



Legal Counsel for Youth and Children: IMPACT REPORT

December 1, 2015

Legal Counsel for Youth and Children (LCYC) has conducted another review of our open and closed cases to assess our advocacy and impact for the youth and children we serve. The data collected this year, like last, continues to show a positive correlation between the time at which an LCYC attorney is appointed and the child's likelihood of residing with family and remaining or returning home.

Report Highlights

- **Placement:** Children with attorneys from the first hearing are more likely than children without counsel at the start to reside with parents, relatives or other caring adults they know throughout their dependency cases.
- **Permanency:** Children with attorneys from the first hearing onward are more likely to remain with or successfully return to their parents than children without counsel at the start.
- **Out-of-Court Advocacy:** The vast majority of all open cases require out-of-court legal advocacy in the areas of placement, family visits, education and services for the child. Out-of-court advocacy is also commonly provided on issues of permanency planning and timely permanency.
- **Motions:** 42% of the motions filed by LCYC on behalf of children in open cases related directly to placement, requesting that children be placed with their parents, family or known community members; 27% of the motions involved family visitation.
- **Child's Participation:** Children with attorneys from the first hearing are more likely to engage in the court process by appearing for hearings or submitting written testimony to the court.

Please read on for a more thorough review of LCYC's impact on children and families in and out of court in 2015.

PLACEMENT:

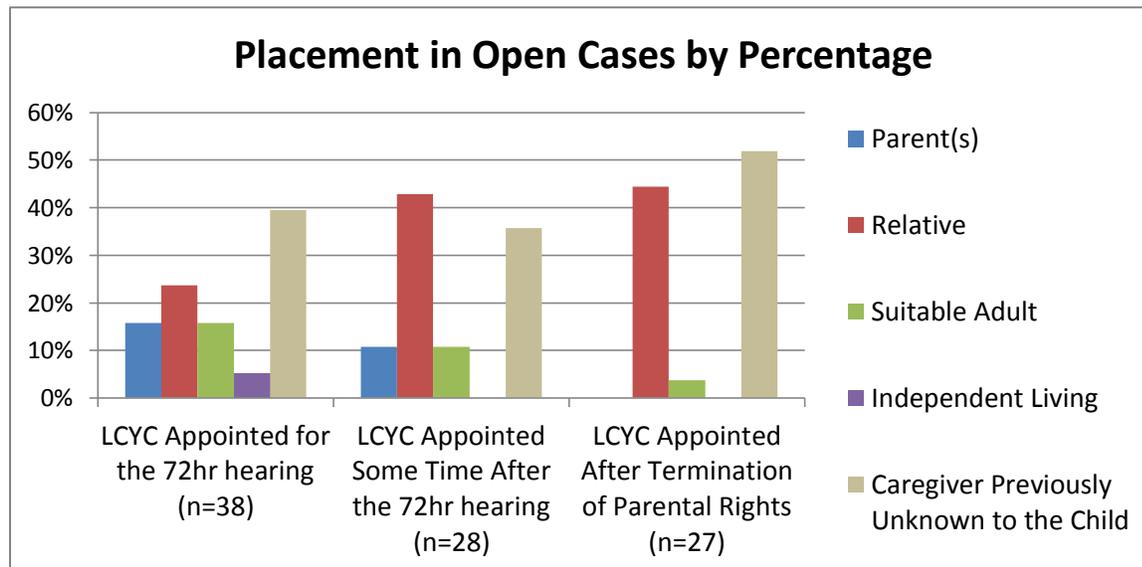
King County Juvenile Court may appoint LCYC to represent a child in a dependency action either (1) for the initial 72 hour hearing, (2) at some point after the 72 hour hearing, or (3) following termination of parental rights.

King County courts assigned LCYC to represent 61 children for the initial 72 hour hearing, a pivotal hearing at which the court makes its first determination as to where the children will reside, family visitation (if applicable) and services for the family. Unlike the rest of the country, the majority of children in Washington do not have any legal advocate in the courtroom to speak and argue on their behalf during these hearings.

A children’s access to an attorney at the initial 72 hour hearing makes a critical difference to placement decisions and impacts their lives and the lives of their families.

