



Sen. Erin Lynch Prata
Chairperson, Senate Committee on Judiciary
Rhode Island Senate

May 8, 2017

Senator Prata:

I am writing on behalf of the National Coalition for a Civil Right to Counsel (NCCRC) to express support for the right to counsel provisions of SB 669. These provisions would provide that a young adult in the system due to parental abuse/neglect has the right to appointed counsel in proceedings relating to voluntarily extending their care program. I am a Staff Attorney with the Public Justice Center who serves as the Coordinator of the NCCRC, which is comprised of nearly 300 participants in 38 different states who work to advance the right to counsel in civil cases implicating basic human needs. The needs and rights of young adults that are at stake in these care proceedings are undeniably a basic human need deserving of the due process protection of appointed counsel. We do not comment on the remaining provisions of the bill, as our expertise relates specifically to the appointment of counsel.

The one change we might suggest to the right to counsel provisions is that proposed 14-1-6(m)(1) states, “The young adult shall be informed at all proceedings where their case is reviewed, including a hearing on re-establishment of jurisdiction, that they are entitled to request and be appointed an attorney.” The use of the word “reviewed”, combined with the fact that preceding sections (g) and (h) address permanency and period reviews (as well as the fact that “hearing on re-establishment” is specifically referenced) could make it unclear whether this right to counsel also applies to the very first hearing outlined in 14-1-6 (f)(4). Additionally, while 14-1-6(m)(1) requires the young adult to be informed of his or her right to request appointed counsel, it does not require the court to affirmatively ask whether the young adult in fact would like to make such a request. Both issues could be rectified with a minor amendment to the language of 14-1-6(m)(1) as follows:

The young adult shall be informed at all proceedings where their case is initially heard or reviewed, including a hearing on re-establishment of jurisdiction, that they are entitled to request and be appointed an attorney, and shall ask the young adult whether he or she requests counsel.

We thank you for this opportunity to provide testimony.

Sincerely,

John Pollock
Coordinator, National Coalition for a Civil Right to Counsel