



# WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Dawn Marie Rubio, J.D.  
State Court Administrator

November 22, 2019

David Schumacher  
Director, Office of Financial Management  
P.O. Box 43113  
Olympia, WA 98504-3113

Dear Mr. Schumacher:

With this letter I am pleased to submit copies of the 2020 supplemental budget request for transmission to the State Legislature on behalf of the Washington Supreme Court and the Administrative Office of the Courts. Also included are the 2020 supplemental budget requests for the Washington State Court of Appeals, Office of Public Defense, and Office of Civil Legal Aid.

The budget requests for the Washington State Court of Appeals, Office of Public Defense and the Office of Civil Legal Aid are being transmitted as submitted.

If you have any questions, feel free to contact me at (360) 357-2406 or at [Ramsey.Radwan@courts.wa.gov](mailto:Ramsey.Radwan@courts.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Radwan", written over a horizontal line.

Ramsey Radwan  
Director  
Management Services Division

## Recommendation Summary

**Agency: 045 Supreme Court**

**Version: 20SCSUP 2020 Supplemental SC**

*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	60.9	18,386	674	19,060
<b>2019-21 Current Biennium Total</b>	<b>60.9</b>	<b>18,386</b>	<b>674</b>	<b>19,060</b>
<b>Total Carry Forward Level</b>	<b>60.9</b>	<b>18,386</b>	<b>674</b>	<b>19,060</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
<b>Maintenance – Other Changes</b>				
ML AG Office of the Attorney General	0.0	29	0	29
<b>Maintenance – Other Total</b>	<b>0.0</b>	<b>29</b>	<b>0</b>	<b>29</b>
<b>Total Maintenance Level</b>	<b>60.9</b>	<b>18,415</b>	<b>674</b>	<b>19,089</b>
Percent Change from Current Biennium	.0%	.2%	.0%	.2%
	0.0	0	0	0
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019-21 Total Policy Level</b>	<b>60.9</b>	<b>18,415</b>	<b>674</b>	<b>19,089</b>
Percent Change from Current Biennium	.0%	.2%	.0%	.2%

**ML AG Office of the Attorney General**

The central services appropriation for the Office of the Attorney General (AGO) is insufficient. Funding is requested to reimburse the AGO for services provided in Fiscal Year 2019 and to ensure that anticipated AGO costs can be paid in Fiscal Year 2020.

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Supreme Court

**Decision Package Title:** Office of the Attorney General

**Budget Period:** 2019-2021 Biennium

**Budget Level:** Maintenance

**Agency Recommendation Summary Text:**

The central services appropriation for the Office of the Attorney General (AGO) is insufficient. Funding is requested to reimburse the AGO for services provided in Fiscal Year 2019 and to ensure that anticipated AGO costs can be paid in Fiscal Year 2020.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$29,000	\$0	\$0	\$0
<b>Total Cost</b>	<b>\$29,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Staffing	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
FTEs	\$29,000	0	0	0
<b>Object of Expenditure</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Obj. E	\$29,000	\$0	\$0	\$0

**Package Description**

The Supreme Court has received invoices for the Office of the Attorney General totaling approximately \$29,000 more than the amount appropriated for Fiscal Year 2019. Central services appropriations were insufficient to pay the OAG. Funding is requested to pay the OAG for central services agency support.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

The expenditure calculations are based on actual invoices through Fiscal Year 2019, actual invoices to date for Fiscal Year 2020 and anticipated invoices for the remainder of Fiscal Year 2020.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?**

**Accessibility**

None

**Access to Necessary Representation**

None

**Commitment to Effective Court Management**

None

**Appropriate Staffing and Support**

None

**What is the impact on other state agencies?**

None

**What is the impact to the Capital Budget?**

None

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

None

**What are the consequences of not funding this request?**

The Supreme Court will not pay invoices from the Office of the Attorney General

**How has or can the agency address the issue or need in its current appropriation level?**

The agency cannot pay the invoices using our current appropriation.

**Other supporting materials:**

N/A

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes

## Recommendation Summary

**Agency: 055 Admin Office of the Courts**

**Version: 20AOC SUP 2020 Supplemental AOC**

*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	401.0	131,305	77,368	208,673
<b>2019-21 Current Biennium Total</b>	<b>401.0</b>	<b>131,305</b>	<b>77,368</b>	<b>208,673</b>
<b>Total Carry Forward Level</b>	<b>401.0</b>	<b>131,305</b>	<b>77,368</b>	<b>208,673</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
<b>Maintenance – Other Changes</b>				
MLFT FTE Adjustment	54.3	0	0	0
<b>Maintenance – Other Total</b>	<b>54.3</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Maintenance Level</b>	<b>455.2</b>	<b>131,305</b>	<b>77,368</b>	<b>208,673</b>
Percent Change from Current Biennium	13.5%	.0%	.0%	.0%
<b>Policy – Other Changes</b>				
PL TR State Court System Online Training	0.6	207	0	207
<b>Policy – Other Total</b>	<b>0.6</b>	<b>207</b>	<b>0</b>	<b>207</b>
<b>Subtotal - Policy Level Changes</b>	<b>0.6</b>	<b>207</b>	<b>0</b>	<b>207</b>
<b>2019-21 Total Policy Level</b>	<b>455.8</b>	<b>131,512</b>	<b>77,368</b>	<b>208,880</b>
Percent Change from Current Biennium	13.7%	.2%	.0%	.1%

### ML FT FTE Adjustment

Funding was provided by the 2019 Legislature for several Information Technology (IT) projects and two Guardianship program enhancements that will take place during the 2019-2021 Biennium. Funding included costs for personnel (salaries and benefits) that would be working on these projects and programs, but no FTEs were provided. This request is for the FTEs associated with the funding provided. No additional funding is requested.