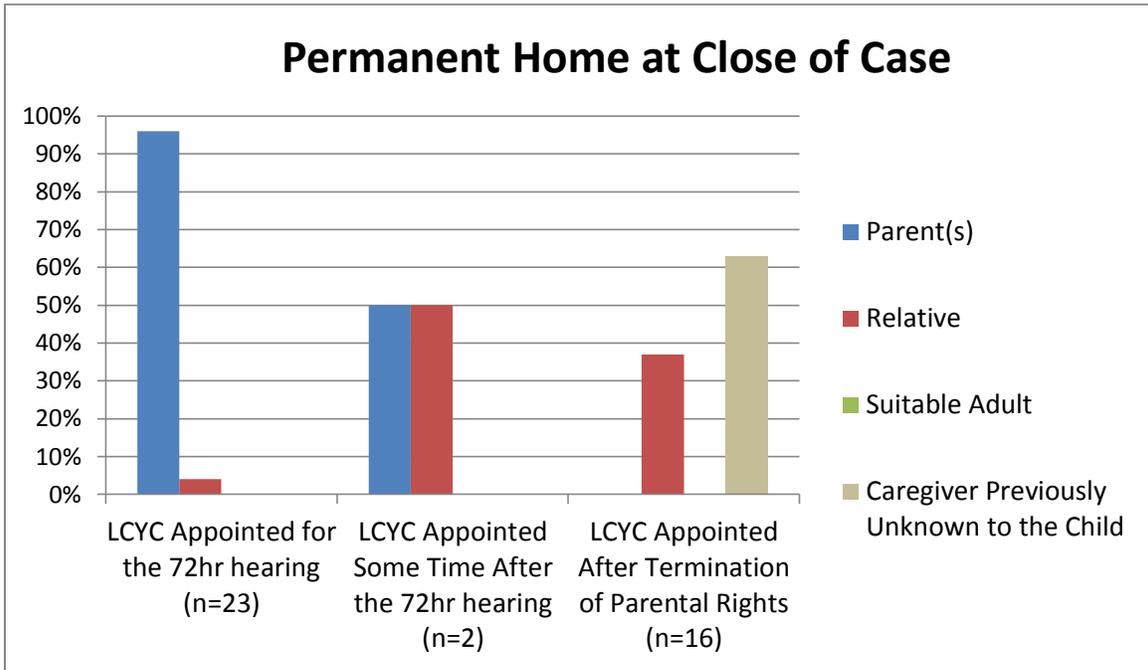
- Pursuant to the youth’s direction, LCYC has contested 74% of all initial hearings in which we have appeared.
- 22% of all children LCYC represented at the 72 hour hearing were never found to be dependent.
- 48% of all children LCYC represented at the 72 hour hearing have never spent a night in foster care. The percentage of children who never spent a night in foster care dropped to 28% for those children appointed attorneys sometime after the 72 hour hearing and down to 21% for those children without an attorney until after termination of parental rights.

The earlier a court assigns an LCYC attorney to advocate for a child, the more likely the child will reside with a parent during the dependency case. Appointing an attorney prior to termination of parental rights helps keep children connected to their parents, relatives and other suitable adults within their communities.¹



PERMANENCY:

The earlier an LCYC attorney is assigned to advocate for a child, the more likely the child’s permanent home will be with a parent, relative or suitable adult previously known to the child. The graph below reflects the percentage of children as to their placements upon case closure, relative to the time LCYC began advocating for the child.



