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To: [Martinez, Jacquelynn](#)
Subject: FW: In Support of Amendments to APR 28
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From: Miryam Gordon <miryam@llt4familylaw.com>
Sent: Wednesday, April 5, 2023 5:03 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: In Support of Amendments to APR 28

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I write to support the entire slate of changes proposed by the LLLT Board, both the practice rules for the Board itself and the LT profession via changes to APR 28.

I hope the Court will accept all the suggested changes, since each one of them has been carefully crafted and thought about to make positive changes for the future.

Changes to LT Board Structure:

Changes to how the LLLT Board is composed and what it is tasked with seem fairly simple to agree to, and adjusting the Board activities into a future where, right now, there are not going to be any further LTs "created" through education, training or testing. I live in hope that in the not-too-distant future, there might be some kind of resurrection of the LT license or similar intermediate legal license so that access to justice isn't just a phrase that the Court proclaims, but there is a program and expansion of legal services that provide more access, as the LT program and license were meant to do and which we do actually practice.

Allowing LTs to practice in Minor Guardianship (Title 11.130)

Amending the practice rules regarding non-parental custody are extremely important. The set of statutes in Title 26 simply disappeared two years ago. But the need and the family desperations that cause children to be unstable and unsafe did not.

The new Title 11 minor guardianships offer an important support for emergency guardianship, for parents in physically damaging accidents, or the death of a parent, or abusive situations, or many other ways in which children must be kept safe and given stable care, most often within the same family structures (grandparents, aunts, uncles, etc.). At this moment, LTs run the risk of being considered "outside their license" and facing disciplinary actions if they help a client obtain an emergency guardianship, even if the client has no idea how to do that themselves, and even if the child/children is/are in grave distress.

Yet minor guardianships are essentially the same function of the "old" Title 26 statutes, just refined a bit more, and giving older children a lot more agency over their lives. The success of obtaining a minor guardianship also lessens the need for the State to step in in a dependency procedure, lessens the possible foster care placement, and increases the options for continued family care, in the larger family structure. This keeps the child(ren) close to all the family that they are used to having in their lives.

Further, in my role of Court Visitor/GAL for minor guardianships in King County, I have personal knowledge of just how few attorneys are taking on client petitioners in minor or any other guardianships, right now, since many attorneys have shied away from working within the new UGA rules (Title 11.130), which they see as complicated. It was most unfortunate that all of the case law developed from Title 26 NonParental Custody statutes was basically swept away.

This lack of legal services increases the probability of pro se petitioners who are in the midst of trying to take care of a children, sometimes completely without warning, while also trying to figure out extremely complicated guardianship statutes. This decreases the options family face to keep children safe and secure.

There are thousands of family members or friends of family who need help establishing a minor guardianship, and only handfuls of attorneys to help. This is an area that LTs could and should be allowed to serve in.

If LTs can provide services in this area of law (guardianships), it enhances safety for families across the state. The fact that LTs also charge less than attorneys means that they might help these families be served more easily than attorneys.

The UGA may eventually be amended in order to work more effectively. But from a services perspective, allowing LTs to do this work, now, increases families' access to help. LTs' scope already allowed this work under a different set of statutes.

The only small amendment I would like to request is to change the sentence:

"ix. agreed or default minor guardianships or guardianships arising out of a familial relationship; and" by striking the words "arising out of a familial relationship" because I find them confusing and limiting in a way that could cause confusion among both LTs and potential clients as far as what the word "arising" means and it might limit a friend of the family's attempt to help a child even if the other family members agree. Allowing minor guardianships to be "in scope" just as non-parental custody actions were "in scope" would be a cleaner, easier-to-understand concept.

Thank you,

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Miryam Gordon

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Limited License Legal Technicians (LLLTs) are licensed to advise and assist people going through divorce, child custody and other family-law matters in Washington. (see WSBA.org for more information)

The LLLT RPC Preamble says: A LLLT'S RESPONSIBILITIES

[1] A LLLT is authorized to provide limited legal services that lie within the scope of the practice that the LLLT is licensed to undertake. Within that scope, a LLLT is a member of the legal profession, is a representative of clients, and has a special responsibility for the quality of justice.

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