### PL TR State Court System Online Training

Funding is requested to develop and implement a statewide online delivery system for training court staff and judicial officers.

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** FTE Adjustment

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:**

This request is for the FTEs associated with the funding provided. No additional funding is requested.

**Summary:**

<b>Biennial Total</b>				
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	48.5	60.0	65.5	62.5

**Package Description:**

The 2019 Legislature provided funding for several Information Technology projects and two Guardianship program-related enhancements. Included in the funding provided were the costs for additional personnel that will be required.

FTEs associated with the funding appropriated are requested. No additional funding is requested.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

The table below provides detail of the FTEs associated with the funding that was received. Two of the line items were Guardianship program-related, including the Uniform Guardianship Act (2SSB 5604). The remainder of the funded line items were consolidated into one Judicial Information Systems (JIS) appropriation. These JIS information technology projects included staff cost funding that was provided, but no FTEs. No additional funding is requested.

**2019-2021 Budget Line Items with FTE Impacts**

Line Item	FTE Request			FTE Received	Funding Received	
	Biennial FTE Requested	FY 2020	FY 2021		State General Fund	JIS
Guardianship Services	2.0	2.0	2.0	-	660	
Uniform Guardianship (2SSB 5604)	3.3	4.0	2.5	-	1,404	
Judicial Information Systems				-		25,808
Odyssey Business & Training Support	8.5	8.5	8.5	-		
EDR Operations & Maintenance	7.5	7.0	8.0	-		
AC-ECMS	3.5	4.0	3.0	-		
CLJ-CMS	21.5	13.0	30.0	-		
SC-CMS Ongoing Operations	6.0	6.0	6.0	-		
Odyssey Continuing Operations Support	2.0	4.0	-	-		
<b>Total</b>	<b>54.3</b>	<b>48.5</b>	<b>60.0</b>	<b>-</b>	<b>2,064</b>	<b>25,808</b>

*dollars in thousands*

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Sufficient Staffing and Support.**

N/A

**What is the impact on other state agencies?**

N/A

**What is the impact to the Capital Budget?**

N/A

**Is change required to existing statutes, Court rules or contracts?**

N/A

**Is the request related to or a result of litigation?**

N/A

**What are the consequences of not funding this request?**

This a request to correct FTE levels rather than a funding request.

**Other supporting materials:**

N/A



**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

**Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package**

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Statewide Court System Online Training

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to develop and implement a statewide online delivery system for training court staff and judicial officers.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 001		\$207,000	\$301,000	\$257,000
<b>Total Cost</b>		\$207,000	\$301,000	\$257,000
<b>Biennial Total</b>		<b>\$207,000</b>		<b>\$558,000</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs		1.2	1.5	1.0
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Object A</b>		\$104,000	\$126,000	\$109,000
<b>Object B</b>		\$37,000	\$45,000	\$38,000
<b>Object C</b>		\$39,000	\$115,000	\$95,000
<b>Object E</b>		\$9,000	\$11,000	\$11,000
<b>Object G</b>		\$2,000	\$4,000	\$4,000
<b>Object J</b>		\$16,000		
<b>Total</b>		\$207,000	\$301,000	\$257,000

**Package Description:**

The Administrative Office of the Courts (AOC) and the Board for Judicial Administrations' (BJA) Court System Education Funding Task Force (Task Force) and Court Education Committee (CEC), seek \$207,000 in Fiscal Year 2021 to begin the development of a statewide online delivery system for training court personnel and judicial officers. The Task Force's Court System Training Needs Report found that new judicial and court personnel often do not have access to timely and essential training.

This robust and cost-effective online training system will provide timely and critical knowledge and skill development for new court personnel and judicial officers. Funding

will support content development and implementation of online training, as well as provide procurement and implementation of a learning management system. A learning management system reduces learning and development expenditures and training time, targets diverse learning audiences, and ensures access to up-to-date information and required trainings.

General Rule 26 establishes the minimum requirements for continuing judicial education of judicial officers. The AOC, with guidance from the judges, clerks, and administrators on the BJA CEC, is responsible for providing training to court personnel at all court levels. General Rule 26; See, RCW 2.56.030, 2.56.060; RCW 13.32A, 13.34, and 13.40; RCW 9A.36.080; RCW 43.113, 43.115 and 43.117.

### Timely and Accessible Training Needed

The training needs of the judiciary have increased due to ongoing complexities of the law, new legislation, changes in the existing law, and high turnover of judicial officers, county clerks, and administrators. Timely training is critical to informed and effective responses to increasing numbers of self-represented litigants and cases involving mental health, domestic violence, and drug addiction in our communities.

In the Court System Training Needs Report, judges and administrators overwhelmingly reported that access to training was needed for their positions closer to their start date than when it was actually provided; almost 50% of judicial officers and 63% of new administrators received no training during their first six months on the job.

Last year alone the Legislature passed more than 130 bills that impacted the court system, including protection orders, family law and parentage, guardianship, mental health, public records, and juvenile justice. That was a significant increase from the 150 bills that were passed in the previous three years (2016–2018) that impacted the court system. Proper training is essential to making sure the intent of the legislature is carried out in the cases that come through the courts.

Rural court personnel currently have inadequate access to law-specific updates, administrative best practices, and peer-to-peer sharing opportunities. They often cannot leave the courthouse for training opportunities and have limited to no local funds to attend training.

Online training provides timely and flexible statewide training options, specifically on changes to laws and procedures for court personnel. Online training provides immediate access to resources and sustainable options for training information that is relevant for a number of years. It will also provide critical information on court administration, impacts of new legislation, access to justice considerations, and providing services to self-represented litigants. Rural and small courts will have better access to up-to-date information on best practices.

AOC requests \$207,000 in Fiscal Year 2021 to begin the development of a comprehensive online training system that provides access to timely and essential training. Funding will support the development of a learning management system and staff to develop curriculum, courses, and manage the learning management system.