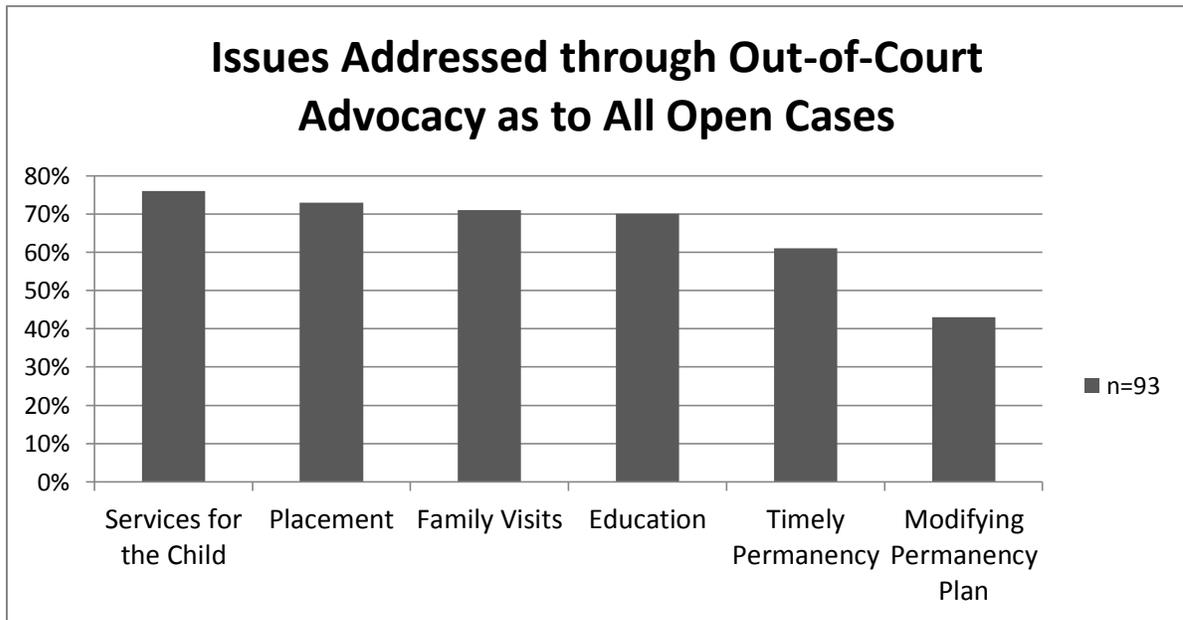
OUT-OF-COURT ADVOCACY FOR THE CHILD:

“The LCYC attorney acts as an advocate – goes above and beyond! Thanks for being a valuable resource for the kids we serve.” - Foster Parent

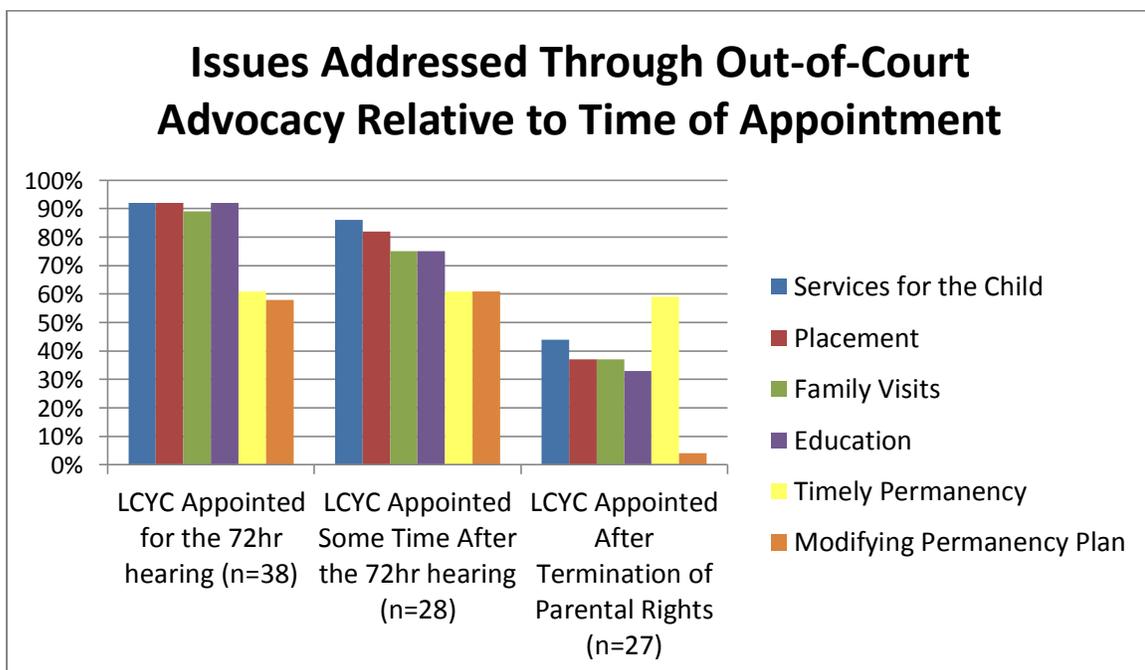
“LCYC attorney has been irreplaceable.” - CASA Volunteer

LCYC attorneys engage with the child and numerous people involved in that child’s court case and life – DSHS social workers, educators, counselors, family, caregivers, etc. When possible, LCYC works with the other attorneys and parties on a case to resolve issues outside of court, for example, to agree upon and ensure timely services, to increase family visitation, to plan a transition home, or to remove barriers for adoption of a legally free child. As an agency, LCYC is also committed to working with and improving each child’s educational experience, supports and success.

