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April 30, 2025

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

Re: Proposed Revisions to CrR 3.1, CrRLJ 3.1, and JuCR9.2

Dear Justice Yu:

I am writing on behalf of the Children's Representation Program at the Office of Civil Legal Aid (OCLA). Our office contracts with attorneys across the state to provide legal representation to qualifying children and youth in dependency and termination proceedings. OCLA representatives participated in the WSBA Council on Public Defense subcommittee which authored the proposed amendments to the Standards for Indigent Defense currently under the Court's consideration for those standards concerning family defense (dependency and termination matters). We are in support of the proposed amendments.

OCLA recognizes that a recent modified Delphi study and other community feedback has demonstrated that the Court's existing Standards for Indigent Defense are inadequate to ensure effective representation of children and youth in dependency proceedings. For example, the rules currently suggest that an attorney with no training or experience representing children may do a single case consultation with the Office of Public Defense—which administers the *Parent* Representation Program—in order to attain competency to represent these youth. *See e.g.* CrR 3.1 Standard 14.2 (L). The proposed amendments rectify this situation by adopting, through reference, the Representation of Children and Youth in Dependency Cases Practice, Training, and Caseload Standards (Rev. 2022). These standards, available [here](#), were developed by a statewide children's representation workgroup and adopted by the Supreme Court Commission on Children in Foster Care in September 2022. They detail critical expectations around an attorney's practice and establish extensive training and competency requirements for attorneys who represent children in dependencies. However, pursuant to RCW 13.34.212(3) and RCW 2.53.045(3), only those attorneys on contract with OCLA to provide representation to children and youth in dependencies are required to adhere to these standards. This means that, until OCLA's Children's Representation Program is operational statewide, dependent children experience wildly varying standards of representation depending on the county in which they reside. The Court is in a position to elevate and align its own standards for dependent children's representation with existing statutory standards by adopting the proposed amendments.

The Court's existing caseload standards for attorneys representing children in dependencies far exceeds existing statutory standards, which in themselves have been determined to be too high. The work of defending the legal rights of system-impacted children is taxing and fraught with secondary trauma. Children and youth in the child welfare system face complex and compounding traumas and have expansive legal needs that demand significant



time and attention from legal counsel. Children require frequent in-person communication, which means that their attorneys are traveling all over the state—and often out of state—in order to meet children’s communication needs in a trauma-informed, developmentally-appropriate manner. The Court establishes 80 cases as the maximum caseload for any attorney representing clients in dependencies. Attorneys on contract with OCLA are statutorily entitled to a maximum caseload of 45 clients/60 cases. The proposed amendments lower the caseload maximum to 35 clients/40 cases at any one time. Attorneys for both children and parents have identified the 35 clients/40 cases maximum as the acceptable maximum for attorneys to sustainably render effective, ethical legal representation to children and parents. OCLA trusts the wisdom and needs of those attorneys who are in the trenches doing this work and encourages the Court to adopt this lower caseload standard.

Finally, the Court’s existing standards do not establish any sort of supervision requirement for attorneys who are new to this practice. This is inconsistent with the supervision requirements that exist with respect to other practice areas, such as criminal defense or civil commitments, even though the need for supervision is no less prevalent in the area of family defense. OCLA agrees with the proposed amendments as they relate to supervisory standards and hopes that the Court will revise the existing Standards for Indigent Defense to include these new provisions.

Respectfully,

A handwritten signature in black ink, appearing to read "Bailey Zydek".

Bailey Zydek  
Children’s Representation Program Director  
Office of Civil Legal Aid

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**To:** [Farino, Amber](#)  
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**Subject:** FW: Comment re: CrR 3.1/CrRLJ 3.1/JuCR 9.2 - Standards for Indigent Defense (family defense cases)  
**Date:** Wednesday, April 30, 2025 3:18:44 PM  
**Attachments:** [LetterSupportFamilyDenseStandards\\_20250430.pdf](#)  
[image001.png](#)

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**From:** Zydek, Bailey (OCLA) <[bailey.zydek@ocla.wa.gov](mailto:bailey.zydek@ocla.wa.gov)>  
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Please find a letter from the Washington State Office of Civil Legal Aid in support of the proposed amendments to the Court's Standards for Indigent Defense as they relate to family defense.

Thank you,



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