

No. 92594-1

FILED

FEB 02 2015

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

No. 13-1-01071-6

**The Court of Appeals of the State of Washington
(Division III)**



Briana Wakefield,
Appellant,
v.
City of Kennewick,
Respondent.

Motion for Discretionary Review

Jefferson Coulter, WSBA No. 28947
Karla Camac Carlisle, WSBA No. 40107
Northwest Justice Project

1310 N. 5th Ave., Suite B
Pasco, WA 99301
Telephone: (509) 547-2760
Fax: (509) 547-1613

Attorneys for Appellant

3-25
COM EXS
PO X

A. IDENTITY OF PETITIONER

Petitioner, Briana Wakefield, is a 26-year old mother of four. She is permanently disabled, living on her social security supplemental security income (SSI) and supplemental food assistance program (SNAP) benefit. Ms. Wakefield has been ordered to pay district court fees and fines from her SSI under threat of jail time. Ms. Wakefield requests that this Court accept discretionary review of the decision of the superior court for Benton County upholding this unlawful district court order.

B. DECISION

On November 17, 2014, the Honorable Carrie L. Runge issued her ruling on the appeal of an order of August 20, 2013 from Benton County District Court. The ruling held that the Benton County District Court did not commit an error of law. In essence, the superior court ruled that the district court could—in exercising its discretion—make a determination that a permanently disabled individual whose only source of income are means-tested public benefits could be ordered to pay funds from those benefits to satisfy legal financial obligations. On December 19, 2014, Judge Runge issued a ruling on appellant’s motion for reconsideration clarifying that the district court had discretion to find that compelling Ms. Wakefield to pay legal financial obligations in order to avoid incarceration does not work a manifest hardship on appellant and the district court did

not abuse its discretion in so finding. Copies of the decisions are attached hereto as A-1—A-8.

C. ISSUES PRESENTED FOR REVIEW

1. Did the superior court commit legal error when it upheld the denial of Ms. Wakefield’s motion to reduce or eliminate court costs?
2. Was there substantial evidence of record to support the superior court’s ruling affirming the district court’s conclusion that Ms. Wakefield, though indigent, has the ability to pay \$15.00 per month towards her legal financial obligations or that a payment of \$15.00 a month was not a manifest hardship on her or her family?
3. Did the superior court’s ruling affirming the district court’s written “restart” order requiring Ms. Wakefield to pay \$15.00 a month from her SSI benefits or face incarceration constitute “other legal process” prohibited by the anti-attachment provisions of the Social Security Act, 42 U.S.C. §407(a)?

D. STATEMENT OF THE CASE

On August 20, 2013, the district court scheduled a “fine review” hearing for Ms. Wakefield’s outstanding legal financial obligations. At that time, Ms. Wakefield was a disabled mother of four minor children. Her only income was from SSI and SNAP. The fine review hearing was scheduled by the district court on its own initiative without a motion from the City of Kennewick. At that time, Ms. Wakefield filed a motion to reduce or eliminate (“remit”) court costs pursuant to RCW 10.10.160.

Ms. Wakefield's motion to remit costs was heard by the district court on August 20, 2013. In support of her motion, Ms. Wakefield personally testified, and presented expert witness testimony from Dr. Diana Pearce, Director of the University of Washington's Center for Women and Welfare and a Senior Lecturer at the University of Washington School of Social Work. The district court entered into the hearing record the sworn declarations with exhibits that Ms. Wakefield and Dr. Pearce had filed in preparation for the hearing. (See A-14-A-69.)

The evidence was consistent and undisputed that Ms. Wakefield was disabled and homeless. The record establishes that Ms. Wakefield's only cash income was \$710 in monthly, federally-protected SSI benefits. These benefits are exempt from execution. Dr. Pearce testified this equaled approximately half the \$1,400 - \$1,468 monthly income necessary for a single person living in the Benton-Franklin County area to meet minimum, basic needs for self-support. (See A-14-A-48.) Dr. Pearce further testified that Ms. Wakefield's basic subsistence needs – including expenses required to comply with the reunification plan the Benton County juvenile court made as a condition to any hope that she may regain the custody of her children from foster care – required all her monthly income. (See A-14-A-48). Thus, the clear evidence demonstrated that the

financial burdens imposed by the July 18, 2012 judgment were a hardship manifestly beyond Ms. Wakefield's ability to meet.

Ms. Wakefield's evidence was uncontroverted. No lawyer appeared on behalf of the prosecuting authority, the City of Kennewick. The City presented no witnesses and offered no exhibits into evidence. There was *no* other evidence presented during the hearing on Ms. Wakefield's motion to remit costs. No evidence that she does, or will ever, have the ability to pay without suffering a manifest hardship had been entered into evidence.

Pursuant to RALJ 2.4, Ms. Wakefield timely filed her notice of appeal on September 18, 2013. The matter was heard by the superior court on February 13, 2014. The superior court remanded the case back to district court to enter written findings of fact and conclusions of law. The district court filed its written findings of fact and conclusions of law on April 15, 2014. The district court's findings did not address its denial of Ms. Wakefield's motion per RCW 10.01.160(4).

The superior court appeal was heard on September 25, 2014. The superior court affirmed the district court decision on December 4, 2014. A motion for reconsideration was timely filed on December 15, 2014 to request that the superior court clarify its ruling to make a specific finding pursuant to RCW 10.10.160(4) on whether or not the imposition of court

costs on Ms. Wakefield would impose a manifest hardship on her and/or her family. On December 18, 2014 the superior court denied the motion for reconsideration. A notice of discretionary review was timely filed on January 20, 2015.

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

Discretionary review of a superior court decision entered in a proceeding to review a decision of a court of limited jurisdiction will be accepted only if it meets one of four significant departures from law. RAP 2.3(d). The following grounds for review under RAP 2.3(d) are present in this case:

- (1) The decision of the superior court is in conflict with a decision of the Court of Appeals or the Supreme Court;
- (2) The superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by the court of limited jurisdiction, as to call for review by the appellate court; or
- (3) The decision involves an issue of public interest which should be determined by an appellate court.

- 1. This Court should accept review under RAP 2.3(d)(1) because the superior court's decision affirming the district court's orders is in conflict with controlling law.**

The superior court affirmed the district court's ruling denying Ms. Wakefield's motion to remit costs. The court ignored the controlling

case law requiring courts to consider a defendant's financial circumstances when imposing court costs and ignored the statutory section in RCW 10.01.160(4) requiring a manifest hardship determination.

- a. The superior court's affirmance of the district court's imposition of court costs on Ms. Wakefield is in direct conflict with the decisions in *State v. Curry* and *State v. Barklind*.

No defendant may be required to pay costs as part of a criminal sentence except through compliance with the constitutional criteria identified by the Supreme Court in *Fuller v. Oregon*, 417 U.S. 40, 54, 94 S. Ct. 2116 (1974):

1. Repayment must not be mandatory;
2. Repayment may be imposed only on a convicted defendant;
3. Repayment may only be ordered if the defendant is or will be able to pay;
4. The court must take into account the financial resources of the defendant and the nature of the burden that payment of costs will impose;
5. A repayment obligation may not be imposed if it appears there is no likelihood the defendant's indigency will end;
6. The convicted person must be permitted to petition the court for remission of the payment of costs or any unpaid portion; and
7. The convicted person cannot be held in contempt for failure to repay if the default was not attributable to an

intentional refusal to obey the court order or a failure to make a good faith effort to make repayment.

See State v. Curry, 118 Wn.2d 911, 915-16, 829 P.2d 166 (1992); *State v. Barklind*, 87 Wn.2d. 814, 817-818, 557 P.2d 314 (1976).

Under RCW 10.01.160(3), a court cannot order a defendant to pay court costs “unless the defendant is or will be able to pay them.” That determination must take into consideration the financial resources of the defendant and the burden imposed by ordering payment of court costs. *Id.* A general challenge to orders establishing legal financial sentencing conditions are not ripe for review until the state attempts to curtail a defendant’s liberty by enforcing them. *State v. Lundy*, 176 Wn. App. 96, 108, 308 P.3d 755 (2013).

These statutory sections and the criteria identified in *State v. Barklind* and *State v. Curry* required the district court to analyze Ms. Wakefield’s ability to pay throughout her criminal proceedings in this case – from its entry of the July 18, 2012 order to pay costs, to issuance of the June 24, 2013 warrant which sought to enforce payment, to its August 20, 2013 denial of Ms. Wakefield’s motion to remit costs. The record proves that at each of those stages, the district court did not take into account Ms. Wakefield’s ability to pay and the criteria identified in *State v. Curry* and *State v. Barklind*.

From the beginning, the district court was aware from Ms. Wakefield's application for appointed counsel that her sole source of cash income was SSI, from which she had to support herself and her three children. At that time, the family's recurring *non-food* expenses **alone** totaled \$650 per month. (See A-70.) This meant that each month, after paying these basic expenses and buying food, Ms. Wakefield and her family were left with **no** financial resources from which any costs could be paid. Consequently, the lower court could *not* have taken Ms. Wakefield's "financial resources and the nature of the burden" into account before imposing costs, as constitutionally and statutorily required.

Further, repayment may not be imposed if the facts show no likelihood that a defendant's indigency will end. *State v. Barklind* at 817. At all relevant times herein, the district court was on notice that Ms. Wakefield receives benefits under the SSI program. SSI provides a minimum, subsistence-level monthly income to individuals without relevant work history who lack significant assets and have no other means of support. Eligibility requires not only proof of destitution but also medical proof - to a standard specified and accepted by the Social Security Administration - establishing that the applicant is permanently and totally disabled from being able to perform any substantial gainful activity. *See* 42 U.S.C. §1382 – 1382b.

Ms. Wakefield was medically proven to be permanently and totally disabled under this standard at age 18. Although aware of Ms. Wakefield's SSI eligibility - and what that status proved about the nature and extent of her permanent disability - the district court's July 18, 2012 judgment did not address or assess whether there was any likelihood that her indigency would ever end. *Cf., State v. Bertrand*, 165 Wn. App. 393, 404, fn. 14, 267 P.3d 511 (defendant's disability alone created arguable question as to any ability to pay "now or in the near future").

- b. The superior court committed legal error in conflict with controlling law when it upheld the district court's failure to find that the payment of court costs would be a manifest hardship on Ms. Wakefield and her family.

Pursuant to RCW 10.01.160(4), a defendant not willfully disobeying a court order may move the court at any time to remit the cost obligation, including for the reason that the amount assessed imposes a "manifest hardship" on the defendant or her family. While "ability to pay" and "manifest hardship" may at first blush appear to mean the same thing, in fact they are different. Even if a person has some minimal or theoretical ability to pay court costs from subsistence income, the court must determine if such payment or *any* payment would result in "manifest hardship" when deciding a motion to remit costs. "Manifest hardship" exists when an indigent person is forced to make difficult choices between

hunger or housing, medical care or children's shoes, food or medicine, gas or rent. The foregoing of any of these necessities in order to pay court costs to avoid incarceration or other sanction, regardless of how small, creates manifest hardship and should not be compelled as a matter of law. See *Jafar v. Webb*, 177 Wn.2d 520, 303 P.3d 104 (2013).

Ms. Wakefield's evidence is uncontroverted. No lawyer appeared at the August 20, 2013 district court hearing on behalf of the prosecuting authority, the City of Kennewick. The city presented no witnesses and offered no exhibits into evidence. There was *no* other evidence presented during the hearing record or on Ms. Wakefield's motion to remit costs. There was no evidence of record that payment of court costs would not be a manifest hardship on Ms. Wakefield. The district court's ruling cannot stand. The court committed legal error when it ignored the substantial evidence of manifest hardship submitted at the hearing. This evidence proved that requiring Ms. Wakefield to make any payment towards her legal financial obligations would be a manifest hardship on her and her family.

All the evidence of record indicated Ms. Wakefield suffers from a permanent and total disability, such that there is no likelihood her indigency will end. That fact alone was a sufficient basis to entitle Ms. Wakefield to remittance of costs under the constitutional standards

required by *Fuller v. Oregon*, *State v. Barklind*, and *State v. Curry*. But the district court completely ignored that evidence and the controlling law. The superior court affirmed the district court's ruling and found that the district court did not abuse its discretion in denying Ms. Wakefield's motion to remit costs. This Court should accept review pursuant to RAP 2.3(d)1 since the superior court's decision is in conflict with the controlling law.

2. This Court should accept review under RAP 2.3(d)(4) because the district court has so far departed from the accepted and usual course of judicial proceedings, and the superior court has sanctioned that departure, as to call for review by the appellate court.

a. The superior court committed errors of law when it upheld the district court's order that Ms. Wakefield must pay \$15.00 each month from her SSI benefits towards her legal financial obligations.

The superior court's affirmance of the district court's order conflicts with the anti-attachment provision of the Social Security Act (SSA), 42 U.S.C. § 407(a), in violation of the Supremacy Clause, U.S. Const. art II, cl. 6. The evidence is uncontroverted that Ms. Wakefield's cash support for the last seven years has been her monthly SSI benefits. As to those benefits, 42 U.S.C. §407(a) states:

The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, *and none of the moneys paid or payable or rights existing*

under this subchapter shall be subject to execution, levy, attachment, garnishment, *or other legal process*, or to the operation of any bankruptcy or insolvency law. (Emphasis added)

Congress intended the supplemental security income benefits paid from its appropriations for that program provide a basic floor of subsistence-level income to otherwise destitute Americans unable to work because of severe disabilities. Congress did *not* want the federal appropriations that provide those benefits garnished, attached, or diverted from that sole use for the benefit of local county budgets. Section 407(a) forbids the district court from directly garnishing Ms. Wakefield's SSI benefits to collect financial obligations owed under a criminal conviction. *See, e.g., Bennett v. Arkansas*, 485 U.S. 395, 108 S. Ct. 1204 (1998). This law also forbids the lower court from doing so using any "other legal process."

The term "other legal process" in § 407(a) includes any "judicial or quasi-judicial mechanism, though not necessarily an elaborate one, by which control over property passes from one person to another in order to discharge or secure discharge of an allegedly existing or anticipated liability." *Washington State Dep't of Soc. & Health Servs. v. Guardianship Estate of Keffeler*, 537 U.S. 371, 385-86, 123 S. Ct. 1017, (2003). Diverting Ms. Wakefield's SSI benefits from her subsistence needs to the district court's financial demands was plainly what Judge Butler intended

the August 20, 2013 order accomplish; the evidence was un-refuted that Ms. Wakefield has no other income from which payment could be made.

A court order requiring payment which can only come from SSI benefits constitutes “legal process” within the meaning of §407, especially where the district court will seek to enforce that order through bench warrants or orders of incarceration. The Benton County district court publicly and freely admits its routine use of bench warrants, jail time, and orders of partial confinement with work crew specifically to compel individuals to surrender ordered payments they have to that court.¹ Even a *threat* of legal proceedings to extort surrender of SSI benefits is “legal process” prohibited by § 407.² If Ms. Wakefield does not surrender control of this portion of her SSI benefits to the district court as the order requires, but in violation of her federal rights and the will of Congress, Ms. Wakefield plainly faces the loss of her liberty, since the district court has already announced its belief that she has an ability to pay that amount. Such extortion cannot lawfully stand.

¹ See “Benton County time-for-fines program criticized,” *Tri-City Herald*, November 18, 2013, reproduced in Appendix as A-94.

² In *King v. Schafer*, 940 F. 2d 1182 (8th Cir. 1991), the Missouri Department of Mental Health threatened to seize the personal assets of representative payees who refused to voluntarily pay their wards’ Social Security benefits to the state. The Eighth Circuit quickly recognized that a state’s threat of adverse legal consequences to obtain Social Security benefits it could not legally attach constituted “other legal process” within the prohibition of 42 U.S.C. § 407: “what the state cannot do, it cannot threaten to do.” *Id.* at 1185.

The August 20, 2013 order and the district court's customary use of incarceration to force compliance constitute a judicial mechanism to take control of Ms. Wakefield's monthly SSI benefits toward discharge of a financial obligation imposed by the district court. As a result, that order constitutes "other legal process" within the meaning of §407(a). The August 20, 2013 order was therefore illegal under the Supremacy Clause and its entry an error of law. This Court should accept review because the superior court sanctioned such a departure from federal law by the district court to warrant review.

- b. The superior court's affirmance of the district court's ruling that Ms. Wakefield pay \$15.00 towards her LFOs lacked substantial evidence.

There was no evidence in the record that Ms. Wakefield had any money left over after meeting her basic subsistence needs to pay \$15 a month towards her LFOs. Ms. Wakefield's testimony, the monthly budget worksheet submitted, and Dr. Pearce's testimony incontrovertibly proves she had no ability to pay even this amount. The district court's conclusion that Ms. Wakefield had *any* ability to pay is not based on substantial evidence in the hearing record.

The district court went so far to hold that proof that Ms. Wakefield is a recipient of SSI benefits did not establish that she is disabled. The superior court determined there was no abuse of discretion in this decision.

(See A-8). However, the superior court failed to actually consider the substantial evidence of Ms. Wakefield's extreme indigence and her subsistence living expenses in light of the lack of any evidence of her ability to pay. Rather the superior court appears to have simply rubber stamped the district court's flawed ruling compounding the error and abuse of discretion.

Ms. Wakefield is permanently disabled. Ms. Wakefield's only cash income is \$710 in monthly, federally-protected SSI benefits. As a matter of law, for purposes of SSI benefits "disability" is defined as being:

[U]nable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

42 U.S.C. § 1382c(a)(3)(A); 20 C.F.R. § 416.905(a)(SSI). "SSI is a welfare program of last resort designed to provide only a 'subsistence allowance'." *Lyon v. Bowen*, 802 F.2d 794, 796 (5th Cir. 1986). 20 C.F.R. §416.110 explains that:

The basic purpose underlying the supplemental security income program is to assure a minimum level of income for people who are age 65 or over, or who are blind or disabled and who do not have sufficient income and resources to maintain a standard of living at the established Federal minimum income level.

In short, SSI is a needs based program that provides an impoverished person with disabilities a modicum of support to meet their basic

subsistence needs. See also, *Jafar v. Webb*, 177 Wn.2d 520, 526, 303 P.3d 104 (2013) (under Washington Court rules “a litigant who receives need-based, means-tested assistance (such as TANF or food stamps), or whose household income is at or below 125 percent of the federal poverty guideline is automatically deemed indigent.”) The district court should have taken judicial notice under ER 201 and as a matter of law of Ms. Wakefield’s permanent and total disability from employment as a federal SSI recipient. Her disability is not subject to reasonable dispute (Ms. Wakefield’s own testimony regarding her receipt of federal SSI benefits is further proof of her disability from employment) and the determination of the Social Security Administration is a source whose accuracy cannot be reasonably questioned. See 42 U.S.C. §1382 – 1382b.

In addition to barely meeting her subsistence needs, Ms. Wakefield also testified to expenses she pays to preserve her fundamental right to family integrity (*In re Myricks*, 85 Wn.2d 252, 254, 533 P.2d 841 (1975)) and reunite with her children. Her basic human and family needs require all her monthly income. The undisputed testimony firmly establishes that the financial burdens imposed by the July 18, 2012 judgment are a hardship manifestly beyond her ability to meet. The superior court decision affirming the district court’s order sanctioned such a departure

from the accepted and usual course of judicial proceedings to warrant review by this Court.

3. This Court should accept review under RAP 2.3(d)(3) because the superior court's decision involves issues of public interest which should be determined by this Appellate Court.

Washington State has a modern day debtor's prison problem. Debtor's prisons are illegal.³ In *Bearden v. Georgia*, the United States Supreme Court held that a person cannot be incarcerated for failing to pay her criminal debt if the failure to pay was due solely to her poverty. *Bearden v. Georgia*, 461 U.S. 660, 103 S. Ct. 2064 (1983). About 20 percent of the people in custody in Benton County jail on any given day are there for non-payment of LFOs.⁴ Such a large number of people are in Benton County jail because the court is not applying the correct legal standards and controlling law when collecting LFOs.

Ms. Wakefield's case clearly exemplifies the debtor's prison problem in Benton County. The court refused to apply the controlling law when it imposed the fines and discretionary court costs. The court again refused to apply the correct standard and procedure when it enforced collection. If the Benton County district court can conclude that Ms. Wakefield has the ability to pay her court fines and fees and no manifest hardship would

³ See, e.g. http://seattletimes.com/html/localnews/2009257861_apwacourtfinest.html in Appendix as A-98.

⁴ See "ACLU of Washington issues report on finding, jailing people who can't pay," *Tri-City Herald*, February 10, 2014, reproduced in Appendix as A-71.

result in payment of court costs and fees, then the controlling law and applicable standards are meaningless. This Court cannot let stand the illegal practice of using debtor's prisons to punish people with prison or deeper poverty for being poor.

The district court's ruling required Ms. Wakefield to pay court costs and fees from her funds allocated to meet her basic needs in direct violation of Washington and federal law. SSI is a program designed to help the most vulnerable disabled Americans meet their basic needs, such as housing, food, and child care. When the court requires Ms. Wakefield to pay any amount of money in her current financial circumstances, they are requiring her to go without food, housing, or heat in order to stay out of jail, to the detriment of her family and her own well-being.

Ms. Wakefield is not the only litigant this unlawful practice is affecting. The above-referenced report found that Benton County provides the most extreme example of this unlawful practice. (See A-77). The report concluded that both Benton County superior and district courts regularly fail to consider ability to pay, and instead aggressively use incarceration as a collection tool. This Court should accept review because this issue affects a large number of indigent litigants in Benton County. Ensuring that our court system applies the controlling law and applicable standards to its citizens is a matter of public interest.

F. CONCLUSION

This Court should accept review under RAP 2.3(d) to determine whether the superior court's decision upholding the district court's ruling of August 20, 2013 conforms to the controlling law and legal standards set forth above.

January 30, 2015

Respectfully submitted,

NORTHWEST JUSTICE PROJECT

By: 
Jefferson Coulter, WSBA No. 28947
Karla Camac Carlisle, WSBA No. 40107
Attorneys for Appellant Briana Wakefield

APPENDIX

- A-1 Superior Court Ruling on Appeal from Superior Court
- A-7 Superior Court Ruling on Motion for Reconsideration
- A- 9 District Court order to pay \$15
- A- 10 District Court's Finding of Facts and Conclusions of Law
- A-14 Declaration of Diana Pearce, PhD
- A-49 Declaration of Briana Wakefield
- A-70 Court appointed attorney application by Briana Wakefield
- A-71 Modern-Day Debtors' Prisons: The Ways Court-Imposed Debts Punish People for Being Poor.
- A-94 Benton County time-for-fines program criticized, Tri-City Herald, November 18, 2013.
- A-98 WA jails people for court debt; experts critical, Seattle Times, May 24, 2009.

Superior Court of the State of Washington
for Benton and Franklin Counties
7122 W. Okanogan Place, Building A, Kennewick, WA 99336

Judge
Carrie L. Runge

Benton County Justice Center
Franklin County Courthouse
Telephone (509)736-3071
Fax (509)736-3057

November 17, 2014

✓ Ms. Karla Carlisle
Attorney for Briana Wakefield
% Northwest Justice Project
1310 N. 5th Ave., Ste. B
Pasco, WA. 99301

Mr. James Bell
Asst. City Attorney for Richland
% Bell Brown & Rio
Kennewick, WA. 99336

Ms. Jessica Foltz
Asst. City Attorney for Kennewick
% 210 W. 6th Avenue
Kennewick, WA. 99336

*Re: City of Richland/City of Kennewick vs. Briana Wakefield
Benton County #13-1-01070-8 & #13-1-01071-6*

Dear Counsel:

I have now had the opportunity to fully review the files, transcript, and briefing in the above two cases. I note that Ms. Wakefield filed her appeal in Superior Court in September of 2013. The initial briefing dates back to December 2013 with additional supplemental briefing filed after the District Court entered Findings of Fact/Conclusions of Law on April 15, 2014. I have carefully read the District Court transcript, Judge Butler's Findings of Fact/Conclusions of Law, and the parties' extensive briefing. To say that these cases have been fully briefed would be an understatement. Because of the extensive briefing, I do not plan to go into exhaustive detail regarding my decision, as to do so, would needlessly delay this letter getting out to you. Because of my scheduling, you can see that this letter has been delayed getting out to you in any event.

As counsel acknowledge, my review of the District Court's decision is limited to the following: 1) Has the District Court committed any errors of law; and, 2) Are the District Court's factual determinations supported by substantial evidence in the record? *See RALJ 9.1(a) and (b)*. Based on my review, I am

affirming the District Court's decision, in part, and reversing the District Court's decision, in part, and remanding back to the District Court to remove the requirement of work crew on R27875.

Ms. Wakefield assigned error to Findings of Fact 4, 8, 11, 12, 14, and 16. Therefore, it is assumed that she concedes there is substantial evidence in the record to support the remaining findings. I will now address each of Ms. Wakefield's alleged factual errors.

Alleged Errors Re: Findings of Fact:

Finding of Fact #4: There was no evidence presented that Ms. Wakefield has a permanent disability that prevents her from working.

As pointed out, while Ms. Wakefield testified that she was on SSI due to Bipolar Disorder, PTSD, and ADHD, neither her declaration nor her testimony established that she was permanently disabled and unable to work. Additionally, 42 U.S.C. 1382h provides that a person can still receive SSI benefits even if they are engaged in substantial gainful activity, as long as certain requirements are met.