Initial development of training courses will be designed for new court administrators, court personnel, and judicial officers. Special emphasis will be on small and rural courts.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

There are no agency resources currently committed to this project.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

In the first year, AOC will hire personnel to develop content and procure the learning management system. Court education (0.7 FTE) and information technology (0.5 FTE) personnel and related costs are estimated at \$141,000. Development of online courses including content development, production, travel, and faculty costs are estimated at \$66,000.

Ongoing funding for full implementation will be required in the 2021–2023 Biennium. Full funding for personnel and related costs in FY 2022 for a court education professional (1.0 FTE) and \$51,000 for IT support (0.5 FTE) are estimated at \$171,000. These staff will continue to develop curricula and implement the learning management system. The Fiscal Year 2022 cost of the learning management system is estimated to be \$70,000, and an additional \$60,000 is required for the ongoing development of online courses including content development, production, travel, and faculty costs.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

Everyone entering a courthouse has the right to expect competent personnel, accurate information, and equal access to justice. Individuals who interact with court staff for matters such as child support issues, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, need up-to-date information to fully understand what is required to move through the judicial process. Each legislative session there are changes to civil and criminal laws, to pattern forms, and to procedures at all levels of court. Judicial officers need to know how these changes impact their sentencing practices and decision making, and court personnel need to be able to provide accurate and consistent information to the public. Online trainings will disseminate this type of information quickly and broadly.

**Accessibility.**

Court personnel must provide equal access to individuals using the court system. Courts have limited resources needed to keep court personnel and judicial officers informed and up-to-date so they can better serve their communities, including addressing needs of veterans, persons with limited English proficiency, or persons with addictions and mental health issues. This is especially true in small and rural courts. Specialized online training will help judicial personnel recognize and address these issues.

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

Effective and efficient management of courts requires knowledge and skills in the courts' administrative roles and responsibilities, access to justice considerations, jury diversity, access to public records, and court security. Over 60% of new court administrators receive no training until after six months on the job. With access to immediate online education, judges and administrators will be able to effectively manage case and court processes, build respect and understanding within the local community, and facilitate resolution, all of which leads to effective use of resources and builds the public's trust and confidence in our court system.

**Sufficient Staffing and Support.**

Well-trained staff can provide consistent and accurate information to the public. This helps build public trust and confidence in the judiciary. Current training opportunities are limited or non-existent for line staff and other court personnel. Court administrators need training to effectively manage and support the court and staff in their work. Line staff need specialized training to facilitate access to justice, provide effective customer service, and understand overall court processes. Online training will provide information on topics such as implicit bias, working with persons with limited English proficiency, public trust and confidence, purposes and responsibilities of the courts, caseload and workflow management, ethics, and accountability.

**What is the impact on other state agencies?**

Other agencies depend on judicial officers and court personnel to understand and correctly apply changing legal requirements and to submit accurate data necessary for those agencies to fulfill their own mandates. Inadequate training can lead to inefficiencies, delays, and added expense or lost revenue by other agencies.

**What is the impact to the Capital Budget?**

None

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

As set forth by RCW 2.56.030, the AOC is designated to provide training to court personnel. Current funding levels do not support the development and staffing necessary for an online training system. There are no adequate county and city online educational options available for specific court personnel training needs. Other state judiciaries, such as California, Arizona, and Idaho, have developed robust online training for court personnel and judicial officers which has been successful in providing up-to-date training to all court personnel. The development of an online program fills the training gap for new court personnel and rural and small courts.

**What are the consequences of not funding this request?**

Each year the state legislature makes numerous changes to state statutes that impact civil and criminal laws, pattern forms, and procedures at all levels of court. Judicial officers need to know how these state level changes influence their decisions and sentencing practices, and court personnel must be able to provide accurate information to the public. Uncertainties and delays can be costly to the public, can result in increased appeals, and can potentially affect caseflow management and accurate data entry. Online training provides immediate access to relevant and current resources and flexible statewide training options that may not otherwise occur in a timely and consistent manner if not funded.

**Other supporting materials:**

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

## Recommendation Summary

**Agency: 048 Court of Appeals**

**Version: 20COASUP 2020 Supplemental COA**

*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	140.6	41,703	1,492	43,195
<b>2019-21 Current Biennium Total</b>	<b>140.6</b>	<b>41,703</b>	<b>1,492</b>	<b>43,195</b>
<b>Total Carry Forward Level</b>	<b>140.6</b>	<b>41,703</b>	<b>1,492</b>	<b>43,195</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
<b>Maintenance – Other Changes</b>				
MLBY Retirement Buy Out	0.0	186	0	186
<b>Maintenance – Other Total</b>	<b>0.0</b>	<b>186</b>	<b>0</b>	<b>186</b>
<b>Total Maintenance Level</b>	<b>140.6</b>	<b>41,889</b>	<b>1,492</b>	<b>43,381</b>
Percent Change from Current Biennium	.0%	.4%	.0%	.4%
	0.0	0	0	0
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019-21 Total Policy Level</b>	<b>140.6</b>	<b>41,889</b>	<b>1,492</b>	<b>43,381</b>
Percent Change from Current Biennium	.0%	.4%	.0%	.4%

### ML BY Retirement Buy Out

Funding is requested to meet the expected leave buyout obligation for court employees who have maintained state employment for an extended number of years.

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Court of Appeals

**Decision Package Title:** Retirement Buy Out

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:**

Funding is requested to meet the expected leave buyout obligation for court employees who have maintained state employment for an extended number of years.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$186,000	\$0	\$0	\$0
<b>Total Cost</b>	\$186,000	\$0	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries and Benefits	\$186,000	\$0	\$0	\$0

**Package Description:**

Employee leave buyout is a non-discretionary expenditure. In accordance with RCW 43.01.041 state agencies are required to pay employees for unused leave balance(s) accrued throughout their career at the time of retirement. Funding is requested for retirements that have or will occur in Fiscal Year 2020.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

The requested funding is based on a combination of actual and estimated expenditures for retirement buyouts for court employees.



