

# Representation for Children & Youth

Bailey Zydek,<sup>1</sup> and Jeffrey Adams<sup>2</sup>

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<sup>i</sup> Originally written in 2014 by Jill Malat

# The Role of Counsel for Children in Washington State

Recognition of the need to appoint attorneys for children has evolved over the last several decades. In 1977, the Washington State Legislature enacted the basic juvenile court act and in section 38 of what would become RCW 13.34.100, the Legislature provided for the discretionary appointment of a guardian ad litem for a child in child welfare cases.<sup>3</sup> Two years later in 1979, the Legislature amended the statute to allow for the discretionary appointment of “an attorney and/or guardian ad litem.”<sup>4</sup> In 1988, the legislature amended the statute once again and this time made appointment of an attorney or guardian ad litem mandatory in contested proceedings, “unless a court, for good cause, finds the appointment unnecessary.”<sup>5</sup> In uncontested proceedings however, appointment remained discretionary. The legislature also added language that deemed the requirement of a guardian ad litem “satisfied if the child is represented by counsel.”<sup>6</sup>

Five years later in 1993, the Legislature substantially rewrote RCW 13.34.100.<sup>7</sup> Under the new statute, the appointment of a guardian ad litem and an attorney for a youth were distinctly separated.<sup>8</sup> Under the 1993 version, RCW 13.34.100 only mandated the appointment of a guardian ad litem, and still only in contested proceedings.<sup>9</sup> Meanwhile the child’s right to counsel remained discretionary and limited. Specifically, the 1993 version of the statute provided the court discretion to appoint an attorney for children upon the child’s request, provided the child was at least twelve years old, or where the guardian ad litem or the court determined that the child needed independent counsel.<sup>10</sup> The 1993 amendments, for the first time, clarified that the role of the child’s attorney is to represent the child’s position.<sup>11</sup> At the same time, the statute included that a person appointed under RCW 13.34.100 is “deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.”<sup>12</sup> This created, in the very least, an apparent tension between the child’s attorney being a stated interest advocate or a best interest advocate.

Over roughly the next two decades, RCW 13.34.100’s language regarding the appointment of counsel for children remained unchanged. However, it became clear that a patchwork of county practices had resulted in few children being notified of their right to counsel and a recognition that a child’s attorney and guardian ad litem were not interchangeable.<sup>13</sup> In 2010, the Legislature found that “attorneys ... have different skills and obligations than guardians ad litem and court-appointed special advocates, especially in forming a confidential and privileged relationship with a child.”<sup>14</sup> At the same time, the legislature recognized the importance of training children’s attorneys in “meaningful and effective advocacy.”<sup>15</sup>

In 2010, the Legislature amended RCW 13.34.100 to require notice to a youth of their right to counsel beginning at age twelve, and imposed other record keeping and in-court inquiry requirements.<sup>16</sup> The new statute also required the Washington State Administrative Office of the Courts (AOC) and the Washington State Supreme Court Commission on Children in Foster Care (CCFC) to develop recommendations for voluntary training and case load standards for attorneys who represent youth in dependency proceedings.<sup>17</sup>

In response to this Legislative mandate, AOC and the CCFC formed the Children’s Representation Workgroup. This workgroup proposed recommendations that were modeled after

the ABA Standards of Practice for Attorneys Representing Children in Abuse and Neglect Proceedings.<sup>18</sup> The ensuing 2010 *Child Representation Practice Standards* addressed the role of a child’s attorney, communication requirements, discovery, court expectations, appeals, withdrawals, etc.<sup>19</sup> At the time, these standards were voluntary for attorneys representing children.

In 2014, the Legislature amended RCW 13.34.100 again. Recognizing that after their parents’ rights have been terminated, some children remain in foster care for extended periods of time, the Legislature provided for the appointment of counsel for children six months after the granting of a petition to terminate the parent-child relationship pursuant to RCW 13.34.180 and where there is no remaining parent with parental rights.<sup>20</sup> The Legislature also conditioned the payment for attorney services upon the attorney practicing in accordance with the 2010 Meaningful Legal Representation for Children and Youth in Washington’s Child Welfare System, Standards of Practice, Voluntary Training, and Caseload Limits in Response to HB 2735.<sup>21</sup>

In 2021, Washington State again substantially overhauled RCW 13.34.100 and enacted RCW 13.34.212, which established a right to counsel for children and youth in dependency and termination proceedings. At the time, the Legislature recognized that substantial changes have occurred that inform best practices related to representation of children and youth in dependency cases.<sup>22</sup> Under the new law, children are entitled to the appointment of an attorney beginning at age eight or at any age upon the filing of a termination petition.<sup>23</sup> The implementation of this new mandatory appointment of youth is entrusted to the statewide Children’s Representation Program which is housed within the Washington State Office of Civil Legal Aid (OCLA).