Therefore, the fact that Ms. Wakefield receives SSI benefits, in and of itself, is not determinative of her having a permanent disability or being unable to work. I find that Finding of Fact #4 is supported by substantial evidence in the record before me.

Finding of Fact #8: She [Ms. Wakefield] made 4 payments towards her fines. (Note that since this hearing the defendant has made 2 more payments).

The four payments were not disputed by Ms. Wakefield. Rather, the argument was that the payments themselves do not establish that she has the *ability* to pay. The portion in parenthesis is not supported by the record at the hearing, as it indicates the payments were made *after* the conclusion of the hearing at issue.

There was substantial evidence in the record to support the finding that Ms. Wakefield made 4 payments towards her fines.

Findings of Fact #11 and #12: On March 13, 2012, Ms. Wakefield, represented by counsel, requested to do Work Crew as an alternative way to pay off her fines. She specifically told the Court that she would "love" to do Work Crew. Ms. Wakefield was very successful on Work Crew. She was able to pay the Work Crew fee and she completed 45 hours of Work Crew and had \$450. credited towards her fines.

Judge Butler was entitled to review Ms. Wakefield's files and noted that the file notes indicated that Ms. Wakefield requested to do work crew and read a direct quote from Ms. Wakefield's file into the record. Ms. Wakefield acknowledged the statement. Like finding of fact #11, #12 is also supported by Judge Butler's review of Ms. Wakefield's files and reading of notes into the record directly from Ms. Wakefield's files. (Of particular note to this court, is the fact that Ms. Wakefield *was still on probation and not before the court on a contempt action* when she made the request to pay off her fines by doing work crew on the City of Richland matter. Her date of sentence on the City of Richland case was 12/8/2010). I believe RCW 10.82.040 authorizes this action.

There was substantial evidence in the record to support the court's Findings of Fact #11 and #12.

Findings of Fact #14: Her [Ms. Wakefield's] continuing criminal activity, failure to do court ordered treatment and continued drug use are life style choices she made that negatively impacted the amount of money that Ms. Wakefield had available to pay her fines and demonstrate willfulness on her part. I adopt the argument set out in the Supplemental Brief of Respondent City of Kennewick at pages 6 – 8. Additionally, the court is entitled to draw reasonable inferences from the evidence, this is circumstantial evidence. The record of the August 20, 2013 hearing establishes the above reasonable inferences or circumstantial evidence from the testimony, declarations, and review of Ms. Wakefield's files.

There was substantial evidence in the record to support Finding of Fact #14.

Finding of Fact #16: The defendant stated that her income would prohibit her from paying fines but did not testify to any bona fide efforts she has made to be current in her fine payments.

As pointed out by the City of Kennewick, Ms. Wakefield did not testify to any attempts she made to borrow money nor did she testify to other efforts she made to pay towards her legal financial obligations nor did she testify to any attempts to find work or that she is unable to work. Ms. Wakefield simply relied on the fact that she was on SSI and relied upon the testimony of Dr. Pearce. There was no testimony in the record regarding any bona fide efforts that Ms. Wakefield had made to be current in her fine payments.

This fact is supported by substantial evidence in the record.

Alleged Errors Re: Conclusions of Law:

Ms. Wakefield assigns error to each Conclusion of Law entered by the District Court, **Conclusions of Law #1 – #5**. This court reviews Conclusions of Law for legal error. See RALJ 9.1(a). I agree with the City of Kennewick's Supplemental Brief at pages 8 – 9.

Conclusions of Law #1, #2, & #3:

With regards to the Conclusions of Law relevant to both Ms. Wakefield's City of Kennewick and City of Richland case (Conclusions of Law #1, #2, and #3), this court adopts the analysis presented in the City of Kennewick's Supplemental Brief at the bottom of page 9 through page 16.

On a side note, **Conclusion of Law #1**, references State v. Bearden 660, 673(1983). Clearly, the reference is a typographical error and the correct reference is to *Bearden v. Georgia*, 461 U.S. 660, 673(1983) as cited in the additional conclusions of law. Ms. Wakefield also objects because conclusion #1 is not a direct quote and the quote also appears at page 675 of the Bearden opinion and the conclusion references page number 673. This court is mindful that the same quote is made on page 673 at FN 12. In any event, while conclusion #1 is not a direct quote, it flows from the direct quote and is not, in my opinion, legal error.

Conclusion of Law #5:

With regards to Conclusion of Law #5, I will address this conclusion separately as it relates to the City of Richland case where work crew was imposed on Ms. Wakefield as an alternative to imprisonment. It is my understanding that with regards to the City of Kennewick case, Judge Butler simply extended Ms. Wakefield's payments on fines and costs.

As pointed out by the City of Kennewick, RCW 10.01.180(4) allows the court to do just as it did. Where it appears to the satisfaction of the court that the default in the payment of a fine or costs *is not* contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the unpaid portion thereof in whole or in part. *Emphasis added.*

The District Court committed no legal error in entering an order extending time for Ms. Wakefield to make payments on her City of Kennewick case.

Conclusion of Law #4 and #5 relating to the City of Richland case (where work crew was imposed):

Conclusion of Law #4 reads, as follows: The Court can impose alternate methods to pay fines even if the defendant did not have the ability to pay despite sufficient bona fide efforts to acquire the resources to pay her fines. See Bearden v. Georgia, 461 U.S. 660, 673(1983). This conclusion seems incomplete to me as there is no application to Ms. Wakefield's cases. What does this conclusion mean as it relates to Ms. Wakefield and her cases/circumstances?

Does this conclusion mean that the District Court found that Ms. Wakefield did not have the current ability to make payments towards her fines? Does this conclusion mean that the District Court found that Ms. Wakefield made sufficient bona fide efforts to acquire the resources to pay her fines? (This seems unlikely given FOF #16). Did the District Court find that Ms. Wakefield did not willfully refuse to make payments? (The District Court did find that some of Ms. Wakefield's actions demonstrated willfulness, but stopped short of making a finding of willful failure to pay, see FOF #14).

RCW 10.01.180(4) allows the District Court to make a finding that the nonpayment of fines/costs is not contempt (willful) and allows the court to enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or costs or the unpaid portion thereof in whole or in part. See also, Smith vs. Whatcom County District Court, 147 Wn.2d 98, 51 P.3d 790(2002). RCW 10.01.180(4) *does not* allow imposition of imprisonment or partial confinement (work crew) where a finding of contempt (or willful failure to pay) has *not* been made.

While I am not completely certain on the full intent/meaning of Conclusion of Law #4, I cannot say it is in clear legal error in and of itself, though, as discussed below, I believe Bearden v. Georgia, 461 U.S. 660(1983) is not applicable to Ms. Wakefield's situation, given that she was before the court on a failure to pay fine hearing and not a probation hearing.

Conclusion of Law #5 reads as follows: The extension of fines and the alternative method of work crew to work off fines are non-imprisonment alternatives available to Ms. Wakefield for not having paid her fines. See Bearden v. Georgia, 461 U.S. 660, 672-673.

I find this conclusion of law is legal error as applied to Ms. Wakefield. As pointed out by Ms. Wakefield, the facts in Bearden are significantly different than the facts presented by Ms. Wakefield's case. Here, Ms. Wakefield was no longer on probation. Therefore, the issue of revoking Ms. Wakefield's probation was not before the District Court on August 20, 2013. The August 20, 2013 hearing was a contempt proceeding for failure to pay fines/costs and not a probation revocation hearing.

The District Court is a court of limited jurisdiction created by the Legislature. RCW 3.02, 3.30, 3.34, 3.88, and 3.66 and W.A.Const. Art. IV, Sec. 1, 12. The Legislature has the sole authority to prescribe its jurisdiction and powers. *Young v. Konz*, 91 Wn.2d 532(1979). After sentencing and the expiration of any probationary period, the district court's powers for enforcing fines and costs are limited to those expressly granted by statute. See RCW 10.01.160 – 180; *Smith v. Whatcom County District Court*, 147 Wn.2d 98, 107(2002) (the government may have execution for a fine as for collection of a civil judgment).

In my opinion, *Bearden* does not authorize the District Court, in a failure to pay fine/contempt hearing, to impose work crew as an alternative to imprisonment where no finding of contempt or willful failure to pay has been found. Certainly, Washington statutes and case law, as referenced in the preceding paragraph, do not support this conclusion.

The City of Richland, in one of its briefs, stated that the District Court made a finding that Ms. Wakefield willfully failed to make payments. Ms. Wakefield denies the court made such a finding. This issue is addressed repeatedly in the transcript from the August 20, 2013 hearing at pages 70 – 77, 81, and 86 – 87. It is clear to me that Judge Butler believed she did not have to make a finding of willfulness if there was an alternative way (work crew) for Ms. Wakefield to pay off her fines/costs. I find this is legal error. From my reading of *Bearden*, *Smith*, and RCW 10.01.160 – 180, I believe the District Court was required to make a finding of willfulness before imposing the alternative of work crew upon Ms. Wakefield for failure to pay her fines/costs.

Based on the above, the District court is affirmed, in part, and reversed, in part. Because I find that Conclusion of Law #5 is legal error. This case is remanded to the District Court for the court to remove the imposition of work crew upon Ms. Wakefield on case #R27875, despite her request that she do work crew. The District Court order extending the payment of fines on K54282 at the amount of \$15.00 per month beginning in November 2014 is affirmed.

I wish to address a couple of other issues raised by Ms. Wakefield. Ms. Wakefield made a motion to reduce or eliminate costs per RCW 10.01.160(4). Her motion also mentioned the fine imposed by the District Court, besides the costs. As pointed out by the City of Kennewick, there is a distinction in the law between costs and fines. The District Court's denial of Ms. Wakefield's motion to reduce or eliminate costs is reviewed for abuse of discretion. This court finds that the District Court did not abuse its discretion in denying Ms. Wakefield's motion.

Ms. Wakefield also claims Ms. Wakefield was denied due process of law because of: 1) Lack of Notice; and, 2) Lack of a Neutral and Impartial Judge. With regards to the notice issue, it is clear that Ms. Wakefield waived any argument regarding notice. Judge Butler explained to Ms. Wakefield why she was before the court and it is clear that Ms. Wakefield's attorney understood why she was before the court. Additionally, Judge Butler offered to continue the hearing so that Ms. Wakefield and her counsel could understand the nature of the hearing and be prepared. Ms. Wakefield and her counsel indicated they were ready to proceed. Clearly, Ms. Wakefield had notice as to why she was before the court. Even if the argument was that notice was insufficient, it is clear that Ms. Wakefield and her counsel waived any potential defect in the notice by agreeing to proceed with the hearing and indicating to the court that they did not wish a continuance.

Ms. Wakefield also claims her due process rights were violated because Judge Butler asked questions of witnesses, "cross-examined" witnesses, and asked clarifying questions. Judge Butler had the right and

duty to understand the evidence that was being presented to her. Judge Butler was the trier of fact in this proceeding. The cases cited by Ms. Wakefield are factually and procedurally dissimilar to Ms. Wakefield's case. The cases are clear on one point; a judge has the right, as the trier of fact, to question witnesses in order to elicit the truth or to clarify material issues. This is what Judge Butler did. Ms. Wakefield was not denied her right to a neutral and impartial judge.

I believe I have addressed the issues that were presented to me. I don't know if this written decision is sufficient pursuant to RALJ 9.1(g). If any of you believe that this written decision is insufficient, please advise.

This matter is remanded back to the District Court for proceedings consistent with this court's decision regarding City of Richland #R27875.

Very truly yours,


Carrie Runge

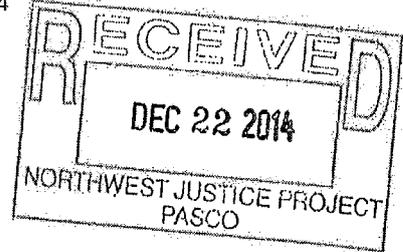
cc: court file

Superior Court of the State of Washington
for Benton and Franklin Counties
7122 W. Okanogan Place, Building A, Kennewick, WA 99336

Judge
Carrie L. Runge

Benton County Justice Center
Franklin County Courthouse
Telephone (509)736-3071
Fax (509)736-3057

December 18, 2014



✓ Ms. Karla Carlisle
Attorney for Briana Wakefield
% Northwest Justice Project
1310 N. 5th Ave., Ste. B
Pasco, WA. 99301

Mr. James Bell
Asst. City Attorney for Richland
% Bell Brown & Rio
Kennewick, WA. 99336

Ms. Jessica Foltz
Asst. City Attorney for Kennewick
% 210 W. 6th Avenue
Kennewick, WA. 99336

Re: City of Richland/City of Kennewick vs. Briana Wakefield
Benton County #13-1-01070-8 & #13-1-01071-6

Dear Counsel:

I have received and reviewed Ms. Wakefield's motion for reconsideration. Ms. Wakefield requests that I clarify my ruling to make a finding on whether or not the imposition of court costs would impose a manifest hardship on her and/or her family or, in the alternative, for me to reconsider my ruling that may have implicitly equated "ability to pay" the legal financial obligation with "manifest hardship" under RCW 10.02.160(4). For the following reasons, I am denying the motion for reconsideration.

First of all, it is for the District Court to make findings of fact and for this court to review the findings made by the District Court. If counsel believes a finding on this issue is required, then the proper place to request a finding is in District Court. On the record before me, I am unable to determine what finding the District Court may or may not have made on this particular issue.

Secondly, with regards to what Ms. Wakefield may be reading into my decision regarding her Motion to Remit Costs pursuant to RCW 10.01.160(4), as previously indicated, such a motion is reviewed for abuse of discretion. On the record before me, I can't say that the District Court abused its discretion in

denying Ms. Wakefield's motion to remit costs. Again, to the extent that Ms. Wakefield is trying to read anything else into my decision, I am simply finding no abuse of discretion.

Very truly yours,

A handwritten signature in cursive script that reads "Carrie Runge".

Carrie Runge

cc: court files

BENTON COUNTY DISTRICT COURT
 7122 WEST OKANOGAN PLACE, BUILDING A
 KENNEWICK, WA 99336
 509-735-8476

DATE 8/20/13

SOC _____ MONTHS
 DF - 1 YEAR
 DP SOC DS

DEFENDANT WAKEFIELD, BRIANA N

CASE NO. K54282

AMENDED RCW _____

CHARGE _____

DISMISS _____

	<u>CT1</u>	<u>CT2</u>	<u>CT3</u>
FINE/PENALTY	\$ _____	_____	_____
PRO - Probation	\$ _____		
PDR - Attorney	\$ _____		
SWF - Warrant	\$ _____		
BBL - Blood/Breath	\$ _____		
CCR - Court Costs	\$ _____		
PR - Prisoner (Brd/Rm)	\$ _____		
DER/W - Offr Restitution	\$ _____		
DVA - Domestic Violence	\$ _____		
_____	\$ _____		

RESTART TIME PAYMENTS:
 Pay \$ 1500 a month begin
Nov 25, 2013

COMBINE WITH ALL OTHERS
 ON TIME PAYMENTS

APPLY CASH BAIL POSTED
 \$ _____ TO FINES/COSTS

BAIL FORFEIT AMT \$ _____

REMOVE / ASSESS FTA FEE \$52

PLEASE TAKE THIS FORM TO THE DISTRICT COURT OFFICE TO MAKE PAYMENT ARRANGEMENTS

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF BENTON

CITY OF RICHLAND/KENNEWICK,

Plaintiff,

vs.

BRIANA N. WAKEFIELD,
Defendant,

Defendant.

NO. R27875, K54282

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

The Court, having held a Failure To Pay Fine hearing on August 20, 2013 regarding the defendant Briana N Wakefield, does hereby make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Briana Wakefield committed the crimes of Theft (2009), Disorderly Conduct (2010), and Harassment (2012).
2. For each crime, she was ordered to pay fines. Other conditions of her sentences included treatment and the requirement of no new criminal convictions.

Findings of Fact & Conclusions of Law - 1

3. Ms. Wakefield currently receives SSI and other state funded benefits.
4. There was no evidence presented that Ms. Wakefield has a permanent disability that prevents her from working.
5. She is currently involved in a dependency action regarding her children.
6. Ms. Wakefield was allowed to set payments for her fines on a monthly basis at an amount requested by her.
7. Each time she committed a new crime her payments were combined and restarted.
8. She made 4 payments towards her fines. (Note that since this hearing the defendant has made 2 more payments.)
9. Ms. Wakefield failed to appear at compliance hearings set by the Court.
10. Warrants were issued for her failure to appear and failure to pay her fines.
11. On March 12, 2012 Ms. Wakefield, represented by counsel, requested to do Work Crew as an alternative way to pay off her fines. She specifically told the Court that she would "love" to do Work Crew.
12. Ms. Wakefield was very successful on Work Crew. She was able to pay the Work Crew fee and she completed 45 hours of Work Crew and had \$450 credited towards her fines.
13. At her request, she was excused from Work Crew because she was pregnant and her fines were restarted at the amount she requested of \$30.00 per month to begin in August of 2013. A payment of \$60.00 was made in April of 2013.
14. Her continuing criminal activity, failure to do court ordered treatment and continued drug use are life style choices she made that negatively impacted the amount of money that Ms. Wakefield had available to pay her fines and demonstrate willfulness on her part.
15. There was no evidence presented that the defendant's financial situation was different

Findings of Fact & Conclusions of Law - 2

when she made payments from what it is today.

16. The defendant stated that her income would prohibit her from paying fines but did not testify to any bona fide efforts she has made to be current in her fine payments.

CONCLUSIONS OF LAW

1. Poverty does not insulate a defendant from punishment for inability to pay fines. State v Bearden 660, 673 (1983).
2. Defendant's payment of fines establishes that she had some ability to pay her fines.
3. Defendant's continuing criminal activity, failure to do court ordered treatment and use of illegal drugs reflects an insufficient concern for paying her debt to society and contributed to Ms. Wakefield's failure to be current on her fines.
4. The Court can impose alternate methods to pay fines even if the defendant did not have the ability to pay despite sufficient bona fide efforts to acquire the resources to pay her fines. See Bearden v. Georgia 461 U.S. 660, 673 (1983).
5. The extension of fines and the alternative method of Work Crew to work off fines are non-imprisonment alternatives available to Ms. Wakefield for not having paid her fines. See Bearden v. Georgia 461 U.S. 660, 672-673 (1983).

THEREFORE, based on the above Findings of Fact and Conclusions of Law, the Court orders:

1. That Ms. Wakefield is to complete the Work Crew she asked to do on R27875.

2. The payment of fines to be extended on K54282 at the amount of \$15.00 per month beginning in November of 2014.

DATED this 15th day of April 2014.

Katharine O. Butler

JUDGE

Findings of Fact & Conclusions of Law - 4



IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF BENTON

CITY OF KENNEWICK,

Plaintiff,

vs.

BRIANA WAKEFIELD,

Defendant.

No. K54282

DECLARATION OF DIANA
PEARCE, PhD

I, Diana Pearce, state under penalty of perjury under the laws of the State of Washington:

1. I have a B.A. from the College of Wooster, a M.S.W. and a PhD from the University of Michigan, School of Social Work.
2. I am currently a Senior Lecturer at the School of Social Work at the University of Washington. I have been a researcher in this area of study since 1978. Attached as Exhibit A is a true and correct copy of my professional c.v.
3. I have been researching and writing on the subject of how much income a family of a certain composition in a given place must earn to meet their basic needs since 1996 as the principal investigator for the Self-Sufficiency Standard research projects.
4. I developed the Self-Sufficiency Standard while I was the Director of the Women and

DECLARATION OF DIANA PEARCE- 1

Northwest Justice Project
1310 N 5th Ave, Ste B
Pasco, WA 99301
Tel. (509) 547-2760 Fax (509) 547-1612

1 Poverty Project at Wider Opportunities for Women (WOW). The Ford Foundation
2 provided funding for the Standard's original development. When I took my position at
3 the University of Washington in 1998, the calculation of the Standard and research and
4 reports on the Standard were housed here, and in 2003 I became the Director of the
5 Center for Women's Welfare, under whose auspices the Standard continues to be
6 developed and calculated.

- 7 5. Over the past 14 years, the Standard has been calculated for 37 states (including
8 Washington State) as well as the District of Columbia and New York City. The Self-
9 Sufficiency Standard has revolutionized the way policies and programs for low-income
10 workers are structured and what it means to be in need in the United States.
- 11 6. In 2011, I was the principal author of and leader of the team that calculated the Standard
12 and published the *Self-Sufficiency Standard for Washington State 2011* which was
13 prepared for the Workforce Development Council of Seattle-King County.
- 14 7. *The Self-Sufficiency Standard for Washington State 2011* is the fourth edition of this
15 report. The report, plus tables providing for county specific information for 152 family
16 types is available at www.selfsufficiencystandard.org. The information for Washington
17 state is also accessible through the website, www.thecalculator.org .
- 18 8. *The Self-Sufficiency Standard for Washington State 2011* describes how much income
19 families of various size and compositions need to make ends meet without public or
20 private assistance in each county of Washington. The Self-Sufficiency Standard is a
21 measure of economic security that is based on the costs of the basic needs for working
22 families: housing, child care, food, health care, transportation, and miscellaneous items as
23 well as the costs of taxes and the impact of tax credits. The goal for creating the Standard
24

1 was to calculate the amount needed to meet each basic need at a minimally adequate
2 level, without public (public housing, Medicaid or Food Stamps) or private (unpaid
3 babysitting by a relative or friend, food from food banks or shared housing) assistance.
4 By minimally adequate, I mean enough resources to meet the core necessities of life, such
5 as clothing, food, shelter and medical care at a decent level. It is the minimum, in that
6 these are "bare bones" budgets, with no extras. For example, the food budget is only
7 groceries and there is not a pizza or latte in the food budget. To be below this minimum
8 means the inability to secure even the basic necessities with one's own resources, and be
9 forced to sacrifice one need for another, e.g., not eat in order to pay for heat, or be forced
10 to rely on luck, on the uncertainty of the kindness of others. Also, if one's resources are
11 less than the Standard, not only can one not secure the basics, but one cannot "budget"
12 one's way up to the Standard. This is not about choices, good or bad, it is about the
13 realities of what necessities cost in the market, regardless of who you are.

14 9. The Self-Sufficiency Standard assumes adult household members work full-time and
15 therefore includes all major costs associated with employment for adult household
16 members (i.e. taxes, transportation and child care for families with young children).

17 10. For housing costs, the Standard uses the most recent Fair Market Rents (FMRs), which
18 are calculated annually by the U.S. Department of Housing and Urban Development
19 (HUD) for each state's metropolitan and non-metropolitan areas. FMRs include utilities
20 (except telephone and cable) and reflect the cost of housing that meets basic standards of
21 decency.

22 11. For food costs, the Standard uses the U.S. Department of Agriculture (USDA) Low-Cost
23 Food Plan. The Low-Cost Food Plan was designed to meet minimum nutritional
24

1 standards using realistic assumptions about food preparation time and consumption
2 patterns. The Low-Cost Food Plan only includes the cost of groceries and does not allow
3 for any take-out, fast-food or restaurant meals – no lattes, no pizza.

4 12. The transportation costs consider if there is an “adequate” public transportation system in
5 a given area. The Standard assumes workers use public transportation to get to and from
6 work. A public transportation system is considered “adequate” if it is used by 7% or more
7 of the working population in a given county. Except for King County, all counties in
8 Washington have less than 7% public transportation use; therefore, King County
9 transportation costs are based on public transit while private transportation is assumed for
10 all other counties in Washington.

11 13. Miscellaneous expenses are calculated by taking 10% of all other costs. This expense
12 category consists of all other essentials including clothing, shoes, paper products, diapers,
13 non-prescription medicines, cleaning products, household items, personal hygiene items
14 and telephone service.

15 14. Taxes include federal income tax, payroll taxes and state and local sales where
16 applicable.

17 15. The Standard does not allow for recreation, entertainment, savings, debt repayment, or
18 any other needs beyond the inescapable daily needs of basic human existence.

19 16. *The Self-Sufficiency Standard for Washington State 2011* is calculated based on the cost
20 of necessities in 2011. It is expected that the Standard will be updated this fall for 2013.
21 While we cannot know until the research is done, in most states costs of these basic needs
22 have risen in recent years at a rate about 1-2% over inflation. Thus the 2011 figures are
23 likely to be an underestimate of current and future costs.

1 17. The 2011 Self-Sufficiency Standard for a household of one adult in Kennewick/Richland
2 in Benton County is \$1,492 a month; in Benton County outside of Kennewick/Richland,
3 it is \$1,468. *See attached as Exhibit B.*

4 18. The 2011 Self-Sufficiency Standard for a household of one adult in Franklin County is
5 \$1,407. *See attached as Exhibit C.*

6 19. I spent time examining Ms. Briana Wakefield's current court record regarding the fine
7 issue and her current financial situation.

8 20. Ms. Wakefield's declaration shows she is disabled and gets as her sole income federal
9 SSI benefits of around \$710 and \$170 in food stamps – totaling \$880 a month.

10 21. My understanding is that a person does not receive federal SSI benefits unless they are
11 found permanently and totally disabled from any significant gainful employment by the
12 Social Security Administration.