## **Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

No impact on administration of justice.

**Accessibility.**

No impact on accessibility.

**Access to Necessary Representation.**

No impact on access to representation.

**Commitment to Effective Court Management.**

No impact on court administration.

**Sufficient Staffing and Support.**

No impact on staffing or support.

**What is the impact on other state agencies?**

No impact on other state agencies.

**What is the impact to the Capital Budget?**

No impact on the capital budget.

**Is change required to existing statutes, Court rules or contracts?**

No changes required.

**Is the request related to or a result of litigation?**

No.

**What alternatives were explored by the agency and why was this option chosen?**

No alternatives exist, this expenditure is required by law.

**What are the consequences of not funding this request?**

Other obligations of the court would not be paid.

**Other supporting materials:**

**N/A**

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

## Recommendation Summary

**Agency: 056 Office of Public Defense**

**Version: 20OPDSUP 2020 Supplemental OPD**

*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	17.2	92,932	4,083	97,015
<b>2019-21 Current Biennium Total</b>	<b>17.2</b>	<b>92,932</b>	<b>4,083</b>	<b>97,015</b>
<b>Total Carry Forward Level</b>	<b>17.2</b>	<b>92,932</b>	<b>4,083</b>	<b>97,015</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
	0.0	0	0	0
<b>Total Maintenance Level</b>	<b>17.2</b>	<b>92,932</b>	<b>4,083</b>	<b>97,015</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
<b>Policy – Other Changes</b>				
PL DP Implement Dependency Parenting Plan	0.0	100	0	100
PL SW Payment for Social Work Services	0.0	180	0	180
<b>Policy – Other Total</b>	<b>0.0</b>	<b>280</b>	<b>0</b>	<b>280</b>
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>280</b>	<b>0</b>	<b>280</b>
<b>2019-21 Total Policy Level</b>	<b>17.2</b>	<b>93,212</b>	<b>4,083</b>	<b>97,295</b>
Percent Change from Current Biennium	.0%	.3%	.0%	.3%

**PL DP Implement Dependency Parenting Plan**

Funding is requested to fully implement C80 L18 (SB 6453), which authorizes legal services for parents of dependent children to establish or modify parenting plans as may be necessary in order to dismiss a dependency action and achieve permanence for the children.

**PL SW Payment for Social Work Services**

Funding is requested to provide a cost of living increase payment for independent social work services used by OPD contract attorneys providing client services under the Parents Representation Program and the Ch.71.09 RCW Civil Commitment Program. The increase would be comparable to that received by DSHS and DCYF social workers in the 2019-2021 biennium.

**Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package**

**Agency:** Office of Public Defense

**Decision Package Title:** Implementation of Dependency Parenting Plans under C80 L18

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to fully implement C80 L18 (SB 6453), which authorizes legal services for parents of dependent children to establish or modify parenting plans as may be necessary in order to dismiss a dependency action and achieve permanence for the children.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
SGF 001		\$100,000	\$100,000	\$100,000
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	\$Click here to enter text.	\$100,000	\$100,000	\$100,000
<b>Biennial Total</b>		<b>\$100,000</b>		<b>\$200,000</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj.	\$Click here to enter text.	\$100,000	\$100,000	\$100,000

**Package Description:**

Each year, in an estimated 200 dependency cases where families have successfully reunified, parenting plans are required to be entered before the case will be dismissed. OPD seeks funding to ensure that all indigent parents involved in dependencies have access to timely, competent legal assistance to complete the mandatory parenting plans.

The 2018 Legislature in SB 6453 authorized legal representation for these parenting plans and directed the Department of Children, Youth, and Families (DCYF) to consult with OPD on how to secure this representation. For the most part, DCYF has not funded or otherwise provided reliable legal assistance to achieve these crucial parenting plans.

In some counties, OPD parents' representation contract attorneys have prepared parenting plans without compensation so their clients' cases can be dismissed. Currently, access to counsel to prepare these parenting plans depends on pro bono services and is inconsistent around the state.

This Decision Package seeks funding to compensate existing contract Parents Representation Program attorneys for limited, specialized work to prepare parenting plans at the end of a dependency case. A sampling of Parents Representation Program attorneys reported to OPD that they spent more than 450 hours in the past fiscal year preparing parenting plans without compensation. If compensation is available, OPD can ensure that competent legal service to prepare parenting plans will be timely provided in the estimated 200 cases that need parenting plans each year.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

This Decision Package seeks \$100,000 to pay for legal services to prepare parenting plans in approximately 200 dependency cases where a parenting plan is necessary to dismiss the case. The average cost would be \$500 per case. No new FTEs are requested.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

Sometimes in a dependency case where the family has been able to reunify, the court will require completion of a parenting plan in order to dismiss the dependency. These parenting plans typically can include complex elements that require the assistance of well-qualified counsel. SB 6453 in 2018 authorized access to legal representation in these situations. OPD is requesting funding in order to implement the authorized legal representation. Currently, Parents Representation Program attorneys are able to provide pro bono legal assistance to only about 35% of parents who need a parenting plan in order to dismiss a dependency case.

**Commitment to Effective Court Management.**

N/A

**Sufficient Staffing and Support.**

Sufficient staffing and support exist.

**What is the impact on other state agencies?**

N/A

**What is the impact to the Capital Budget?**

N/A

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

OPD consulted with DCYF, and to date DCYF has not been able to provide the necessary legal services to complete parenting plans. OPD attorneys are the logical alternative to provide this service because they already have established client relationships and know the background of each case. The work can be complex and should be reasonably compensated.

