



# Know Your Rights!



## A handbook for dependent teens in Washington state



## WHAT IS A DEPENDENCY?

A judge may rule that you are “dependent” if he or she believes that your parent has abused or neglected you.

## AM I IN TROUBLE?

You are not in trouble. You are in court because the judge wants to know how you are doing.

## CAN I HAVE A LAWYER?

If you are 12 or older **YOU** can ask the judge to appoint a lawyer to fight for what you want.

For more information on these questions, go to page 4.

# A YOUTH DEPENDENCY GUIDE



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# NOTES

CASEWORKER/SOCIAL WORKER NAME: \_\_\_\_\_

• Phone Number: \_\_\_\_\_

• Email: \_\_\_\_\_

CASEWORKER/SOCIAL WORKER NAME: \_\_\_\_\_

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ATTORNEY/LAWYER: \_\_\_\_\_

• Phone Number: \_\_\_\_\_

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CASA/GUARDIAN AD LITEM: \_\_\_\_\_

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THERAPIST/COUNSELOR: \_\_\_\_\_

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JUDGE/COMMISSIONER: \_\_\_\_\_

• Phone Number: \_\_\_\_\_

• Email: \_\_\_\_\_

INDEPENDENT LIVING WORKER: \_\_\_\_\_

• Phone Number: \_\_\_\_\_

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OTHER: \_\_\_\_\_

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I HAVE SOME QUESTIONS I NEED HELP WITH:

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## WHAT IS A DEPENDENCY?



A judge may rule that you are “dependent” if he or she believes that your parents have abused, neglected or abandoned you. Once the court has ruled that you are dependent, it will check up on your case at least every six months. The court will ask other people involved in your dependency case—like your caseworker, your parents and your foster parents—about how things are going in your life.

You can also go to court and tell the judge how things are going, but to do so, you will need to tell someone that you want to go. It is important to remember that the court can order you to do things or make decisions about your life even if you are not there. This is why it is important that you ask for help to get to court—and speak up!

## AM I IN TROUBLE?

You are not in trouble. You are in court because the judge wants you to be safe and well cared for and to know how you are doing. But if you do not do what the judge tells you to do or if you run away from the home you are put in, you can get in trouble. If you do not agree with the court’s rules or where you’ve been placed, ask your lawyer, your caseworker, your CASA/GAL or the judge to help you.

## CAN I HAVE A LAWYER?

If you are 12 or older, YOU can ask the judge to appoint a lawyer to fight for what you want. Your CASA/GAL can also ask the judge to appoint a lawyer for you. The judge does not have to give you a lawyer but probably will if you ask.

No matter how old you are, if you do not have a CASA/GAL, the court must give you a lawyer or a CASA/GAL. You should remind everyone in your case—caseworker, foster parents, parents—of this so that you have **SOMEONE** to represent you.

The words people use in court can be confusing. It would be better if everyone used easy-to-understand words. Also, some people who will work with you may use acronyms, which are words formed from the first letters of words in a phrase (like “CPS” instead of Child Protective Services). If you don’t know what the words mean, then ask. To help you out, we have explained the most frequently used words:



### **Agency:**

A name used to refer to the Department of Social and Health Services Children’s Administration (DSHS) or the agencies that work for it.

### **Attorney for the Youth:**

An attorney appointed by the judge to advocate for you and tell the court what you want and what you need. This attorney is your lawyer and represents only you. He or she must keep your secrets, unless you say it is all right to tell or unless you are going to cause serious bodily harm. If you need help, ask the judge to appoint an attorney for you.

### **Attorney for the State**

(usually an Assistant Attorney General, but sometimes a deputy prosecuting attorney):

A lawyer who helps the social worker understand the law and explain things to the judge from the perspective of DSHS.

### **“Best Interest”:**

The term everyone uses to describe what they believe is the right thing for you.

### **Case Plan:**

A list of what needs to happen to help you and your family, such as your parent going to counseling or you enrolling in school. Whatever is in the case plan must be done so the judge can make sure you are safe and decide whether you can return home. If it is not safe for you to go home, the case plan will be about what you need and who is supposed to help you.

### **Caseworker/Social Worker:**

A person whose job it is to help you and your family. The caseworker must visit you *every* month. It is important for you to work well with the caseworker and tell him or her what you want and need. The caseworker attends all hearings and tells the court what he or she thinks you and your family need. Your caseworker also prepares most reports for the court (an example is the Individualized Service and Safety Plan, or ISSP). You can tell the caseworker what you want him or her to write in the report that is given to the judge.

### **Child Protective Services (CPS):**

An organization that provides services to children and families in their own homes, places children in foster care and places children in adoptive homes.



Sometimes the CASA/GAL may write a report for the court and you can tell him or her what you want in the report. You should meet with your CASA/GAL and talk about what you need and want. But remember, the CASA/GAL is not your lawyer and does not have to keep whatever you say secret.