13 22. Based on my knowledge and expertise, and investigation and study performed as the
14 principal investigator and director of the team that developed the Self Sufficiency
15 Standard for Washington State in 2011, that a total income of \$880 each month is less
16 than the amount needed to meet even her basic essential needs at a minimal adequate
17 level, even taking into account the fact that she is not employed.

18 23. As one can see by reviewing the Benton County Self-Sufficiency Standard, the entirety of
19 Ms. Wakefield's cash resources each month barely exceeds the basic housing cost of
20 \$618 a month. Further, the Standard housing allowance does not include the necessary
21 expense of saving toward a security deposit or the prepayment of first month's rent, as
22 are usually required to obtain rental housing.

23 24. Ms. Wakefield's food stamp benefit (SNAP) of \$170 a month does not even meet the
24

1 minimum monthly food cost for one adult Benton County resident. Under the Standard,
2 that basic cost is \$205 each month. That cost would be higher for homeless persons, since
3 the amount of \$205 presumes a basic ability to store and refrigerate groceries and prepare
4 cheap but adequate meals. The shortfall in meeting her food costs must come from Ms.
5 Wakefield's limited cash resources.

6 25. Ms. Wakefield does not have child care costs similar to an employed individual, but she
7 does have unavoidable supply and transportation costs related to the visitation she is
8 required to satisfy as part of her reunification plan with the dependency court.

9 26. Ms. Wakefield does not own a car and relies on rides from friends and public
10 transportation. The Standard assumes an adult living in Benton County owns a car and
11 uses it to get to work. While Ms. Wakefield is not employed, she does incur similar level
12 transportation costs in order to maintain progress in reuniting her family, accessing health
13 and mental health resources, and securing housing, through rides from friends and public
14 transportation.

15 27. The Standard includes phone/ communication costs in the miscellaneous category, among
16 other expenses (such as clothing, shoes, personal hygiene, paper products, laundry
17 expenses, diapers, and so forth). For Kennewick/Richland in Benton County, total
18 miscellaneous is \$118 for an adult living alone. Ms. Wakefield has pre-paid telephone
19 plan of \$60 a month, more than half the miscellaneous cost category. The \$118 in the
20 miscellaneous category assumes a person has a home and can access a low-cost home
21 line and internet service. A person who is homeless will have to meet the needs of
22 telephone and communications services in untraditional ways. In fact, Ms. Wakefield's
23 homelessness actually uses more of her miscellaneous budget than if she had a permanent
24

1 home, impacting her ability to meet her other miscellaneous needs, such as diapers and
2 other supplies for her children's visitation.

3 28. When someone lives below the Self-Sufficiency Standard, they have to make very hard
4 choices between paying for housing versus paying for food or other necessities to sustain
5 them during the month. When resources are insufficient to meet one's basic needs, there
6 is no way to "budget" one's way to doing so. Individuals with income below their
7 Standard are forced to make extremely difficult choices as to which needs to meet, and
8 which ones to go without. The fact that Ms. Wakefield is homeless is a clear indicator
9 that she has inadequate resources; if she secured housing, she would likely, in the market
10 in this community have inadequate resources to meet other essential needs, including
11 those related to her children, and to her achieving family unity and maintaining her
12 health.

13 29. Based on my knowledge and expertise, and investigation and study performed as the
14 principal investigator and leader of the team that calculated the Self-Sufficiency Standard
15 for Washington State in 2011, it does not matter how adept at budgeting a person is,
16 when their monthly resources are only \$880 a month, they will not have enough money
17 for essential needs, let alone money to pay court fines. Essentially, the court is asking Ms.
18 Wakefield to put her basic survival needs aside and pay court fines. Again, the Self-
19 Sufficiency Standard does not include debt repayment (court fines) and Ms. Wakefield
20 doesn't even have income to meet the Self-Sufficiency Standard for Kennewick/Richland
21 in Benton County of \$1,492.

22 30. Based on my knowledge and expertise, and investigation and study performed as the
23 team that developed the Self-Sufficiency Standard for Washington State in 2011, Ms.
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Wakefield does not have enough income to make any payment to the court on her court obligations because she cannot even meet her basic essential needs, especially considering the fact she is homeless and disabled.

31. Based on my knowledge and expertise, and investigation and study performed as principal investigator and director of the team that developed the Self-Sufficiency Standard for Washington State in 2011, Ms. Wakefield does not have enough monthly income to meet her basic living needs let alone enough money to make any non-payment of her court fines willful.

Sworn to under penalty of perjury at Seattle, Washington on August 19, 2013.



Dr. Diana Pearce

CURRICULUM VITAE

Diana May Pearce

School of Social Work
University of Washington
4101 15th Avenue NE
Seattle, WA 98105

(206) 616-2850 (phone)
(206) 543-1228 (fax)
email:
pearce@u.washington.edu

EDUCATIONAL BACKGROUND

- 1976 Ph.D. University of Michigan, Social Work and Social Science (Sociology)
Dissertation Title: "Black, White, and Many Shades of Gray: Real Estate Brokers and their Racial Practices."
- 1969 M.S.W. University of Michigan, School of Social Work
- 1964 B.A. College of Wooster, Wooster, Ohio, including Washington Semester (Spring 1963) at American University, Washington, DC

POSITIONS HELD

- 2000-present Senior Lecturer, School of Social Work, University of Washington; Adjunct Faculty, Women's Studies, and member, REECAS (Russian East European Central Asia Studies) Faculty
- 2002-present Director, Center for Women's Welfare, School of Social Work, University of Washington
- 2009 Senior Specialist Fulbright, Tashkent (Institute of Culture) Samerkand University, Fergana University, all in Uzbekistan [consultancy on developing professional social work education]
- 2006 (Fall) Fulbright Professor, Bishkek, Kyrgyz Republic (American University of Central Asia)
- 1998-2000 Visiting Assistant Professor, School of Social Work, University of Washington
- 1996-1997 Fulbright Professor, Uzbekistan (Tashkent State University, University of World Economy and Diplomacy)
- 1985- 1996 Director, Women and Poverty Project, Wider Opportunities for Women
Research and advocacy on broad range of issues concerning low-income women, including welfare, low-wage employment, child care, housing, poverty status, etc.
- 1991-1992 Visiting Scholar, Institute for Research on Women and Gender, Stanford University
- 1985- 1986 Visiting Assistant Professor, American University, Department of Sociology, Courses taught: Quantitative Methods (advanced), Women in Society.
- 1980-1985 Director of Research, Center for National Policy Review, Catholic University Law School
Conducted research, including all phases, from design to grant writing to final report and journal articles; prepared and presented testimony as expert-witness in Congressional hearings, academic and non-academic conferences; editor, Civil Rights Research Review



- 1985 Adjunct Lecturer, Columbus School of Law, Catholic University of America:
Social Science and the Law.
- 1984- 1993 Fellow by Courtesy, Center for Social Organization Schools, Johns Hopkins University.
- 1978- 1979 Honorary Fellow, Institute for Research on Poverty, University of Wisconsin, Madison
Research on women in poverty and racial discrimination in housing
- 1975- 1980 Assistant Professor, Department of Sociology, University of Illinois at Chicago Circle
Sociology Courses: Poverty and Social Welfare, Racial and Ethnic Minorities, Research
Methods, Social Inequality, Graduate Research Practicum, Sex Roles, Urban Society
- 1975- 1977 Assistant Professor, School of Social Work, University of Illinois at Chicago Circle,
Social Work Courses: Social Welfare Policy and Services, Race and Poverty, Social
Science I
- 1973- 1975 Teaching Fellow, Sociology Department, University of Michigan:
Sociological Methods (under supervision of Howard Schuman),
Introduction to Sociology (under supervision of Gayl Ness & Marilyn Rosenthal).
- 1974 Adjunct Lecturer, University of Michigan Extension (Social Work) Ann Arbor: Social
Welfare Policy and Services I.
- 1972- 1974 Lecturer, School of Social Work, University of Michigan: Courses: Complex Organizations
(with Sheldon Siegel), Social Welfare Policy and Services (with Fred Cox).
- 1974 Adjunct Lecturer, University of Michigan, Flint and Dearborn:
Community Structure and Processes.

WORK EXPERIENCE

- 1970 English editor (translator), for Rushen Kelesh and Sherif Mardin (Ankara, Turkey)
- 1969 Interviewer, Institute of Social Research, University of Michigan
- 1968 Research Assistant to Thomas Powell (University of Michigan School of Social Work); research on
developing consultation and liaisons between a community mental health center and local church
pastors.
- 1968 Research Assistant to John Tropman (University of Michigan School of Social Work); research on
ethnicity in the community
- 1965-7 Peace Corps Volunteer (Turkey). Community development in a small village (eastern Turkey), and
English teacher in a small town (western Turkey)
- 1963 Summer Volunteer, Back Bay Mission (Biloxi, MS)
- 1961 Summer Volunteer, Beacon Neighborhood House (Chicago, IL)

SCHOLARSHIPS AND AWARDS

- 2005-present Whiteley Center Scholar [University of Washington at Friday Harbor]
- 2003 Setting the Standard Award, Wider Opportunities for Women (Washington, DC)
- 2003 Visionary Research Award, Workforce Development Council (Seattle, WA)
- 1997 Pauline Bart Feminist Activist Award, Sociologists for Women in Society
- 1990 Sociological Practice Award from the Society for Applied Sociology
- 1977 Faculty Summer Fellowship, University of Illinois
- 1974 Rackham Dissertation Grant

1971-72, 1972-73 Rackham Prize Fellowship
 1968-1970, 1974 National Institute of Mental Health Fellowship
 1964 National Presbyterian Honor Scholarship

RESEARCH GRANTS AND PROJECTS

Principal Investigator, Ongoing, Development and Calculation of Self-Sufficiency Standard (including Updates), 1996 – present (funded by Ford Foundation initially, [some via Wider Opportunities for Women until 2006] and later by many other foundations, state agencies, etc.), over \$1,000,000 total

Principal Investigator, Wages, Work, and Poverty in Washington State, Center for Labor Studies (2006)

Principal Investigator, Demographic Study (using the Self-Sufficiency Standard) of Poverty in Colorado (2006).

Principal Investigator, Demographic Study (using the Self-Sufficiency Standard) of Poverty in New Jersey (2006).

Principal Investigator, Hardships Study (Pennsylvania), William Penn Foundation [via Women's Association for Women's Alternatives [WAWA](now PathWays), 2000-2002)

Principal Investigator, Research Initiative of the NET (Nontraditional Education and Training) Project, Women's Bureau of the Department of Labor (1991-1992).

Director, Study of Doubled-Up Families, Poverty and Race Research Action Council (1991-1992)

Director, Evaluation of Transitional Housing Programs, Northwest Area Foundation and Minneapolis-St. Paul Family Housing Fund (1989-1990)

Project Director, Book on Women in Poverty and Related Activities, Ford Foundation (1983-85)

Principal Investigator, NSF grant on the nature of housing market practices in forty cities (1982-84)

Principal Investigator, National Institute of Education research grant on the relationship between school desegregation and housing discrimination (1980-81)

PUBLICATIONS

- 2009 *Battered by the Storm: How the Safety Net Is Failing Americans and How to Fix It*, with Deepak Bhargava, Timothy Casey, John Cavanagh, Karen Dolan, Peter Edelman, Barbara Ehrenreich, Sarita Gupta, Dedrick Muhammad, Steve Savner, Kevin Shih. Institute of Policy Studies, Washington, D.C.
- 2008 "Biography of Molly Orshansky", *Encyclopedia of Gender*
- 2007 Introduction, *Child Poverty in America Today*. Barbara A. Arrighi and David J. Maume, eds., Praeger.
- 2007 "When Work is Not the Answer: New Challenges for the Millennium", [special issue on the working poor], *Families in Society* (Fall)

- Pearce
- 2004 "The Statistical Measure of Poverty", in *Poverty and Social Welfare in the United States: An Encyclopedia*, Gwendolyn Mink and Alice O'Connor, editors. ABC-CLIO.
- 2002 "Welfare Reform Now That We Know It: Enforcing Women's Poverty and Preventing Self-Sufficiency", p. 125-150 in Josefina Figueira-McDonough and Rosemary C. Sarri, eds., *Women at the Margins: Neglect, Punishment and Resistance*, New York: Haworth Press.
- 2002 "Measuring Welfare Reform Success by a Different Standard," p. 166-186 in *From Poverty to Punishment: How Welfare Reform Punishes the Poor*, Gary Delgado, Ed., Oakland, CA: Applied Research Center.
- 2001 "The Self-Sufficiency Standard: A New Tool for Evaluating Anti-Poverty Policy," *Poverty & Race*, Vol. 10, No. 2
- 2000 "Rights and Wrongs of Welfare Reform: a Feminist Approach to the New American Welfare State," *Affilia* (Special Issue on the New American Welfare- summer 2000)
- 1999 "Doing the Triple Combination: Negotiating the Domestic Violence, Child Welfare, and Welfare Systems" in Ruth Brandwein, ed., *Battered Women, Children, and Welfare Reform: The Ties that Bind* (Sage, Sage Series on Violence Against Women)
- 1997 "The State of Women in Uzbekistan," *REECAS Newsletter*, Vol. 3, no.2, p.3-10 (Spring).
- 1995 "Welfare, "Reform", and Women," *NCJW Journal* (Spring), p. 4-25.
- 1994 "When Sexual Harassment Happens: State Unemployment Insurance Coverage of Workers Who Leave Employment Because of Sexual Harassment" with Monica Phillips, *Stanford Law and Policy Review* (Spring), Vol. 5:2, p. 75-82.
- 1993 "Welfare "Reform"?" *Equal Means* (Fall), p. 9-10.
- 1993 "Change in the Other America: Women's Poverty in the 1990s," *Women: A Cultural Review*, Vol. 4, No. 1 (Spring), p. 1-7.
- 1992 "Reading Between the Research Lines," *Equal Means*, Volume 1, No. 3 (Summer).
- 1992 Review of *The Feminization of Poverty: Only in America?*, Kremen, Eleanor, and Gertrude Schaffner Goldberg, eds., (New York: Praeger, 1990) *American Journal of Sociology*, 97,5, p. 1479-1481.
- 1991 "Welfare is Not for Women: Why the War on Poverty Cannot Conquer the Feminization of Poverty," in Linda Gordon, ed., *Women, the State and Welfare* (Univ. of Wisconsin Press).
- 1990 "Bending the Twig in Yonkers: Creating a Segregated Community," National Conference on School Desegregation (November 1986); published in *Separate But Equal in the Metropolis: the Changing Shape of the School Desegregation Battle*, Gary Orfield, ed., (Brookings Press).
- 1990 "Women, Working and Poverty: Toward the Year 2000," in *Risks and Challenges: Compendium on Women, Work and the Future* (Wider Opportunities for Women).

- 1990 "The Feminization of Poverty," *Journal of Peace and Justice Studies*, Vol. 2, No.1 (Special Issue on Women and Social Justice).
- 1989 "Prison With No Parole: The Persistence of Women's Poverty," *WHY Magazine* (Fall/Winter, #3)
- 1989 "Welfare and Women's Poverty: Reform or Reinforcement?," (with Kelley Ellsworth), *Journal of Legislation*, Vol. 16 (May, 1989).
- 1989 "Children Having Children: Teen Pregnancy and Public Policy from a Women's Perspective," in *Adolescent Pregnancy: International Perspectives* (Yale University Press) and presented at the Symposium on teen pregnancy, Stanford University.
- 1988 "Life's Changes: A Life-cycle Perspective on Women's Economic Status," (with Nadia Moritz) *Social Thought* (Fall, Vol. IX)
- 1988 "Welfare Reform in 1988: A Missed Opportunity." *San Jose Mercury and National Forum* (A public service of AFSCME).
- 1987 "On the Edge: Marginal Women Workers and Employment Policy," in *Ingredients for a Women's Employment Policy*, C. Bose and G. Spitz, eds., (SUNY Press).
- 1986 "What Works for Welfare," *Food Monitor*, (December, 1986).
- 1986 "Women and Unemployment Compensation: An Agenda," *The Women's Economic Justice Agenda, for the States Issues of 1987*, (National Center for Policy Alternatives).
- 1986 "Women and Poverty: An Agenda for the States," *America's States* (National Center for Policy Alternatives).
- 1986 "Women and Children in Poverty," *Southern Changes* (Feb.-March, 1986) Vol. 8, No. 1.
- 1985 (As member of Women's Economic Agenda Working Group), *Toward Economic Justice For Women: A National Agenda for Change* (Washington, DC: Institute for Policy Studies).
- 1985 "Toil and Trouble: Women and Unemployment Compensation," *Signs*, 10, 3, p.439-459 (Spring). Reprinted in *Women and Poverty*, B. Gelpi, N. Hartsock, C. Novak, M. Strober, eds., (Chicago: University of Chicago Press, 1986).
- 1985 "Beyond Busing: New Evidence on the Impact of Metropolitan School Desegregation on Housing Segregation" in Robert Green, ed., *Metropolitan School Desegregation* (Plenum Press).
- 1984 "Farewell to Alms: Women's Fare Under Welfare," in Jo Freeman, 1988 ed., *Women: A Feminist Perspective*, (Palo Alto: Mayfield Pub. Co.) revised in 1988 for 4th edition. Reprinted in R. Sadovnik, C. Persell, R. Mitchell, and E. Bauman, *Understanding Sociology: Readings in Sociology* (Harper and Row).
- 1983 "The Feminization of Ghetto Poverty," in special issues on the Black underclass of *Trans Action/Society*, William Wilson, ed. (November-December).

- 1981 "Deciphering the Dynamics of Segregation: The Role of Schools in the Housing Choice Process," *The Urban Review*, Vol. 13, No. 2, p. 85-101.
- 1981 "Women and Children: Alone and in Poverty," with Harriette McAdoo. Prepared for the National Advisory Council on Economic Opportunity (also published as Chapter 1 in the Council's Final Report); reprinted, edited version in R. G. Genovese, *Families and Change: Social Needs and Public Policy*. Also reprinted in the Congressional Record, the Grantsmanship News, the Illinois Women's Commission Newsletter, etc. (N.B.: as a government publication it has no copyright; therefore we are not always told of reprintings).
- 1979 "Gatekeepers and Homeseekers: Individual and Institutional Factors in Racial Steering," in *Social Problems* 26 (Feb. 1979) p. 325-342. Reprinted in Richard J. Paterson and Charlotte Vaughn, *Structure and Process: Readings in Introductory Sociology* (Belmont, CA: Wadsworth Publ. Co., 1986). Reprinted in Richard F. Larsen, ed., *The Sociological View* (Oxford University Press, 1984).
- 1978 "The Feminization of Poverty: Women, Work and Welfare," *The Urban and Social Change Review* (Special Issue on Women and Work) Vol. 11, p. 28-36. Republished in Vol. 4, Women's Studies Yearbook, *Working Women and Families* (Sage, 1979).
- 1978 "Welfare in the Metropolitan Area," (with David Street) *Handbook of Contemporary Urban Life*, David Street, ed.
- 1973 "Attitude and Action: A Field Experiment joined to a General Population Survey," (with Robert Brannon, Gary Cyphers, Sharlene Hesse, Susan Hesselbart, Irwin Katz, Robert Keene, Howard Schuman, and Thomas Viccaro), *American Sociological Review* 38 (October): 625-36.

SOFTWARE

Colorado (statewide) Self-Sufficiency Calculator. (Similar to Seattle-King County Calculator, see below.)

Seattle-King County Self-Sufficiency Calculator. Together with Congruent, Inc. [local software firm], created the Seattle-King County Self-Sufficiency Calculator, including screen design and underlying formulas, available to the public online at www.seakingwdc.org. This online calculator provides social service agency clients as well as the public information on their Self-Sufficiency Standard and benefit eligibility (including requirements), provides an interactive worksheet that allows clients to "test" different wages and/or benefit combinations for its wage adequacy (given client's actual expenses and income), and provides links to public and private websites for further information and/or online applications for assistance. (Developed for Seattle-King County Workforce Development Council, Seattle, WA May 2003). *NOTE:* A subsequent state-wide calculator, based on this model and again built around the Self-Sufficiency Standard, was the winner of Seattle's 2009 NPower Innovation Award (given for most innovative use of technology to reach and aid clients.)

New York City Self-Sufficiency Calculator. Wrote underlying formulas for this calculator. Available only with password; apply at www.wceca.org. Developed for Women's Center for Career Advancement and Education, New York City (2001-2002)

Pennsylvania Budget Worksheet (online and paper and pencil). Developed the original budget worksheet (which forms the basis of all subsequent Self-sufficiency online calculators), which allows clients to enter their actual costs, and determine benefit eligibility for various benefits/subsidies (Food Stamps, child care assistance, Medicaid/CHIP, etc.), and calculate the overall "wage adequacy" of various combinations of wages and benefits.

Worked with programmer to develop online version, and providing continued support to revise and improve the online version. Online version available at www.pathwayspa.org Developed for Women's Association for Women's Alternatives [WAWA], now known as PathWays, Swarthmore, Pennsylvania (1999-present).

REPORTS

- 2010 "Overlooked and Undercounted: Struggling to Make Ends Meet in California"
- 2010 "The Self-Sufficiency Standard for... Pennsylvania [Update], New York City [Update], New York State [Update]"
- 2009 "The Self-Sufficiency Standard for... Indiana [Update], Washington State [Update], Mississippi [Update], Illinois [Update], Oklahoma [Update]"
- 2009 "Overlooked and Undercounted: Struggling to Make Ends Meet in Mississippi"
- 2009 "Overlooked and Undercounted: Struggling to Make Ends Meet in Pennsylvania"
- 2008 "The Self-Sufficiency Standard for... Montana [Update], Georgia [Update], California [Update], New Jersey [Update], Pennsylvania [Update], Ohio (new) and Oregon (new)"
- 2008 "Not Enough to Live On: Characteristics of Households Below the Real Cost of Living in New Jersey"
- 2007 "Overlooked and Undercounted: Wages, Work and Poverty in Washington State"
- 2007 "Overlooked and Undercounted: Income Inadequacy in Colorado"
- 2007 "Overlooked and Undercounted: Where Connecticut Stands"
- 2007 "The Self-Sufficiency Standards for... Massachusetts [Update], California [Update], Maryland [Update], Florida [Update], Wyoming [Update], Colorado [Update]"
- 2006 "The Self-Sufficiency Standards for... Pennsylvania [Update], Virginia [Update], Washington state [Update], Massachusetts [Update]"
- 2005 "The Self-Sufficiency Standards for... Wyoming, New Jersey [Update], West Virginia [Update], Washington, DC Metro Area [Update], Indiana [update], and Connecticut [Update]. Seattle, WA: University of Washington.
- 2004 "Work – and Work Supports Study". Prepared for Wider Opportunities for Women [summarized as "Coming Up Short: A Comparison of Wages and Work Supports in 10 American Communities" available at www.wowonline.org]
- 2004 "The Self-Sufficiency Standards for... Wisconsin [update]", ...Pennsylvania [Update]", and New York City [update]", Colorado. Seattle, WA: University of Washington.
- 2003 The Self-Sufficiency Standards for... Alabama, California [update], Delaware, Hawaii, Louisiana, Massachusetts [Update], and Mississippi. Seattle, WA: University of Washington.

