



Equal justice under law.

For mothers Carol and Susan, and for teenagers Emily and Dan, these four words represent a remarkable story. Because without an efficient and accessible system of courts—along with legal help and representation—the ending to each of their stories would be vastly different.

Since 2004, the agencies of the Washington state judicial branch have worked together on an issue paramount to our basic legal obligation of equal justice under law. Called “Justice in Jeopardy,” this multiyear initiative is aimed at funding and fixing the deficiencies in the judicial system for residents in our state. There is a justice gap—and it is growing!

This 2009 budget highlights report represents our continued efforts to address these problems. Importantly, this report:

- takes into account the current budget challenges facing Washington state. We understand and recognize the economic climate that exists today. While there are still many vital needs for the judicial branch, we’ve put forward our highest priorities—budget requests that will help ensure fairness, promote justice, save money, increase efficiency in the judicial system and continue to address the “justice gap” we originally outlined in 2004.
- is the result of a new judicial branch budget development process adopted by the Supreme Court.* All agencies worked together to craft our budget request. This new approach was rigorous, thoughtful and based on the most pressing needs.
- is based on the Principal Policy Goals of the judicial branch (see page 12). Adopted in 2008 by all our agencies, this document guides us in our daily work and in the budget request before you.

From Walla Walla to Wenatchee and from Bellingham to Battle Ground, justice is out of reach for far too many. Senior citizens living on a fixed income and facing foreclosure at the hands of an unscrupulous lender. A young mother successfully recovering from alcoholism facing the fight of her life to keep her children out of foster care. A teenager involved in an unfortunate skirmish, facing assault charges that could prevent him in the future from enlisting in the military, working in a nursing home or taking a job that involves child care. A deaf man charged with assault, unable to understand the legal proceedings because the small town where he was arrested doesn’t have qualified court interpreters available.

Equal justice under law is more than a phrase etched in stone. It’s about ensuring that basic rights and protections are granted to all citizens in our state. And today, in this especially challenging economic environment, it is more important than ever to support, maintain and expand these critical services for our most vulnerable citizens.

We invite you to review the “2009 Budget Priorities” for the judicial branch. On behalf of the thousands of persons who benefit each year from our court system, legal assistance and representation, we thank you for considering our budget request.

Gerry L. Alexander
Chief Justice, Washington State Supreme Court

*The budget highlights exclude the request of the Commission on Office of Judicial Conduct



Reunited with her children, Carol is now pursuing her dream of becoming a nurse.

“Carol” was lucky. When her children were removed from her home and placed in foster care because of behavioral issues, she was appointed a Parents Representation Program attorney. The attorney encouraged Carol to get help for her troubled son. He also suggested Carol work to improve her own life. While her children were in foster care, Carol completed parenting classes, along with group and individual therapy. Her son Jared was diagnosed with ADHD and hearing problems. Today, Carol’s children are happily reunited with her—and Carol is studying to become a nurse.

If it hadn’t been for her attorney, “Marta” may have lost her baby forever. Marta, who couldn’t speak English, had her young son Angelo taken by DSHS after he suffered a head injury and bruises. Marta’s sister-in-law blamed the baby’s injuries on Marta. An Office Of Public Defense (OPD) Parents Representation Program attorney investigated the allegations, convinced DSHS to examine the facts of the case, which indicated that the sister-in-law had hurt the baby, and helped make sure baby Angelo was reunited with his mother.

Keeping the promise

State law mandates the right to counsel for indigent parents in dependency and termination cases. In 2005, the legislature recognized the state’s obligation to provide adequate representation for indigent parents, funding an expansion of the OPD Parents Representation Program to a total of 10 counties. Additional funding for the program extended its availability to another 15 counties, and the program now covers about 65 percent of the state.

Unfortunately, many families in Washington state who are involved in dependency and termination cases still lack adequate representation.

Saving families, saving money

Program evaluations show again and again that parents who access the Parents Representation Program are substantially more likely to succeed in their cases, saving their families and meeting the goals of state child welfare laws.

As the program continues to operate and is expanded throughout the state, more reunifications will result in lower taxpayer costs for foster care and other state expenses.

If it hadn’t been for her attorney, Marta, falsely accused of a crime, could have lost her baby forever.

REPRESENTING PARENTS: IT’S ABOUT FAIRNESS, EQUITY AND ACCOUNTABILITY

Our laws guarantee basic rights and protections for all of us. Without the Parents Representation Program, hundreds of parents like Carol and Marta often have nowhere to turn and no one to help ensure they are treated fairly and equitably. The Parents Representation Program also provides an important check and balance for the state, for the foster care system and for parents.