**What are the consequences of not funding this request?**

Dependency cases will not be dismissed in a timely fashion, potentially leaving children and parents in an uncertain status.

**Other supporting materials:**

[C80 L18](#)

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Office of Public Defense

**Decision Package Title:** Payment for Social Work Services

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to provide a cost of living increase payment for independent social work services used by OPD contract attorneys providing client services under the Parents Representation Program and the Ch.71.09 RCW Civil Commitment Program. The increase would be comparable to that received by DSHS and DCYF social workers in the 2019-2021 biennium.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
SGF 001	\$	\$179,537	\$179,537	\$179,537
Fund		SGF-001	SGF-001	SGF-001
<b>Total Cost</b>		\$179,537	\$179,537	\$179,537
<b>Biennial Total</b>		<b>\$179,537</b>		<b>\$359,074</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. NB	\$Click here to enter text.	\$179,537	\$179,537	\$179,537

**Package Description:**

Funding is requested to provide a cost of living increase payment for independent social work services used by OPD contract attorneys providing client services under the Parents Representation Program and the Ch.71.09 RCW Civil Commitment Program.

OPD contracts for independent social work services to support attorneys and clients in the Parents Representation Program and the Ch. 71.09 RCW Civil Commitment Program. These social workers are critical in supporting effective legal representations, consistent with Washington State Bar Association Standards for Indigent Defense Services.

The Legislature historically has funded OPD social work compensation at a level comparable to compensation for social workers employed by the state Department of Children, Youth, and Families and the Department of Social and Health Services. OPD contracted social workers last received a compensation adjustment in 2018. This request would fund an approximate 6% increase for OPD-contracted social workers, comparable to the increase that the Legislature funded for state employee social workers in the 2019-2021 biennial budget.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

The Parents Representation Program and the RCW 71.09 Program contract for the equivalent of 44.8 full time social workers. The Decision Package would fund a 6% increase for each full-time contract.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

State contracted public defense social workers should be compensated in parity with DCYF / DSHS employed social workers. The requested increase will ensure that OPD can retain and recruit well-qualified social work professionals to serve public defense attorneys and their clients, who have a constitutional or statutory right to effective legal services. Failure to fund this request will



result in a shortage of qualified social work professionals willing to accept OPD contracts, and a failure to provide quality, mandatory defense services to indigent persons.

**Commitment to Effective Court Management.**

N/A

**Sufficient Staffing and Support.**

N/A

**What is the impact on other state agencies?**

N/A

**What is the impact to the Capital Budget?**

N/A

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

Competitive compensation is required to recruit and retain qualified social work professionals.

**What are the consequences of not funding this request?**

Failure to fund this request will result in a shortage of qualified social work professionals willing to accept OPD contracts, and a failure to provide quality, mandatory defense services to indigent persons.

**Other supporting materials:**

[Click here to enter text.](#)

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Averaged current social worker annual contract = \$66,792

Number of contracted social workers = 44.8

Annual total social worker amount = \$2,992,281.60

Annual 6% cost of living increase \$179,536.89

## Recommendation Summary

**Agency: 057 Office of Civil Legal Aid**

**Version: 20SUPCLA 2020 Supplemental OCLA**

*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	2.5	42,490	1,888	44,378
<b>2019-21 Current Biennium Total</b>	<b>2.5</b>	<b>42,490</b>	<b>1,888</b>	<b>44,378</b>
<b>Total Carry Forward Level</b>	<b>2.5</b>	<b>42,490</b>	<b>1,888</b>	<b>44,378</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
<b>Maintenance – Other Changes</b>				
MLAF Automated Document Assembly System	0.0	165	0	165
<b>Maintenance – Other Total</b>	<b>0.0</b>	<b>165</b>	<b>0</b>	<b>165</b>
<b>Total Maintenance Level</b>	<b>2.5</b>	<b>42,655</b>	<b>1,888</b>	<b>44,543</b>
Percent Change from Current Biennium	.0%	.4%	.0%	.4%
<b>Policy – Other Changes</b>				
PL AD Assistant Agency Director	0.5	139	0	139
PL CR Children's Representation Study	0.0	537	0	537
PL EX Caseload-Driven Over-Expenditure	0.0	126	0	126
PL RE Statewide Reentry Legal Aid Project	0.0	492	0	492
<b>Policy – Other Total</b>	<b>0.5</b>	<b>1,294</b>	<b>0</b>	<b>1,294</b>
<b>Subtotal - Policy Level Changes</b>	<b>0.5</b>	<b>1,294</b>	<b>0</b>	<b>1,294</b>
<b>2019-21 Total Policy Level</b>	<b>3.0</b>	<b>43,949</b>	<b>1,888</b>	<b>45,837</b>
Percent Change from Current Biennium	20.0%	3.4%	.0%	3.3%

**Recommendation Summary****Agency: 057 Office of Civil Legal Aid****Version: 20SUPCLA 2020 Supplemental OCLA****ML AF Automated Document Assembly System**

OCLA requests that the Legislature reauthorize and re-appropriate \$165,000 in unspent FY 2019 funding for the family law automated forms project. This is not a request for new funding.

**PL AD Assistant Agency Director**

Funding is requested to establish and fund the position of Assistant Director for the Office of Civil Legal Aid.

**PL CR Children's Representation Study**

Funding is requested to underwrite the costs of attorney representation in dependency cases associated with the Children's Representation Study (sec. 28, ch. 20, Laws of 2017) through and including dismissal.

**PL EX Caseload-Driven Over-Expenditure**

OCLA seeks \$126,000 to compensate for caseload-driven expenditures for its Children's Representation Program and the Children's Representation Study directed in sec. 28, ch. 20, laws of 2017.

**PL RE Statewide Reentry Legal Aid Project**

In response to a formal request of the legislatively-established Statewide Reentry Council, OCLA seeks \$492,000 in FY 2021 to establish a statewide reentry legal aid program to be administered by a non-profit legal aid organization to be determined in consultation with the Statewide Reentry Council.