- 2003 "Overlooked and Undercounted: A New Perspective on the Struggle to Make Ends Meet in California," with Rachel Cassidy. Prepared for Wider Opportunities for Women and Californians for Family Economic Self-Sufficiency and Californians for Family Economic Self-Sufficiency, a project of the National Economic Development and Law Center. Available at www.nedlc.org.
- 2003 "Public Policies & Private Strategies" Prepared with PathWaysPA, formerly Women's Association for Women's Alternatives.
- 2002 "Report to NOVIB-OXFAM on Activities and Situation of Women's NGOs in Uzbekistan and Tajikistan: Efforts and Effects on the Issue of Violence Against Women; co-author, Nodira Azimova, (Sociology Center *Sharhva Tavsiya* & National University of Uzbekistan)
- 2002 "The Self-Sufficiency Standards for... Arizona, Florida, Georgia, Indiana [Update], Missouri, Montana, Nebraska, Nevada, New Jersey [update], Oklahoma, Virginia, Tennessee, and West Virginia [with Jennifer Brooks]". Seattle: University of Washington.
- 2001 "The Self-Sufficiency Standard for Pennsylvania", (2nd Update), for Women's Association for Women's Alternatives. Seattle, WA: University of Washington.
- 2001 "The Self-Sufficiency Standard for Washington State", with Jennifer Brooks, for the Washington Association of Churches, the Washington Living Wage Movement and the Washington Self-Sufficiency Standard Committee
- 2001 "The Self-Sufficiency Standard for Colorado", with Jennifer Brooks, for Colorado Fiscal Policy Institute
- 2001 "The Self-Sufficiency Standard for Kentucky", with Jennifer Brooks, for Kentucky Youth Advocates
- 2001 "The Self-Sufficiency Standard for Illinois", [Update] with Jennifer Brooks, for Kentucky Youth Advocates
- 2001 "The Self-Sufficiency Standard for Maryland", with Jennifer Brooks, for Advocates for Children and Youth and the Center for Poverty Solutions
- 2001 "The Self-Sufficiency Standard for Utah", with Jennifer Brooks, for Utah Children
- 2000 "The Self-Sufficiency Standard for South Dakota," with Jennifer Brooks, for South Dakota Women Works and South Dakota Community Concepts
- 2000 "The Self-Sufficiency Standard for New York State," with Jennifer Brooks, for the State of New York
- 2000 "The Self-Sufficiency Standard for New York City," with Jennifer Brooks, for the Women's Center for Career Advancement and Education (NYC)
- 2000 "The Self-Sufficiency Standard for Washington, DC Metro Area", with Jennifer Brooks, for Wider Opportunities for Women

- 2000 "The Self-Sufficiency Standard for Wisconsin," with Jennifer Brooks, for the Wisconsin Women's Network
- 1999 "The Self-Sufficiency Standard for Connecticut," with Jennifer Brooks, for the State of Connecticut
- 1999 "The Real Cost of Living: The Self-Sufficiency Standard for New Jersey", with Jennifer Brooks, for Legal Services of New Jersey Poverty Research Institute and The New Jersey Center for Economic Policy and Education
- 1999 "The Self-Sufficiency Standard for the Washington, DC Metropolitan Area", with Jennifer Brooks, for Wider Opportunities for Women (Washington, DC)
- 1999 "The Self-Sufficiency Standard for Indiana", with Jennifer Brooks, for the Indiana Coalition on Housing and Homeless Issues
- 1999 "When Wages Aren't Enough II: How the *Child Care Works* Program Impacts Family Self-Sufficiency", prepared for the Women's Association for Women's Alternatives and the Philadelphia Citizens for Children and Youth
- 1999 "The Self-Sufficiency Standard for Pennsylvania", with Jennifer Brooks, for the Women's Association for Women's Alternatives (Pennsylvania- Update).
- 1998 "The Self-Sufficiency Standard for Massachusetts", with Jennifer Brooks, for the Women's Education and Industrial Union
- 1998 "The Self-Sufficiency Standard for Illinois" with Jennifer Brooks, for Women Employed
- 1998 "When Wages Aren't Enough: Using the Self-Sufficiency Standard to Model the Impact of Child Care Subsidies on Wage Adequacy", prepared for the Women's Association for Women's Alternatives and the Philadelphia Citizens for Children and Youth
- 1998 "The Road to Self-Sufficiency: Modeling the Impact of Subsidies Using the Self-Sufficiency Standard," prepared for the Pennsylvania Family Economic Self-Sufficiency Project and the Women's Association for Women's Alternatives
- 1997 "The Self-Sufficiency Standard for Pennsylvania," with Jennifer Brooks with the assistance of Janice Hamilton Outtz, for the Women's Association for Women's Alternatives
- 1997 "The Self-Sufficiency Standard for North Carolina," with Janice Hamilton Outtz and Jennifer Brooks, prepared for NC Equity Sustainable Family Initiative
- 1997 "The Self-Sufficiency Standard for the District of Columbia," with Janice Hamilton Outtz, Roberta Spalter-Roth, and Jennifer Brooks
- 1997 "The Self-Sufficiency Standard for the City of Alexandria, Arlington County and Fairfax County, Virginia" with Janice Hamilton Outtz and Jennifer Brooks
- 1997 "The Self-Sufficiency Standard for the Montgomery County and Prince George's County, Maryland" with Janice Hamilton Outtz and Jennifer Brooks

- 1997 "Report on Higher Education in Uzbekistan, With Particular Attention to Issues Facing Women Students, with Marfua Tokhtakhodjaeva", presented to the Ministry of Higher Education, Uzbekistan, and Human Rights Officer, United States Embassy, Tashkent
- 1997 "The Self-Sufficiency Standard for Texas," with Janice Hamilton Outtz and Jennifer Brooks.
- 1996 "The Self-Sufficiency Standard for California"
- 1996 "The Self-Sufficiency Standard for Iowa," prepared for the Department of Economic Development, State of Iowa
- 1995 "From Welfare to the Workplace: A Practitioners' Plan," Wider Opportunities for Women, Washington, D.C.
- 1994 "Women Work, Poverty Persists: A Census-Based Report on Displaced Homemakers and Single Mothers in 1990," prepared for Women Work! A Network for Women's Employment [formerly the National Displaced Homemakers Network], Washington, D.C.
- 1994 "Living on the Edge: Doubled-Up Families in America," Women and Poverty Project, Washington, D.C.
- 1993 "Breaking with Tradition: Women and Nontraditional Training in the JTPA System", Final Report to the Women's Bureau, U.S. Department of Labor, on Contract #J-9-M-1-0074.
- 1990 The More Things Change...A Status Report on Displaced Homemakers and Single Parents in the 1980's," prepared for the National Displaced Homemakers Network.
- 1990 "Report on the Impact of Job Training and Welfare-to-Work Programs on Children and Their Families in Connecticut," Connecticut Children's Commission.
- 1990 "Keys to New Lives: A Report on Seven Transitional Housing Programs," prepared for the Northwest Area Foundation.
- 1989 "Final Report: Low Wage Jobs and Workers: Trends and Options for Change," (with Roberta Spalter-Roth), Institute for Women's Policy Research and Displaced Homemakers Network, for the Department of Labor, Employment and Training Administration.
- 1988 "High Skill and Low Pay: The Economics of Child Care Work" (with Heidi Hartmann), for the Child Care Action Campaign; presented at the Child Care Action Campaign Conference at Wingspread (WI).
- 1988 "Report of Key Findings From a Participant Follow-Up Study," conducted for the District of Columbia Private Industry Council (with Vikki Gregory), Gregory Resource Group.
- 1988 "A Woman's Guide to Welfare Reform," Women and Poverty Project/Institute for Women's Policy Research.
- 1987 "Magnet Schools and Milliken II: A Survey of Twenty Urban School Districts," prepared for David Tatel, Esq. of Hogan and Hartson, on behalf of the Council of Great City Schools.

- 1986 "Perspectives on Poverty: Welfare Reform," for the National League of Cities.
1984 "Final Report to the Potomac Institute on the Civil Rights Issues and Implications of School Closings," (September, 1984).
- 1983 "A Sheltered Crisis: The State of Fair Housing Opportunity in the Eighties." Prepared for the U.S. Civil Rights Commission Consultation on Persistent Mechanisms of Racial and National Origin Discrimination in Housing, (September, 1983).
- 1983 "The Annual Review of the Chicago Desegregation Plan, Spring 1983," with Joe T. Darden and Robert Crain, (March).
- 1981 "The Impact of Proposed School Closings and Related Changes on the level of Segregation in Montgomery County (Maryland)," prepared for the Montgomery County American Civil Liberties Union.
- 1981 "Housing and School Desegregation in Metropolitan Chicago," with Joe T. Darden and Reynolds Farley, report to the Chicago Board of Education, February 19, 1981.
- 1980 "Breaking Down Barriers: New Evidence on the Impact of Metropolitan School Desegregation on Housing Patterns," Final Report on Grant #G-78-01-25, to the National Institute of Education.

OTHER PAPERS (UNPUBLISHED) and PROFESSIONAL PRESENTATIONS

- "Comparing Poverty Measures: the NAS and the Self-Sufficiency Standard," at the New York State Community Action Association Meeting, Albany, New York (February, 2010)
- "Poverty Measures Old and New: A Comparison", Welfare Research and Education Conference, Administration for Children and Families, U.S.D.H.S., Washington, D.C. (May, 2009)
- "What a Difference a Measure Makes: New Perspectives on Poverty and New Applications in Anti-Poverty Programs", Montana Family Impact Seminar, Helena, MT (June, 2008)
- "A New Agenda for the New Poverty: an Approach Integrating Gender, Race/Ethnic and Working Poor Perspectives into "Anti-Poverty" Initiatives", Paper presented at the Institute for Women's Policy Research Women's Economic Justice Summit, Atlanta, Georgia (April, 2008)
- "What a Difference a Measure Makes: New Perspectives on Washington State Poverty and New Applications in Anti-Poverty Programs", West Coast Poverty Center series, University of Washington (April, 2008)
- "Voices of Women of Central Asia", AAUW Forum, Redmond, Washington.
- "What Do We Know About the Working Poor in Washington State?", presented at Working Hard and Not Getting Ahead: A Conversation about the Working Poor In King County, sponsored by the King County Workforce Council, (October, 2007)
- "Picking up the Pieces – Women's NGO's Responding to Families Under Economic and Social Stress in Muslim Central Asia", Annual Meeting of Central Eurasian Studies Society, Seattle, WA (October, 2007)

- "Presentation, "Working Towards Self-Sufficiency: A New Look at Work, Welfare, and Poverty" Administration for Children and Youth, U.S. Dept of HHS, Washington, D.C. (June, 2007)
- "Transforming under Transition: Issues and Potentials for Change in the Welfare System in post-Communist Central Asia", REECAS Northwest Conference (April, 2007)
- "Is the Feminization of Poverty Happening in Central Asia? A consideration of the Evidence", Seminar, American University of Central Asia (December, 2006)
- Presentation at Eurasia and Eastern European Conference on Women's Studies, Issyk Kul, Kyrgyzstan, "Innovative Teaching Methods/Use of Class Exercises" (August, 2006)
- Preliminary Findings, Washington State Report on Income Inadequacy, Pierce County CAP Agency (April 2006)
- How the Self-Sufficiency Standard Changes Our Understanding of Poverty, National Association for State Community Services Programs, Portland, OR, (October 2005).
- Analyzing Poverty Using the Self-Sufficiency Standard, Utilities and Transportation Commission Workshop Olympia, WA, (September 2005).
- Changing Measures, Changing Perspectives: How The Self-Sufficiency Standard Yields New Understandings Of The Nature Of Poverty (presented at ASA, August, 2005).
- The Self-Sufficiency Standard and Child Poverty, Conference on Child Welfare and Child Poverty, Northwest Institute and DSHS, Tacoma, Washington (June, 2004).
- Creating and Using Self-Sufficiency Standards, for Rediscovering The Other America: A National Forum on Poverty and Inequality, Society for the Study of Social Problems, Chicago, Illinois (August 2002).
- "New Research Tools", Setting the Standard for American Working Families: the Self-Sufficiency Summit [conference], Washington, D.C. (November, 2003).
- "How Come Hardships: Using The Self-Sufficiency Standard to Explain Who Experiences Hardships and to Explore Strategies Used to Make Ends Meet Among Post-Welfare and Working Poor Single Mothers", presented at the American Sociological Association Annual Meeting, Atlanta, Georgia (August, 2003)
- "The Self-Sufficiency Standard: The New Questions Asked, the New Answers That Result-- A Report from Fifteen States", APPAM (Association for Public Policy and Management), Washington, DC (November 2001)
- "Making the Transition: Using the Self-Sufficiency Standard to Make A Comparative Assessment of Welfare Reform", (January 2000) (submitted to ASA 2000)
- "Where Massachusetts Families Stand: Using the Self-Sufficiency Standard and the 1990 Census to Estimate Poverty in Massachusetts, by Town" by Laura Russell and Jean Bacon, with Diana Pearce, (January 2000)
- "Closing the Door: Barriers to Women's Access to Higher Education in Independent Uzbekistan," by Diana Pearce and Marfua Tokhtakhodjaeva, presented at the REECAS (Russian, East European and Central Asia Studies) Conference, Portland, Oregon, April 1998; presented revised version at American Sociological Association Annual Meeting, Chicago, Illinois (August, 1999)
- "The Self-Sufficiency Standard: How Much is Enough?", poster presentation at Society for Social Work

Research, Charleston, South Carolina (January 1999)

"What is Enough? Measuring Adequacy of Income Using the Self-Sufficiency Standard", presented at the American Sociological Association Annual Meeting, Toronto, Ontario, Canada (August, 1997)

"Limited Visions: An Analysis of the Clinton Welfare Reform Plan" (June, 1994; revised, November, 1994).

"Making Welfare Work: Performance Standards in Welfare Reform" (May, 1994).

"Filling the Half-Full Glass: Designing a Welfare System that Works for Women", presented at Women and Welfare Reform: Women's Poverty, Women's Opportunities, and Women's Welfare, U.S. House of Representatives, Cannon Office Building, Washington, D.C. (October, 1993).

"The Self-Sufficiency Standard: A Briefing Paper", (November, 1993)

"Chutes and Ladders: Playing the Low-Wage Employment Game," presented at the American Sociological Association Annual Meeting, Cincinnati, Ohio (August, 1991).

"The Herstory of Homelessness: A Women's Perspective on the Housing Crisis," presented at the American Sociological Association Annual Meeting, Washington, D.C. (August 1990).

"The Feminization of Poverty: A Second Look," presented at the annual meeting of the American Sociological Association, San Francisco, California (August 1989)

"Back to the Future: Women and the Welfare State at the End of the Twentieth Century," presented at the Women in the Welfare State Conference, University of Wisconsin, Madison, Wisconsin (June 1989)

"The Invisible Homeless: Women and Children," presented at Locked Out: Women and Housing, Women's Research and Education Institute. (1988)

"Taking a Second Look at the Feminization of Poverty," presented at the Women and Public Policy Seminar, Harvard University (October 1987).

"The Deservedly Poor and the Unruly Needy: Women and Welfare Reform," (unpublished paper, 1986).

"Part-time Women Workers," presented at the Eastern Sociological Meetings, (April, 1986).

"The Now and Future Impact of the Feminization of Poverty on American Society: Children, Racial Inequality and the Social Welfare Debate," (American Sociological Association/Society for the Study of Social Problems Annual Meeting, August, 1985).

"Changing Poverty: Comments on Women and Minorities in the Bishop's Letter" delivered at the Santa Clara Conference on the Bishops' Pastoral Letter on Catholic Social Teaching and the U.S. Economy, University of Santa Clara, (CA), January, 1985.

"Recovery for Whom? Women and Poverty in the U.S. in the Eighties," presented at the Conference on Religion, the Economy and Social Justice, held at the State University of New York, Stonybrook (November, 1984).

"New Knots or New Nets: Towards a Model of Advocacy to Meet the Needs of Single Parent Heads of Household," prepared for the Conference on Poor Clients Without Lawyers: What Can Be Done, held at the

University of Wisconsin Law School (October, 1984) and published in the *Clearinghouse Review*.

"Lessons Not Lost: The Impact of School Desegregation on the Racial Ecology of Large American Central Cities," with Robert L. Crain, Reynolds Farley, and Karl Taeuber. Paper presented at the American Educational Research Association Annual Meeting (New Orleans, April, 1984).

"They Never Knocked on My Door: Women and the War on Poverty," paper presented at the American Political Science Association Annual Meeting, (Chicago, Illinois, September, 1983).

"Farewell to Alms: Women and Welfare Policy in the Eighties." Paper presented at the American Sociological Association Annual Meeting (San Francisco, September, 1982).

"Back to Basics in School Segregation: The Three R's of Race, Residence, and Resegregation," (unpub. paper), "Women's Fare Under Welfare," at conference, Women and Work in the Eighties: Perspectives From the Thirties and Forties, Berkeley, CA, May, 1981.

"Is Racial Steering a Form of Institutional Racism?" presented at Institutional Racism Seminar, University of Illinois at Champaign-Urbana, September, 1980.

"Institutional Racism in Housing: Myths and Realities," in *For the Record: Fair Housing, Laws and Social Reality*, published by the League of Women Voters, Lexington, KY, April, 1980.

EXPERT WITNESS AND TESTIMONY

Testimony before Baltimore City Council, on legislation on establishing a commission on Wages and Compensation, sponsored by SEIU (Service Employees International Union) (July 2004)

Statement before the Advisory Council on Unemployment Compensation, "Reframing the Issues: the UI Program in a time of Block Grants and Working Mothers", (May, 1995).

"Moving from Welfare to the Workplace," Testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives *Contract With America* Hearings on Welfare Reform (February, 1995).

Statement before the Working Group on Welfare Reform, Family Support and Independence, Washington, D.C. (August, 1993).

Testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C. (September, 1992).

Expert Witness, school segregation and housing patterns, Rocky Mount, North Carolina, for the NAACP Legal Defense Fund (1991).

Testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives, on Women and Unemployment Insurance Issues (February, 1991)

Testimony before the Joint Select Task Force on the Changing Family, California Legislature, on Housing and Homelessness Trends and the Single Parent Family (April, 1989).

Testimony before the Subcommittee on Housing and Community Development, Committee on Banking, Finance, and Urban Affairs, U.S. House of Representatives, on the Invisible Homeless and Federal Housing Policies (March, 1989).

Testimony before the U.S. Senate, Committee on Labor and Human Resources, Subcommittee on Children, Drugs, and Alcoholism, on Child Care Workers' Salaries (March, 1988).

Testimony before the U.S. Senate, Judiciary Committee, Subcommittee on the Constitution, on amending Title VIII of the Civil Rights Act (the Fair Housing Act) to forbid housing discrimination against families with children (April, 1987).

Testimony before Montgomery County (MD) Council on Crossways, proposed housing project for women-maintained families in transition (May, 1987).

Expert Witness, NAACP, Milwaukee, on school and housing segregation (1987).
Testimony before the U.S. House of Representatives, Employment Opportunities Subcommittee on the "invisible ghetto" of part-time and temporary workers (July, 1987)

Testimony before the U.S. Congress, House of Representatives, Agriculture Committee, Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, on "workfare" and food stamps (September, 1986).

Testimony before the Advisory Council on Intergovernmental Relations, White House Hearings on Welfare Reform (September, 1986).

Expert Witness, school desegregation, white flight and housing, for the NAACP Legal Defense Fund in Savannah, Georgia (1986).

Testimony before the U.S. Congress, House of Representatives, Subcommittee on Civil and Constitutional Rights, Hearing on Proposed Fair Housing Legislation, on the extent and impact of discrimination against families with children in the rental of housing (July, 1986).

Testimony before the Montgomery County Women's Commission, Women and Homelessness (April, 1986).

Testimony at hearings before the Human Services Committee, DC City Council on Workfare Legislation (April, 1986).

Testimony at DC Wage and Hours Board, Hearing on Minimum Wage Levels for Household and Day Care Workers (August, 1984).

Testimony at hearings on the Feminization of Poverty, Illinois Commission on the Status of Women (February, 1984).

Expert Witness for the NAACP on the relationship of public housing policies, school and housing segregation in Yonkers, New York, (1983-84). (*United States v. City of Yonkers, et al.* Civil Action #80CIV 6761 LBS (Southern District of New York)

Testimony before the U.S. Congress, U.S. House of Representatives, Select Committee on Children, Youth and Families, on Impact of Demographic Trends, the Recession, Economy and Federal Budget cuts on the income levels and viability of poor families (July, 1983).

Leadoff Witness, Hearings before the California State Assembly on the "Feminization of Poverty" (April, 1983).

Expert Witness, Maryland State Board of Education on impact of proposed school closings and pupil

reassignments on school and housing segregation in Montgomery County (1982).

Testimony before the U.S. Congress, U.S. House of Representatives, Committee on Civil and Constitutional Rights, September, 1981, on my research on the relationship between school and housing segregation/integration.

Expert Witness, hearing before Maryland State Board of Education regarding effects of closing a racially integrated school in Baltimore County on the future stability of the neighborhood and its schools (1981).

Expert Witness (for the Justice Department) on school and housing segregation, Ouachita Parish/Monroe, Louisiana (July, 1979).

COMMUNITY AND PROFESSIONAL (ACADEMIC) SERVICE

Fulbright Ambassador, [Speaker for Fulbright Program and Professional Conferences], 2010-Present

Member, Center for Women and Democracy Delegation to Morocco, November 2009; Member, General Networking Committee, (planning next delegation, to Vietnam), 2010-present

Member, Fulbright Association Board, 2007-present

Member, Award Committee for Public Sociologist, American Sociological Association, 2005-2008

President (2009-present) and Board Member (1999-present), Seattle-Tashkent Sister City Association, [hosts delegations from Tashkent and sends delegations to Tashkent, and related public forums and lectures on Tashkent, Uzbekistan & Central Asia]; Participant, official STSCA delegation visits to Tashkent, March 2002 & March 2004.

Founding Board Member, Shalom Zone/Young Adult Shelter d.b.a. R.O.O.T.S. [provides shelter, food, mental health/counseling and other services for young adults 18-25 in the University District]. (1999-2005).

Chair, Session "Human Development in Eurasia", From the Cold War to Post-Communism: Sixty Years of REECAS (1947-2007), REECAS Northwest: The Thirteenth Annual Russian, East European and Central Asian Studies Northwest Conference (April, 2007)

Chair, Session "Gender Issues in Central Asia: Empirical Studies in Uzbekistan," Central Eurasian Studies Society, Fifth Annual Conference, Indiana University (Bloomington) (October 2004)

Member, Community Advisory Committee, *Nickel and Dimed* [play based on book by Barbara Ehrenreich], Intiman Theatre, Seattle, WA, [included creating mock online Self-Sufficiency Calculator] (July-August, 2002)

School of Social Work, University of Washington

Committees served on: Diversity (1998-2001); International Committee (including International Social Work Extravaganza [fair]), (2000-present); Task Force on Policy for new curriculum; Task Force on new Poverty and Inequality course for the new curriculum; role-playing participant, Legislative Simulations [Nancy Amidei] (1998-2006); BASW Curriculum Committee (1998-2006).

REECAS (Russian East European Central Asian Studies) Center Faculty member, University of Washington, (1998-present)

Executive Committee (Spring, 2007-present)

Committee on Admissions (Spring, 2003; Winter, 2010).

Women's Studies, University of Washington, Adjunct faculty
Academic advisor to both graduate and undergraduate students

Reviewer for *Social Problems*, *Signs: Journal of Women in Culture and Society*, *Social Science Review* National Science Foundation grants. Member, Editorial Board, *The American Family*.
External Reviewer for Tenure, Karen Christopher, University of Louisville (Kentucky), 2005.

Outside Member, Dissertation Review Committee of Beth Harris, Department of Political Science, University of Washington, Summer 1999

Session Presider, Northwest REECAS (Russian, East European, Central Asian Studies) Conference (April, 1999)

Member, Coalition on Human Needs, Task Force on Welfare, 1988-1996; Board Member, Executive Committee Member and Secretary, 1989-1996

Member, Board of the National Low Income Housing Coalition (1989-1996).
Member, Interfaith Coalition for Affordable Housing in Montgomery County, Steering Committee and Research Committee, 1988-1989.

Board Member, Suburban Maryland Fair Housing (1984-1989).

Board Member, National Neighbors (1981-83).

Member (1981-84), and Chair (1984-85), Catholic University President's Commission on Affirmative Action.

Member (1985-87), and Chair (1987-1989), A.S.A. Committee on National Statistics.
Member, Thesis Committee of Julia Parks, Department of Sociology, American University (1984-86).

Member, Research Committee and Methods Exam Committee, Department of Sociology, American University (1985-86).

S.W.S. Observer, A.S.A. National Council Meetings (1981).

Session Organizer and Chair, 1981, A.S.A. Meetings (Toronto) on "New Approaches to School Desegregation."

Member, A.S.A. Selection Committee for the Award for a Career of Distinguished Scholarship (1980).

Session Presider, 1979 A.S.A. Meetings, September, 1979, on Sex Roles.

Session Organizer for Midwest Sociological Society Meetings, April, 1979, on school desegregation and housing discrimination.

Member and Chair, Minority Affairs Committee, School of Social Work, University of Illinois (1975-77).

TASK FORCE, STUDY AND WORKING GROUP PARTICIPATION

Member, Advisory Board, Kerner Commission 40th Anniversary Report, Milton Eisenhower Foundation

Invited Participant, The Mobility Agenda Consultation on Low-Wage Jobs, Seattle, Washington, April, 2007

Presenter, Labor Caucus, Washington State Legislature (on poverty and self-sufficiency in Washington state)

March 2007

Convenor, Task Force on Housing Issues in Welfare Reform, 1994-1996

Member, Coalition on Women and Job Training, and Welfare Reform Task Force, 1992-1996

Founding Member and Co-Chair, Women and Housing Task Force, National Low-Income Housing Coalition, 1988-present; Chair of Research Committee, 1990-present.

Member, Conference Advisory Committee, Conference on Transitional Housing for Families, National Alliance to End Homelessness, 1990.

Member, Experts Committee to Review Findings of Focus Groups on Teenage Mothers' Poverty, La Raza, June 1990.

Participant, Housing Strategy Group, 1988-1991.

Member, National Child Care Staffing Study Council, 1988-1990.

Member, Strategic Task Force, National Congress of Neighborhood Women, 1988-89.

Member, Steering Committee to Create the Institute for Women's Policy Research, 1987.

Organizer and Steering Committee Member, Women Working for Economic Justice Conference (June, 1986).

Member, Food Research and Action Committee-Organized Coalition of Organizations Concerned with Welfare Reform (1986-1987).

Charter Member (1985-present), National Coalition on Women, Work and Welfare Reform, and Contributor, Perspectives on Women and Welfare Employment (September, 1986).

Member, Working Group on Female-Headed Families in Poverty, Institute for Policy Studies (1986).

Presenter and Participant, Institute for Policy Studies seminar series on the feminization of poverty, new technology, and internationalization of jobs; member and co-author, Women's Economic Agenda Working Group (1983-85).

Participant, Working Group on Women and Employment, and Contributor to A Report on Women and Unemployment (released November 1, 1985, by the National Employment Action Council) (1985).