## **Court Appointed Special Advocate (CASA):**

CASAs are specially trained volunteers who learn as much as they can about you and tell the judge what they think would be best for you. They are also required to tell the judge what you want to happen in your case.

## **Court Hearing:**

This is when the judge listens to the people and attorneys in your case to decide what should happen to help you.

## **Department of Social and Health Services Children's Administration (DSHS):**

The government agency responsible for protecting children and providing services for them and their families.

## **Dependency Case:**

A dependency case is opened when the courts and DSHS believe it is necessary to step in to protect a child from abuse, neglect or abandonment. Once a case is opened, there will be hearings where a judge will decide where the child should live if he or she cannot live at home. The judge will also decide what can be done to help the child and the rest of the family.

## **Dependency Guardianship:**

A dependency guardianship is a permanent foster care placement for a child. It is different from adoption because the parents' rights are not terminated, but the intention is for the child to stay in the placement until he or she is 18. A dependency guardianship court order can address visitation with family and other important issues.

The court can modify or terminate a dependency guardianship.

## **Family Team Decision Meeting (FTDM):**

A Family Team Decision Meeting allows people who care about you and your family to get together and support you by working on goals you have identified for your family.

## **Foster Care With a Written Agreement:**

A plan that means the dependency case will end without an adoption or guardianship, but at least one named adult will always be there for you and play an important role in your life.

## **Foster Parent:**

Foster parents are trained and licensed adults who care for young people who cannot live at home.



**Guardian ad Litem (GAL):**

A person who may or may not be an attorney and who must tell the judge what he or she thinks is in your best interest. The GAL is also required to tell the judge what you want but is not required to agree with you in his or her recommendation to the court. The job of the CASA and the GAL is the same—the difference between them is that a CASA is a volunteer and probably is not a lawyer.

**Independent Living Program (ILP):**

This refers to a program that will help you learn what you need to know to become a successful adult.

**Judge/Court Commissioner:**

A judge or court commissioner works in the courthouse and decides what should happen to you after listening to everyone involved in your case. The judge or court commissioner is in charge of your case. It is the judge/commissioner's responsibility to make sure everyone does his or her job in your case.

**Kinship caregiver:**

A kinship caregiver is a person who is taking care of a child but is not the child's parent. Examples of kinship caregivers are grandparents, aunts/uncles, adult siblings and other adult relatives or a family friend. Some kinship caregivers are licensed by DSHS to be foster parents, but most are not (and not all children who live with a relative or family friend are in foster care). Youths living with a relative or family friend should talk to their caseworkers about what services they may be eligible for through DSHS.

**Parents' Attorney:**

A person who provides legal advice and guidance to your parents at every stage of the court process. This attorney tells your parents about which hearings to attend and what to expect. The parents' attorney tells the judge what your parents want and what your parents think should happen to you and your family.

**Permanency:**

You will hear this word a lot during your court case, but it is not always clear what it means. Everyone involved with the case is working toward a permanent placement. Usually, permanency means returning home once it is safe for you to be there. However, if it is

not safe for you to ever return home or if it will take longer than the court thinks you should wait, permanency could mean adoption by someone else, living with a relative or someone becoming your legal guardian. If none of these options are possible, permanency could mean you living on your own when you turn 18. If this is the best option for you, it is the job of the judge and others involved in your case to make sure you have all the help you need to be a successful adult.

**Review Hearing:**

This is a hearing held at least every six months. It allows the court to check up on how everyone is doing on the case plan and decide if there is anything else that needs to be done. Your caseworker will prepare a report for the hearing. This report is about you. You should let your caseworker know what you think and what you want to go into the report. You can ask the caseworker to attach things to the report, like certificates of achievement, letters, awards, and other important items, but remember that everyone gets a copy of it. You can ask for a copy of the report so that you know what is going on in your case.

## WHAT NOW?

### WHY DID THE STATE TAKE ME OUT OF MY FAMILY HOME?

The law requires your parents to take care of you. If your parents are not taking care of you in the right way, the law allows the state to take you away from them until they can care for you properly.



### WHAT HAPPENS AFTER I AM REMOVED FROM MY HOME?

Within 72 hours after you are removed from your home, NOT COUNTING Saturdays, Sundays and holidays, your parent/guardian will be asked to appear in court. You have a right to know why you were taken from your home and you may ask to talk to the judge or ask to have a lawyer to help you understand what is going on. At this first court hearing, the judge will hear about why you were removed from your home and decide where you will live for now. Your parents will have a lawyer to help

them while the case is going through court. In most cases, the court will appoint a Guardian ad Litem (GAL) or a Court Appointed Special Advocate (CASA) to help the judge understand what is in your best interest, what you need and whatever you have told the CASA/GAL that you want. The court may also appoint an attorney to represent you—but usually, you will get an attorney only if **YOU** ask for one.