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Automated Document Assembly System

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:** OCLA requests that the Legislature reauthorize and re-appropriate \$165,000 in unspent FY 2019 funding for the family law automated forms project. This is not a request for new funding.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$165,000	\$0	\$0	\$00
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	\$165,000	\$0	\$0	\$0
<b>Biennial Total</b>		\$		\$
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>	\$	\$	\$	\$
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. E	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.

**Package Description:**

The Legislature authorized funding of a project to automate the mandatory family law forms. The project is a technology guided, consumer directed on-line program designed

to enable unrepresented litigants to properly select and complete needed family law forms.

OCLA contracted with Pro Bono Net, the largest national non-profit that hosts automated self-help forms for unrepresented litigants. Pro Bono Net in turn subcontracted with Capstone Practice Systems to serve as the principal forms programmer using the Abacus HotDocs document assembly software system. The project is managed by attorney Laurie Garber at the Northwest Justice Project. First forms have been developed and posted at [Washington Forms Online](#). While the project is expected to be completed on time and within budget by June 30, 2020, early expenditures have not been at the level projected, and funding will need to be carried forward to FY 2020. OCLA projects this amount to be \$165,000.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

Reauthorization and re-appropriation of funding will ensure completion of this project consistent with prior legislative intent and direction.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

OCLA currently expects to underspend the FY 2019 appropriation level by \$165,000.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

Completion of the project will add substantial capacity for the fair administration of justice in family law matters involving unrepresented litigants.

**Accessibility.**

The system is being developed consistent with the Supreme Court's ATJ Technology Principles and applicable accessibility standards for on-line programs and services.

**Access to Necessary Representation.**

The system will not substitute for legal representation but will enhance the ability of unrepresented litigants in family law cases to secure proper and just outcomes in their cases.

**Commitment to Effective Court Management.**

N/A

**Sufficient Staffing and Support.**

N/A

**What is the impact on other state agencies?**

N/A

**What is the impact to the Capital Budget?**

None

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

None

**What are the consequences of not funding this request?**

Failure to complete and bring on-line the legislatively authorized family law automated document assembly system.

**Other supporting materials:**

[Click here to enter text.](#)

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Assistant Agency Director

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** Funding is requested to establish and fund the position of Assistant Director for the Office of Civil Legal Aid.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$Click here to enter text.	\$139154	\$131724	\$131724
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Biennial Total</b>		\$		\$
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	1	1	1	1
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>	\$	\$	\$	\$
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. E	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.

**Package Description:**

The Office of Civil Legal Aid is responsible for managing more than \$52M in state and federal funding during the FY 2019-21 biennium. The agency has four employees. These include:

**Agency Director** (Attorney) (RCW 2.53.020) – Responsible for all agency operations including but not limited to internal policy development; budget development and fiscal oversight; strategic planning; contracting; legislative relations; external relations and communication; staff recruitment, support, and performance assessment; interagency relations within the judicial branch and with the executive branch; support for the Civil Legal Aid Oversight Committee (RCW 2.53.010); manage, monitor and oversee contracts and subcontracts for the general civil legal aid program (RCW 2.53.030); coordinate with the Supreme Court’s Access to Justice Board and its relevant committees and subcommittees.

**Children’s Representation Program Manager** (Attorney) – Dedicated full-time to managing the Children’s Representation Program assigned to the Office of Civil Legal Aid in RCW 2.53.045; identifies, provides training for, contracts with, and oversees attorneys throughout Washington State to provide standards-based legal representation for children who remain dependent six months following termination of their parents’ legal rights; manages and oversees the contract for the legislatively directed study on the impact of early representation of children in dependency proceedings.

**Crime Victims Legal Aid Program Manager** (Attorney) – Dedicated full-time to managing and overseeing the federally funded Crime Victims Legal Aid Program (\$4.2M/yr.) operated pursuant to an interagency agreement with the Department of Commerce; executes and monitors performance of subgrants with six non-profit providers of civil legal aid services to victims of crime in Washington State.

**Senior Administrative Assistant** (Non-Attorney) – Dedicated .5 FTE to fiscal management and monitoring of contracts with Children’s Representation Program attorneys and agency providers; .1 FTE to supporting the Crime Victims Legal Aid Program Manager; .4 FTE to general agency administrative support.

To achieve maximum efficiency (and significant fiscal savings), reduce risk, and avoid unnecessary duplication of fiscal and administrative staffing capacity within the judicial branch, OCLA secures fiscal, budget, administrative, HR, and limited technology support through an interagency agreement with the Administrative Office of the Courts.

Since the agency’s creation in 2005, nearly all general agency functions (including oversight of the Children’s Representation and Crime Victims Program) have been carried out by the Agency Director. The programs contract and oversight functions (i.e., general civil legal aid, children’s legal representation, crime victims legal assistance) are siloed by virtue of the very lean staffing model, with little or no capacity for cross-training or operational backup between them. The program managers are exclusively dedicated to the tasks associated with each of their programs. The OCLA Director has no operational backup and there is no executive staff capability or redundancy for key components of the Director’s job. While OCLA has not experienced professional staff turnover, the risks associated with an unanticipated extended interruption in the availability of the Director or either of the program managers would create significant operational challenges and possibly compromise continuity of critical agency operations. This creates unnecessary risk to the agency, those served by the agency, and the State of Washington.



