

4. REQUEST FOR NEW LOCAL RULE CREATING A DUTY FOR THE DEPARTMENT TO PROVIDE CURRENT AND ACCURATE CONTACT INFORMATION OF DEPARTMENT CONTRACTORS WHO ARE WORKING WITH PARENTS, LEGAL GUARDIANS AND YOUTH [SCLJuCR 2.3(a)(5), SCLJuCR 3.4(c)(3) AND SCLJuCR 4.4]

ISSUE: At times, DCYF does not provide accurate and current contact information for contracted providers, people and organizations, mainly visit supervisors. This prevents defense counsel from effectively representing clients as it precludes proper preparation of a case and precludes counsel from contacting and serving potential fact-finding and trial witnesses.

PROPOSED NEW LOCAL RULE UNDER SCLJuCR 2.3(a)(5), SCLJuCR 3.4(c)(3) AND SCLJuCR 4.4: The Department shall provide current and accurate contact information for all contracted providers, contracted people and contracted organizations that work with parents, legal guardians and youth. This disclosure shall occur at the filing of dependency petitions for shelter cares, within 15 days of receipt of a Notice of Appearance and when the provider begins working or communicating with the parent, legal guardian and youth. The duty to disclose continues when new contracted providers, people and organizations begin working with parents, legal guardians and youth and this disclosure shall be immediate.

If the provider is no longer employed with the organization, the Department shall provide the current and accurate contact information for the contact person at the agency.

REASON: The Department has an obligation to disclose witnesses prior to trial but no such obligation before a shelter care hearing. On multiple occasions I have tried to subpoena providers for trials, but service has not been effectuated because the contact information provided by DCYF is inaccurate. When this happens, I continue trying to identify accurate and current contact information for these contracted providers, however after conducting online searches in search engines, the Secretary of State's website and employing an investigator, no accurate contact information can be identified. This violates parents and legal guardians right to present evidence and their right to effective assistance of counsels under RCW 13.34.090(1),(2),(3),(5).

DCYF contracts with providers and pays these providers for their services. DCYF has contact information and should provide that current and accurate contact information to counsel.