Due to the dramatic expansion of counsel, the Legislature ensured that the legislation was subject to both the availability of funds and a phase-in schedule.<sup>24</sup> See Appointment of Counsel, below. Like the 2014 amendments, the new law requires attorneys contracted with OCLA’S Children’s Representation Program to adhere to the standards of practice, caseload limits, and training guidelines adopted by the children’s representation work group.<sup>25</sup> And, like the 2010 amendments, the Legislature requested that the CCFC convene a workgroup to review and update the standards of practice, caseload limits, and training guidelines.<sup>26</sup> This work resulted in the September 2022 release of the current *Representation of Children and Youth in Dependency Cases Practice, Caseload, and Training Standards* (the Standards).

## **The 2022 Standards of Practice**

In September 2022, the Washington State Supreme Court Commission on Children in Foster Care (CCFC), as directed by HB 1219 (2021), section 9, recommended and adopted the revised Standards.<sup>27</sup> The revised Standards built upon 2010 *Child Representation Practice Standards* and cover a wide range of requirements, responsibilities, and affirmative obligations and can be found at <https://ocla.wa.gov/wp-content/uploads/2022/10/Child-Representation-Practice-Standards-September-2022-FINAL.pdf>.

# Capacity

The representation of children may present issues for an attorney based on the child's capacity to understand and meaningfully participate in dependency proceedings. Children's attorneys are, as far as possible, required to maintain a normal client-lawyer relationship with a youth.<sup>28</sup> This includes an obligation to protect information relating to the representation of a client.<sup>29</sup> The comments to RPC 1.14 also remind us that:

[A] client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client's own well-being. For example, children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody.<sup>30</sup>

The Standards directly address this issue and require attorneys to monitor a client's capacity to make an adequately considered decision with respect to each issue in which the child is called upon to direct representation.<sup>31</sup>

## Stated Interest and Legal Interest Advocacy

Based on the assessment of a child's capacity to direct representation, the attorney must render representation using either a stated interest or legal interest model.<sup>32</sup> Regarding these models of representation, the Standards provide:

Stated interest advocacy is the presumptive method of representation for all children capable of communicating their wishes. If the child is unable to communicate an interest, the attorney must focus representation on asserting, promoting, and defending the child's legal rights inherent in the proceedings (legal interests).<sup>33</sup>

Stated another way, the stated interest model of representation is the traditional mode of client directed representation.<sup>34</sup> Whereas, the legal interest model of representation presumes that a child's legally recognized rights are in their best interest and requires an attorney to affirmatively advocate for those rights.<sup>35</sup> In those cases where a child may have competing legal rights, the attorney must present facts and legal authority regarding all the legal rights at issue, but not take a position on which legal right should prevail.<sup>36</sup> Importantly, the Standards are clear that the attorney should not argue what is in the child's best interests, as it is the court's duty to assess and determine the best interest of the child.<sup>37</sup>

## Education and Experience

A child's lawyer is required to provide competent representation to their child client.<sup>38</sup> In the context of child representation, "[c]ompetent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation" of children involved in the child welfare system.<sup>39</sup> The Standards reflect this and require that attorneys be qualified through training or experience prior to representing youth and provide a non-exhaustive list of

illustrative topics with which a child's attorney should be fluent.<sup>40</sup> Importantly, these topics extend beyond the law, to include child development, trauma, disability, and equity.<sup>41</sup>

### **Caseloads, Assignment, and Sibling Representation**

The Standards limit attorney caseloads to no more than 45 trial-level dependency cases and no more than 60 total cases, including cases collateral to the dependency case, for an attorney whose practice is exclusively representing children.<sup>42</sup> In the assignment of cases, priority is given to the continuity of representation.<sup>43</sup> The Standards also discourage sibling representation given “[t]he likelihood of a conflict of interest arising during the course of a dependency and/or termination proceeding.”<sup>44</sup> However, the actual decision to accept sibling appointment remains an ethical question for the attorney alone.<sup>45</sup>