Participant and Presenter, Chicago Women in Research Seminar, Chicago Metropolitan Seminar, and the Regional Housing Study and Action Group (1975-80).

Workshop Evaluator, Tenth Anniversary Conference of Title VIII (Fair Housing) of the Civil Rights Act, Washington, DC, (1978).

Member, Taeuber-Loewen Writing Group on Schools and Housing, which wrote "School Segregation and Residential Segregation: A Social Science Statement," which was submitted as an appendix to the "Brief for Respondents" in the case of *Columbus Board of Education v. Penick* which was before the Supreme Court in the 1979 session; it was published in *Society* 16:5 (July/August, 1979), and in Walter Stephan and Joe R. Feagin, eds., *School Desegregation: Past, Present and Future*. (New York:

Plenum Press, 1980).

Discussant, Center for Study of Democratic Institutions, papers presented on Welfare Policy and Trends in Poverty (1977).

Participant, Working Group on Women and Employment, and Contributor to A Report on Women and Unemployment (released November 1, 1987 by the National Employment Action Council).

CONSULTATIONS/INVITED CONFERENCES/WORKSHOPS

Consultant, court cases in Colorado (payday lending) and California (loan determination criteria), 2009 & 2010

"A New Agenda for the New Poverty: An Approach Integrating Gender, Race/Ethnic and the Working Poor", Women's Economic Justice Summit, (April, 2008), Atlanta, GA

"Women's Lives in Central Asia: Contemporary Issues", AAUW, Redmond, WA (Feb, 2008)

"What do we Know About the Working Poor in Washington State?" Workforce Council of Seattle-King County Forum, Working Hard and Not Getting Ahead: A conversation About the Working Poor in King County, Seattle, WA (October, 2007)

"Self-Sufficiency and Poverty in Montana", MT State Council on Economic Opportunity (Aug 2007)

Presentation, "Aspects of Culture and Social Welfare in Central Asia", Northwest Social Studies Teachers Association, Chelan, Washington (March, 2007)

Presentation at Eurasia and Eastern European Conference on Women's Studies, Issyk Kul, Kyrgyzstan, "Innovative Teaching Methods/Use of Class Exercises" (August, 2006)

Delegation Member, Seattle-Tashkent Sister City Domestic Violence Training Team, Tashkent, Uzbekistan (funded by the U.S. State Department), (March, 2002)

Consultant (with Nodira Asimov, Uzbek Academy of Sciences) to NOVIB-Oxfam (Netherlands) on Activities of Women's Organizations in Uzbekistan and Tajikistan Regarding Domestic Violence and related issues of Violence Against Women, (August-September 2002)

Principal Presenter, Briefing for Governor Locke (Washington State) on Self-Sufficiency Standard and Impact of Proposed Changes in Washington State Minimum Wage Law, Olympia, Washington (September 2002)

Consultant, Evaluation of Women's Initiative Outcome Evaluation of Micro-Enterprise Project, 1999-2000

Family Budget "Summit" Meeting, Economic Policy Institute, Washington, DC, October 1999

Workshop Presider and Presenter, *Paths Out of Poverty: Wider Opportunities for Women National Conference*, Washington, DC, October 1999

Workshop Organizer and Presenter, "Getting from Here to There: Achieving Economic Self-Sufficiency in Washington State", Ellensburg, WA, November, 1999

Consultant, Abt Associates/Uzbekistan and Central Asia, World Bank-Government of Uzbekistan Health Reform Initiative [helped design and pretest survey, train local social scientists in survey sampling, questionnaire design,

interviewing, coding, and analysis], 1999

Consultant, Susquehanna [PA] Legal Services, Spring, 1999 [using the self-sufficiency standard in a court case to determine need/ability to repay a school loan]

Consultant, Yonkers Family and Community Project, 1997 [overseeing outcomes of Yonkers settlement of *United States v. City of Yonkers, et al.* Civil Action #80CIV 6761 LBS (Southern District of New York), November 1985

Invited Participant, Working Group on the Contingent Labor Force, Spring 1995

Invited Participant, Urban Institute Forum on Poverty and Welfare Reform, Fall 1994-Spring 1995

Invited Participant, Friedan Seminar on Downsizing, Corporate Restructuring, and Workplace Flexibility, Fall 1994

Consultant, SOZA, Inc., Project Evaluating Role of Child Care Provision in Promoting Success among Job Corps Student/Parents, Fall 1994-Spring 1995

Invited Participant, National Housing Conference Convening on "Revisioning Housing Policy" March, 1994

Invited Participant, Low Wage Workers Conference, Department of Labor, March, 1994

Invited Participant, Arlington Hill II Conference, Xerox University, January 1994

Consultant, LINC Project [women and literacy], Spring, 1994

Consultant, Children's Commission of Connecticut, Impact of Job Training on Children and their Mothers, Spring-Fall 1990

Consultant, Battered Women's Alternatives, Contra Costa County, CA (April, 1990).

Participant, Women's Agenda Projects Convening, Chicago (July, 1988).

Participant, Conference on MDRC Research on Welfare Reform (May, 1987).

Blue Mountain, Conference on Family Policy (May, 1987).

Participant, Framingham Conference on Welfare Reform (June, 1987).

Participant, Conference on Women and Mental Health (October, 1987).

Judge, National Council of Working Women, Media Awards (November, 1987).

Organizer and Participant, Convening for Women's Economic Justice, Bishops Ranch, California (June, 1986).

LECTURES/PRESENTATIONS ON WOMEN AND POVERTY

The U.S. Economic Crisis and Its Impact on Poverty and Inequality Trends: Challenges and Opportunities from a Women's Perspective, U.S. Embassy, Tashkent, Uzbekistan (February 2009)

Women, Poverty and the New Administration, ByteBack Forum (January, 2009)

The Feminization of Poverty: Only in America or a Globalizing Phenomenon?, Center for Gender Studies,

- American University of Central Asia [Bishkek, Kyrgyzstan] (December 2006)
- Women and Social Security: the Gendered Impact of Proposed Reforms, University of Washington, (April 1999)
- Poverty Post Welfare Reform, Center for Social Demography and Ecology, University of Washington, (February 1999)
- How we Measure Success in Welfare Reform, University of Chicago-Welfare Forum, Chicago, IL, (December, 1998)
- Gender and Research on Welfare Reform, Feminist Research Forum, University of Washington, (October, 1998)
- Why Work May Not End Women's Poverty, at "Does Work End Poverty? People, Policies, and Strategies in Reforming Welfare", State University of New York, Albany (June 1998)
- Women's Poverty and the Self-Sufficiency Standard, Hearing of the Commission on the Status of Women, California Legislature, Sacramento, CA (February, 1998)
- The Impact of Proposed Welfare reform on the Implementation of the VAWA [Violence Against Women Act], NOW-LDEF Congressional Briefing (May 1995)
- Welfare Reform as if People Mattered, Partnership with Hope, San Antonio TX (April, 1995)
- The Other Entitlement, Women's Initiative of AARP (November, 1994)
- Welfare Reform from a Women's Perspective, University of Buffalo School of Law, Buffalo, New York (November, 1994)
- Welfare Reform and Women, Healthy Choices for Women and Children Conference, Waterbury, CT (November, 1994)
- Welfare Reform as If Women Really Mattered, IRWG [Institute for Research on Women and Gender, Stanford] Associates, New York City, NY (October, 1994)
- Welfare Reform Panel, Advocates for Youth Board Meeting, Washington, D.C. (October, 1994)
- Welfare Reform in Washington and the States: An Update, Displaced Homemakers' Regional Conference, Atlantic City, NJ (September, 1994)
- Unemployment Insurance and the Contingent Worker: Getting out of the Employer-as-Devil Box, NAIUB Conference, Detroit, MI, (June, 1994)
- Unemployment Insurance and Welfare Reform: Preventing Welfare Dependency, Employment Law Conference, Washington, D.C. (March 1994)
- Unemployment Insurance and Women, Employment Law Conference, Washington, D.C. (March 1993)
- Women Workers and Unemployment Insurance Reform, Conference of State Women Legislators, Center for the American Women in Politics at Rutgers University, San Diego, California (November 1991)
- Homelessness and Poverty, Lehigh University (November 1991)
- Childcare, Welfare Reform and Women's Poverty, at the World Conference on Education for All, Washington, D.C. (October, 1991)
- Teen Motherhood: What is Its Role in Women's Poverty?, Stanford University (October 1991)
- Children and Women's Poverty, Connecticut Women's Assembly (October 1991)
- Women, Work and Poverty, Global Ministries, Women's Division, United Methodists (January 1991)
- Debate (with Lawrence Mead), causes and solutions for Poverty, Colby college (January, 1991)
- If Not for Us, Who? If Not Now, When? A conference on women in housing, Loyola College, Baltimore, MD. (June, 1990)
- Women and Homelessness, Univ. of Cincinnati (Feb. 1990)
- Feminization of Poverty, Univ. of California, Santa Cruz. (April, 1990)
- The Invisible Homeless, Virginia Commonwealth University (November, 1989)
- Insight, a Public Affairs program (CNN), (June, 1989)
- A Conference on Women and Poverty, Center for Peace and Justice Education of Villanova University (March, 1989)
- Addressing the Staffing Crisis, First Annual National Association for the Education of Young Children Symposium for Early Childhood Policy and Advocacy (January, 1989)
- Legislative Corps, Seminar on Day Care, American Association of School Administrators (January, 1989)
- Setting Tomorrow's Agenda: A Symposium on the Emerging Needs of Women, Chicago Women in Philanthropy

and Chicago Foundation for Women (November, 1988)
 Confronting the Challenge of Realizing Human Rights, Howard University Law School (November, 1988)
 Chicago Foundation for Women, on Women's Economic Status in the Future (November, 1988)
 Civil Rights in the United States, on Women's Struggle for Economic Justice, The Sorbonne (The Universities of Paris), Paris, France (October, 1988)
 Focus on the Family: Needs and Opportunities, Pennsylvania Directors' Association for Community Action, Inc. (October, 1988)
 Montgomery County Co-op Nursery Schools, on Child Care Workers' Salaries (May, 1988)
 Conference of Sex Equity Coordinators, on Women and Welfare Reform (May, 1988)
 Fair Housing: The Unfinished Agenda (Montgomery County, MD) on Women, Housing and Homelessness (April, 1988)
 Brookings Institution, Welfare reform consultation (April, 1987)
 National Association of Neighborhoods, Welfare Reform Session (April, 1987)
 University of New Mexico, Conference on Welfare Reform (April, 1987)
 Congressional Caucus on Women's Issues, Briefing on Welfare Reform (April, 1987)
 Bread for the World, Briefing on the Minimum Wage (April, 1987)
 Ad Hoc Child Care Coalition, Briefing on Welfare Reform (May, 1987)
 Dayton Interfaith Council of Churches, Briefing on Welfare Reform (July, 1987)
 Dayton Women Empowered, Briefing on Welfare Reform (July, 1987)
 Kansas Association of CAP Agencies, Women in Poverty (September, 1987)
 Wider Opportunities for Women/Displaced Homemakers Network "All in a Day's Work" Conference, Women and Welfare Reform (November, 1987)
 Donors' Forum, Council on Foundations, Chicago (March, 1987)
 National Council of Churches, Consultation on Poverty and Welfare Reform (January, 1987)
 Women, Homelessness and Poverty, University of Maryland-Baltimore (January, 1987)
 NETWORK Board Meeting (December, 1986)
 Commenter, White House Report on the Family, WAMU Radio (November, 1986)
 Keynote Speaker, Women Against Poverty Conference, Wisconsin (October, 1986)
 National Anti-Hunger Coalition (October, 1986)
 National Nutrition Educators Conference (July, 1986)
 National Council of Senior Citizens, Annual Meeting (July, 1986)
 Montgomery County Nutrition Seminar (June, 1986)
 California Democratic State Senators Retreat (May, 1986)
 New Directions Conference (May, 1986)
 "The Feminization of Poverty Today," Kansas City Catholic Charities Conference (May, 1986)
 "Women & Workfare," Grey Panthers (April, 1986)
 "Women and the Increase in Economic Inequalities," Institute for Policy Studies (March, 1986)
 "Women, Work & Welfare," WKYS Radio (February, 1986)
 Women in Leadership Seminar, Washington Center (DC) (January, 1986)
 Women's Studies Department, American University (November, 1985)
 Council on Foundations, Presentation on Demographics of Poverty (November, 1985)
 Southern Regional Council Annual Meeting, New Agendas on Poverty (November, 1985)
 Cleveland City Club (Luncheon address rebroadcast on radio/TV) (November, 1985)
 WSOS (Fremont, Ohio) 20th anniversary of War on Poverty (September, 1985)
 Seattle Diocese (Conference on Bishops' letter on the Economy) (May, 1985)
 University of Notre Dame (May, 1985)
 World Feminization of Poverty Conference, Ann Arbor, MI (April, 1985)
 Keynote Speaker, Women's Commission Annual Dinner, Catholic University (April, 1985)
 Health and Human Services Institute, Federation for Community Planning (March, 1985)
 American Jewish Committee Leadership Conference (November, 1985)

Urban Planners and Architects (October, 1984)
 Washington Theological Union (October, 1984)
 Catholic Laymen's Committee on the Economy (July, 1984)
 Chicago Urban League (June, 1984)
 Women's Equity Action League, Annual Meeting (May, 1984)
 UCLA Graduate School of Architecture and Urban Planning (April, 1984)
 Arizona State University Conference on Women in Poverty (March, 1984)
 Johns Hopkins University (March, 1984)
 National Conference of Jewish Women (January, 1984)
 Workshop Speaker, Conference of State Women Legislators (December, 1983)
 Bryn Mawr Conference on the Feminization of Poverty (October, 1983)
 Keynote Speaker, Kansas University Social Work Day (April, 1983)
 Morning Edition, National Public Radio (October, 1983)
 Women's Legal Defense Fund (April, 1983)
 Funding Friends (Women foundation officers in the Washington, DC area)
 Lecture, "The Feminization of Poverty," Capital Area Sociologists for Women in Society (March, 1983)
 Keynote Address, "Feminization of Poverty," Hull House Association Annual Meeting (May, 1983)
 The Campaign for Human Development (November, 1982)
 Women Employed (November, 1982)

LECTURES/PRESENTATIONS ON SCHOOL DESEGREGATION AND/OR HOUSING DISCRIMINATION

Presentations on the relationship between school and housing segregation and desegregation at U.S. Department of Housing and Urban Development, Center for Urban Education (Chicago schools), League of Women Voters, National Neighbors, Fair Housing Center Directors' Conference, Howard University, Center for Social Organization of Schools (Johns Hopkins University), South Suburban Housing Center (Chicago) Conference, Milwaukee Board of Education, Montgomery County (MD) Fair Housing Day, Wisconsin State-Wide Conference on Fair Housing (1979-84).

Moderator and Speaker, "Changing Demographic Patterns: The Impact of Fair Housing," Fifteenth Anniversary of the Fair Housing Act Conference (April, 1985).

Presentations on effect of planned school closings on levels of segregation in Montgomery County before the Maryland Advisory Committee of the U.S. Commission on Civil Rights, Suburban Education Forum, and Martin Luther King Forum (1981-82).

1/11

The Self-Sufficiency Standard for Washington State 2011

© 2011 Diana Pearce

Workforce Development Area 11 Benton-Franklin

Table 43

The Self-Sufficiency Standard for
Benton County
(Kennewick/Richland), WA 2011

Monthly Costs	Adult	Adult + infant	Adult + preschooler	Adult + schoolage	Adult + teenager	Adult + infant + preschooler	Adult + infant + schoolage	Adult + infant + schoolage
Housing	618	776	776	776	776	776	776	776
Child Care	0	650	676	325	0	1300	1326	975
Food	205	304	310	365	388	401	407	460
Transportation	243	251	251	251	243	251	251	251
Health Care	114	377	376	387	404	388	387	398
Miscellaneous	118	236	239	210	181	312	315	286
Taxes	194	412	425	303	232	577	588	484
Earned Income Tax Credit (-)	0	-28	-18	-103	-164	0	0	-16
Child Care Tax Credit (-)	0	-63	-63	-70	0	-100	-100	-110
Child Tax Credit (-)	0	-83	-83	-83	-83	-167	-167	-167
Self-Sufficiency Wage								
Hourly	\$8.48	\$16.09	\$16.42	\$13.42	\$11.23	\$21.24	\$21.50	\$18.96
Monthly	\$1,492	\$2,832	\$2,890	\$2,362	\$1,977	\$3,738	\$3,784	\$3,337
Annual	\$17,905	\$33,984	\$34,676	\$28,340	\$23,726	\$44,861	\$45,405	\$40,048

A - 46



For data sources and methodology, see
The Self-Sufficiency Standard for Washington 2011,
at www.selfsufficiencystandard.org
or contact Dr. Diana Pearce at pearce@uw.edu

The Self-Sufficiency Standard for Washington State 2011

© 2011 Diana Pearce

Table 44
The Self-Sufficiency Standard for
Benton County (Excluding
Kennewick/Richland), WA 2011

Monthly Costs	Adult	Adult + Infant	Adult + preschooler	Adult + schoolage	Adult + teenager	Adult + Infant + infant	Adult + infant + preschooler	Adult + infant + schoolage
Housing	600	754	754	754	754	754	754	754
Child Care	0	650	676	325	0	1300	1326	975
Food	205	304	310	365	388	401	407	460
Transportation	243	251	251	251	243	251	251	251
Health Care	114	377	376	387	404	388	387	398
Miscellaneous	116	234	237	208	179	309	313	284
Taxes	190	402	416	295	225	570	580	474
Earned Income Tax Credit (-)	0	-34	-25	-109	-170	0	0	-25
Child Care Tax Credit (-)	0	-63	-63	-70	0	-100	-100	-110
Child Tax Credit (-)	0	-83	-83	-83	-83	-167	-167	-167
Self-Sufficiency Wage								
Hourly	\$8.34	\$15.86	\$16.19	\$13.20	\$11.02	\$21.06	\$21.32	\$18.71
Monthly	\$1,468	\$2,792	\$2,849	\$2,323	\$1,940	\$3,706	\$3,752	\$3,293
Annual	\$17,617	\$33,500	\$34,192	\$27,871	\$23,279	\$44,478	\$45,021	\$39,520

A - 47

For data sources and methodology, see
The Self-Sufficiency Standard for Washington 2011,
at www.selfsufficiencystandard.org
or contact Dr. Diana Pearce at pearce@uw.edu

Table 45
The Self-Sufficiency Standard for
Franklin County, WA 2011

Monthly Costs	Adult	Adult + infant	Adult + preschooler	Adult + schoolage	Adult + teenager	Adult + infant + infant	Adult + infant + preschooler	Adult + infant + schoolage
Housing	556	698	698	698	698	698	698	698
Child Care	0	650	661	344	0	1300	1311	994
Food	205	304	310	365	388	401	407	460
Transportation	242	250	250	250	242	250	250	250
Health Care	114	377	376	387	404	388	387	398
Miscellaneous	112	228	230	204	173	304	305	280
Taxes	178	378	385	283	208	551	556	455
Earned Income Tax Credit (-)	0	-51	-46	-119	-185	0	0	-43
Child Care Tax Credit (-)	0	-65	-65	-70	0	-100	#VALUE!	-115
Child Tax Credit (-)	0	-83	-83	-83	-83	-167	-167	-167
Self-Sufficiency Wage								
Hourly	\$7.99	\$15.26	\$15.43	\$12.84	\$10.48	\$20.60	\$20.73	\$18.24
Monthly	\$1,407	\$2,685	\$2,716	\$2,259	\$1,845	\$3,625	\$3,649	\$3,210
Annual	\$16,881	\$32,221	\$32,587	\$27,114	\$22,140	\$43,501	\$43,786	\$38,520

A - 48



For data sources and methodology, see
The Self-Sufficiency Standard for Washington 2011,
at www.selfsufficiencystandard.org
or contact Dr. Diana Pearce at pearce@uw.edu



IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF BENTON

CITY OF KENNEWICK,
Plaintiff,

No. K54282

vs.

BRIANA WAKEFIELD,
Defendant.

DECLARATION OF BRIANA
WAKEFIELD

I, Briana Wakefield, state under penalty of perjury under the laws of the State of Washington:

1. I am disabled due to bi-polar disorder, PTSD, and ADHD. My only income is SSI of \$710 a month, which I receive about \$678 after bank fees.
2. I have four children (ages: 5, 3, 2 and 11 months) and they are currently in foster care. I am involved in a dependency case trying to regain my children. The juvenile court has determined that I am too poor to afford an attorney and has appointed a lawyer to represent me in the dependency case. I am doing everything in my power to get my babies back.
3. I have visitation with my children three days a week at three hour intervals. During visits, I am required to provide snacks, diapers and activities for the children. This costs me

1 around \$70 a month.

2 4. In addition to visitation with my children, I am required to attend my mental health
3 counselor every two weeks, my out-patient drug counselor every week, find stable
4 housing for my children, attend parenting classes and attend NA meetings two or three
5 times a week. I incur expenses for travel to and from my appointments. I have attached a
6 true and correct copy of the review order entered at my latest dependency hearing on July
7 30. *See attached Exhibit A.*

8 5. I am a recovering addict. I have been clean and sober for around 75 days now.

9 6. I moved into the Oxford House at the end of April 2013. In May, I had to pay \$195 for
10 back expenses for April and \$366 for the month of May.

11 7. I moved out of the Oxford House in June 2013 and have been homeless ever since.

12 8. I have been homeless since June 2013 and I have been couch surfing, staying in motels,
13 and staying with friends when I can. I am still currently homeless and renting a room
14 from a friend until I can find a place to live. The room rent I paid for August is \$400.

15 9. I do have a phone bill of \$60 a month (\$55 plus taxes). It is a cell phone and due to my
16 unstable housing is imperative for me to have the ability to stay connected to my
17 therapists and CPS for my children. My cell phone plan is pre-paid with Virgin mobile
18 and I am not on a contract. The plan has unlimited text messaging, minutes, and data. It is
19 important for me to have an unlimited plan as I have to stay connected with all my
20 therapists, my attorney, my CPS caseworker, my safe baby safe mom group, and friends
21 for transportation. I also need text messaging as I have been told by the CPS caseworker
22 that this is the best way to communicate with her and confirm my visitations with my
23 children, which must be done 24 hours in advance. Also, since I am homeless and do not
24

1 have access to a phonebook or wifi at home, I must look for housing on craigslist on my
2 phone, check-in and find meetings for NA, use facebook to communicate with friends
3 regarding rides and possible places to stay if I cannot find stable housing by the end of
4 the month. Just using my plan for these purposes requires more data usage than any
5 cheaper plan would allow. I cannot find any cheaper phone plan that provides these
6 minimal, necessary levels of service.

7 10. I have very little family as I grew up in foster care. I do not have a support system.

8 Currently, I have been couch surfing and staying in motels when I can afford to do so and
9 have temporary housing with a friend right now. I had hoped to get approval for an
10 apartment in Pasco starting August 1, but that did not work out.

11 11. I was unable to pay my LFO debt in May because I did not have enough money to pay
12 that and the other costs I have just to live and see my children. My expenses were the
13 following: rent for the Oxford house for May of \$366 and April's back rent of \$195; \$57
14 visitation expenses with my children; \$60 phone bill – totaling \$678. Every month I pay a
15 bank charge of \$32. I also get \$170 a month in food stamps. Usually I have to spend
16 more than that for food, especially if I do not have a place to cook and a refrigerator to
17 store groceries.

18 12. I became homeless in June due to no fault of my own and was unable to pay my LFO
19 debt. My expenses were the following: \$120 couch surfing rent; \$200 for a week at a
20 motel; \$60 for phone bill; \$40 in general toiletries; \$70 in visitation expenses with my
21 children; around \$88 in transportation costs (gas money to friends for rides and bus fare)
22 and around \$100 in extra food expenses over my food stamps due to my homelessness. I
23 was not able to pay on my LFO debt because I did not have enough money to pay that
24

1 and the other costs I have just to live and see my children.

2 13. I was still homeless the month of July and was unable to pay on my LFO debt because I
3 did not have enough money to pay that and the other costs I have just to live and see my
4 children. Due to my homelessness, I ran out of money early in the month and lived on the
5 generosity of people I know. My expenses for the month of July were: \$160 in couch
6 surfing expenses; \$60 phone bill; \$70 visitation expenses; \$38 in general toiletries;
7 around \$50 in transportation costs; around \$100 in extra food costs due to being
8 homeless; and \$200 towards a deposit on an apartment that I did not get because the
9 current tenants did not move. My aunt currently has the \$200 (as I gave it to her for safe
10 keeping since I am homeless) and I am trying to get it back from her, but she currently
11 isn't speaking to me. I hope to get the money back and use it on an apartment when I find
12 out.