ONE-THIRD OF PARENTS MISS OUT ON ASSISTANCE FROM THE PARENTS REPRESENTATION PROGRAM

The budget for the Parents Representation Program will extend this successful program to additional counties that currently don’t offer this service. Counties will apply for the program, and it will be expanded where families have the most emergent needs.



“Jackson” was 15 years old when police removed him from his home for allegedly assaulting his mother, brother and sister. He was placed in custody, then in foster care. Due to a lack of resources for juveniles, Jackson languished in foster care while his parents fought an intense custody battle. The case was continued several times due to a lack of courtrooms. Two months before his 18th birthday, Jackson’s case finally came to trial. By then, he was estranged from his mother and siblings.



Additional resources for Jackson and his family could have expedited his trial, and may have kept a family intact.

Skilled, trained interpreters are crucial to fair and just court proceedings. Consider what happens when appropriate services aren’t provided: A Hispanic defendant said, “I wouldn’t deny it if I had done it.” The non-certified and poorly trained interpreter translated this statement to, “I don’t deny that I had done it.” Based on that alone, the defendant was found guilty.

A “bilingual” police officer used as a quasi interpreter asked a witness if he had his permission to “microwave” the interview, apparently meaning to record it.

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IMPROVING COURTS IMPROVES LIVES

Funds must be provided to improve and support family and juvenile courts. By expanding resources and ensuring continuity within the court system, we can help create a safer, more promising future for children and families in need.



The unique needs of children and families

From the victim of domestic violence who fears for her life and the safety of her children, to the teenager in need of counseling to deal with anger and past abuse, to the father in recovery who is fighting to keep his family together. Time is of the essence when it comes to the unique needs of individuals served in juvenile and family court.

In Washington state, 40 percent of all cases filed in Superior Court involve juveniles or families. When these critical cases aren’t tried in a timely manner, or resources do not adequately support the young people and families involved in the cases, the consequences can be devastating. Prolonged cases and pre-empted decisions can disrupt a child’s development and educa-

tion, place the safety of a parent in jeopardy, create division within families and place enormous strain on the already overburdened foster care system.

Offering help, hope to families

Our youth and families must have fair and timely access to the court system. They must be protected.

Funding will help create an integrated, comprehensive approach to handling cases involving children and families in a fair, timely, and cost-effective way. To ensure continuity and centralize case management, one judicial team will be assigned to one family. Judges and court personnel will receive education and specialized training about domestic violence, child development, addictions and treatment, and community resources.

Lifting the language barrier

The court system can be difficult enough to understand for people with no legal experience. Imagine how confusing it would be if you didn’t speak English or were hearing impaired.

A 2000 census found that 150,000 Washington residents are limited in their English skills, and nearly 14,000 residents are deaf. The language barrier these individuals face when entering the court system as witnesses, victims of a crime, criminal defendants or civil litigants can pose enormous challenges and potentially dire consequences. Lacking proper interpreter services—guaranteed by Washington state law and federal polices—they are deprived of meaningful access to justice.

It’s vital to improve interpreter services and secure equal access to Washington’s courts by Limited English Proficient (LEP) and Deaf and Hard of Hearing persons.

Replacing obstacles with incentives

Interpreter services are essential to state trial court functions. But it’s often a struggle for courts to schedule and pay for certified and registered interpreters and provide other language assistance. Additional funding from the 2009 Legislature will provide 50 percent of the cost of certified, registered and qualified interpreters in the state, allowing courts to give life to the Language Assistance Plans they have adopted in response to legislation passed in 2008.

ACCURATE AND COMPLETE TRANSLATION IS ESSENTIAL

Each day in Washington courts, the basic promises guaranteed by state law go unrealized due to fiscal barriers and a lack of available interpreters. Additional funding will encourage courts to comply with state and federal policy and secure the constitutional rights of deaf and limited English speaking persons.



“Susan,” the mother of three children and three foster children, found out that her house was in foreclosure and her family might soon lose it altogether. With help from the Northwest Justice Project, Susan discovered the bank hadn’t given her proper notice to avoid foreclosure. Her attorney negotiated a reduced payment and Susan was able to pay off the balance and keep her family home.

A violent marriage forced “Kaya” to take her children and flee to safety. With help from pro bono lawyers, she soon obtained a divorce and parenting plan. And when her ex-husband turned violent one day while her children were visiting him, she called on the pro bono program again. Thanks to volunteer legal counsel, Kaya obtained an order preventing her husband from visiting the children without supervision. Today, her family is living safely, free from the violence of the past.

professionally staffed and volunteer legal resources work together to address civil legal problems that threaten the most vulnerable in our state. Military personnel and veterans, coping with a host of legal problems, alone and afraid. A family facing foreclosure at the hands of an unethical lender. Families living in a low-income apartment unit flooded with raw sewage—and a landlord refusing to fix the problem. A mother trying to find safety for herself and her children in the face of relentless abuse.