### **Communication and Confidentiality**

Like any lawyer licensed in Washington State, children's lawyers are required to promptly inform their clients of decisions or circumstances requiring informed consent, consult about the means and objectives of representation, provide regular status updates, and comply with reasonable information requests.<sup>46</sup> In doing so, the child's lawyer must explain the issue to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.<sup>47</sup> In some circumstances, a child's “lawyer may be justified in delaying transmission of information when the client would be likely to react imprudently to an immediate communication.”<sup>48</sup> However, a child's “lawyer may not withhold information to serve the lawyer's own interest or convenience or the interests or convenience of another person.”<sup>49</sup>

The Standards require that a child's attorney structure communications “to account for the individual child's age; developmental level; level of education; race; immigration status and other cultural contexts; disability, if any; sexual orientation and gender expression; trauma; psychosocial and socioemotional well-being; and degree of language acquisition.”<sup>50</sup> The Standards also require attorneys to maintain frequent contact with each client.<sup>51</sup> This includes making first contact within 72 hours of appointment and receipt of the child's contact information. In addition, the attorney shall have contact with the child prior to every hearing at which the substantive interests of the child are at issue, at least once in-person contact for each placement the child experiences, and where dependency is established, maintain monthly contact.<sup>52</sup>

During the course of representation, children's attorneys must also communicate regularly with other professionals involved in the child's dependency or termination of parental rights case, as well as attorneys who may represent the child in offender matters, truancy, or other cases.<sup>53</sup> In such circumstances, a children's attorney must not disclose information to third parties, which would disclose or lead to disclosure of information relating to the representation of a client without the informed consent of the client pursuant to RPC 1.6.<sup>54</sup> *See Confidentiality, below.*

### **Discovery and Court Participation**

A child's lawyer must “act with commitment and dedication to the interests of the client and with diligence in advocacy.”<sup>55</sup> The Standards impose a duty to be active in representing youth.

Attorneys are required to conduct a thorough, continuing, and independent investigation, including engaging in case discovery.<sup>56</sup> Attorneys are also required to filing pleadings and attend meetings, hearings, and conferences.<sup>57</sup>

## **Hearings**

The Standards state that a “child has a right to be present at court hearings and should be encouraged to do so if appropriate.”<sup>58</sup> Attorneys must attend any hearing in-person where a child is attending in person.<sup>59</sup> Consistent with RPC 1.2 and 1.4, the child’s attorney is expected to fully counsel and advise the child regarding a decision as to whether to call the child as a witness, including assessing the child’s competency to testify.<sup>60</sup> The attorney must pursue protective measures when necessary.<sup>61</sup>

## **Services**

Where consistent with the child's stated interest, the Standards require the child's attorney to seek appropriate and desired supports or services to meet the child’s needs.<sup>62</sup> The child's attorney should also ensure that a child with special needs receives appropriate services to address the physical, psychosocial, or developmental conditions.<sup>63</sup>

## **Appeals**

The child's attorney is required to review all written orders, discuss the order and its consequences, and the possibility of review on revision, appeal, or discretionary review.<sup>64</sup> Where the child specifically directs the attorney to pursue review, and there is a basis in law and fact for doing so, the lawyer must initiate the review process.<sup>65</sup>

## **Withdrawal**

Lastly, the child’s attorney is expected to prepare the child for the end of the attorney-client relationship.<sup>66</sup> This includes assisting the child to “identify legal goals and whether they have been met. If appropriate, the attorney should make every attempt to either aid the child with their legal goals or obtain appropriate referrals prior to case closure.”<sup>67</sup>

## **Appointment of Counsel**

In 2021, the Washington State Legislature enacted Second Substitute House Bill 1219 (HB 1219), reexamining the appointment of counsel to children and youth. At the time, the Legislature formally recognized the impact of dependency proceedings on many critical aspects of a child’s rights and future and that standards-based representation has been shown to result in more timely permanence, stability, and contact with parents and siblings for youth involved in the child welfare system.<sup>68</sup> The Legislature also found “that Black and Indigenous children and youth and other youth of color are much more likely to be removed from their parents' care, placed into foster care, and remain in the child welfare system longer than White children” and that the “expansion of legal representation actively combat this disproportionality.”<sup>69</sup>

HB 1219 provides a qualified right to counsel and dramatically expands the circumstances under which a child is entitled to the appointment of an attorney. Under RCW 13.34.212, a new section created by HB 1219, children are entitled to appointment of counsel as follows:

- Any child between the ages of eight and seventeen must be appointed counsel upon the filing of a new dependency petition at or before the commencement of the shelter care hearing.<sup>70</sup>
- Any child who turns eight during a dependency proceeding must be appointed counsel, at or before the next hearing if the child is eligible for representation.<sup>71</sup>
- Any child under the age of eight must be appointed counsel in the dependency and termination proceedings upon the filing of a termination petition, at or before the next hearing if the child is eligible for representation.<sup>72</sup>

This expansion of counsel is subject to both the availability of funds and a phase-in schedule as developed by the statewide children’s legal representation program.<sup>73</sup> This program is established within the Washington State Office of Civil Legal Aid and is known as the Children’s Representation Program (CRP).<sup>74</sup> The CRP must achieve statewide implementation of RCW 13.34.212(3) by January 2028.<sup>75</sup> The roll out schedule is publicly available on the Washington State Office of Civil Legal Aid’s website, [www.ocla.wa.gov](http://www.ocla.wa.gov). HB 1219 further amended RCW 13.34.267(6), concerning the appointment of counsel for youth enrolled in the Extended Foster Care program, to shift the responsibility of providing counsel to youth enrolled in the program from the counties to OCLA according to the same phase-in schedule as developed for the CRP.

Until OCLA’s CRP achieves full, statewide implementation of RCW 13.34.212(3), other sections of RCW 13.34.212 will remain operative:

- RCW 13.34.212(1) mandates the appointment of counsel for any child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.
- RCW 13.34.212(2) allows courts to make discretionary appointments of counsel on a case-by-case basis, under a *Matthews v. Eldridge* balancing test,<sup>76</sup> either on its own initiative or upon the request of a parent, the child, guardian ad litem, a caregiver, or the Department of Children, Youth and Families (“the Department”).<sup>77</sup>

The Department and the child's guardian ad litem must notify a child aged twelve or older of their right to “request an attorney and shall ask the child whether the child wishes to have an attorney”<sup>78</sup> and record their response.<sup>79</sup> This notification must be repeated “at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships,”<sup>80</sup> unless the child has already been appointed an attorney.<sup>81</sup> Separately, children are entitled to attorneys where:

- A child is seeking to petition for reinstatement of a terminated parent’s rights.<sup>82</sup>

- A child is an Indian child, and the court finds appointment is in their best interests.<sup>83</sup>

Lastly, a child may be represented by obtaining private counsel.<sup>84</sup>

## **Confidentiality**

A lawyer who provides legal services for a child owes the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due an adult client, as discussed in Communication and Confidentiality, above.<sup>85</sup> The Standards similarly state that a lawyer for a child “shall not disclose information to third parties, which would disclose or lead to disclosure of information relating to the representation of a client without the informed consent of the client pursuant to RPC 1.6.”<sup>86</sup> Only when taking protective action pursuant to paragraph (b) of RPC 1.14 is a child’s lawyer impliedly authorized to reveal information about the client, but this is limited to the extent reasonably necessary to protect the client’s interests.<sup>87</sup>

## **Child Party Status and Court Appearance**

Historically, whether a child is a party to their dependency has been an unsettled issue. RCW 13.34.090, as amended by HB 1219, states that “[a]t all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel.”<sup>88</sup> Represented children have the right to be present in the courtroom during proceedings. On this point, the Standards state that “[t]he child has a right to be present at court hearings and should be encouraged to do so if appropriate.”<sup>89</sup> The “Children as Direct Participants in Their Own Dependency” section of the *Children and Youth in the Courtroom* chapter of this bench book discusses the law and other considerations regarding the presence of children in the court room prior to HB 1219.

## **Counsel for Child with Guardian ad Litem**

RCW 13.34 et seq. does not preclude appointment of both an attorney for the youth and a guardian ad litem. Under the law, an attorney for the youth will advocate the stated or legal interests of the youth, whereas the guardian ad litem will provide the court with their opinion of the child’s best interests with respect to the issue at hand.