13 14. I am still homeless and my expenses for August have been the following: temporary
14 room rent \$400, \$60 for phone, \$62 in transportation, \$53 in toiletries, \$42 in diapers,
15 wipes and underwear for my children, \$16 for activities during visits as required (paper,
16 crayons, finger-paints, stickers), \$32 bank charge, and \$195 in food so far this month. All
17 I have left is \$20 in food stamps and no cash which has to sustain me for rest of the
18 month. I have attached true and correct copies of my expenses from May 2013 to August
19 2013. *See attached Exhibit B and C.*

20 15. I do not have enough income to meet my basic living needs, the requirements of the
21 dependency court and pay what the court has ordered me to pay. I have needs every
22 month I cannot pay because I do not have enough money, even without making payments
23 to the court. If I had the money to pay, I would pay so I could focus all my energy on
24

1 regaining my children without having to worry about being arrested. The only reason I do
2 not pay is because I cannot when all I get is SSI and food stamps.

3 16. The court must understand that getting my children back is my top priority and I am not
4 able to volunteer for work crew at this time due to the strict schedule CPS has me on in
5 the case plan for the return of my children. I am also disabled per my SSI benefit and
6 workcrew is very hard for me with my PTSD.

7 Sworn to under penalty of perjury at Pasco, Washington on August 16th, 2013.

8 

9 Briana Wakefield
10 Defendant

JOSIE DELVIN
 BENTON COUNTY CLERK
 JUL 30 2013
 FILED

Superior Court of Washington
 County of Benton
 Juvenile Court

No: 12-7-00341-1

Dependency of:

 D.O.B.: _____

- First Dependency Review Hearing Order (FDPRHO)
- Dependency Review Hearing Order (DPRHO)
- Permanency Planning Hearing Order (ORPP)
- Clerk's Action Required. Paragraph 2.7 (CPR NSP CRD GCF), 3.18

The court will hear interim review dependency review permanency planning
 _____ on January 7, 2014 at 1:30 p.m.
 at: Benton-Franklin County Juvenile Justice Center, 5606 W. Canal Place, Kennewick, WA.

I. Hearing

1.1 The court held a hearing on July 30, 2013.

1.2 The following persons appeared at the hearing:

- | | |
|--|---|
| <input type="checkbox"/> Child | <input type="checkbox"/> Child's Lawyer |
| <input checked="" type="checkbox"/> Mother | <input checked="" type="checkbox"/> Mother's Lawyer |
| <input checked="" type="checkbox"/> Father | <input checked="" type="checkbox"/> Father's Lawyer |
| <input type="checkbox"/> Guardian or Legal Custodian | <input type="checkbox"/> Guardian's or Legal Custodian's Lawyer |
| <input checked="" type="checkbox"/> Child's GAL | <input type="checkbox"/> GAL's Lawyer |
| <input checked="" type="checkbox"/> DSHS/ Rebecca Pennala | <input checked="" type="checkbox"/> Agency's Lawyer |
| <input type="checkbox"/> Tribal Representative | <input type="checkbox"/> Current Caregiver |
| <input type="checkbox"/> Interpreter for <input type="checkbox"/> mother <input type="checkbox"/> father | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> other _____ | |

First/Dep Review/Perm Pla. Hrg Or
 (FDPRHO, DPRHO, ORPP) - Page 1 of 14
 WPF JU 03.0500 (06/2012) -
 JuCR 3.9; RCW 13.34.130, .136, .138, .145

Attorney General of Washington
 8127 W. Klamath Court, Suite A
 Kennewick, WA 99336
 (509) 734-7285

EXHIBIT
 A 76

1.3 The order is agreed contested.

- The court heard testimony from: _____
- The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

II. Findings

General

- 2.1 Child's Indian status:
- The child is not an Indian child as defined in Laws of 2011, ch. 309, § 4, based upon prior findings and order(s). The federal and Washington State Indian Child Welfare Acts do not apply to these proceedings.
 - The child is an Indian child as defined in Laws of 2011, ch. 309, § 4, based upon prior findings and order(s). The federal and Washington State Indian Child Welfare Acts apply to these proceedings. The notice and evidentiary requirements of the federal and Washington State Indian Child Welfare Acts were found in previous proceedings and are incorporated here by reference.
 - Other: Letters were sent on October 23, 2012, to the following tribes to determine if the child is of Native American Indian status: Oneida Indian Nation (Iroquoian), Tuscarora Nation (Iroquoian), Onondaga Nation New York, Saint Regis Mohawk Tribe (Iroquoian), Cayuga Nation of New York (Iroquoian), United Kettoowah Band of Cherokee Indians and Cherokee Nation of Oklahoma
- 2.2 The child's current caregiver was informed of this proceeding and his or her right to be heard by the court as required by Chapter 13.34 RCW.
- 2.3 Pursuant to RCW 13.34.030, the child was found to be dependent as to the mother father guardian/legal custodian and a disposition order was entered.
- 2.4 In the previous review period, the permanency plan in effect for the child has been:
- | Primary: | Alternative: |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> Return of the child to the home of the <input checked="" type="checkbox"/> mother <input checked="" type="checkbox"/> father <input type="checkbox"/> guardian or <input type="checkbox"/> legal custodian; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Adoption; |
| <input type="checkbox"/> | <input type="checkbox"/> Permanent legal custody pursuant to Chapter 26:10 RCW or, the equivalent laws of another state or a federally recognized Indian tribe; |
| <input type="checkbox"/> | <input type="checkbox"/> Guardianship <input type="checkbox"/> Dependency Guardianship <input type="checkbox"/> Chapter 11.88 RCW <input type="checkbox"/> Title 13.26 Guardianship; |
| <input type="checkbox"/> | <input type="checkbox"/> Long term <input type="checkbox"/> relative or <input type="checkbox"/> foster care with a written agreement; |
| <input type="checkbox"/> | <input type="checkbox"/> Responsible living skills program; and/or |
| <input type="checkbox"/> | <input type="checkbox"/> Independent living. |

- 2.5 The placement and permanent plan:
- are still necessary and appropriate.
 - are no longer necessary and appropriate and the placement shall be modified as stated in Paragraph 3.2.
 - are no longer necessary and appropriate and the permanent plan shall be modified as stated in Paragraph 3.16.
 - have been accomplished because the court entered a parenting plan, residential schedule, or nonparental custody decree, which is in the child's best interests, and which implements the permanent plan of care.
- 2.6 DSHS/Supervising Agency has has not made reasonable efforts to implement and finalize the permanent plan for the child.
- 2.7 The child has been in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed and:
- termination petition has already been filed.
 - DSHS/Supervising Agency should file a termination petition pursuant to RCW 13.34.136(3).
 - A termination petition should be filed pursuant to RCW 13.34.138(2)(d).
 - Good cause not to require the filing of a termination petition exists because of the following:
 - (CPR) The child has been placed in the care of a relative.
 - (NSP) DSHS/Supervising Agency has not provided the child's family with the services that are necessary for the child's safe return home.
 - (CRD) DSHS/Supervising Agency has documented in the ISSP a compelling reason as the basis for its determination that filing a termination petition would not be in the best interests of the child.
 - (GCF) Other:

Reports

- 2.8 The ISSP/DSHS/Supervising Agency report was was not timely submitted:
- 2.9 The child's guardian ad litem attorney has has not made a report to the court.
- The guardian ad litem has met with or personally observed the child in the past review period:
- The guardian ad litem has not met with or personally observed the child in the past review period because:

2.10 The following other parties submitted reports to the court:

Placement

2.11 Placement of the child:

A. Return Home

- The child has been residing in foster care. A reason for removal of the child as set forth in RCW 13.34.130(2) no longer exists and the child should be placed in the home of the mother father under the supervision of DSHS/Supervising Agency and the continuing jurisdiction of the court.
- DSHS/Supervising Agency has has not identified all adults known to be residing in the home and has has not conducted background checks on those persons.
- The mother father has identified the following persons as potential caregivers for the child:

B. In Home

- The child has been placed in the home of the mother father for a period of six months.
- The dependency should be dismissed. The permanency plan of return to the mother father has been achieved and court supervision is not needed.
- Court supervision should remain in effect. The placement of the child with the mother father should remain in effect under the supervision of DSHS/Supervising Agency subject to further review by the court.

C. Out of Home

- The child remains placed out of home. There is a continuing need for out-of-home placement for the child and it would be contrary to the child's welfare to return home. The child should remain in the care and custody of DSHS/Supervising Agency to be placed or remain in:
- Relative care with _____ [name].
- Relative placement, although preferred, is not in the best interest of the child and the child shall continue or be placed in:
- Foster care.
- Placement with a suitable person _____ [name].
- Placement with an adoptive parent or other person with whom the child's siblings or half-siblings live.
- Other:

The child is removed from the home. It is currently contrary to the child's welfare to remain in the home. Reasonable efforts have been made to prevent the removal of the child and were unsuccessful. The child should be placed in the custody, control, and care of DSHS/Supervising Agency for placement in:

Relative care with _____ [name].

Relative placement, although preferred, is not in the best interest of the child and the child shall continue or be placed in:

Foster care:

pending completion of DSHS/Supervising Agency investigation of relative placement options.

because there is no relative or other suitable person who is willing, appropriate, and available to care for the child, with whom the child has a relationship and is comfortable.

because there is reasonable cause to believe that relative placement would jeopardize the safety or welfare of the child and/or hinder efforts to reunite the parent(s) and child.

Placement with a suitable person _____ [name].

Placement with an adoptive parent or other person with whom the child's siblings or half-siblings live.

Other:

DSHS/Supervising Agency recommends a change in placement for the following reasons:

The child is an Indian child as defined in Laws of 2011, ch. 309, §4 and this placement complies with the placement priorities in Laws of 2011, ch. 309, §18 and 25 U.S.C. §1915.

The child is is not in an appropriate placement that adequately meets all his or her physical, emotional, cultural, and educational needs.

DSHS/Supervising Agency has has not considered out-of-state placements for the child.

There are no appropriate out-of-state placements at this time.

Other:

The mother's father's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent. DSHS/Supervising Agency should provide housing assistance.

Notwithstanding the objection of the Department, the court is ordering the Department to place the child with _____. The Department has informed the court that it cannot ensure the safety of the child in this placement due to criminal disqualifications, administrative findings, a homestudy not being completed, _____

Compliance and Progress

2.12 DSHS/Supervising Agency has has not made reasonable efforts to provide services to the family and eliminate the need for out-of-home placement of the child.

A. Compliance with Court Order

Agency _____ yes no partial: _____

Mother _____ yes no partial: _____
no stable living environment; missed UA's; completed mental health intake & currently compliant w/mental health services.

Father _____ yes no partial: father has established paternity, has completed mental health recommendations, has completed UA's and followed substance abuse recommendations and treatment, however, he has not documented 60 days clean and sober which was required prior to engaging in a parenting assessment and he was terminated from domestic violence service but has re-engaged; posted positive UA's; awarded. No contact order w/mother. father is at 47 days w/o using marijuana.

Father _____ yes no partial: _____

Father _____ yes no partial: _____

Child _____ yes no N/A: _____ partial: _____

Other (guardian or intervenor) _____ yes no partial: _____

B. Progress toward correcting the problems that necessitated the child's placement in out-of-home care:

Mother _____ yes no partial: _____

Father _____ yes no *see above*

Father _____ yes no partial: _____

Child _____ yes no partial: _____

Other (guardian or intervenor) _____ yes no partial: _____

Visitation

2.13 The mother has has not visited the child on a regular basis.

Reasons why visits have not occurred or have been infrequent:

2.14 The father has has not visited the child on a regular basis.

Reasons why visits have not occurred or have been infrequent:

2.15 The child is placed out of the home and the court has considered the child's placement, contact, and visits with the child's siblings in accordance with RCW 13.34.130(3). Placement with, contact, or visits between siblings:
 has occurred
(specify): _____

- has not occurred because:
- there is reasonable cause to believe that the best interests of the child or siblings would be jeopardized,
 - the court does not have jurisdiction over the siblings in question and the parents are not willing to agree to a plan, or
 - efforts to reunify the parent with the child would be hindered by such placement, contact, or visitation.
 - Other: _____

Permanency Planning Findings – Required at Permanency Planning Hearing

- 2.16 The permanent plan for the child has has not been achieved.
- 2.17 Service providers have have not been involved in planning to meet the special needs of the child and the child's parent.
- 2.18 January 2014 is the projected date for:
 return of the child to his or her home.
 placement for adoption.
 establishment of a guardianship.
 implementation of the following alternate plan of care: _____

2.19 [] The permanency plan identifies independent living as a goal and services should be provided to assist the child in making a transition from foster care to independent living and allow the child to manage his or her financial, personal, social, educational, and non-financial affairs.

DSHS/Supervising agency [] has [] has not identified specific services to be provided to assist the child in making a transition from foster care to independent living.

2.20 [] The child has been placed in the home of the [] mother [] father for a period of at least six months.

[] The permanent plan of return to the [] mother [] father has been achieved and court supervision is not needed.

[] Court supervision should remain in effect. The placement of the child with the [] mother [] father is continued under the supervision of the court until the next review hearing.

[] The following conditions apply to the continued placement of the child with the [] mother [] father: Comply with court ordered services and responsibilities.

Other

2.21 Other:

III. Order

Placement

3.1 [X] The child remains a dependent child pursuant to RCW 13.34.030(6) [] (a) [X] (b) [X] (c). Court supervision shall continue.

3.2 [] An Order Dismissing Dependency shall be entered.

3.3 [X] The child shall be in the care and custody of DSHS/Supervising Agency for placement in:

[X] Foster care.

[] Relative placement with _____ (name).

[] The home of a suitable person _____ (name).

- The home of an adoptive parent or other person with whom the child's siblings or half-siblings live.
- The home of the mother father for a trial return home under the continued supervision of the court.
 - Placement of the child in the mother's father's home is contingent upon the parent's compliance with court orders related to the care and supervision of the child, including compliance with DSHS/Supervising Agency case plan, and the mother's father's continued participation in substance abuse mental health treatment other services;

DSHS/Supervising Agency may remove the child from the home, subject to review by the court, if the parent fails to comply with the DSHS/Supervising Agency plan or court order; is unable, unwilling, or fails to participate in available services or treatment for themselves or the child; or fails to successfully and substantially complete available services or treatment for themselves or the child.

- Placement of the child in the mother's father's home is contingent upon _____ (name of caregiver) engaging in and completing additional services as listed in section 3.20 to ensure the safety of the child prior to during the trial placement of the child in the home;

If your child is placed in your care, you have an ongoing duty to notify DSHS/Supervising Agency of all persons who reside in the home or who may act as a caregiver for the child as long as the court retains jurisdiction of this matter or DSHS/Supervising Agency is providing or monitoring services to you or any caregiver of the child.

General

- 3.4 DSHS/Supervising Agency having custody of the child shall have full power to authorize and provide all necessary, routine, and emergency medical, dental, or psychological care as recommended by the child's treating doctor or psychologist, subject to review by the court, as needed.
- 3.5 All service providers shall make all records and all reports available to DSHS and the guardian *ad litem* or attorney for the child. Parents shall sign releases of information and allow all service providers to make all records available to DSHS and the guardian *ad litem* or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS shall be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.
- 3.6 The report of DSHS/Supervising Agency for the next review hearing shall be submitted to the court and to the parties at least ten (10) days prior to the hearing.
- 3.7 A petition seeking termination of the parent-child relationship between the child's mother father and the child shall be filed by DSHS/Supervising Agency not later than _____ (date).

Services and Responsibilities:

[X] The parties shall comply with the services and responsibilities listed below, to be offered pursuant to the ISSP/social study report and attachments.

General responsibilities of Parents, Guardians, and Custodians:

1. Each parent, guardian, or custodian is responsible for maintaining regular contact with the social worker;
2. Each parent, guardian, or custodian is responsible for keeping the social worker and guardian ad litem advised of a current address and/or telephone number and shall provide any updates or changes of such information within 48 hours;
3. Each parent, guardian, or custodian is responsible to provide current releases of information between all parties and treating professionals/service providers. All professionals providing services shall release and exchange information with the parties and are authorized to share information and coordinate among themselves.
4. Any evaluation ordered by the court must comply with RCW 13.34.370. [Court ordered evaluations of parties shall be performed by evaluators who are mutually agreed upon by the court, the Department, and the parent or child's counsel. If no agreement can be reached, the court shall select the expert evaluator].

The safety threats are identified in the dependency petition and ISSP's filed with the court. The services listed below are intended to address the currently identified parental deficiencies of the parents as follows:

Mother: lack of parenting skills, inability to provide a safe and stable home, substance abuse, mental health issues, domestic violence issues

Father: lack of parenting skills, inability to provide a safe and stable home, substance abuse, mental health issues, domestic violence issues

3.8 [X] Services for the mother are as follows:

1. Continue to follow all inpatient substance abuse discharge recommendations
2. Continue to take random UA's through First Step
3. Follow all mental health intake recommendations and attend all appointments
4. Follow medication recommendations of her mental health or medical providers and provide copies of all prescriptions to the social worker
5. Engage in parenting assessment education as recommended by the parenting assessment completed by Tami Tanninen

3.9 [X] Services for the father are as follows:

1. Continue to follow all substance abuse treatment recommendations which includes weekly individual sessions and after care group
2. Engage in random UA's at advocates for Wellness
3. Engage in a domestic violence perpetrator assessment and follow all recommendations

- 4. Continue to follow all mental health recommendations for individual counseling
- 5. Engage in parenting assessment education as recommended by the parenting assessment completed by Tami Tanninen *-completed, follow through w/ piece*

3.10 Additional services for the mother father shall be initiated or completed are:

as set forth in the attached service plan.

as follows:

3.11 Services for the child(ren) are as follows:

- 1. Receive routine and emergent medical, dental, and vision care as needed.
- 2. The child is to reside in placement, follow reasonable rules of placement, including curfew set by placement/caregiver, not run away, and abide by the following additional conditions:

SAY evaluation, and the child was notified that he/she may request an attorney.

The child is 12 or older and agrees to the services was notified of the services was notified that he/she may request an attorney.

Visitation

3.12 The specific visitation plan between the child(ren) and mother shall be as follows:

Two times per week for three hours, monitored. The location of the visit to be identified and approved by department. Visits may change to unsupervised with Department and GAL approval

Mother shall contact the designated visitation supervisor 24 hours in advance of the visit to confirm. Failure to confirm will result in cancellation of that visit.

Visitation between the mother and child may be expanded upon agreement of parties.

3.13 The specific visitation plan between the child(ren) and father shall be as follows:

Three times per week for three hours, monitored. The location of the visit to be identified and approved by department. Visits may change to unsupervised with Department and GAL approval upon father submitting clean UA's

Father shall contact the designated visitation supervisor 24 hours in advance of the visit to confirm. Failure to confirm will result in cancellation of that visit.

Visitation between the father and child may be expanded upon agreement of parties.

3.14 The specific plan for visitation or contact between the child and child's siblings shall be as follows:

Visitation between the siblings and child may be expanded upon agreement of parties.

Other

3.15 The foster parents/suitable others/relatives are allowed to travel out-of-state with the child for a period not to exceed two weeks after obtaining approval from all parties and the foster parents/suitable others/relatives may consent to necessary, emergent medical and dental treatment during these trips.

Other: _____

Permanency Planning Order – Required at Permanency Planning Hearing

3.16 The permanency plan for the child is:

- | Primary: | Alternative: | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Return of the child to the home of the <input checked="" type="checkbox"/> mother <input checked="" type="checkbox"/> father <input type="checkbox"/> guardian or <input type="checkbox"/> legal custodian; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Adoption; |
| <input type="checkbox"/> | <input type="checkbox"/> | Permanent legal custody pursuant to Chapter 26.10 RCW or the equivalent laws of another state or a federally recognized Indian tribe; |
| <input type="checkbox"/> | <input type="checkbox"/> | Guardianship <input type="checkbox"/> Dependency Guardianship <input type="checkbox"/> Chapter 11.88 RCW <input type="checkbox"/> Title 13.26 Guardianship; |
| <input type="checkbox"/> | <input type="checkbox"/> | Long term <input type="checkbox"/> relative or <input type="checkbox"/> foster care with a written agreement; |
| <input type="checkbox"/> | <input type="checkbox"/> | Responsible living skills program; and/or |
| <input type="checkbox"/> | <input type="checkbox"/> | Independent living. |

3.17 The court orders the following actions to be taken to move the case toward permanency:

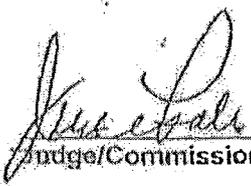
3.18 Release of Information:

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.19 All parties shall appear at the next scheduled hearing (see page one).

3.20 Other: _____

Dated: 7.30.13



Judge/Commissioner

Presented by:



Signature

Sarah A. McCalmont #44831

Print Name/Title WSBA No.

Notice: A petition for permanent termination of the parent-child relationship may be filed if the child is placed out-of-home under an order of dependency. (RCW 13.34.180.)

//

//

//

Copy Received; Approved for Entry; ~~Notice of Presentation Waived~~

[Signature]
 Signature of Mother
 Pro Se, Advised of Right to Counsel

[Signature]
 Signature of Mother's Lawyer
Kathleen L. Moreno 15725
Print Name WSBA No.

[Signature]
 Signature of Father
 Pro Se, Advised of Right to Counsel

[Signature]
 Signature of Father's Lawyer
30494
Print Name WSBA No.

Katie Traver
 Signature of Child's GAL
Katie Traver
Print Name

-vhrn

First/Dep Review/Perm Pla. Hrg Or
(FDPRHO, DPRHO, ORPP) - Page 14 of 14
WPF JU 03.0500 (06/2012) -
JuCR 3.9; RCW 13.34.130, .136, .138, .145

Attorney General of Washington
8127 W. Klamath Court, Suite A
Kennewick, WA 99336
(509) 734-7285

Briana Wakefield Expenses May 2013 - August 2013

	May	June	July	August*	Notes
Rent	\$ 561.00	\$ 320.00	\$ 160.00	\$ 400.00	*August month
Food	\$ 170.00	\$ 270.00	\$ 270.00	\$ 195.00	not completed yet
Toiletries		\$ 40.00	\$ 38.00	\$ 53.00	11 more days
Transportation		\$ 88.00	\$ 50.00	\$ 62.00	
Phone/ Communications	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	
Visitation Supplies	\$ 57.00	\$ 70.00	\$ 70.00	\$ 58.00	
Bank Charge	\$ 32.00	\$ 32.00	\$ 32.00	\$ 32.00	
Apartment Deposit			\$ 200.00		
Total	\$ 880.00	\$ 880.00	\$ 880.00	\$ 860.00	



August Expenses as of August 12, 2013

Rent	\$ 400.00	
diapers	\$ 25.00	
baby wipes	\$ 6.00	
Toilet wipes	\$ 5.00	
Child's underwear	\$ 6.00	
Finger-palnts	\$ 5.00	
stickers	\$ 4.00	
crayons	\$ 3.00	
paper	\$ 4.00	
Shampoo	\$ 3.00	
conditioner	\$ 3.00	
body wash	\$ 3.00	
razor	\$ 4.00	
deodorant	\$ 4.00	
tooth paste	\$ 3.00	
mouth wash	\$ 3.00	
feminine Hygiene	\$ 6.00	
Laundry Soap	\$ 7.00	
undergarments	\$ 7.00	
Tupperware	\$ 6.00	
lotion	\$ 4.00	
added groceries	\$ 45.00	
phone	\$ 60.00	
transportation	\$ 62.00	
Bank fee	\$ 32.00	
Subtotal	\$ 710.00	
Food Stamps	\$ 150.00	
Total as of 8/12	\$ 860.00	Only \$20 left in FS for the rest of August



NTON COUNTY DISTRICT COURT
APPLICATION FOR COURT APPOINTED COUNSEL

Name (Please Print) Briana Wakefield Date 7-9-12
Mailing Address 305 E Columbia Dr City Kennelworth State NC Zip 27283

Telephone # 5095726505 Birth Date 7-2-88 Charge(s) against you Harrasment

Are you employed? Yes No Employer Social Security

Hourly wage \$ 7.00 # hours worked each week _____ Income past 12 months? _____

Spouse? Yes No How many dependent children? 3

Is your spouse employed? Yes No Hourly wage \$ _____ # hours worked each week _____

Any other source(s) of income? NO

Checking Account Balance \$ 500.00 Savings Account Balance \$ 5.00 Cash on Hand \$ 0

Do you own real estate? Yes No Value \$ _____ Owing \$ _____

Do you own any motor vehicles? Yes No Value \$ _____ Owing \$ _____

Other property (boat, RV, jewelry, etc.)? Yes No Value \$ _____ Owing \$ _____

Rent/House Pymt. \$ <u>500</u>	Child Support \$ _____	Court Fines \$ <u>30</u>
Transportation \$ <u>20</u>	Medical Expense \$ _____	Clothing \$ <u>50</u>
Food \$ _____	Alimony \$ _____	Loan Pymnts \$ _____
Utilities \$ <u>50</u>	Insurance \$ _____	Other \$ _____