### WHERE WILL I LIVE NOW?

The judge decides where you will live. Preference will be given to your relatives. A family friend may also be an option, but because there are strict rules about who can care for a child in a dependency, you may not get to live with the person you choose. It is very possible that you will live with a foster family or in a group home. If you have relatives (like a grandparent or an aunt or uncle) or a family friend willing to let you stay with them, tell your caseworker, your CASA/GAL or your attorney. You can also ask to go to court to tell the judge yourself. If you do not have a relative or

*Don't be afraid to speak up if you are being placed somewhere that makes you feel uncomfortable or unsafe.*

another adult with whom you can live, your caseworker will find a home for you to live in for the time being.

Don't be afraid to speak up if you are being placed somewhere that makes you feel uncomfortable or unsafe. Tell your lawyer (if you have one) your caseworker, your CASA/GAL or the judge why you are uncomfortable or feel unsafe. During the dependency, it is very possible that you will be placed in different homes or back with your family. These decisions are mostly made by the state caseworker and sometimes by the court.



### WHAT CAN I DO IF I BELIEVE THAT THE PLACE I AM LIVING IS NOT SAFE?

If you think that your physical safety is in danger, you should call 911. Tell your lawyer and tell your caseworker, your CASA/GAL and the judge. You can also tell a teacher or school counselor.

## WHAT NOW?

### WILL I GET TO SEE MY PARENT/GUARDIAN?

You have a right to visit with your parents, so long as the visit is safe for you. If you cannot see them in person, you may be able to send letters, email or call them on the phone. If you are not getting to visit with your parents enough or at all, and you want to, tell your lawyer, caseworker or CASA/GAL that you want to visit. You should also tell people if you do not want to visit or feel unsafe. If you are not getting what you need and want, speak up and tell as many people as you can until you are heard and something is done about the problem.

### WILL I GET TO SEE MY BROTHERS OR SISTERS?

In most cases, you will be able to have contact with your brothers and sisters unless one of you has hurt the other and the court decides it is unsafe for visits to occur. The court makes the decision, so always be sure to let your attorney, caseworker or CASA/GAL know that this is important to you. If there is some reason why you cannot see your brothers and sisters, think about asking whether you can call or email them.



### WHAT IF MY BROTHERS AND SISTERS ARE ADOPTED—CAN I STILL SEE THEM?

You may be able to see your siblings even if they have been adopted. Make sure you tell your caseworker, your CASA/GAL, your lawyer and the judge that this is something that is important to you. You may be able to have the judge emphasize how important sibling visits are in the adoption paperwork.

### WHEN CAN I GO HOME?

The judge or court commissioner in a dependency case decides when it is safe for you to return home to your parents. This decision is based on whether your parents have shown the court that they can provide you with a safe home and take care of you.

If the judge or court commissioner decides that it will never be safe for you to return home, the court may decide to “terminate” your parents’ parental rights. This means that the court ends your parents’ rights, responsibilities and legal relationship to you and you can then be adopted.

### IF MY PARENTS’ PARENTAL RIGHTS ARE TERMINATED, DOES THAT MEAN I CAN NEVER LIVE WITH THEM AGAIN?

Most of the time, if your parents’ parental rights have been terminated you will never live with them again. There is a new law, though, that lets you ask the judge to give your parents their parental rights back. It is very hard to get a judge to do this. But if you are 12 or older, your parents’ parental rights were terminated more than three years ago,

you have not been adopted and have not been put in a guardianship, you can ask your lawyer about petitioning to have your parents’ rights reinstated. If you do not have a lawyer, go to your next hearing and ask the judge to appoint a lawyer for you so you can talk to that lawyer about whether this is an option for you.

### WHAT SHOULD I SAY IF MY FRIENDS ASK ME WHY I AM NOT LIVING AT HOME?

You do not need to talk about it with your friends if you do not want to. You can tell your friends that your parent is having some problems and you are living away from home for a little while until the problems are solved.

## OTHER THINGS TO CONSIDER...

### **I AM AN AMERICAN INDIAN OR THINK I MIGHT BE. SHOULD I TELL SOMEONE?**

Yes, tell your caseworker, CASA/GAL or attorney. There are different rules that may apply to your case that could help you, so tell someone right away.

### **WHAT SHOULD I DO IF I WAS NOT BORN IN THE UNITED STATES?**

If you were not born in the United States, you may not be a U.S. citizen. If you are not a U.S. citizen, this means that you could be returned (deported) to the country where you were born. You have the right not to tell anyone where you were born. You also have the right to refuse to answer questions about your citizenship or immigration status or the citizenship and immigration status of your parents.