The graph below reflects the percentage of cases requiring out-of-court advocacy for the various issues most frequently requiring LCYC’s involvement. These cases are still open, and thus we expect the percentages to grow with time as numerous cases will require further and ongoing out-of-court advocacy in the future.



The graph below depicts the percentage of cases requiring out-of-court advocacy on various issues relative to the time at which LCYC was appointed to the case. Again, these cases are still open, and we expect the percentages to grow with time as numerous cases will require further and ongoing out-of-court advocacy in the future.



MOTIONS FOR THE CHILD:

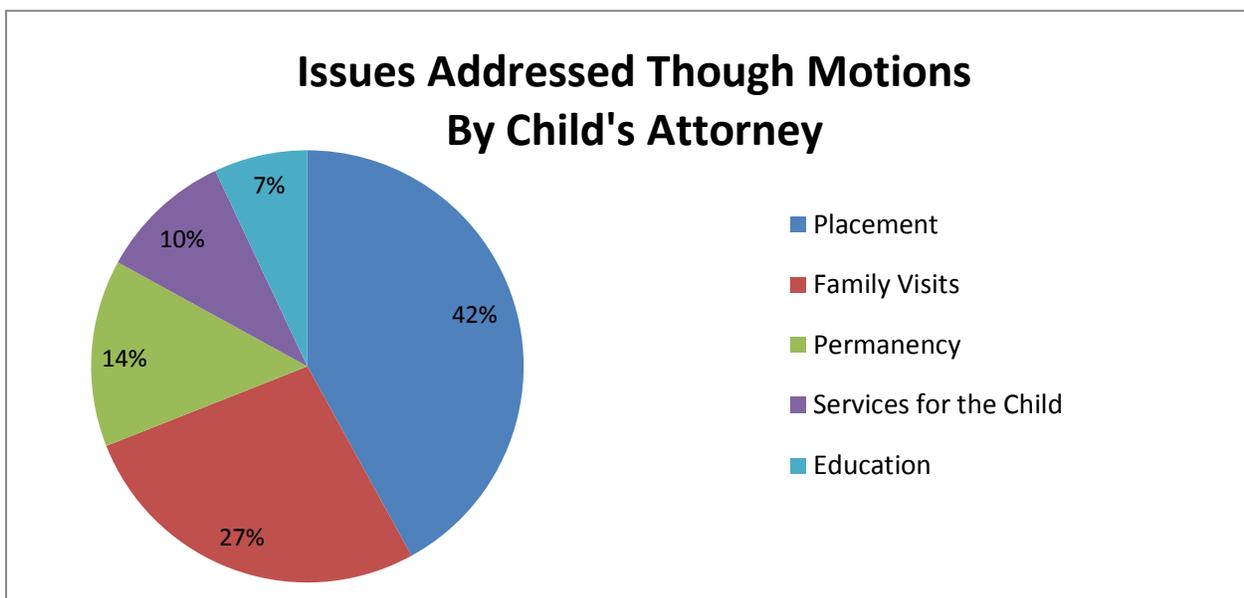
“[The youth] had excellent legal representation...I heard her wishes loud and clear.”
–Judicial Officer

At times LCYC is not able to ensure the child’s legal needs and rights through out-of-court advocacy, team meetings and negotiations. When litigation is required to assist the child, LCYC attorneys file a motion and request the court to take a specific action.