The core of the system is the Northwest Justice Project (NJP)—Washington’s nationally recognized, statewide provider of comprehensive civil legal aid services to poor and vulnerable people. NJP has offices in 17 locations throughout the state, hosts a technologically sophisticated statewide screening, advice, education and referral system (CLEAR) and maintains a statewide self-help resources Web site: www.washingtonlawhelp.org.

Complementing the core legal aid services provided by NJP’s professional staff attorneys are thousands of volunteer attorneys working with local programs, providing more than 58,000 hours of free advice and assistance valued at more than \$10 million per year. This integrated partnership between professional-staffed legal aid and volunteer attorneys is remarkable. Through this partnership, civil legal aid helps our community by preventing a downward spiral of social and legal problems.

But it isn’t enough.

Supporting volunteer recruitment, training pays off

Our laws guarantee basic rights and protections to all of us, not just those who can afford a lawyer. But there is an overwhelming civil justice gap between the legal needs of the economically disadvantaged and the legal help they receive. This justice gap continues to grow as poverty rates rise and demand on the civil legal aid system increases in this time of extraordinary economic uncertainty. Civil legal aid helps to bridge that gap by providing low-income and vulnerable people with meaningful access to justice on matters of the most urgent concern.

This budget takes another step toward closing the justice gap by maintaining strong support of the Northwest Justice Project and expanding capacity to recruit, train and support increased numbers of volunteer attorneys. Through these investments, we will help increase the capacity of our legal aid system to ensure the delivery of the most effective, economical and high-quality services.

A SOLID INVESTMENT FOR OUR COMMUNITIES AND OUR STATE

The issues of homelessness, poverty, the credit crunch and housing crisis won’t go away soon. For the more than 80 percent of low-income people who face urgent civil legal problems without any help or legal representation, the consequences of these issues are devastating—for individuals, families and communities. We must be able to meet the demand for civil legal aid services and, in doing so, deliver on our promise to ensure “justice for all.”



Today Kaya’s family is living safely, free from the violence of the past.

Helping families in legal crisis

When there’s nowhere else to turn, civil legal aid steps in. All over Washington state, publicly funded and private volunteer attorneys work together to provide much-needed civil legal aid help to those who cannot afford it on matters that affect the most basic needs—family safety and security, housing, and access to essential services and support.

Continued funding for civil legal aid is vital to maintain and expand services, especially in parts of the state with growing populations of low-income residents and fewer state-funded legal resources.

Public-private partnership saves money, serves more

From the Northwest Justice Project and King County Bar Association to the Unemployment Law Project and the Whatcom County Bar’s LAW Advocates program, a comprehensive and effective network of



Throwing a juice container at a friend's back nearly cost a young man a career in the armed forces.

Throwing a juice container at a friend's back nearly cost a young man a career in the armed forces. "Dan," 17 when the incident occurred, was presented a guilty plea document by a local prosecutor. The court didn't offer Dan a lawyer. Without benefit of an attorney to tell his side of the story, understand the charges and hear the consequences, Dan signed the plea form.

Months later, Dan tried to join the service, only to learn he was barred because of the assault conviction. By chance, he heard he could still get help from a public defender. Public defense representation allowed Dan to pursue his dream and serve his country.

"Emily" is arraigned and charged with assault 4. The 14-year-old girl, who got into a fight with another girl in her neighborhood, has no criminal history or previous arrests. Scared and intimidated by the legal proceedings, she pleads guilty. Emily doesn't know this plea will mean she'll struggle to find work because she has to check "yes" on job applications that ask about criminal convictions. She won't be able to work in nursing homes or in a child care facility. And her juvenile conviction data will be accessible—even after she turns 18.

Representing juveniles isn't a choice, it's the law

Numerous federal and state laws, state statutes and court rules require that indigent juveniles facing charges must be provided legal counsel at all important court appearances. Too often timely, adequate representation isn't available.

Ensuring legal counsel is available to indigent juveniles facing charges is a constitutional due process requirement that simply cannot be ignored.

Juveniles shouldn't face a legal problem alone

In a number of juvenile courts in our state, OPD research reveals that indigent children and teens give up their right to an attorney without understanding what that means because no public defense attorney is present or available to explain it to them.

These indigent juveniles find themselves alone in courtrooms, facing a judge and a prosecutor. And while parents are allowed in the room, they cannot participate in the process. Many times they aren't even there.