If you were not born in the United States, it is very important that you talk to an immigration lawyer to find out what your rights are. If you have a lawyer in your dependency case, you should tell him or her that you were not born in the United States and discuss whether you need to talk to an immigration lawyer. If you do not have a lawyer, you can contact the following organizations:



**The Northwest Immigrant Rights Project**  
**206.587.4009 • 1.800.445.5771 • [www.nwirp.org](http://www.nwirp.org)**

**Volunteer Advocates for Immigrant Justice**  
**206.359.6200 • [www.vaij.org](http://www.vaij.org)**

## WHAT WILL HAPPEN TO ME WHEN I TURN 18?

If you are between the ages of 15 and 17 and you think you will probably remain in foster care until you turn 18, you should be involved with Washington State's Independent Living Program (ILP). This program will help you learn skills so that you will be ready to live on your own and become a successful adult. Children's Administration policy requires caseworkers to complete an Independent Living Plan with you, and federal law requires that your plan be driven by you and include education, housing, health insurance, mentoring and employment support. Talk to your caseworker, CASA/GAL or lawyer about transition planning. You can also go to [www.independence.wa.gov](http://www.independence.wa.gov).

## HELPFUL INFORMATION FOR AGING OUT/ TRANSITIONAL LIVING

If you age out of foster care or Tribal out of home care at age 18, you can access Transitional Living services until you turn 21. Transitional Living services are intended to help you succeed as a young adult by helping you with employment, education, housing and money management. You can get these services through classes and workshops and through one-on-one training. For more information about Transitional Living services and eligibility, go to [www.independence.wa.gov](http://www.independence.wa.gov).

## CAN FOSTER YOUTH GO TO COLLEGE?

Of course foster youth can go to college! For more information and support go to [www.collegesuccessfoundation.org](http://www.collegesuccessfoundation.org) or call 877.655.4097 or 425.416.2000. These resources may help you get enrolled in school and find ways to help you with tuition.

- College Success Foundation: [www.collegesuccessfoundation.org](http://www.collegesuccessfoundation.org)
- Coaching-to-College: [www.treehouseforkids.org](http://www.treehouseforkids.org)
- Independence for Foster Youth: [www.independence.wa.gov/education](http://www.independence.wa.gov/education)

## ENGAGEMENT, EMPOWERMENT AND ADVOCACY

If you want to advocate for reform of the foster care system, contact The Mockingbird Society. Its mission is to build a world-class foster care system through collaboration, innovation and advocacy. Foster youth from all over Washington state can get involved through The Mockingbird Network, which is a statewide initiative bringing together youth and alumni of foster and kinship care, with a vision to develop individual leaders, engage and strengthen communities, and reform the foster care system. Visit [www.mockingbirdsociety.org](http://www.mockingbirdsociety.org) or call 206.323.KIDS (5437).



## WHO ARE THE PEOPLE WHO CAN HELP ME?

### CASEWORKER/ SOCIAL WORKER:

A social worker or caseworker works for the State of Washington (or an agency like the YMCA or Casey Family Programs that has a contract with the state). This person is responsible for finding you a safe place to live and for making sure that you visit with your parents and your siblings. Your caseworker **MUST** meet with you every month and find out what you need and what you want. Your caseworker will also write reports to the court stating what he or she believes is best for you and your family.

### CASA/GAL:

A dependency court may appoint a Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL). Usually the role of the CASA/GAL is to gather information about your situation and make a recommendation to the judge or commissioner about what he or she thinks would be best to keep you safe and meet your needs.

The CASA/GAL gathers information by talking with you, your teachers and others in your life who know about you and your family. The CASA/GAL also has authority from the court to request records from your school, your doctor and others who might know

you. The CASA/GAL is supposed to tell the court about everything that he or she learns, including what **YOU** want, so be sure to talk about what you want with him or her.

You should know that, unlike your attorney, a CASA/GAL does not have to keep what you say private. If the

***The CASA/GAL is supposed to tell the court about everything that he or she learns, including what YOU want!***

CASA/GAL thinks it is in your best interest, he or she will likely share what you tell him or her with other parties in the case, including the judge or court commissioner.

### LAWYER/ATTORNEY:

An attorney, a lawyer and a public defender are the same thing. They are involved in dependency cases to represent the various people involved in the case. The people in the case are the state, the CASA/GAL, the parents and the child. A lawyer's job is to represent his or her client's wishes. The state's lawyer works for the Washington State Office of the Attorney General and represents DSHS. The lawyers appointed to represent the parents and children may work for a public defender office, so sometimes they are called public defenders. Sometimes the CASA volunteer also has a lawyer in court.



For more information about a lawyer's duty of confidentiality and privilege, go to page 16.

If the court appoints a lawyer to represent you, it is that person's job to explain to you what is going on in your case and to help you make decisions about what you want to ask the judge. Your lawyer represents you in court and lets the judge know what you want. Your lawyer cannot tell anyone what you tell him or her unless you

give permission or unless you tell him or her that you are going to do something that will cause serious bodily injury. If your lawyer shares what you tell him or her with someone else without your permission, the lawyer will get in serious trouble and may even lose his or her job.