## **Notification of Right to Counsel to Children and Youth in Dependency Proceedings**

Until the right to counsel under RCW 13.34.212(3) is fully implemented across the state, the Department and the child’s guardian ad litem have an affirmative duty to notify a child of the child’s right to request an attorney and shall make an inquiry as to the child’s desire to have an attorney appointed immediately after the date of the child’s 12<sup>th</sup> birthday or upon assignment of a case involving a child age 12 or older.<sup>90</sup> This notification and inquiry obligation is ongoing and must be repeated at least annually and upon the filing of any motion or petition affecting the child’s placement, services, or familial relationships.<sup>91</sup> Notification and inquiry are not required if the child has already been appointed an attorney.<sup>92</sup> The Department and the guardian ad litem



must document their compliance with the notification and inquiry requirements in their respective reports to court.<sup>93</sup> These reports must also indicate the child's position regarding the appointment of an attorney.<sup>94</sup> The court has an ongoing duty to inquire whether a child 12 and older has received notice of their right to request an attorney where an attorney has not already been appointed.<sup>95</sup>

## **Costs of Appointed Counsel**

For children appointed attorneys under RCW 13.34.212(1) or RCW 13.34.212(3), or under RCW 13.34.267(6) in a county where OCLA has phased in pursuant to RCW 13.34.212(3), OCLA is responsible for paying the costs of legal services provided by an attorney subject to the amounts appropriated for this specific purpose.<sup>96</sup> In all other relevant appointments, individual counties are responsible for the cost of representation for children and youth.

## ENDNOTES

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- <sup>1</sup> Bailey Zydek, Office of Civil Legal Aid's Children's Representation Program
- <sup>2</sup> Jeffrey Adams, Office of Civil Legal Aid's Children's Representation Program
- <sup>3</sup> TSHB 371, Ch. 291 (1977).
- <sup>4</sup> ESSB 2768, Ch. 154 (1979).
- <sup>5</sup> EHB 1585, Ch. 232, 1988).
- <sup>6</sup> EHB 1585, Ch. 232, 1988).
- <sup>7</sup> HB 1165, 53<sup>rd</sup> Leg. §2 (1993).
- <sup>8</sup> HB 1165, 53<sup>rd</sup> Leg. §2 (1993).
- <sup>9</sup> HB 1165, 53<sup>rd</sup> Leg. §2 (1993).
- <sup>10</sup> HB 1165, 53<sup>rd</sup> Leg. §2 (1993).
- <sup>11</sup> HB 1165, 53<sup>rd</sup> Leg. §2 (1993).
- <sup>12</sup> HB 1165, 53<sup>rd</sup> Leg. §2 (1993).
- <sup>13</sup> HB 2735, 61<sup>st</sup> Leg. §1 (2010).
- <sup>14</sup> HB 2735, 61<sup>st</sup> Leg. §1 (2010).
- <sup>15</sup> HB 2735, 61<sup>st</sup> Leg. §1 (2010).
- <sup>16</sup> HB 2735, 61<sup>st</sup> Leg. §2 (2010).
- <sup>17</sup> HB 2735, 61<sup>st</sup> Leg. §5 (2010).
- <sup>18</sup> Child Practice Standards (2010).
- <sup>19</sup> Child Practice Standards (2010).
- <sup>20</sup> ESSSB 6126, 63<sup>rd</sup> Leg., §1-2 (2013).
- <sup>21</sup> ESSSB 6126, 63<sup>rd</sup> Leg., §2 (2013).
- <sup>22</sup> S.S.H.B 1219, 67<sup>th</sup> Leg. §9(1) (2021).
- <sup>23</sup> See generally, RCW 13.34.212(3)(a).
- <sup>24</sup> RCW 13.34.212(3)(a)-(c).
- <sup>25</sup> RCW 2.53.045.
- <sup>26</sup> S.S.H.B 1219, 67<sup>th</sup> Leg. §9 (2021).
- <sup>27</sup> S.S.H.B 1219, 67<sup>th</sup> Leg. §9 (2021). The legislature recognized the need to update the standards of practice and requested CCFC to convene a work group.
- <sup>28</sup> RPC 1.14(a).
- <sup>29</sup> RPC 1.14(c), see also, RPC 1.6.
- <sup>30</sup> RPC 1.14, Comment 1.
- <sup>31</sup> Standard 1, Pg. 2.
- <sup>32</sup> S.S.H.B 1219, 67<sup>th</sup> Leg. §9 (2021), see also, Standard 2, Pg. 3.
- <sup>33</sup> Standard 2, Pg. 3
- <sup>34</sup> Standard 2.1, Pg. 4.
- <sup>35</sup> Standard 2.2, Pg. 4.
- <sup>36</sup> Standard 2.2, Pg. 4.
- <sup>37</sup> Standard 2.2, Pg. 4.
- <sup>38</sup> RPC 1.1.
- <sup>39</sup> RPC 1.1.
- <sup>40</sup> See Standard 3.2, Pg. 5-6.
- <sup>41</sup> Standard 3.2, Pg. 5-6.
- <sup>42</sup> Standard 4, Pg. 7.
- <sup>43</sup> Standard 4.1, Pg. 9.
- <sup>44</sup> Standard 4.2, Pg. 9.
- <sup>45</sup> See generally, RPC 1.7, 1.8 & 1.9.
- <sup>46</sup> RPC 1.4 (a).
- <sup>47</sup> RPC 1.4 (b).
- <sup>48</sup> RPC 1.4, Comment 7.
- <sup>49</sup> RPC 1.4, Comment 7.
- <sup>50</sup> Standards 5.1, Pg. 9.
- <sup>51</sup> Standards 5.1, Pg. 9.
- <sup>52</sup> Standard 5.1(1)-(3), Pg. 10.

