

WASHINGTON DEFENDER ASSOCIATION
WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

May 15, 2020

Washington State Legislature
Legislative Building
Olympia, WA 98504-0600

Re: Proclamation 20-33

Dear Senate Majority Leader Billig, Speaker Jenkins, Senate Minority Leader Schoesler, and House Minority Leader Wilcox:

We are writing to express our thanks for the efforts by Governor Inslee and the Legislature to take swift action to protect the people of Washington during this public health crisis; however, we have grave concerns about the extension of Proclamation 20-33. We are especially grateful that the Legislature has encouraged the Department of Children, Youth and Families (DCYF) to formulate a plan to restart in-person family visitation. We write to respectfully ask that you not grant any further extensions of Proclamation 20-33, because (1) under the most recent Supreme Court order this proclamation is not necessary to protect the health and safety of children, and (2) DCYF's plans to implement the proclamation are deeply flawed.

DCYF has published its plans to restart in-person family visitation. See [Family Time Visitation Policy](#). Unfortunately, this plan is insufficient. The plan seeks to phase in categories of cases, rather than considering the circumstances of individual families. The policy delays visitation facilitated by relatives and unsupervised visitation, which are the safest from a public health perspective. The dates for the various stages are all to be determined.

Extending the Governor's Proclamation is unnecessary to protect dependent children because, as a legal matter, our state Supreme Court has already provided guidance and direction to lower courts and parties in dependency cases. The [Washington State Supreme Court Order](#) on dependency and termination matters has made clear that child welfare decisions should be made on a case-by-case basis and has ordered courts to hear motions on in-person visits. Proclamation 20-33 should not be extended because, despite the Supreme Court's clear direction, DCYF nevertheless continues to maintain a state-wide policy banning all in-person visits between parents and children.¹

Experts stress the importance of predictability and consistency of parental visitation, especially for children who have experienced trauma. Visits help separated families reunify, and keep families from being torn further apart. Our state has determined that visitation is a right of the family – of both parents and their children. RCW 13.34.136(2)(b)(ii). During these unprecedented times, these parent-child relationships should be the most protected, not the first to be severed.

We understand the need to carefully weigh necessary public health measures during this pandemic. DCYF and our courts can make individualized determinations that fit the needs of each child and each family. Making such determinations is what our judicial branch is for, and we have already seen

¹ DCYF's policy is also in direct conflict with the [Federal Children's Bureau Guidelines](#) urging child welfare leaders against issuing blanket court orders reducing or suspending family time (visitation).

WASHINGTON DEFENDER ASSOCIATION

WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

judges across the state make necessary accommodations related to COVID-19 in individual visitation orders. We strongly urge you to consider the needs of dependent children and deny the Governor's request to further extend 20-33.

Thank you for your consideration. If you have any questions or would like further information, please contact the Washington Defender Association's and Washington Association of Criminal Defense Lawyers' lobbyist Neil Beaver at (509) 975-9550 or neil.beaver@gmail.com.

Sincerely,

Christie Hedman, Washington Defender Association
Amy Hirotaka, Washington Association of Criminal Defense Lawyers
Susan Kas, Disability Rights Washington
Michele Storms, Executive Director of American Civil Liberties Union of Washington
Ivanova Smith, Chair of Self Advocates in Leadership
Jeremy Norden-Paul, Executive Director of Developmental Disabilities Council
Michael Raymond, President of People First of Washington
S. Annie Chung, Law Office of S. Annie Chung PLLC
Lorelei Munroe and Roxana Florea, Florea Munroe Law
Craig McDonald, Attorney
Cameron Buhl and Dennice Bryant of Infinitum Legal Counsel, P.S.
Meredith Hutchison, Hutchison Law Office
Ronald Heiman, Attorney
Abra Conitz, Conitz Law, PLLC
Julie Kellogg-Mortensen
Angela Langer, Attorney
Lacey Noel, Attorney
Ruth A. Warner, Attorney
Betty J. Dietrich, Contracted Social Worker for the Office of Public Defense
Dana Peterson, Attorney
Eric S Beckendorf, Beckendorf Law Group
David Hoekendorf, Attorney
Fred E. Thorne, Attorney – OPD Contract Dpy attorney
Tiana Price, Paralegal
Bonney Carpenter, Bonney Carpenter Consulting
Jessica Box, Parent Ally for Parents for Parents in Pierce County
Seth Davidson, Contracted Social Service Specialist
Bailey Zydek, Wildwood Legal, PS
Dorothy Gorder, Parent Ally
Anne Lee, Executive Director, TeamChild
Anita Khandelwal, Director, King County Department of Public Defense
Srilata Remala, The maternal coalition
Gregory C. Link, Director, Washington Appellate Project
Erin Lovell, Executive Director, Legal Counsel for Youth and Children (LCYC)
Erin Miles Cloud, Movement for Family Power (MFP)
Faisa Farole, Global Perinatal Services

WASHINGTON DEFENDER ASSOCIATION

WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Joanne Alcantara, API Chaya

Taila AyAy, Partner, ABC Law Group LLP

Ann Brice, Partner, Brice & Timm LLP

Crystal Alford, Managing Attorney, Alford & Associates, PLLC

Kathleen Kyle, Director, Snohomish County Public Defender Association

Rebecca Dombcik, Central Washington Legal Services, PLLC

Kendra Lotstein, Lotstein Law Firm, PLLC

Megan Willstadter Pottorff, Attorney at Law

Andrea Jarmon, Jarmon Law Group, PLLC

Mackenzie Sorich, Managing Attorney, Law Offices of Mackenzie Sorich,