### CAN I HAVE A LAWYER?

If you are 12 or older **YOU** can ask the judge to appoint a lawyer to fight for what you want. Your CASA/GAL can also ask the judge to appoint a lawyer for you. The judge does not have to give you a lawyer but probably will if you ask.

If you do not have a CASA/GAL, the court must give you a lawyer or a CASA/GAL. You should remind everyone in your case—caseworker, foster parents, parents—of this so that you have **SOMEONE** to represent you.

# WHO ARE THE PEOPLE WHO CAN HELP ME?

## WHAT CAN A LAWYER DO FOR YOU?

### *A lawyer can fight for your right to:*

- Visit with your brothers and sisters
- Visit with your parents
- Get the services or resources that you need

### *A lawyer can also:*

- Tell the judge what you want
- Explain what is going on in a way you understand
- Be on your side and stand up for your wishes in court
- Be in court and hear what happens. If you do not want to come to court, make sure that there is a plan in place for you when you age out (turn 18) of the foster care system

## WHAT'S THE DIFFERENCE BETWEEN CONFIDENTIAL AND PRIVILEGED INFORMATION?

**Confidential** means that the judge, people involved in the case, attorneys, CPS, DSHS, and others may not talk to other people about your case outside of court. If people involved in your case give information to other people not involved in your case, it may be considered a crime. Your CPS records may be confidential and can only be shown to others if you give permission or if a judge does.

**Privileged** means that your attorney cannot tell anyone about what you told him or her unless you say it is OK. The one exception to this is that the attorney may reveal this information if it would prevent you from causing certain death or substantial bodily harm or from committing a crime. If your attorney tells anyone what you told him or her without your permission, your attorney could get in serious trouble and not only lose his or her job, but also lose his or her license to be a lawyer.

## JUDGE/COURT COMMISSIONER:

The judge/court commissioner is the person who makes the final decision about what happens to you—where you will live and when you will get to visit your parents and siblings, for example. The judge/court commissioner makes his or her decision after hearing from all of the people who are involved in your case—the state's lawyer, your caseworker, your parents' lawyer, your CASA/GAL, your attorney (if you have one), and you. It is important that the judge/court commissioner have as much information as possible so that he or she can make the right decision for you.

The judge/court commissioner wants to help you return home as soon as possible. If that is not possible, the judge wants to help you find a place where you can live until you are 18. The judge/court commissioner is responsible for making sure that you are safe and that you are on track to be in a permanent placement. There will be regular court hearings for the judge to get information and to make decisions about important things in your life.

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### WHAT HAPPENS IN COURT?

Court is not exactly like you see on television, but there are lawyers and a judge/court commissioner at most hearings. Typically, the lawyer for DSHS (the Assistant Attorney General or AAG) presents the facts and leads the discussion about the case. The AAG will ask your caseworker to tell the judge about you—where you are living, how you are doing in school and how your parents are doing. Remember, DSHS' job is to keep children safe and get them home or to a permanent placement as soon as possible, so the caseworker will tell the court how he or she thinks these goals can be achieved.

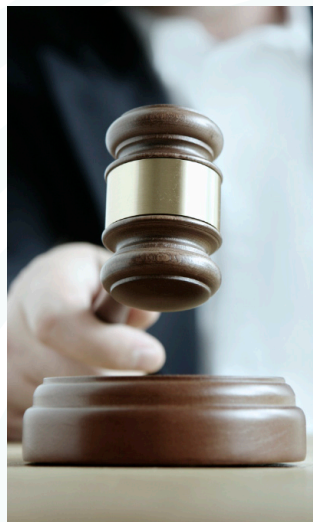
Your parents and their lawyers will tell the judge what they want and need for themselves. If you have a CASA or a GAL, he or she tells the judge what he or she thinks is in your best interest, based on all the information gathered in your case. The CASA/GAL should also tell the judge what you want to have happen in your case. Your CASA/GAL may have a lawyer helping explain his or her opinion to the court.

If you have a lawyer representing you, he or she will also be in court. It is your lawyer's job to fight for what you want and to protect your legal rights. If you decide to go to a hearing and you want to speak to the judge about what you need or want, you should tell your lawyer—he or she will inform the judge of your desire to address the court. The judge may or may not let this happen, but it is always important to ask. If you do not want to go to court, your lawyer will still be there to advocate for you.

*Your lawyer's job is to fight  
for what you want.*

### THE KINDS OF THINGS THE JUDGE WILL DECIDE:

- Where you should live
- Whether you should return home
- When you should visit with your siblings
- When you should visit with your parents
- What kind of help you need (with school, counseling, etc.)
- What kind of help your parents need



### SHOULD I GO TO COURT?

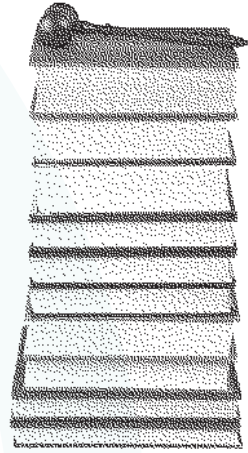
If you have something you want to say to the judge, it is very important for you to go to court. You might want to



tell the judge what you want to happen—like where you want to live until you are 18, if you are having problems, or if you want help with issues like visits with your siblings. If you are not sure if you should go to court, you can ask for a lawyer to help you decide.