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- <sup>53</sup> Standard 5.2, Pg. 11.
- <sup>54</sup> Standard 5.2, Pg. 11.
- <sup>55</sup> RPC 1.3, Comment 1.
- <sup>56</sup> Standard 6.2, Pg. 11.
- <sup>57</sup> Standard 6.2, Pg. 12.
- <sup>58</sup> Standard 7.3, Pg. 13.
- <sup>59</sup> Standard 7.2, Pg. 14.
- <sup>60</sup> Standard 7.4, Pg. 15.
- <sup>61</sup> Standard 7.4, Pg. 15.
- <sup>62</sup> Standard 8.1, Pg. 16.
- <sup>63</sup> Standards 8.2, Pg. 17.
- <sup>64</sup> Standard 9.1-3, Pg. 17.
- <sup>65</sup> Standard 9.1-3, Pg. 17; see also RCW 13.04.03(3).
- <sup>66</sup> Standard 10.3, Pg. 18.
- <sup>67</sup> Standard 10.3, Pg. 18.
- <sup>68</sup> S.S.H.B 1219, 67<sup>th</sup> Leg. §1(1)-(2) (2021).
- <sup>69</sup> S.S.H.B 1219, 67<sup>th</sup> Leg. §1(4) (2021).
- <sup>70</sup> RCW 13.34.212(3)(a)(ii).
- <sup>71</sup> RCW 13.34.212(3)(a)(iii).
- <sup>72</sup> RCW 13.34.212(3)(a)(ii).
- <sup>73</sup> RCW 13.34.212(3)(a)-(c).
- <sup>74</sup> RCW 2.53.025(1).
- <sup>75</sup> RCW 13.34.212(3)(c), see also S.S.B 5805, 68<sup>th</sup> Leg. §1(2024).
- <sup>76</sup> *In re Dependency of E.H.*, 191 Wn.2d 872, 894 (2018).
- <sup>77</sup> RCW 13.34.212(2), see also, *In re Dependency of E.H.*, 191 Wn.2d 872, 894 (2018), JuCR(c)(1).
- <sup>78</sup> RCW 13.34.212(2)(c).
- <sup>79</sup> RCW 13.34.212(2)(f).
- <sup>80</sup> RCW 13.34.212(d)
- <sup>81</sup> RCW 13.34.212(e)
- <sup>82</sup> RCW 13.34.215(3).
- <sup>83</sup> RCW 13.38.110.
- <sup>84</sup> JuCR 9.2(a), see also, RCW 13.34.212(1) and (3). But see *Dependency of E.M.*, 197 Wn.2d 492, 484 P.3d 461 (2021) (If a child does not have the capacity to consent to the attorney-client relationship, the trial court has inherent authority to decide whether to allow a private retained attorney’s representation of the child and must first consider whether the rules of professional conduct allow the attorney to represent the child in a limited capacity.).
- <sup>85</sup> RPC 1.6(c), see also, RPC 1.14(a) (When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.)
- <sup>86</sup> Standards 5.3, Pg 11.
- <sup>87</sup> RPC 1.14(c).
- <sup>88</sup> RCW 13.34.090(3).
- <sup>89</sup> Standard 7.3.
- <sup>90</sup> RCW 13.34.212(2)(c)
- <sup>91</sup> RCW 13.34.212(2)(d)
- <sup>92</sup> RCW 13.34.212(e)
- <sup>93</sup> RCW 13.34.212(2)(f)
- <sup>94</sup> RCW 13.34.212(2)(f)
- <sup>95</sup> RCW 13.34.212(2)(g)
- <sup>96</sup> RCW 2.53.045(1)