not matter.

Who pays for the lawyer?

It depends. Anyone can refer the child to a lawyer who can file a motion to request appointment of an attorney at public expense. The court does not have to grant that motion.

Do I have to file a motion to get the court to appoint a lawyer for the child?

No. As soon as six months have passed since the date of the termination of the parents' rights, the court must automatically appoint a lawyer for the child.

What if a group of siblings is in foster care?

One lawyer can represent all the siblings, unless that lawyer has a conflict of interest.

The court has not terminated the parents' rights in this dependency action. Can the child get a lawyer anyway?

A parent, the child, a guardian ad litem, a caregiver, or a caseworker can still ask the court to appoint a lawyer to represent the child. The court can also decide on its own to appoint a lawyer. In these cases, the court does not have to appoint a lawyer for the child.

What happens when a child in a dependency case turns 12?

The child's caseworker and guardian ad litem shall each

- Notify the child of their right to ask for an attorney.
- Determine if the child wants a lawyer.
- Report the child's decision back to the court. The court must review these reports to ensure the child got proper notice and had the chance to ask for a lawyer.

Where can I read what the law says?

Washington state law on the appointment of a lawyer for a child in dependency cases is at [RCW \(Revised Code of Washington\) 13.34.100](#).

The adults involved in your case (CASAs, GALs, and Department/agency caseworkers) must:

- **Let you know when you can petition the juvenile court for reinstatement of parental rights.** Your parent must have contacted the Department or your CASA/GAL to

reconnect with you for you to be eligible to ask for reinstatement of that parent's rights. The reinstatement process is the only proceeding where you have a right to appointed counsel.

- **Report to the court what they believe is in your best interest.** CASAs/GALs must report to the court whether they think it is best for you to have a lawyer. This way the court hears from both you and from your CASA.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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