Total Monthly Expenses \$ 650

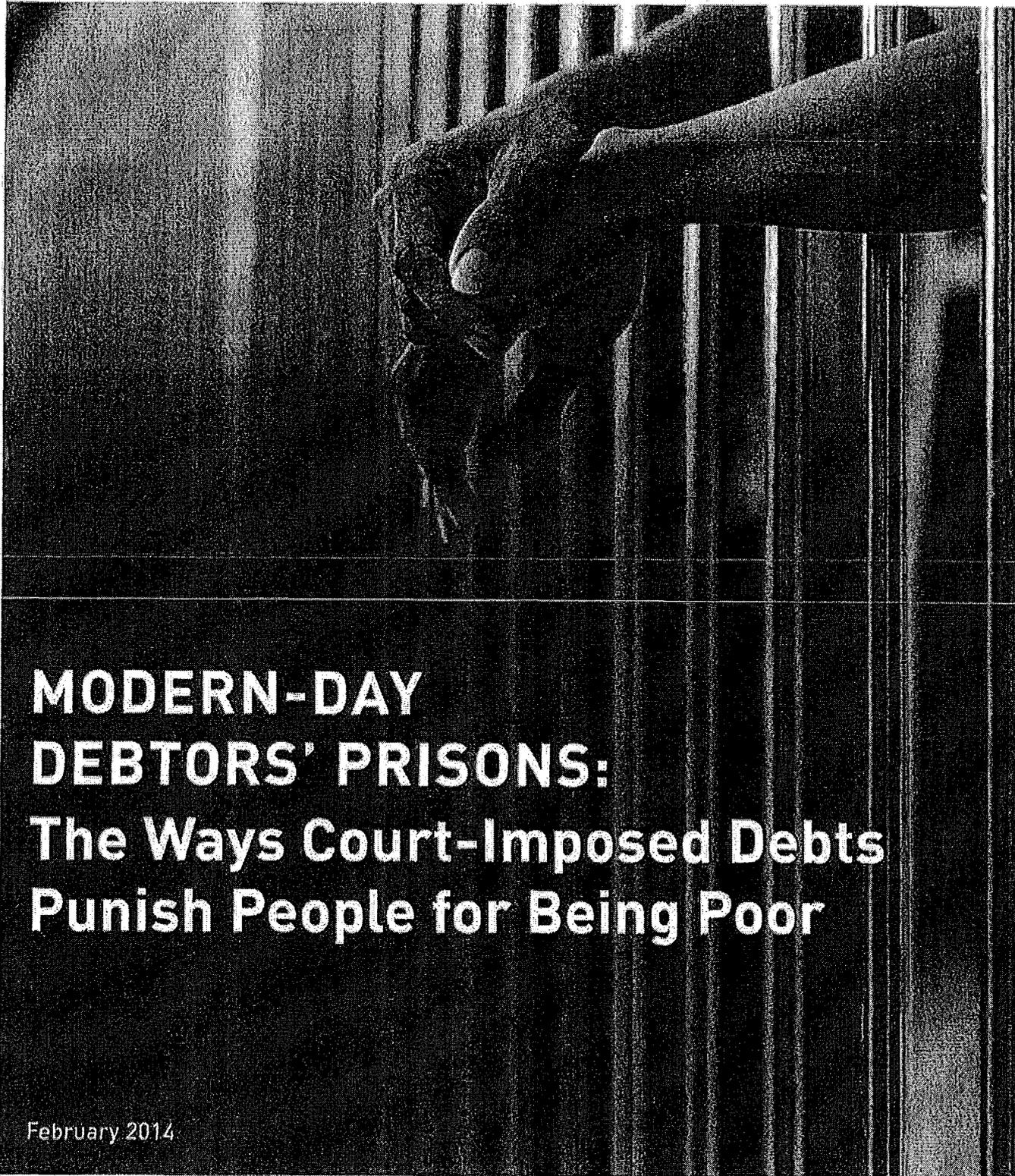
Are there other things you wish the Court to consider in determining your eligibility for Court Appointed Counsel?
If yes, state those things here:

DECLARE THAT I HAVE EXAMINED THE ABOVE AND FOREGOING APPLICATION FOR COURT APPOINTED COUNSEL AND CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF WASHINGTON

[Signature]
(sign your name here)

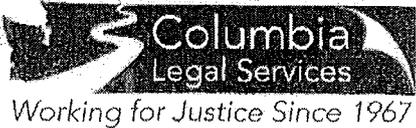
- Court Appointed Counsel is granted
- Denied, the Court having determined that defendant
 - will not incur a substantial financial hardship in employing Counsel.
 - is not charged with an offense punishable by loss of liberty.
 - has failed to complete the application adequately for the Court to make a determination of Defendant's eligibility.

DFK JMB KAB RJI TMT PROTEM JUDGE _____ Date: _____



**MODERN-DAY
DEBTORS' PRISONS:
The Ways Court-Imposed Debts
Punish People for Being Poor**

February 2014



INTRODUCTION

Men and women charged with and convicted of crimes are overwhelmingly poor.¹ According to the Washington Office of Public Defense, 80-90% of people charged with felonies are found to be indigent by the courts.² The majority of those incarcerated lack a high school diploma, have below-average literacy levels,³ and have few job opportunities.⁴ It is not surprising, then that up to 60% of former inmates remain unemployed one year after release from prison.⁵ Without adequate education and employment, people often struggle to pay for even the most basic of necessities – food, shelter, utilities, childcare, and transportation.

Washington's criminal justice practices should seek to increase the likelihood that people will successfully re-enter their communities. Yet court-imposed debt presents a formidable barrier, pushing people deeper into poverty and prolonging their involvement with the criminal justice system.⁶

Nearly every person convicted in a Washington court receives a bill for Legal Financial Obligations at sentencing.⁷ Known more commonly as "LFOs," these include the fees, fines, costs, and restitution imposed by the court on top of a criminal sentence.⁸ The average amount of LFOs imposed in a felony case is \$2540 — an amount so large that poor defendants simply cannot pay it in a lump sum. After imposition, LFOs increase rapidly due to the application of a statutorily-mandated high interest rate and other fees. Those who cannot afford to pay often face a demoralizing cycle of

court hearings, contempt charges, and arrest warrants.

The practice of imposing and collecting excessive LFOs results in a counterproductive system that punishes people simply for being poor and brings little to no benefit to the government or the general public. It even results in some poor people being locked up in jail because they cannot afford to pay debts – a modern version of the despised debtors' prison.

Regardless of the rationale behind imposing LFOs on persons convicted of crimes, in practice this system places severe, long-lasting burdens on persons living in poverty. Furthermore, there are few checks and balances in place to protect people from unfair collection and enforcement practices that fail to take into account an individual's current financial situation, as required by law.

Under these circumstances, no one wins. Impoverished persons suffer because LFOs keep them tied to the criminal justice system, often obstructing housing and employment opportunities and preventing them from rebuilding their lives. Children may be separated from their mothers and fathers who are jailed for non-payment, and households break up. The public does not benefit, as there are significant costs incurred in collecting and sanctioning persons who are too poor to pay LFOs. And incarcerating indigent defendants neither deters crime nor serves a rehabilitative purpose. The funds used to jail people for non-

... court-imposed debt presents a formidable barrier, pushing people deeper into poverty and prolonging their involvement in the criminal justice system.

payment would be better used on alternatives to incarceration, community outreach, education, and anti-poverty efforts.

CONSIDER THESE FACTS:

- **Many courts routinely impose LFOs without considering whether a person is able to pay them, contrary to state law.** People convicted of crimes in Washington are ordered to pay high amounts of fines, fees, and court costs. In superior court, the average LFO is \$2540 per case. Yet courts regularly fail to consider an individual's ability to pay when imposing discretionary court costs, as is required by state law.
- **LFOs can amount to a lifetime sentence.** After it is imposed, an LFO debt can grow quickly – due to a 12% statutorily-mandated interest rate and added collection fees of \$100 per year. A person making \$20 payments per month in an effort to repay the average LFO debt may be unable to succeed even after years of regular payment. LFOs cannot be discharged in bankruptcy and many never expire.
- **People who are unable to pay can end up behind bars as a result of procedures that violate their rights.** Courts have the power to incarcerate debtors for non-payment of LFOs and routinely use that power without considering a person's ability to pay LFOs, in violation of state and federal constitutions and case law.
- **In Benton County, approximately 20% of people booked into county jail are serving time because of LFO non-payment.** This staggeringly high rate of incarceration is entirely counterproductive. It wastes valuable state and local resources while making repayment more difficult for some due to job loss and further indebtedness resulting from incarceration.
- **The threat of incarceration forces impoverished people to choose between meeting their most basic needs and paying for LFOs.** Some Washington counties require individuals to transfer public payments for subsistence to pay for LFO debt, even though those benefits cannot lawfully be garnished or attached to pay other debt.

This report spotlights LFO practices throughout Washington state, in the hope that the courts and legislature will reexamine and reform existing policies concerning criminal justice debt. Focusing on four counties, we document problems with LFO practices and profile individuals who have been impacted. Finally, we recommend alternative practices that state lawmakers should enact and courts should employ to create a better LFO system in Washington state.

These changes will ensure that LFOs are imposed and collected in conformance with state and federal law, hold accountable those who can afford to pay, increase payments of restitution to victims, and reduce unnecessary barriers for poor people seeking to reenter society.

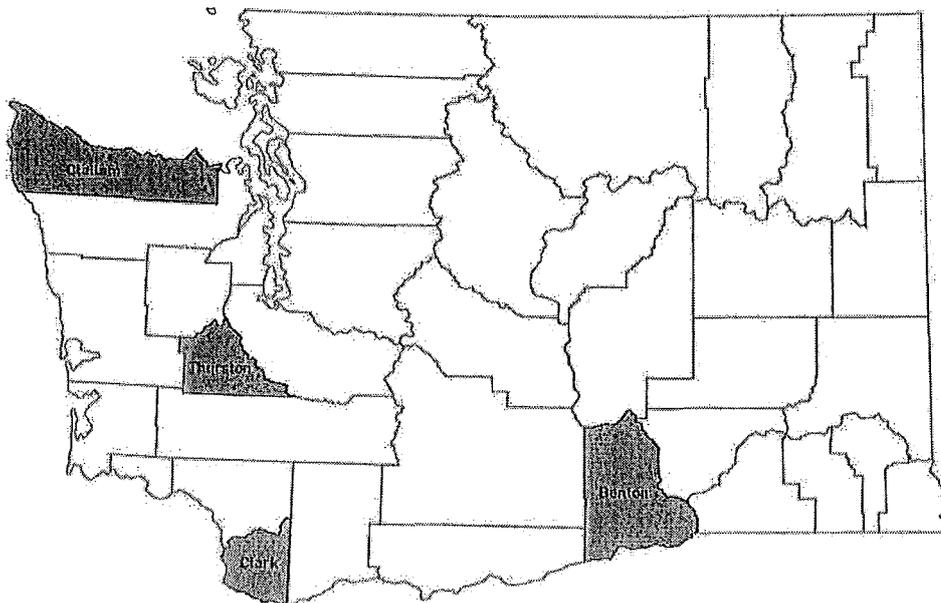
I. OUR INVESTIGATION

The ACLU of Washington (ACLU) and Columbia Legal Services (CLS) have increasingly heard from impoverished individuals struggling with LFOs. Some are currently incarcerated for failing to pay LFOs; others are trying to make payments and find ways to access relief and avoid sanctions. While we have heard from low-income individuals throughout the state, complaints about practices in a few particular jurisdictions stand out: Benton, Clark, Clallam, and Thurston counties.

This past spring the ACLU and CLS launched an investigation into LFO policies and practices in Washington state. We sought to determine how courts in different jurisdictions impose and collect LFOs from people with scant resources. We conducted court observations, reviewed court records, and interviewed debtors, attorneys, and community members in **Benton, Clark, Clallam, and Thurston Counties**. This investigation provided firsthand evidence of the impact LFOs have on Washington residents, their families, and our communities.

Our investigation uncovered problems in each of these counties, including the following:

- Courts impose discretionary LFOs (including court costs) without considering a person's present or future ability to pay.
- While state law says restitution payments to victims should take precedence, county clerks' offices garner annual LFO collection fees prior to using LFO payments to provide restitution to victims.
- The state's excessive interest rate for LFOs creates insurmountable debt for already impoverished people, prolonging their involvement with the criminal justice system and imposing severe barriers to re-entry into their communities.
- Courts require that persons use public assistance for basic needs to pay off LFOs.
- Courts incarcerate persons for nonpayment even when they are destitute and unable to pay.



II. SQUEEZING BLOOD FROM A TURNIP

LFO Policies and Practices Result in Debt That Keeps People in Poverty

Most of the individuals we spoke with explained that they would like nothing more than to satisfy their LFOs. Yet, those who cannot afford to immediately pay LFOs find themselves facing ever-increasing debt. This begins at sentencing, where courts often impose LFOs without considering the defendant's poverty. From this point, the debt quickly increases due to usurious interest rates and the imposition of annual collections fees. As a result, even those who make regular payments are unable to fully pay off LFOs. They remain tethered to the criminal justice system for decades.

They remain tethered to the criminal justice system for decades.

Imposition of LFOs

Superior courts are empowered to impose over 20 different LFOs, including the costs of using public defense,⁹ fees for requesting a jury trial,¹⁰ criminal filing fees,¹¹ and the costs incurred by the county or city for serving a warrant.¹² Some LFOs are mandatory, and a court must impose them regardless of a defendant's poverty. Mandatory LFOs include the \$500 Victim Penalty Assessment (VPA) and the \$100 DNA database fee.¹³ But most LFOs are not mandatory, and judges have wide discretion to impose or waive them.

Before ordering that a defendant pay discretionary court costs, state law requires the court to take into account the financial resources of the defendant and the nature of the burden imposed by LFOs.¹⁴ In addition, if a court finds that the defendant is indigent and does not have the current or future ability to pay costs, courts are permitted to waive all or part of the non-mandatory LFOs.¹⁵

Unfortunately, courts often fail to inquire into

a defendant's ability to pay before imposing LFOs. Even when they do inquire, Washington law provides no standard or methodology to determine whether someone has the ability to pay. The result is wide disparities in the amount of LFOs imposed in different jurisdictions throughout the state. For example, in some counties, an indigent individual is ordered to pay only the mandatory LFOs, while in other counties, including all four that we investigated, an indigent defendant routinely receives a score of discretionary LFOs that he or she may never be able to pay.

Interest and Collection Fees

An impoverished person's situation only gets worse after LFOs are imposed due to the interest rate that accrues on LFO debts. By law, superior court-ordered debt begins to accrue interest from the date of imposition at the exorbitant rate of 12% per year — including while an individual is incarcerated and therefore earning little to no money to pay off the debt.¹⁶ District and municipal court LFOs may also accrue 12% interest if the case is assigned to a collections agency and placed in collection status.¹⁷ The 12% rate is almost twice the current rate for interest in some civil cases, such as personal injury cases.¹⁸

Giving first priority to the collection fee runs contrary to state law ... Nevertheless, taking collection fees first appears widespread.

The interest rate disproportionately impacts low-income persons, because those with the

financial means to pay their LFOs quickly can avoid interest accrual that exacerbates debt burdens and prolongs criminal justice involvement.

Court collection fees add to escalating LFO debts. Court clerks in the jurisdiction where the LFOs were imposed are responsible for monitoring and collecting LFOs.¹⁹ Superior court clerks are authorized to charge individuals up to \$100 annually for collection of outstanding LFOs.²⁰ Many clerks collect this fee every year on every open LFO account.²¹ Even worse, many superior court clerks extract the collection fee from individuals' monthly payments before distributing payments to other LFOs.²² For example, if a person pays \$150 a year towards LFOs, the clerk will first deduct the \$100 collection fee before applying the remaining \$50 to restitution, fines, and court costs.

Giving first priority to the collection fee runs contrary to state law, which prioritizes restitution to victims over all other financial obligations. By law, "[u]pon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs,

and assessments imposed, unless otherwise ordered by the court."²³ Nevertheless, taking the collection fee first appears widespread.²⁴

Clark County provides a prime example of the problems that result from the imposition of a high mandatory interest rate and the discretionary annual collection fees on poor defendants.²⁵ In Clark County, the courts routinely impose discretionary LFOs without considering a defendant's ability to pay them. For example, virtually every indigent defendant in Clark County Superior Court is ordered to pay a minimum of \$800 for the cost of his or her public defender.

When both mandatory and discretionary LFOs are taken into account, the median LFO amount ordered in a single case in Clark County Superior Court is \$2072 — an excessive amount for a poor person.²⁶ Every year, this amount accrues 12% interest and the court clerk imposes a \$100 annual collection fee per open account.²⁷ Yet, on average, the county clerk collects only \$117 per year per account. Therefore, in the average case, a person owing LFOs in Clark County is barely able to pay the annual collection fee over the course of a year and makes hardly a dent in the underlying LFO balance.

III. TAKING FROM PETER TO PAY PAUL *Washington Courts Require People to Pay LFOs from Payments for Basic Needs*

Individuals who owe LFOs are often forced to make payments from funds necessary to meet their basic needs. This problem is particularly acute when a person's only income comes from public benefits, such as Temporary Assistance to Needy Families (TANF) or Social Security Disability Insurance (SSDI). These programs have been established to help the

most vulnerable meet their basic needs, such as food, housing, and child care. Yet, because failure to pay LFOs can result in jail time or other sanctions, recipients of public assistance often feel that they have no choice but to turn their payments for necessities over to the courts, to the detriment of their families or their own well-being.

In Washington, people whose only income comes from public assistance are the very definition of poor and live well below the poverty level. Under state law and court rules, persons who receive needs-based public benefits are entitled to the assistance of a public defender in a criminal case and to the waiver of civil case filing fees.²⁸ Furthermore, because public assistance recipients depend on these payments for basic needs, public benefits generally cannot be garnished or attached in order to pay creditors.²⁹

Nevertheless, we observed judges and court clerks in a number of counties ordering and allowing individuals to pay LFOs (including court costs) from public payments for basic needs. Most court clerks request specific

... recipients of public assistance often feel that they have no choice but to turn their payments for necessities over to the courts, to the detriment of their families or own well-being.

information about a person's eligibility for needs-based assistance, but then count these funds as income when setting payment plans. This practice occurs in Thurston County, which includes the state capital, Olympia. Even after public defenders successfully fought to protect two individuals from being forced to pay public benefits to LFOs, courts in Thurston County have not changed their policy. Courts will also sanction those known to subsist on needs-based assistance if they fail to pay LFOs. This practice is unlawful, as federal statutes prohibit garnishment and seizure of public assistance payments. The practice is also unfair, particularly when people are forced to surrender money necessary for their basic needs to cover court costs such as filing fees and the cost of public defense.

IV. TURNING A BLIND EYE TO FAIRNESS
Courts Jail People Without Considering Their Ability to Pay or Honoring Their Right to Counsel

Individuals unable to pay their LFOs may face an array of court sanctions, including being locked up.³⁰ In Benton County, our investigation revealed that approximately 20% of the people in custody on any given day are being sanctioned for non-payment of LFOs.³¹ While Benton County provides the most extreme example of this practice, other counties in Washington also incarcerate debtors for non-payment.³²

Benton County superior and district courts regularly fail to consider ability to pay, and instead aggressively use incarceration as a collections tool.

before a court can order jail time for failing to pay criminal debt, it must first inquire into the defendant's ability to pay.³⁴ The court should inquire into a defendant's financial resources, reasonable expenses, and good-faith effort to acquire the money to pay.³⁵ A defendant cannot be incarcerated unless, considering those factors, he has the ability to pay but refuses to do so.

Debtors' prisons are illegal. In *Bearden v. Georgia* (1983), the United States Supreme Court held that a person cannot be incarcerated for failing to pay his criminal debt if his failure to pay was due solely to his poverty.³³ Therefore,

Despite this clear guidance, both Benton County superior and district courts regularly fail to consider ability to pay, and instead aggressively use incarceration as a collections tool. How does this happen? First, Benton County imposes a wide variety of discretionary LFOs without

considering defendants' ability to pay. Payment plans are set according to the amount owed, not an individual's financial circumstances. Then, people who cannot pay the full monthly amount are ordered to appear at a failure to pay hearing.³⁶ Both the district and superior courts hold these hearings weekly, processing up to a hundred individuals in an hour or two. Those who fail to appear have warrants issued for their arrest, and are ordered to pay a \$100 fee per warrant issued, which is added to existing LFOs. Those who appear are rushed through a truncated process designed to force payment.

In Benton County District Court, the judge is the primary collection officer. At the failure to pay hearing, if a person has not previously missed payments, he is typically allowed to "restart" his payment plan. Occasionally, the court will lower monthly payments, although the court's stated policy is to require a minimum of \$25 per month. If the court refuses to restart, the person is ordered to pay the entire amount owing or report to work crew.

Benton County's work crew program is a form of partial custody supervised by a community corrections officer.³⁷ People on work crew perform manual labor for 9-10 hours, 4 days a week, and earn \$80 credit against fines per day. Therefore, a person ordered to work off \$800 in fines would need to participate in work crew for 10 days. Work crew participants are required to pay \$5 per day up front in order to participate. So, a person ordered to work crew for 10 days would need to pay \$50 to participate. For the indigent, the cost of participating in work crew is prohibitive. In addition, people who have previously failed to report, or who have been convicted of certain offenses, are not eligible for work crew.

One individual became seriously ill while participating in work crew, did not report, was charged with "escape," and then jailed for non-payment.

A person who cannot complete work crew, or who is not eligible to participate, is ordered to jail. For example, the ACLU spoke with one individual who became seriously ill while participating in work crew, did not report, was charged with "escape," and then jailed for non-payment. People who "sit out" their fines, earn \$50 of credit per day spent in jail.³⁸ So, a person ordered to sit out \$1000 in fines will spend 20 days in jail. Benton County's debtors' prison results in extremely long sentences, and often individuals end up spending more time in jail for nonpayment of fines and fees than they did for the underlying offense.

In Benton County Superior Court, the process similarly disregards federal and state constitutions and case law. At superior court failure-to-pay-fine hearings, the court clerks informally negotiate "pay or appear" agreements with individuals (meaning they must either "pay" the amount owed or "appear" before the court). Individuals are often told that they can avoid jail time by signing these agreements, and most do so without the assistance of counsel.

The court often accepts these agreements without inquiring whether the defendant can actually afford to pay. If an individual fails to make the monthly payments, the clerk then negotiates "pay or stay" agreements, where individuals agree to pay a particular amount or serve jail time. Again, these agreements are "agreed" to without the assistance of counsel and are sometimes entered into without court inquiry into an individual's financial circumstances. They also unfairly contain findings that non-payment is willful. An individual who cannot pay the ordered amount is almost invariably incarcerated. People do not earn any credit against superior court LFOs if they are sentenced to jail for non-payment. They

leave owing as much as they did upon entering jail, plus interest that accrued during that time.

In both district and superior courts, there is little meaningful inquiry into the reasons for non-payment. At no point in the district court process did we see the court (1) advise people that ability to pay is a crucial issue; (2) inquire into a defendant's actual financial resources and expenses; (3) consider waiving or reducing any LFOs due to manifest hardship; or (4) consider any alternatives to incarceration besides work crew, which is not a viable alternative for the indigent, because participants must pay \$20 per week to participate. And while some superior court judges advised people that ability to pay is a crucial issue, many individuals facing incarceration had already signed agreements and "admitted" that they had the ability to pay — without being advised of their right to assistance of counsel. The end result was regular incarceration for non-payment, even for those clearly without the means to pay.

... judges ordered incarceration for non-payment when debtors were homeless, unemployed, or had mental health or addiction issues preventing them from gaining employment.

ACLU and CLS attorneys observed both district and superior court judges order incarceration for non-payment when debtors were homeless, unemployed, or had mental health or addiction issues preventing them from gaining employment. We also observed the district court order incarceration of single parents supporting young children and people whose

only income was public assistance.

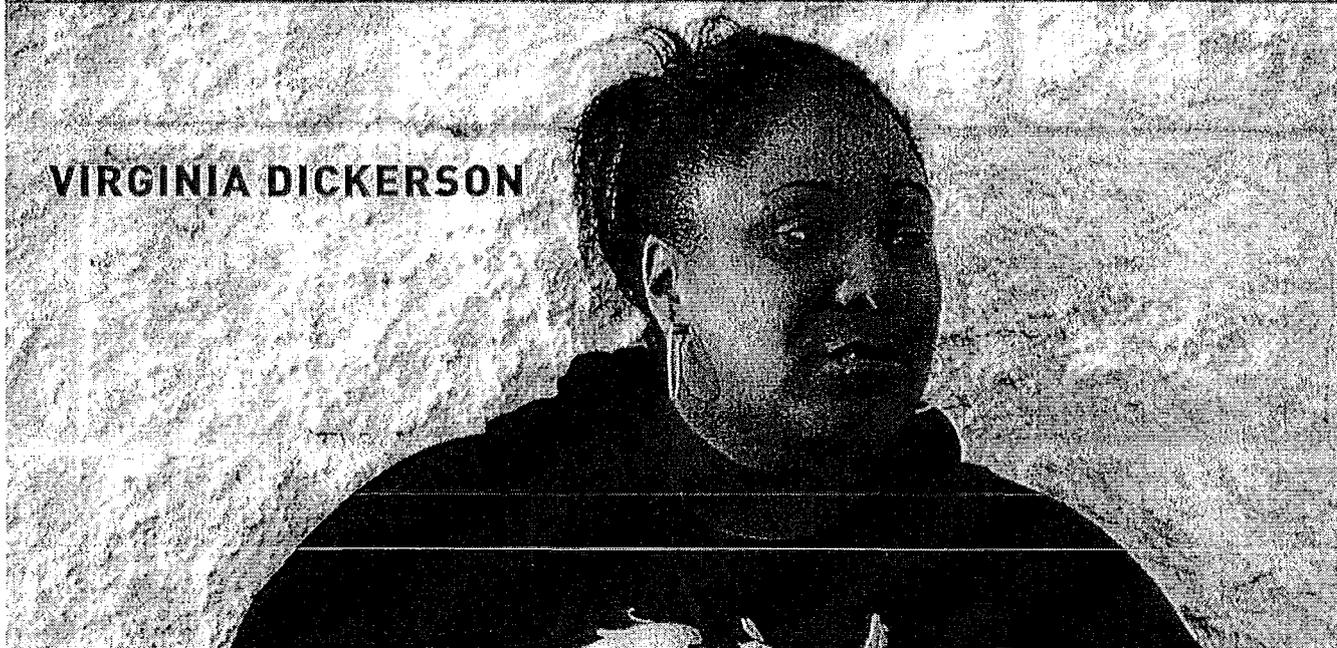
This system is costly, both for the government and individuals. The Benton County Jail spends \$68.59 to incarcerate a person for one day.³⁹ It costs \$125,000 per year to run a work crew of 8-12 individuals.⁴⁰ These figures don't account for the salaries of clerks who staff collections units, judicial time for collections hearings, and the costs of issuing and serving warrants for non-payment. It is clear that Benton County and its cities are spending hundreds of thousands of dollars every year on LFO collections.