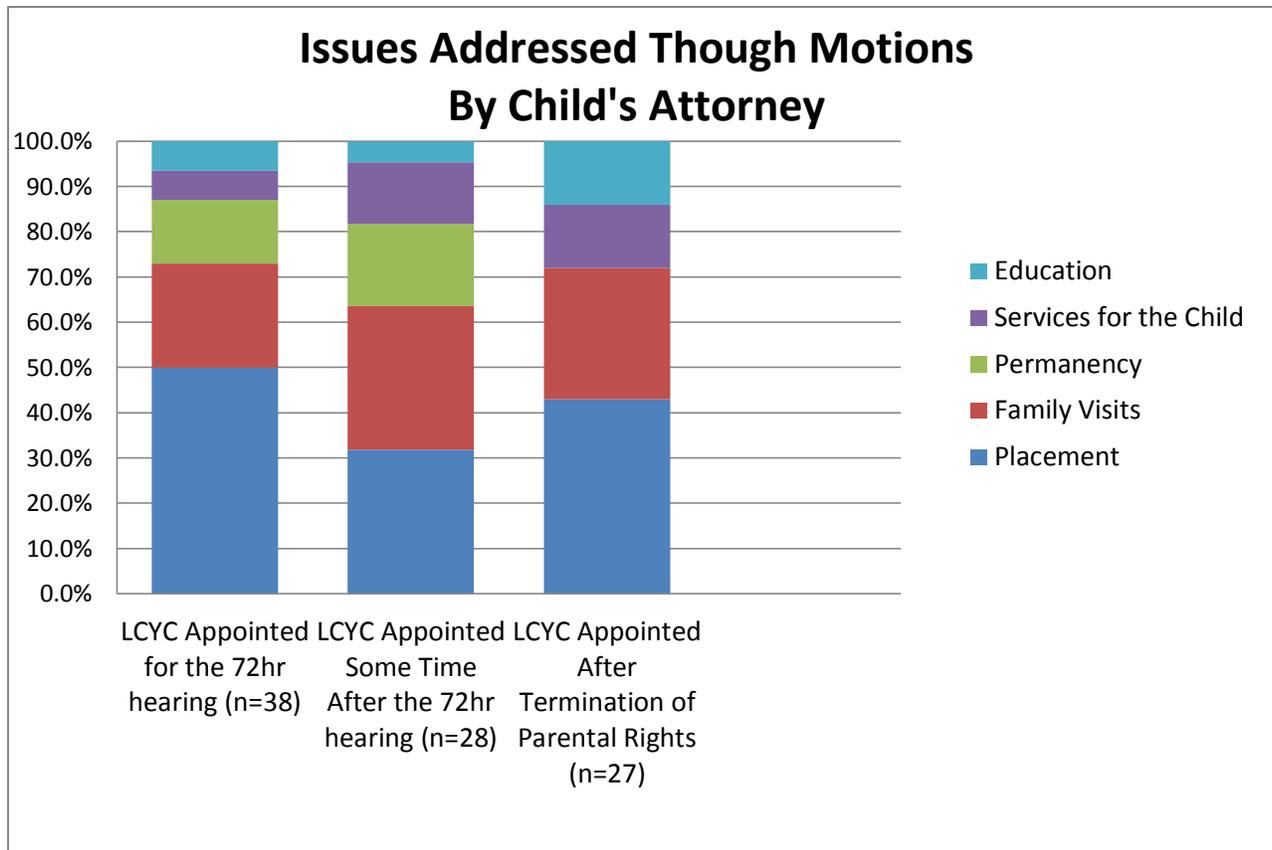
The table below reflects the percentage of cases requiring motions, relative to the time of appointment. These cases are still open, and thus the percentages are expected to grow with time as numerous cases will require litigation in the future.

Time of LCYC Appointment	Percentage of Cases in Which LCYC has Already Filed a Motion for the Childⁱⁱ
Prior to 72 Hour Hearing	68%
Some Point After the 72 Hour Hearing	53%
After Termination of Parental Rights	22%

LCYC compiled the various types of motions filed in all open cases to discern the most prominent issues requiring motions in court. This is what we found:



The graph below depicts the issues addressed through motions by LCYC attorneys relative to the time at which LCYC was appointed to the case. Regardless of when an LCYC attorney was appointed to represent a child, over 60% of the affirmative motions LCYC filed in court relate to placement and family visits – both of which keep children connected to parents, relatives and other suitable adults within their communities.



CHILD’S PARTICIPATION IN COURT:

Our data shows that when a child has the ability to engage with legal counsel early on in the court proceedings, and is thereby given the opportunity to engage with the court, the child is more likely to participate in these important decisions impacting his or her life.

