

Honorable Mary I. Yu  
Chair Supreme Court Rules Committee  
c/o Clerk of the Supreme Court Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929  
via email: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Re: Proposed Revisions to CrR3.1, CrRLJ3.1, and JuCR9.2

Dear Justice Yu,

The Keeping Families Together (KFT) coalition writes to respectfully request that the Court adopt the standards for indigent defense for family defense cases proposed by the Washington State Bar Association. The undersigned members of the coalition represent a wide variety of perspectives on the needs of children and families in Washington, including the lived expertise of parents, children, relative caregivers, foster and adoptive parents, and service providers. Our group also includes experienced policy advocates; some members of our group are lawyers for parents and children.

Although Washington has been at the forefront of recognizing the importance of quality representation in this area, the uneven quality of practice in our state still leaves many parents and children without effective representation. Because the dependency system disproportionately impacts Black and Indigenous families, these negative case outcomes continue to fall more heavily on those communities. Every effort that reduces the impacts of system-involvement also positively advances racial justice.

We urge you to adopt the proposed standards for the following reasons:

*First*, KFT supports the expansion of defense social work supports for parents required by these standards. As the Court is aware, successfully resolving a dependency case typically requires a parent to make significant life changes. A defense social worker is often the only out-of-court support who is fully aligned with the parent, who can offer parents confidential, dedicated help. Although social workers from the Department of Children Youth and Families (DCYF) are tasked with helping parents, their divided role can create tensions that defense social workers are able to navigate differently. The increase in social work supports contemplated by the proposed rule is a critical step in supporting families.

*Second*, our work as a coalition has resulted in significant legislative changes, including the passage of the *Keeping Families Together Act*, but we have learned in the process that changing the law accomplishes little without thoughtful implementation. All too often, legislative reforms founder on the rocks of day-to-day dependency practice—it takes effort and commitment to disrupt business as usual and to implement legislative intent. To change practice, lawyers for parents and children need to have the capacity to learn about changes in the law, time to receive and absorb training, and the bandwidth to raise those issues in court. These standards would create that space.

The existing court rule permits a court to assign up to 80 dependency cases to a single attorney at any given time. That amounts to little more than two hours per case per month — assuming the attorney works every minute, without taking vacations, sick days, or breaks (173 hours / 80 cases). It is simply not possible to give each case the attention it deserves with such limited time, let alone meaningfully prepare for trial or counsel a client on the significant rights at stake. The current rule sets our families up to fail — a reality that is especially alarming in termination of parental rights cases, which often involve

thousands of pages of discovery, multiple witnesses, and can result in the permanent loss of a fundamental constitutional right.

*Third*, the existing court rule fails to account for the work dependency attorneys must now do to advance guardianships as a resolution to a dependency matter. Our coalition helped to advance SHB [1747](#) (2022), which made changes to the law to ensure that, when a court finds that a child cannot be returned home to their parents, the court prioritizes resolving dependency cases with a guardianship before considering terminating parental rights and adoption. These changes have taken three forms: changing the practice of permanency planning, changing the law of termination, and creating financial benefits for guardians. See e.g., RCW 13.34.145(5)(a)(vii); RCW 13.34.145(7)(b); RCW 13.34.180(1)(f); RCW 74.13.062; *Love Does Not End*, by Shrounda Selivanoff, available at: [FJJ Summer2024 09.indd](#).

Unfortunately, however, the current indigent defense standards are completely silent on the issue of guardianships, and don't award any case credits for work on guardianship cases, including dependency guardianships pursuant to RCW 13.36, *et seq.* This omission makes sense in light of past practice, when guardianships used to be resolved as part of a dependency case (RCW 13.34 guardianships); but in the years since the existing court rule was adopted the law has changed to eliminate those case types and to create a separate statutory basis for dependency guardianship (RCW 13.36 guardianship). Therefore, these proposed, amended standards, which do include dependency guardianships, are needed to effectuate the legislative intent to resolve dependency cases in this way.

Finally, as a group with many decades of collective experience in this area, we know that dependency cases can be demoralizing and dehumanizing for those who find themselves entangled in the system. Effective representation can restore the humanity and dignity to some of the most vulnerable people in our society. For these reasons, the undersigned urge you to adopt these standards.

Carla Arnold

Katie Biron

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Roxana Gomez, *Legal Counsel for Youth and Children*

Kim Justice, *Partners for Our Children*

Laurie Lippold, *Partners for Our Children*

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**Date:** Tuesday, April 29, 2025 2:13:47 PM  
**Attachments:** [KFT Court Rule Comment\\_Final.pdf](#)  
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**From:** Kim Justice <[kimjust@uw.edu](mailto:kimjust@uw.edu)>  
**Sent:** Tuesday, April 29, 2025 2:13 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
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Please see the attached comments submitted on behalf of the Keeping Families Together coalition.

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