To address this situation, OCLA seeks funding for a permanent Assistant Director position. The Assistant Director will enhance the ability of the agency to properly administer and oversee all state and federal programs assigned to it develop critical agency policies, protocols, and procedures; ensure continuity of core agency operations in the event of an unanticipated and extended absence of any of the agency's core staff; expand the agency's capacity to undertake essential planning, oversight, and support for agency programs and operations; and address matters that, because of the lack of executive level staff and the substantial expansion of the agency's roles and responsibilities, have gone unattended in recent years.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

This is a new position.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

A detailed budget for this position is attached.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Sufficient Staffing and Support.**

By any measure, OCLA is professionally understaffed. The addition of an Assistant Director would increase the agency's entire staffing to 5 FTE.

**What is the impact on other state agencies?**

N/A

**What is the impact to the Capital Budget?**

None

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

OCLA is already among the leanest agency in state government, and certainly is so from a staff-to-agency budget analysis. OCLA manages more than \$52M in biennial contracts with attorneys, agency service providers and others; or \$13M per employee per year. OCLA's increased portfolio of responsibilities with functionally the same level of general agency staffing leads to significantly enhanced risk. OCLA approaches this request reluctantly but has concluded that there are no alternatives but to enhance executive level staffing.

**What are the consequences of not funding this request?**

Continuing and ever increasing risk to agency operations.

**Other supporting materials:**

[Click here to enter text.](#)

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Children’s Representation Study Completion

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** Funding is requested to underwrite the costs of attorney representation in dependency cases associated with the Children’s Representation Study (sec. 28, ch. 20, Laws of 2017) through and including dismissal.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$229766	\$307172	\$10500	\$0
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	<b>\$229766</b>	<b>\$307172</b>	<b>\$10500</b>	<b>\$0</b>
<b>Biennial Total</b>		<b>\$</b>		<b>\$</b>
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Federal IV-E	\$139096	\$91350	\$18840	\$0
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>	<b>\$139096</b>	<b>\$91350</b>	<b>\$18840</b>	<b>\$0</b>
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. E	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.

**Package Description:**

Funding is requested to allow for completion of legal representation in cases in which attorneys were assigned during the Children’s Representation Study directed and funded by the Legislature in sec. 28, ch. 20, Laws of 2017.

In 2017, the Legislature directed OCLA to engage the Administrative Office of the Courts' Washington State Center for Court Research (AOC/WSCCR) to undertake a comparative research study of outcomes and related costs associated with the appointment of attorneys in dependency at the initial shelter care hearing (as opposed to six months following termination of parental rights as currently required by RCW 13.34.100(6)). AOC/WSCCR engaged the University of Washington School of Social Work to develop the methodology for such a comparative research study and execute the principal components of the study. Under the research protocol, attorneys would be appointed in every dependency case in Grant and Lewis Counties beginning in September 2017 and continuing until a sufficient number of appointments were made to ensure statistical significance of the results ("Power Number" or "N"). Outcomes in these "treatment" cases would be compared with those in "control" dependency cases in Douglas and Whatcom Counties where no attorney appointment was made.

Appointments in Grant and Lewis County were discontinued effective September 1, 2019. At the time of discontinuance, there were 215 open treatment cases. According to a case closure schedule developed by AOC/WSCCR and its UW research partners, this number will reduce to zero by October 2021.

In addition to the open dependency cases study protocol requires representation in termination cases filed involving Lewis and Grant County study cases. Data indicates that about 25% of the study cases will end up on the termination track. Costs of attorney representation in these cases is included in both the expense and revenue numbers.

This decision package seeks funding necessary to pay attorneys to complete representation in each of the treatment cases in which they have been appointed (including related termination cases). Anticipating a wind-down period, the Legislature appropriated \$400,000 in FY 2020 and \$105,000 in FY 2021. This level of funding is insufficient to meet anticipated costs informed by the research projections. OCLA therefore seeks \$229,766 in FY 2020 and \$307,172 in FY 2021 to ensure continuity of representation in all study cases.

In accordance with recent changes in federal policy, federal IV-E funding is available to reimburse the state of Washington for about 23% of the total general fund outlays associated with this study. OCLA and DCYF have amended their Interagency Agreement to include study costs as part of the pool of costs for which DCYF will seek IV-E reimbursement through DCYF's contract with the federal Children's Bureau. The total amount of federal reimbursement for eligible study-related expenses is anticipated to be \$226,664. This results in **a net state GF-S impact of \$306,493** to complete the study through FY 2021.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

Funding will allow for the orderly completion of study treatment cases without disruption in attorney representation.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

[Click here to enter text.](#)

### **Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

**N/A**

**Accessibility.**

**N/A**

**Access to Necessary Representation.**

Funding will allow for the orderly completion of study treatment cases without disruption in attorney representation.

**Commitment to Effective Court Management.**

**N/A**

**Sufficient Staffing and Support.**

**N/A**

**What is the impact on other state agencies?**

**N/A**

**What is the impact to the Capital Budget?**

**N/A**

**Is change required to existing statutes, Court rules or contracts?**

**N/A**

**Is the request related to or a result of litigation?**

**N/A**

**What alternatives were explored by the agency and why was this option chosen?**

The only alternative is to require attorneys to withdraw from representation while the cases of their children and youth clients remain pending. This will re-traumatize their clients and place them in a position where they will no longer have a legal voice in their cases. This will also undermine the study methodology that requires longitudinal assessment of the impact of legal representation through the end of all treatment cases.

**What are the consequences of not funding this request?**

Disruption of legal representation; compromise of client due process rights; compromise of study protocols and results.

**Other supporting materials:**

[Click here to enter text.](#)

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** FY 2019 Caseload-Driven Over-Expenditure

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** OCLA seeks \$126,000 to compensate for caseload-driven expenditures for its Children’s Representation Program and the Children’s Representation Study directed in sec. 28, ch. 20, laws of 2017.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$126,000	\$0	\$0	\$0
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	\$126,000	\$0	\$0	\$0
<b>Biennial Total</b>		\$		\$
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>	\$	\$	\$	\$
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. E	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.