### WHAT SHOULD I SAY AND HOW SHOULD I ACT IN COURT?

- Address the judge as “Your Honor.”
- Speak clearly.
- Answer questions that the judge asks you.
- Tell the judge (or your lawyer) if you do not understand something or feel uncomfortable answering a question.
- Be on time for court.
- Be respectful.
- Dress nicely and neatly—no hats in the courtroom.
- Make sure you turn off your cell phone—do not send text messages.
- Do not use any electronic devices in court (like an iPod or video game).
- Do not eat, drink or chew gum.
- Wait your turn to speak. If you are unsure, you may ask the judge if you will get a turn to speak and then wait for the judge to let you know when it is your turn.
- Do not listen to music in court. Reading a book is usually OK while you are waiting for your court hearing.
- If you do not understand something, ask someone (the judge or your lawyer) to explain it to you again.



**Other people have responsibilities too—to see the responsibilities of the people who are working with you, go to page 22.**

### WHO CAN ATTEND COURT HEARINGS?

Anyone can attend a court hearing—they are open to the public. Aside from you, your parents, DSHS, a CASA/GAL and all the lawyers, there may be other caseworkers or therapists, foster parents or group home counselors, your relatives and other people who care about you attending the hearings. There will also be a court clerk or a bailiff to assist the judge. It can get to be a real crowd in the courtroom, but everyone is working to figure out how to keep you safe and how to help you achieve your goals. In special situations the judge can make the hearings private. If you would like the judge to do that, ask your lawyer, your CASA/GAL, your caseworker or the judge.

### WHAT CAN I DO IF I DO NOT AGREE WITH THE JUDGE'S DECISION?

The most important thing for you to do is to make sure that the judge knows what you want. This is why it is important for you to go to your hearings and tell the



judge in a respectful way what you want to happen in your life—be an active participant in your case. If the judge still makes a decision that you do not agree with, make sure that you understand why the decision was made. You can do this by talking to your lawyer (if you have one), your CASA/GAL or your caseworker. If you do not have a lawyer, you can ask for one to help you understand the judge's decision and to

try to change it. If you have a lawyer, he or she may be able to file an appeal asking that the decision be changed. You can also go to court at the next hearing and ask the judge to change the decision. Even if you do not agree with the judge's decision, you have to do what the judge says or you can get in trouble and even be put in detention.



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### HOW DOES EVERYONE KNOW WHAT THE JUDGE DECIDES?

Judges must write down what they decide in a document called a court order. The court order will say what has to be done, who will do it and by when. Not only will it tell you what you have to do, but it will also give the reasons the judge had for making the order. You can have a copy of any order in your case—all you have to do is ask your caseworker, CASA/GAL or lawyer. If someone named in an order does not do what the judge said, he or she can get in trouble and can even be put in detention or jail. So, if a judge orders you to do something, be sure to do it.



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### HOW DOES THE JUDGE DECIDE IF I SHOULD GO HOME?

The judge's job is to decide what is in your best interest and make sure you are always safe. After listening to everyone at the hearing, the judge will decide what should happen in your case, including where you will live, and will enter an "order" to make sure it happens.

This is why it is important for the judge/court commissioner  
to hear **YOUR** voice and to know what **YOU** want.

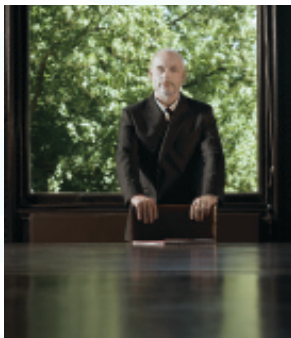
# WHAT TO EXPECT FROM THE PEOPLE IN YOUR CASE

## RESPONSIBILITIES OF CASEWORKER/SOCIAL WORKER

- Make sure you have a safe place to live
- Meet with you at least once a month—tell the judge if your caseworker does not come to see you every month
- Return your phone calls
- Meet your needs while you are in placement
- Arrange visits with parents and siblings
- Tell the court how you are doing and what he or she thinks should happen in your case

## RESPONSIBILITIES OF FOSTER HOME OR GROUP HOME

- To keep you safe
- To accept you and treat you with dignity and respect
- To provide for your daily needs
- To protect confidential information about you
- To keep in regular contact with your caseworker or probation officer (if you have one)
- To allow you to contact your caseworker, your lawyer and/or your CASA/GAL
- To follow the plan the judge ordered
- To make sure you receive medical and dental care
- To be reasonable when providing discipline



### RESPONSIBILITIES OF CASA/GAL

- To meet with you, talk to people about your case, and let the judge know what he or she thinks you need and where you should live
- To tell the judge what you want to have happen in your case

