

Local Juvenile Court Rule 9.2  
RIGHT TO COUNSEL

(A) Appointments. Legal counsel shall be provided at public expense in the following circumstances:

1. For a juvenile respondent:

a. Alleged to be a juvenile offender;

b. Alleged to have violated the terms of his/her community supervision;

c. Who may be a party to a diversion agreement who has not waived his right to counsel for the purpose of advising him as to whether he desires to participate in the diversion process or to decline to participate;

d. When the Prosecuting Attorney or diversion unit has filed a petition to terminate or modify a diversion agreement;

e. When a dependency petition has been filed alleging the child to be dependent pursuant to RCW 13.34.040, and the child is eight (8) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child;

f. When a review hearing is to be held pursuant to RCW 13.32A or RCW 13.34, and the child is eight (8) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child;

g. When a petition to terminate the rights of the parent or parents of the juvenile has been filed and the child is eight (8) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child;

h. When a petition asking for the creation of a guardianship over the child has been filed pursuant to RCW 13.36, and the child is eight (8) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child.

2. For a parent, guardian or custodian:

a. Who is a party to a:

(1) Dependency proceeding;

(2) Proceeding for the termination of the parent-child relationship;

(3) Proceeding pursuant to RCW 13.40 and a juvenile under the age of twelve for whom a parent, guardian or custodian is responsible is requesting to waive a right or object to a proceeding;

(4) Proceeding pursuant to RCW 13.36 requesting a guardianship be created;

(6) Proceeding and who requests that the court appoint counsel because of an inability to obtain counsel due to financial hardship and the court finds the party indigent.

3. Whenever ordered by the court.

(B) Retained counsel. Any party may be represented by retained counsel in any proceeding before the Juvenile Court.

(C) Procedure for Appointment of Counsel. Except as provided in Rule 9.2(A) (1), at or prior to the initial appearance of the parties, the court or a representative of the court may inquire as to the financial status of any party who requests counsel to be appointed. Upon the filing of a motion and affidavit for assignment of a lawyer by a party, the court may schedule a hearing on the subject of the parents, guardian, or custodian and/or the child's ability to pay all or part of the expense of counsel. Upon a finding that the party requesting appointment of counsel is indigent, the court shall appoint counsel. If it appears that the party can partially afford counsel, the court shall appoint counsel but may direct that the party pay an amount certain to the Clerk of the Court.

1. An appropriate form may be used to determine the financial status of a party.

(D) Notice of Appearance. Attorneys, representing parties in juvenile matters, except for appointed attorneys, must serve prompt written notice of their appearance upon all other parties or their counsel of record, the legal process unit of the court and file the same with the Clerk of the Court.