**Package Description:**

**Compensate agency for unanticipated FY 2019 caseload driven over-expenditures that were covered with FY 2020 appropriations**

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

This request seeks funding to address unanticipated, caseload-driven over-expenditures incurred by the Office of Civil Legal Aid for two related programs: (a) Children's Representation Program (ref. RCW 13.34.100(6); 2.53.045); and (b) the one-time Children's Representation Study authorized by sec. 28, ch. 20, laws of 2017. OCLA incurred \$71,000 in caseload-driven expenses beyond FY 2019 appropriated funds for the Children's Representation Program and \$55,000 in caseload-driven expenses beyond FY 2019 appropriated funds for the Children's Representation Study.

For both programs, OCLA had no discretion but to pay invoices to independent contract attorneys who provided services to children. Anticipating a shortfall, OCLA sought and secured supplemental funding for the main Children's Representation Program in the FY 2019 supplemental budget. Unfortunately, the amount secured proved to be insufficient to cover the total expenditures. With respect to the Children's Representation Study, the participating courts (Grant and Lewis County Superior Courts) were required to appoint and OCLA was required to pay for attorney representation until a sufficient number of children had appointed attorneys to ensure statistical significance of any research findings. OCLA and the research team monitored the situation closely and determined that this number was achieved effective August 30, 2019. Appointments ceased September 1, 2019.

Lacking sufficient FY 2019 funds, OCLA was required to cover these legal obligations provisionally with FY 2020 funds, subject to recovery in the FY 2020 supplemental budget.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

NA

**Accessibility.**

NA

**Access to Necessary Representation.**

NA

**Commitment to Effective Court Management.**



**NA**

**Sufficient Staffing and Support.**

NA

**What is the impact on other state agencies?**

None

**What is the impact to the Capital Budget?**

None

**Is change required to existing statutes, Court rules or contracts?**

**No**

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

There are no alternatives. By statute and under the research protocol developed for the Children's Representation Study, OCLA was legally obligated to incur these expenses. The aggregate amount of over-expenditure only became known toward the end of the biennium, which was well past time to seek supplemental funding in the FY 2019 legislative session.

**What are the consequences of not funding this request?**

Failure to fund will effectively reduce OCLA's FY 2020 budget by \$126,000.

**Other supporting materials:**

[Click here to enter text.](#)

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch  
2020 Supplemental Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Statewide Reentry Legal Aid Project

**Budget Period:** 2020 Supplemental Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** In response to a formal request of the legislatively-established Statewide Reentry Council, OCLA seeks \$492,000 in FY 2021 to establish a statewide reentry legal aid program to be administered by a non-profit legal aid organization to be determined in consultation with the Statewide Reentry Council.

**Summary:**

Operating Expenditures		FY 2020	FY 2021	FY 2022	FY 2023
Fund 001		\$0	\$492,000	\$507,000	\$522,000
Fund		\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>		\$0	\$492,000	\$507,000	\$522,000
<b>Biennial Total</b>			\$		\$
Staffing		<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs		0	0	0	0
<b>Revenue</b>		<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund		\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund		\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Revenue</b>		\$	\$	\$	\$
<b>Object of Expenditure</b>		<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. E		\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.

**Package Description:**

Funding is requested to establish a statewide reentry legal aid project to provide legal assistance and support for the 8,000 individuals reentering civil society from

incarceration each year. This proposal was developed by the Statewide Reentry Council after consultation with the Office of Civil Legal Aid and other stakeholders. The Statewide Reentry Council was established by the Legislature in 2016 (RCW 43.380 et seq.). It is hosted at and administered by the Department of Commerce. Its eleven (11) members are appointed by the Governor. The Governor's office has advised that the statewide reentry legal aid project is consistent with executive branch reentry-related goals and priorities as expressed in EO 16-05 and that the Governor supports the request. The Reentry Council's recommendation and request is attached (Attachment 1). Because civil legal aid funding in Washington is administered through the Office of Civil Legal Aid, an independent judicial branch agency, this request was developed and is submitted by this agency.

**Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.**

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:**

The project will include 3 FTE attorneys and one .5 FTE paralegal housed at a suitable non-profit law firm to be determined through consultation with the Statewide Reentry Council. The project budget is set forth in Attachment 2. OCLA assumes a 3% cost increase per year.

**Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?**

**Fair and Effective Administration of Justice.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

As outlined in the Reentry Council's letter, there are no dedicated legal aid resources for individuals reentering society in Washington State. Establishing a statewide legal aid services and support program will ensure that some level of legal assistance is available for the 8,000 individuals who reenter society each year and enhance the capacity of existing legal aid programs throughout Washington State to provide assistance at the community based level.

**Commitment to Effective Court Management.**

N/A

**Sufficient Staffing and Support.**

N/A

**What is the impact on other state agencies?**

N/A

**What is the impact to the Capital Budget?**

None

**Is change required to existing statutes, Court rules or contracts?**

No

**Is the request related to or a result of litigation?**

No

**What alternatives were explored by the agency and why was this option chosen?**

No alternatives were considered. This request originates from a recommendation and request presented to OCLA and the Governor's office by Statewide Reentry Council.

**What are the consequences of not funding this request?**

Continuation of the status quo relative to the lack of legal aid services to individuals reentering society from incarceration.

**Other supporting materials:**

Statewide Reentry Council Letter; Project Budget

**Information technology:** Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

**Proviso Language:** OCLA requests that the following proviso language be included for this supplemental budget request.

The sum of four hundred ninety two thousand dollars in FY 2021 is appropriated to the office of civil legal aid to establish a statewide reentry legal aid project. The office of civil legal aid shall coordinate with the statewide reentry council to (a) ensure consistency with the council's priorities and objectives, (b) help identify an appropriate non-profit entity to establish and operate the statewide reentry legal aid project, and (c) establish priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council will provide the relevant legislative committees with an initial status report by December 2021.