### RESPONSIBILITIES OF YOUR LAWYER

- To protect your legal rights and to fight for what you want
- Keep whatever you tell him or her a secret unless you give permission to tell someone else or unless you are going to cause substantial bodily harm to yourself or another person
- To make sure you get the help you need with school, counseling, etc.
- To tell the judge what you want
- To explain what is going on in a way you understand so you can make smart decisions about your case
- To be in court and hear what happens if you do not want to come to court
- To make sure that there is always a plan for you to have a safe place to live

## IF YOU HAVE CONCERNS

### IF YOU FEEL LIKE PEOPLE ARE NOT FULFILLING THEIR RESPONSIBILITIES IN YOUR CASE, TELL:

- Your lawyer
- The judge/commissioner
- Your parents
- Your foster parents
- Your CASA/GAL
- Your caseworker/social worker

**REMEMBER TO  
BE RESPECTFUL!!**

**But tell anyone  
who will listen!**



**COMPLAINTS . . .** If you are REALLY concerned about how your case is going or about the decisions your caseworker is making, contact one of the following:

- Office of Constituent Services (DSHS)  
**1.800.737.0617**
- Office of the Family and Children's Ombudsman  
6720 Fort Dent Way, Suite 240  
Mail Stop TT-99  
Tukwila, WA 98188  
Toll free phone number: **1.800.571.7321**  
Phone number: **206.439.3870**  
TTY: **206.439.3789**  
Fax: **206.439.3877**  
<http://www.governor.wa.gov/ofco>

If you are concerned about your lawyer's absence or handling of your case, contact:

Washington State Bar Association  
Office of Disciplinary Counsel  
**206.727.8207**

As a foster youth you have a lot of legal rights. Here is a list of some of the rights you have and where they are written down. Your caseworker, CASA/GAL or lawyer should be able to show you all of these laws.

## You have the right to:

- Be safe. .... RCW 13.34.020; *Braam v. Washington*, 150 Wn.2d 689, 699 (2003)
- Live in a stable, safe and permanent home. .... RCW 13.34.020
- Be protected from all forms of child abuse and neglect. .... WAC 388-148-0420
- Not be held in detention just because you are a foster youth. .... RCW 13.34.060(1)
- Receive adequate services to meet your basic needs. .... *Braam v. Washington*, 150 Wn.2d 689, 700 (2003)
  - Receive adequate food, clothing and shelter. .... WAC 388-148-0470(2)(b)
  - Receive adequate medical and dental care. .... WAC 388-148-0470(2)(e)
  - Be free of the administration of medication other than that prescribed by a physician or psychiatrist. .... WAC 388-148-0470(4) and (5)
  - Not be deprived of sleep. .... WAC 388-148-0470(2)(a)
  - Take care of your own hygiene and toilet needs. .... WAC 388-148-0470(2)(d)
- Be free of cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to: .... WAC 388-148-0470(1)
  - (a) Spanking with a hand or object;
  - (b) Biting, jerking, kicking, hitting or shaking;
  - (c) Pulling hair;
  - (d) Throwing;
  - (e) Purposely inflicting pain as a punishment;
  - (f) Name calling or using derogatory comments;
  - (g) Threatening with physical harm;
  - (h) Threatening or intimidating behavior; or
  - (i) Being placed or required to stand under a cold water shower.
- Not be placed in an inpatient mental health facility without your parents' or legal guardian's approval or the permission of the court. .... RCW 13.34.320

# YOUR LEGAL RIGHTS

- Make and receive private letters and phone calls unless the court mandates otherwise. .... WAC 388-148-0422(1)
- Contact your assigned social worker, legal representative or other individuals identified in the case plan and people providing therapeutic care as part of the case plan. .... WAC 388-148-0470(3)
- Receive fair, reasonable, consistent discipline related to your behavior. .... WAC 388-148-0465(4)
- Practice your own religion. .... WAC 388-148-0430(3)

## *You Also Have Some Legal Rights Regarding Court, Including the Right to*

- File a petition with the court alleging that abuse or neglect occurred (anyone can file such a petition). .... Wash. JuCR 3.2(a)
- Be notified of the right to request a shelter care hearing. .... Wash. JuCR 2.3(a)
- Have a hearing in court within 72 hours (excluding Saturdays, Sundays and holidays) of being taken by CPS or the police. .... RCW 13.34.060, Wash. JuCR 2.3(b)
- Not be held in shelter care longer than 72 hours unless a court order has been entered for shelter care. .... RCW 13.34.060
- If you are over 12, be notified of your legal rights by the CPS worker. .... RCW 26.44.105
- Have a speedy resolution of any dependency proceeding. .... RCW 13.34.020
- Have a guardian ad litem (CASA/GAL) appointed for you unless a court, for good cause, finds the appointment unnecessary. .... RCW 13.34.100(1)
- Have your case reviewed by a court at least every six months. .... RCW 13.34.138(1)
- Have a permanent plan developed for you. .... RCW 13.34.136 (1)