Legal counsel protects the rights of children and teens. It helps them understand the charges, the consequences of their actions and their obligations, and how the legal process will continue.

Importantly, legal representation can make a huge difference in the lives of children and teens. In many cases, it helps divert a juvenile from detention and a downward spiraling life of costly criminal justice and social expenses.

THE RIGHTS OF ALL OUR YOUTH MUST BE PROTECTED

The children and teens of our state must not be denied their constitutional rights to counsel. OPD's budget request to ensure juveniles do not unknowingly waive counsel will protect them and uphold the law. A grant program will extend public defense funds to the courts where they are needed the most.





Four months, six months, eight months or more. How long must a child wait for a family and a home to call their own? While the time has dropped recently thanks to national and local reforms, more than half of foster children in Washington state still spend an average of 540 days in foster care— frequently in three different homes.

“Joan” had done everything she could to escape a dangerous situation. A victim of domestic violence, Joan was successful in obtaining a protection order against her former husband. She moved from Tacoma to a small community in eastern Washington and created a safe and nurturing environment for her children. But all that was at risk the day her husband showed up at her door. Joan called the local police department. They were able to access information about the protection order through the state’s Judicial Information System and quickly responded.

Injustice anywhere threatens justice everywhere.
~Martin Luther King, Jr.

WE CANNOT DELAY ACTION ANY LONGER

The problem is complex. The answers aren’t easy. But what’s clear is that our state’s children should not languish in foster care for month after month, move after move. Improving the foster care system improves the lives of children and improves outcomes for society as a whole. The system can and should work better.



Reducing the wait for the most vulnerable

Safety. A nurturing environment. Love. A permanent home.

The goal of foster care is vital: protect children who are not safe in their own homes. Yet for far too many children in Washington state—9,000 or more on any given day—what should be a short-term band aid solution is all too often a lengthy saga.

For children in foster care, their lives are filled with uncertainty: Will I be reunited with my family? What school will I attend next year, or next week? Will I have a home to call my own, a safe place where I’m loved and cared for?

Childhood shouldn’t be this way.

A plan to do better

The Commission on Child and Foster Care, convened by the Washington State Supreme Court, brings together critical partners in the state’s foster care system— DSHS, the attorney general’s office, courts and the public to address the shortcomings in our current system. Together, backed by national research and best practices, they have developed an action plan to improve the foster care system in Washington.

- Implement best practices and performance measures to monitor and track improvements.
- Strengthen relationships between agencies of the judicial branch and courts across the state.
- Facilitate collaboration and cooperation between the courts, child welfare partners and organizations and the education system—all focused on putting the needs of children first.

Automation, information, protection

Easy and accurate tracking of court cases. Immediate access to critical criminal history in a child custody case.

The Judicial Information System (JIS) is the primary information system that connects courts across Washington state. This vital tool automates and supports the daily operations of the courts, helping to improve efficiency, ensure accuracy, reduce costs and allow court personnel to do their jobs better. JIS also serves as a statewide clearinghouse for criminal history information, domestic violence protection orders, outstanding warrants and other case management

information. It also allows for the co-mingling of data from other state agencies for trending and analysis.

Protecting domestic violence victims an integral piece

Thanks to JIS, judges, police, prosecutors and community corrections and probation officers can gain timely access to individual domestic violence-related court orders. JIS is electronically linked to courts and police departments throughout Washington, so that justice agencies in most parts of the state can know within hours about protection orders issued in their areas.

A TOOL VITAL TO THE COURT SYSTEM, COMMUNITY AND INDIVIDUALS

The Judicial Information System’s capabilities and benefits are far-reaching.

Updating aged equipment, improving functionality and enhancing the information system, which currently serves 16,000 court customers and 8,000 other users, will allow the courts to continue providing streamlined services and accurate and up-to-date information. The system’s new Electronic Traffic Information Processing (eTRIP) Initiative will also create a seamless and integrated method for sharing and accessing traffic-related information electronically. Importantly, it will eliminate the inefficiencies of the current paper-based process of collecting and exchanging core business information.



Washington State Judicial Branch: Principal Policy Goals

Washington state's judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of criminal and civil justice in the state.

The judicial branch in Washington state is not structurally unified at the statewide level. Ours is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect for the constitutional prerogatives of each branch and constitutional separation of powers considerations.

The following represent the principal policy goals of the judicial branch:

Fair and Effective Administration of Justice in all Civil and Criminal Cases

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases,

consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Accessibility

Washington courts, court facilities and court systems will be open and available to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.

Access to Necessary Representation

Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.

Commitment to Effective Court Management

Washington courts will employ and maintain systems and practices that enhance effective court management.

Appropriate Staffing and Support

Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.