



King County Department of Public Defense

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Jay Inslee
Governor, State of Washington
PO Box 40002
Olympia, WA 98504 - 0002

Ross Hunter
Secretary, Washington State Department of Children, Youth, and Families
1110 Jefferson Street
Olympia, WA 98501

March 23, 2020

Re: Maintaining Parent-Child Contact Amidst COVID-19 Concerns

Dear Governor Inslee and Secretary Hunter,

We are writing to express concerns about DCYF's recent public statement suggesting the Department will restrict or eliminate in-person family visitation due to concerns about COVID-19. We understand that this is a time of great uncertainty and that DCYF, like many state agencies, is struggling in its efforts to manage its resources in the face of the current health crisis. But the statutes and court orders that require family visitation cannot and should not be suspended or ignored; those protections are more important now than ever before.

As you know, children and families have the right to visit even when children are temporarily in out-of-home care. A parent's interest in the care, custody and control of their children is a fundamental liberty interest protected by our federal constitution, and the right of the family to early, frequent, and consistent visitation is protected by our state's statutes. Even in this state of emergency, suspending the laws that govern dependency cases is not in the interests of children. Experts stress the importance of predictability and consistency of parental visitation, especially for children who have experienced trauma, such as the trauma of family separation.¹ Inadequate family time may not only inhibit healthy parent-child bonding but can perpetuate trauma for children.² During a period of time when children are facing a significant disruption in their lives,

¹ Children's Bureau, Factsheet, Parenting a Child Who Has Experienced Trauma, (November 2014), *available at*: <https://www.childwelfare.gov/pubPDFs/child-trauma.pdf>.

² Administration for Children and Families, Information Memorandum, IM-20-02, *Family time and visitation for children and youth in out-of-home care*, (available at: <https://www.acf.hhs.gov/sites/default/files/cb/im2002.pdf>),



including missing school, being isolated from friends, and potentially experiencing feelings of fear and confusion around the change in their daily routine, DCYF should strive to maintain consistent, quality parent-child bonding in an effort to minimize trauma for the children in its care.

Although there is no question that safety for children and communities is paramount, other states have recognized that contacts between parents and their children cannot be ended. New York City's child welfare agency instructed that, "Providers should attempt to continue visits according to current visiting plans and court orders, in person if consistent with the health and safety of the child, parent, case planner and foster parent. When necessary for health and safety reasons, case planners should arrange for video visits or phone calls."

Similarly, here, DCYF has the ability to take into account the needs of each family it serves and make individual determinations regarding whether in-person visitation is appropriate. That is the kind of case-by-case decision-making and planning for which your Department is designed.

We ask that you continue to ensure that the families served by DCYF are prioritized, rather than sidelined. We implore you to see what we see: the critical value of parent-child contact, especially in times of emergency.

Sincerely,

Anita Khandelwal, Director, **King County Department of Public Defense**

Michele Storms, Executive Director, **ACLU-WA**

Christie Hedman, Executive Director, **Washington Defender Association (WDA)**

Anne Lee, Executive Director, **TeamChild**

Eli Goss, Policy Director, **One America**

Annie Blackledge, Executive Director, **The Mockingbird Society**

Creative Justice, Seattle, WA

Erin Miles Cloud and Lisa Sangoi, **Movement for Family Power**

Jackie Vaught, **Surge Reproductive Justice**

Vanessa Torres Hernandez, Director of Advocacy, **Northwest Justice Project (NJP)**

Merril Cousin, Executive Director, **Coalition Ending Gender-Based Violence**

Erin L. Lovell, Executive Director, **Legal Counsel for Youth and Children**

Joanne Alcantara, Executive Director, **API Chaya**

Gregory C. Link, Director, **Washington Appellate Project**

Kimberly Ambrose (*In personal capacity*), Director, Race and Justice Clinic, University of Washington School of Law

Faisa Farole, Founder/Executive Director, **Global Perinatal Services**

Monserrat Padilla, Co-Director, **Washington Immigrant Solidarity Network**

Srilata Remala, Founder and Executive Director, **The Maternal Coalition**

Meredith Hutchinson, **Hutchinson Law**

Angela Langer, Elise Buie **Family Law**

Taila J. AyAy, Adam Ballout, Neil Weiss, Flint Stebbins, Dana Halbert, Rachelle Boire,

Tamar Rosenfeld, Amanda Ullrich, **ABC Law Group**

Community Acupuncture Project of West Seattle & Burien

S. Annie Chung, Attorney for Youth in Foster Care, **Law Office of S. Annie Chung**

stating: "Inadequate family time can impede parental engagement, inhibit healthy parent child bonding, disrupt and damage relationships, delay permanency, and perpetuate trauma for both children and parents."



Brittany M. Tri, **Alford & Associates**, PLLC
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Rose Eberhart, Attorney at Law
David Hoekendorf, Attorney at Law