## *Duties of the Court*

- Placement of the child with a relative shall be given preference by the court. .... RCW 13.34.130(2)
- The court must find that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home before ordering out-of-home placement. .... RCW 13.34.130(2)

- The court must consider whether it is in a child's best interest to be placed with, have contact with or have visits with siblings. There shall be a presumption that such placement, contact or visits are in the best interest of the child, provided that (i) the court has jurisdiction over all siblings subject to the order of placement, contact or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and (ii) there is no reasonable cause to believe that the health, safety or welfare of any child subject to the order of placement, contact or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. .... RCW 13-34.130 (3)(a)
- Parental visitation time must not be reduced in order to provide sibling visitation.....RCW 13-34.130(3)(a)(ii)

## Petition for Reunification

- Youth are provided counsel at no cost under a new law that allows a child 12 or older to petition the juvenile court to reinstate previously terminated parental rights of his or her parent. The law also permits a child under 12 to petition the juvenile court if good cause is shown. A youth is only eligible to file a petition for reinstatement if it has been 3 years and he or she are not in a permanent placement. .... RCW 13-34.215

## School

- You have the right to remain in the same school that you attended prior to being removed from home if it is practical and in your best interest. .... RCW 13-34.130(4)
- You must be provided assistance to attend school. .... WAC 388-148-0510(1)
- Education is a right in Washington state. The Washington Constitution says that making ample provision for education is the state's paramount duty. It is the state's highest, most important duty to provide a system of public education for students of school age. .... See WA. CONST. Art.9, § 1 & 2
- Under Washington law, a foster parent meets the definition of parent for the purposes of special education decision making. .... See WAC 392-172A-01125
- If you are transferred to a new school, the new school shall request your school records from your old school. Your old school must send the records within two days after receiving the request. .... RCW 28A.225.330



### ***You don't have to change schools every time you move!***

- In many cases, the McKinney-Vento Act allows you to stay in the same school when you move from one home to another. Ask your lawyer, your caseworker, and your CASA/GAL if you can stay in the same school even if you change placements. .... RCW 13-34.136(2)(b)(v)



### IF YOU ARE A LESBIAN, GAY, BISEXUAL, TRANSGENDER OR QUESTIONING (LGBTQ) YOUTH, YOU HAVE ALL THE RIGHTS OF ANY FOSTER YOUTH AS WELL AS THE RIGHT:

- To be safe from emotional, physical and sexual abuse
- To not be isolated from other youth in the facility that you live in
- To not be labeled a sex offender unless you have been found to be one by a judge
- To receive appropriate medical and mental health care
- To be treated equally and without discrimination
- To express your sexual orientation and gender identity
- To not be forced to participate in religious activities that condemn LGBTQ people

For more information on LGBTQ services for youth, contact:

- MPowerment: [www.youthmpower.org](http://www.youthmpower.org), 206.957.1725 or [mpowerment@lla.org](mailto:mpowerment@lla.org)
- Lambert House: [www.lamberthouse.org](http://www.lamberthouse.org) or 206.322.2515
- Safe Schools Coalition: [www.safeschoolscoalition.org](http://www.safeschoolscoalition.org) or 1.877.723.3723
- Youth Eastside Service's BGLAD program: [www.youtheastideservices.org](http://www.youtheastideservices.org) or 425.747.4937
- National Center for Lesbian Rights: [www.nclrights.org/youth](http://www.nclrights.org/youth) or 1.800.528.6257



### REMEMBER:

- ➔ Everyone wants you to have a safe place to live.
- ➔ You should always have an adult to help take care of you.
- ➔ Go to school and do the best you can. If you are having trouble in school, ask for help! Talk to your caseworker, CASA/GAL, lawyer or guidance counselor about it. Going to school will make a difference for the rest of your life!
- ➔ Ask questions and talk about what is happening to you and how you feel about it.
- ➔ Talk and visit with your friends if you can. If you have friends you want to talk to or see, tell your caseworker, your CASA/GAL or the judge.
- ➔ Your caseworker, CASA/GAL and lawyer are there to help you any way they can. Do not be afraid to ask them questions about what is happening in your case—it is your life!
- ➔ You have a right to visit your brothers and sisters unless the court thinks it is unsafe for visits to occur. If you are placed away from your brothers and sisters and wish to keep in contact with them, your caseworker should arrange a way for you to keep in touch.
- ➔ The law requires that you go home when your home is safe.
- ➔ If you have any concerns about how you are feeling, or if you are unsure about what is going to happen to you or your family, talk to someone who is working with you in your case. If you do not have anyone in your case whom you want to talk to, find a friend or trusted adult who can give advice.
- ➔ Let the judge know what is important to you.





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## Washington Defender Association

Columbia Legal Services 

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