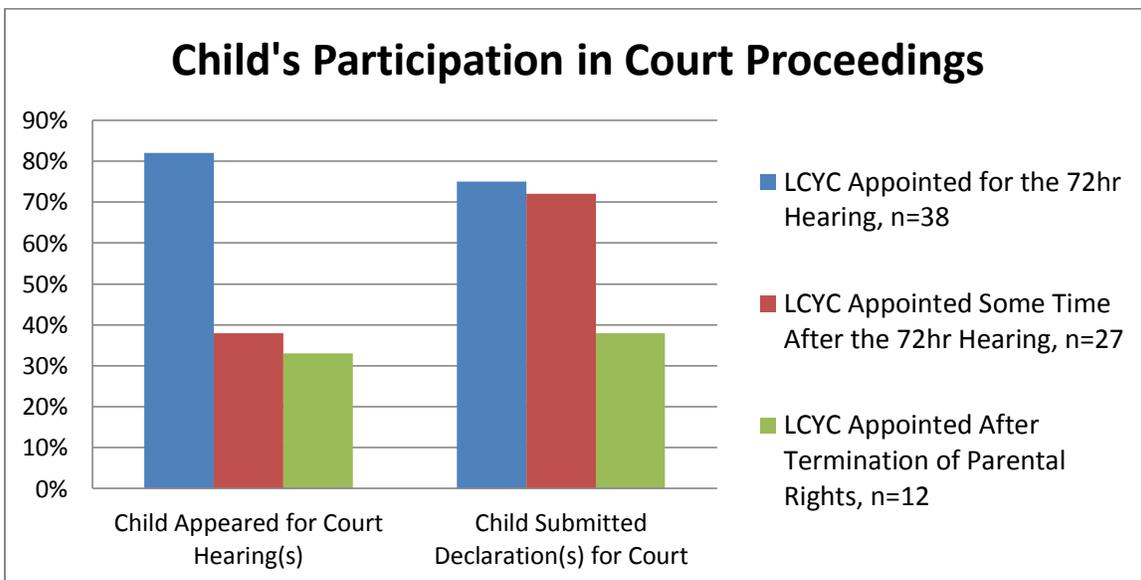
LCYC supports child clients of all ages to directly participate in the legal proceedings impacting their lives. LCYC encourages our clients to engage in their hearings by being physically present. We prepare each child, in a developmentally appropriate way, as to what he or she can expect during the court hearings ranging from where people sit and when we stand for the judicial officer to what issues will be addressed. When a child arrives at court for the first time, we make time to show them the courtroom while it is empty before the hearing begins. The child can decide to participate in any hearing or decline. The child may also opt to attend part of the hearing and have an additional supportive adult present to sit with in the courtroom or outside.

It is vital for children to actively participate in the decisions affecting where they will live and whether they will maintain a legal relationship with their parents. We have witnessed firsthand the impact a judicial officer can have when directly addressing the child from the bench, acknowledging the child's wishes and the court's concerns. This communication can have a tremendous impact on the child and his or her reaction to a court order, regardless of whether the judicial officer agrees with the child's position.

Regardless of whether children choose to attend their court hearings, we strongly encourage all children who are able to work with us to write a declaration, which serves as the child's letter to the judge. We may suggest the child update the court on how things are going at home and school, to discuss family contact and future permanency plans.

LCYC strongly believes that by encouraging children to engage with the judicial officer, even when there are no pressing issues or concerns, the children will learn and be reminded that the court is genuinely motivated by the children's well-being and wants to hear when things are going well and when they are in need. The hope is that when a child *is* in need of assistance or when a difficult decision is before the court, the child will experience a sense that they can be heard, that their voice is valued in these changing decisions that impact them more than anyone else. We also inform all children that they do not need to weigh in on any decisions before the court if they wish to remain silent or defer to the judicial officer.

The graph below depicts the percentage of children appearing for court or submitting declarations to the court. The numbers below exclude children who are presently developmentally unable to create a declaration for the court; in such cases, LCYC attorneys submit written reports from counsel.



CONCLUSION:

LCYC attorneys provide much needed legal advocacy to some of King County’s most vulnerable youth and children. Children involved in the child welfare system face a constant risk of being temporarily and permanently separated from their parent(s), relatives, siblings, neighbors, schools and communities. LCYC’s child directed advocacy focuses on helping children maintain connections with their loved ones and communities. Sadly, legal advocacy is also needed in and out of court to ensure that children found to be dependent upon the State are properly cared for and nourished and that they timely receive necessary services and permanency. LCYC attorneys help children in the moment, as to the crisis of the day, with an eye towards planning for tomorrow and for the long-term future in a permanent home, be it with a parent or a new caregiver.

LCYC employs a unique, multidisciplinary model of service with low caseloads, high quality holistic legal advocacy, supervision and teamwork. LCYC’s approach to serving children in need makes a difference.

For more information about LCYC please visit us online at www.lcycwa.com.

ⁱ None of the children involved in this data collection received the benefit of legal counsel prior the appointment of an LCYC attorney. Youth who are placed in “Independent Living” are at least eighteen-years-old and voluntarily participating in Extended Foster Care.

ⁱⁱ The open cases from which data was collected have been open for varying degrees of time for months to years. No data was collected on cases open less than one month as of October 27, 2015.