Futhermore, most individuals in Benton County, or other counties, do not have the assistance of lawyers to protect their rights. Defendants who face the possibility of jail time because of non-payment have the right to a court-appointed attorney.⁴¹ Yet, in the hearings observed by ACLU and CLS attorneys, defendants were not told that they had the right to counsel. Most often, the judge said something along the lines of, "I'm inclined to order jail time. Do you want to talk to an attorney before I do that?" This informal statement is not enough to inform people of their rights.⁴² Most of the people serving time for non-payment did not understand that they had the right to an attorney, that their ability to pay their LFOs was a crucial issue, or that an attorney could help them make arguments to avoid jail time.

This system does not magically make indigent people able to pay LFOs. Instead, people incarcerated for non-payment lose their housing, jobs, and other opportunities to productively re-enter society. As the following profiles illustrate, the impact on individuals and their families is severe.

V. PROFILES

VIRGINIA DICKERSON



Virginia Dickerson was in and out of the criminal justice system from 1997-2009 on drug and driving-related charges. Since then, she has made major steps toward turning her life around. She has been sober for the past 32 months, is living in stable housing, has created a parenting plan for her child, and is working full-time as a server in a restaurant. She also is active in community groups and mentors at-risk youth.

Still, Virginia lives under constant pressure due to LFOs. Between 2010 and 2011, Virginia was ordered to pay the Benton County Superior Court over \$5000 in fines and penalties plus \$1920 in court costs and attorney's fees because of two drug-related convictions. She was also ordered to pay the Benton County District Court \$525 in fines and \$593 in court costs and fees for a possession of marijuana conviction in

2011. Since Virginia was released from prison 9 months ago after serving her time, she has been trying hard to pay her fines, but feels like

“ I’ve done my time...it seems it doesn’t matter if I’ve tried to pay or if I can’t pay. If I miss a month or can’t make a full payment, I’ll get a warrant and go to jail. I’m trapped. ”

the collections systems set people up for failure. “When I got out of prison, I was supposed to start paying \$50 a month to the Benton County District Court and \$40 per month to Superior Court. But I couldn’t find a job. I was willing to do any work, but it’s really hard to get work with a felony record. So, I went to the District Court to ask for an extension on paying my fines. They denied me. I couldn’t get them to reconsider my payment plan until after I’d already failed to pay the full amount for several months.”

Virginia is currently required to pay \$35 a month to the district court and an additional \$40 per month to Superior Court. She has managed to keep up with her District Court payments so far,

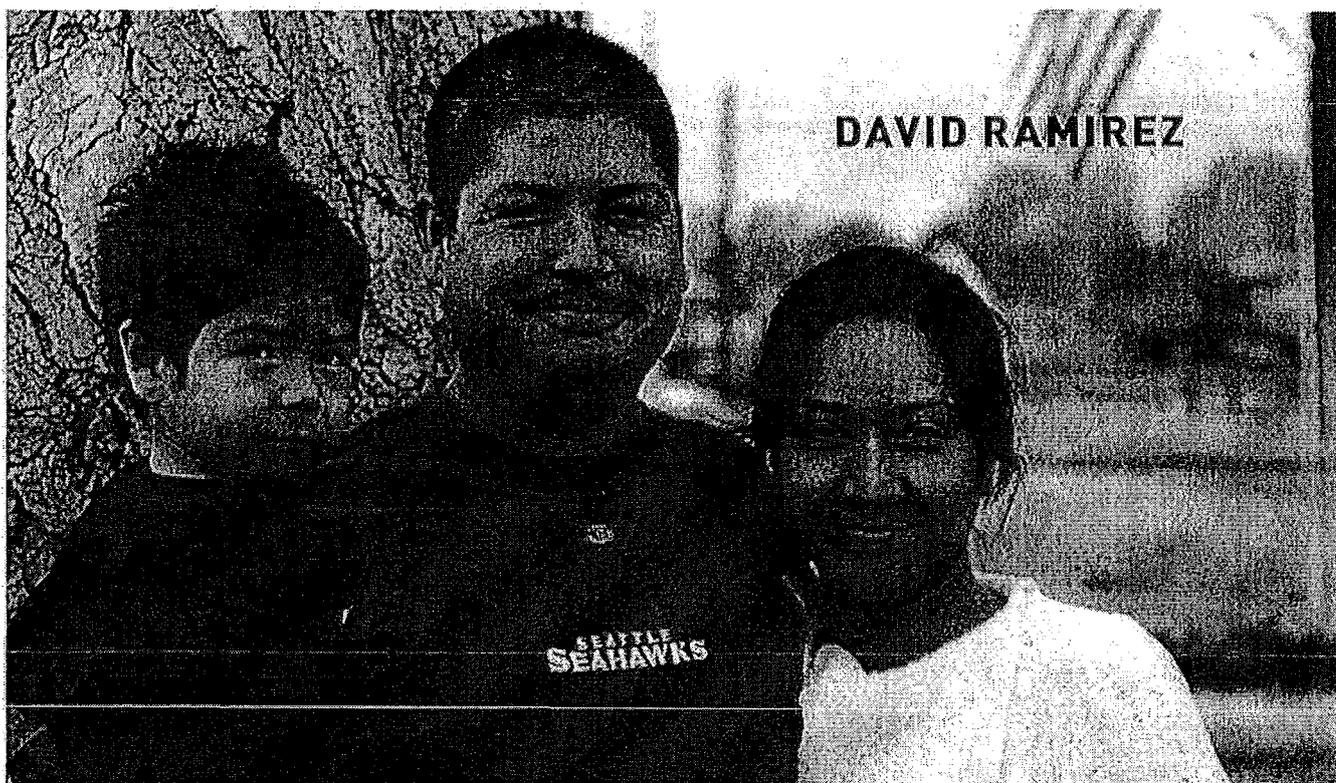
but has not been able to pay the full amount to Superior Court each month. "Sometimes, I have to choose between paying for transportation to my job or for food and paying the full amount on my LFOs." Because of this, Virginia lives in constant fear that she will have a warrant issued for her arrest or be incarcerated. "I've been locked up in the past for not paying court fines. It didn't matter that I was homeless at the time. The very clear message was that I needed to pay exactly what I was ordered, or I would go to jail. And I didn't have the money - so I went to jail."

Now, even making her best efforts to pay, Virginia feels that she will never be able to get out from under her court-imposed debt. "My

superior court fines are collecting 12% interest and it just keeps growing. I'd love to pay extra every month, but I just can't. I make minimum wage and by the time I pay my fines, rent, food, phone bill, transportation to work, and the costs of getting my license reinstated, there's nothing left."

Virginia takes responsibility for her past, and she's doing her best to try to rebuild her life. "I understand that I made choices in my life that landed me where I am today. But I've done my time. If I'm paying what I can, that should be acceptable. But it seems it doesn't matter if I've tried to pay or if I can't pay. If I miss a month or can't make a full payment, I'll get a warrant and go to jail. I'm trapped."

VIRGINIA DICKERSON BY THE NUMBERS	
Original amount owed to the Benton County Superior Court.....	\$6,920
Interest accrued since December 2010.....	\$2,124
Estimated time to full payment of principal..... (assuming \$40/month payment and 12% interest)	14.75 years
Estimated time to payment of principal & interest..	28.25 years



David Ramirez has not been convicted of a crime in 10 years, but the LFOs from his one felony case continue to haunt him. In 2003, David pled guilty to one count of residential burglary

after he entered his ex-wife's home without permission. He was ordered to pay \$2144 in restitution and over \$1147 in penalties and costs. "I wasn't making

much money at the time, maybe earning about \$10 an hour. I also had to pay \$500 per month in child support. So money was very, very tight."

For years, David has been under constant pressure to pay his LFOs in full or face incarceration. "If you miss payments, they can issue a warrant for your arrest," David explained. "To get the warrant removed, you have to pay the entire amount you owe, plus an extra \$100 warrant fee." For example, when David had a warrant issued in 2008, he was told that he needed pay \$800 to get it removed.

He said, "I didn't have that kind of money, and they wouldn't take a partial payment. So I basically lived in fear of arrest for a year until a lawyer in my church agreed to help me

“ I've had judges tell me that they don't care what my other obligations are, LFOs come first. First before anything. First before food and shelter. ”

negotiate a lower payment to quash the warrant." David was unemployed and dependent on public assistance at the time, but after 6 months, he was able to borrow enough

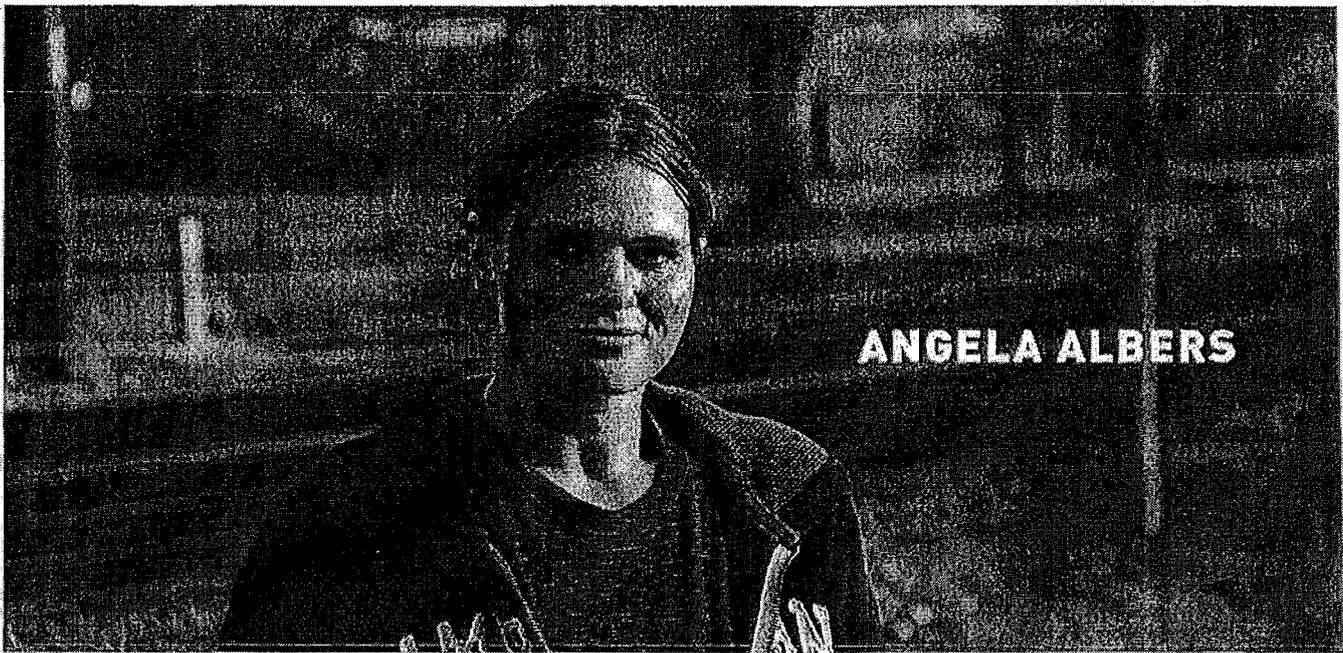
money to quash the warrant. Once the warrant was removed, David was able to get back on a payment plan, and he's been paying regularly since. David is still paying \$30 per month towards LFOs despite the fact that he's been raising 4 children and his family's sole income is public assistance. He has been unable to get back to work in his former field because of medical problems, so his family relies entirely on about \$400 from temporary assistance to needy families and food stamps.

The family's budget is tight, and David often has

to choose between meeting his family's needs and paying his fines. "Sometimes, I have to choose between paying the electricity bill and paying LFOs, or between buying my kid a winter coat and paying LFOs. The message the courts have sent to me over and over again is that if I don't pay in full every month, I'll go to jail and I'll lose everything. I've had judges tell me that they don't care what my other obligations are, LFOs come first. First before food and shelter. It doesn't matter what my family suffers, so long as the court gets paid." Even more frustrating

for David, all that he owes at this point is interest. "I have a balance of \$1838.74, and that's exactly what I owe in interest. It's discouraging to keep paying and see that interest amount grow. It's exhausting." Still, David remains hopeful, for himself and his kids. "I believe in America, you know? I love this country. I want to start a business and provide for my family. My kids are straight A students, and I want them to go to college. But right now, I feel like the fines keep me from getting up and breathing and being the person I want to be."

DAVID RAMIREZ BY THE NUMBERS	
Original amount owed.....	\$4,291
Added debt for warrants and interest.....	\$2,138
Warrant fees: \$300	
Interest: \$1838	
Outstanding balance.....	\$1,838
Time to payment of interest.....	5 years



ANGELA ALBERS

In 2012, Angela Albers spent 21 days in jail because she was unable to pay fines and court costs related to misdemeanor convictions from 2008 and 2010. "My difficulties all started in 2008 when I got a ticket for failing to stop at a stop sign," Angela said. "At the time, I was going through a divorce and I forgot to pay the ticket. My license was suspended without my knowledge." Angela was pulled over and charged twice with driving with a license suspended (DWLS), a misdemeanor. One of those times, police found a pipe in her car and charged her with possession of drug paraphernalia. All told, Angela was ordered to pay the district court \$1550 in fines and \$1399 in court costs and attorney's fees.

Angela was expected to begin making monthly payments of \$90 immediately. But without a job, she could not make the payments. "I was looking for work every day, but wasn't able to find it. I missed payments for three months, and

then the court issued a warrant for my arrest. Right after the warrant was issued, I found a job and sent a friend to pay \$160 from my first paycheck. But the clerk wouldn't take my money. She said I had to pay the entire amount

“I was getting \$126 a week from unemployment. It wasn't even enough to pay for rent and food, much less fines. I tried to talk to the clerk and explain my situation, but the clerk just told me that I had to pay the \$100 per month the court ordered.”

I was behind, plus \$200 in warrant fees. That was almost \$500 and I didn't have that kind of money." Angela turned herself in a few months later; after being jailed, she was able to get her payments restarted after she explained to the court that she had found a job. But she fell behind again. "I was making minimum wage and a huge portion of my check was going to pay child support. Once I paid for rent and food, some months I couldn't make the full payments on fines."

Still, Angela made LFO payments when she could. She succeeded in completely paying off one case and made significant progress on another. But then, she lost her job and could not find another one. "I was getting \$126 a week

from unemployment. It wasn't even enough to pay for rent and food, much less fines. I tried to talk to the clerk and explain my situation. But the clerk just told me that I had to pay the \$100 per month the court ordered."

In 2012, the court ordered Angela to work off the balance of her fines. "I begged to have my fines restarted, or to have payment delayed until I could get another job. But the judge refused." Angela says that no one asked her about her income and expenses, and the court refused to restart her fines even after she explained that she was unemployed. "I wasn't even aware that my financial situation mattered. The judge told me that I had restarted my fines for the last time and that the cases were too old. The only options were to pay off my fines in full, work them off, or go to jail."

Angela served 91 hours on the county work crew, cleaning debris out of the river and weeding on public property. She was forced to

pay \$20 a week just to participate in work crew. Unfortunately, she was removed from the work crew after a positive urine analysis and was forced to jail for 21 days, earning \$50 against her fines per day in jail. "I lost everything. I couldn't make my rent payments and I lost my home. I had to move out of state to live with friends. I couldn't see my children and it interrupted my relationship with them."

Angela takes full responsibility for the mistakes she has made. "I don't make any excuses for my past behavior, and I understand that paying a fine is part of the punishment. But it feels like a vicious cycle. The court and clerks don't try to work with you or recognize when you're trying your best. The more time you're there, the more warrants they issue, the more money you have to pay. And if you can't pay the exact amount they want, even if you could pay something, they judge you as a deadbeat before you even walk into the courtroom. You're done before you even open your mouth."

ANGELA ALBERS BY THE NUMBERS	
Total owed to Benton County District Court.....	\$2949
Fines: \$1559	
Court Costs: \$1399	
Total paid to the court.....	\$1490
Estimated cost the city spent on collection.....	\$1740
21 days in jail: \$1344	
9 days of work crew: \$300	
Estimated net loss by the government.....	\$250

C.J.

In May 2010, C.J. was convicted in Thurston County Superior Court and ordered to pay over \$3000 in LFOs. His sole source of income is SSDI, benefits that the federal government provides to persons with disabilities who have limited income and resources. The court initially ordered C.J. to pay \$25 per month towards his LFOs; however C.J. does not always have the financial resources to pay this amount. Therefore, he is ordered to regularly appear before the court to explain his failure to pay or be arrested for non-compliance and brought before the court if he does not appear.

In early 2012, the Thurston County Clerk's office discovered that C.J. would be receiving back payments of SSDI totaling almost \$2000. The court then ordered C.J. to pay the full \$2000 to his LFOs. C.J. refused to make the entire payment, and was appointed a public defender, Patrick O'Connor, who challenged the order. The court agreed with Mr. O'Connor that the SSDI payments could not be garnished or attached to pay LFOs.

Unfortunately, the court's order only applied to C.J. for a particular review period. C.J. continues to live in poverty and worries constantly about being arrested for non-

payment of LFOs. He must also attend regular review hearings to prove that his failure to pay is due to poverty. Recently, the court again ordered him to pay \$25 per month towards his LFOs despite no change in his financial circumstances. Furthermore, the county continues to issue warrants for non-payment, and C.J. has been jailed while awaiting court hearings to explain his failure to pay. Equally troubling is the fact that the court has ordered C.J. to pay a \$100 warrant service fee, which is added to his existing LFOs.

Following C.J.'s case, Mr. O'Connor brought the benefits issue to the attention of the judges in Thurston County and informed them of the problems associated with this practice. However, the court has yet to adopt a policy barring the use of needs-based benefits to pay for LFOs. Without a change in court policy, judges in Thurston County may continue to order individuals to pay LFOs using public benefits. In fact, the Thurston County public defenders recently challenged another court order requiring an individual defendant to use his Veteran's Affairs benefits to pay LFOs. If there is a silver lining to these cases, it is that the public defenders in Thurston County have recognized and addressed LFO practices that unfairly burden poor individuals.

D.Z.

D.Z. was released from Benton County jail this summer after sitting out his fines for over two months. The 26-year-old Kennewick resident has struggled with addiction issues since he was about 16 years old. When he was 18, he was convicted of being a minor in possession of alcohol and of consuming alcohol. The court ordered him

to pay \$2076 in fines, fees, and court costs. Even though D.Z. had no income, he was put on a payment plan and ordered to pay \$50 a month.

D.Z. applied for dozens of jobs, but without a high school diploma, finding a job was tough. He was homeless and had trouble meeting his basic

needs. "I wanted to pay my court fines," he said. "But I couldn't even start until I found a job." Struggling to find work, and battling addiction, D.Z. missed court dates to explain why he hadn't paid. The court then issued warrants for his arrest. Once the warrants were issued, D.Z. could not get rid of them without paying a \$100 fee per warrant.

He was arrested twice for not paying his fines. D.Z. explained, "Both times, I went to the judge and said that I couldn't pay them. I tried to explain that I didn't have a job, but that I was trying hard to find one. I was basically homeless." The first time, the judge let D.Z. restart his payment plan. The second time, he was also allowed to restart. "But," D.Z. said, "the judge told me this was my last chance. If I couldn't pay my fines every month, I would have to sit them out in jail."

In 2013, D.Z. was ordered to pay \$2376 or report to work crew. Two months later, D.Z. finally found a job working the night shift at a fast food restaurant and making minimum wage. He got one paycheck, and paid \$350 in rent for clean and sober housing. The rest of the money went to food and paying for transportation to work. Then, police officers showed up at his workplace to arrest him for failure to pay his court fines. He spent the weekend in jail, and then appeared before a judge. D.Z. tried to tell the judge that he had a job and could start

making payments after his next paycheck came through. But the judge stated that court policy was to allow only two restarts.

The judge ordered D.Z. to pay \$2376 that day or serve 47 days in jail. He was also sentenced to

“It seems like the only thing the matters to the court is money. I want to pay my fines, but it doesn't make sense to have me sit in jail if I could be working and getting the money to pay them.”

an additional 10 days in jail as a punishment for not showing up to court hearings. D.Z. said "The judge made it seem like it would be better for me - just sit it out and get it over with, right? But I lost

everything. I lost my job. I lost everything I owned. I left jail with just the clothes on my back."

D.Z. was released from prison with a voucher for one month's housing, and he is trying to find work again. His old job will not take him back after his arrest. He is hoping to enroll in an apprenticeship program, to learn to be an electrician. That dream, though, is on hold. Apprenticeship programs cost money, and D.Z. still owes \$750 to the courts. He knows that if he cannot pay those fines, he will likely end up back in jail.

D.Z. knows that he has made mistakes, but he does not understand how the county benefits from jailing him when he cannot pay fines. "It seems like the only thing that matters to the court is money. I want to pay my fines, but it doesn't make any sense to have me sit in jail if I could be working and getting the money to pay them."

D.Z. BY THE NUMBERS	
Total owed to Benton County.....	\$3130
Total paid.....	\$0
Estimated cost of incarceration.....	\$3909
57 days @ \$68.59/day	

VI. RECOMMENDATIONS FOR REFORM

People in Washington should not be punished for being too poor to pay onerous obligations set by state law and local courts, after proceedings that are often unfair or unconstitutional. Rather, Washington public policy and practice must ensure that no one is jailed or faces other legal sanctions simply because he or she is too poor to pay court-ordered debts.

LFOs should not be treated as a funding source for our court system. Rather, LFOs should be imposed for the purpose of providing restitution to victims and furthering successful re-entry of offenders. Incarceration should not be a tool to force payment from those already struggling to meet basic needs.

It should be public policy throughout Washington state that no one is jailed ... because he or she is impoverished and unable to pay debts.

There are better methods for imposing and collecting LFOs, ones that ensure that persons receive LFOs which reflect their ability to pay and then are held accountable when they choose not to make payments.

To ensure that Washington's LFO systems adhere to these values, we offer the following specific recommendations. These recommendations will not only relieve indigent persons of unfair and unnecessary burdens stemming from LFOs but also could save counties valuable resources spent on unsuccessful collection efforts.

1) Establish clear statewide criteria for determining a person's ability to pay LFOs: All courts must be required to consider the ability to pay when imposing discretionary

costs, fines, or fees, setting monthly payment schedules, and determining whether sanctions are appropriate. The courts that now currently conduct an ability to pay analysis use divergent and highly subjective standards, leading to wide disparities from county to county in imposing and enforcing LFOs. The criteria for determining ability to pay should build upon existing guidelines that determine whether a person qualifies for a public defender. The result would be a uniform standard that is applied equally to all persons facing the imposition of LFOs or sanctions for failing to pay LFOs.

2) End transfer of public payments for necessities to pay for LFOs: Persons who receive state and federal benefits have already been deemed by the government to be indigent and to require assistance to meet basic needs. The receipt of benefits should be considered a per se finding of inability to pay, and the legislature should prohibit transfer or assignment of public payments for basic needs to pay off LFOs, other than restitution.

3) Eliminate the current 12% interest rate on non-restitution LFOs, and suspend all interest during incarceration: Eliminating the interest rate during incarceration will ensure that LFO debt does not grow excessively. Interest should not accrue until 90 days after an individual is released from incarceration. This will ensure that LFO debt does not multiply when a person is unable to earn enough money to pay it off. These practices will encourage regular payment and prevent LFOs from being needlessly punitive.

4) Distribute LFO payments to restitution prior to other fees and costs: Victims entitled to restitution should be paid before any other obligation. Court collection fees should not be assessed on individuals who are keeping up with their payments or are indigent, and in any case should not be paid before victim restitution. If clerks' collections fees cannot be collected until after restitution is satisfied, victims will be paid more promptly.

5) Establish clear processes for waiver of all LFOs: Judges should have the discretion to waive any non-restitution LFOs when payment of the amounts would result in hardship that would result in a person's inability to meet basic needs or re-enter society. Defense attorneys should advocate for waiver of LFOs whenever there is reason to believe that imposition will cause such hardship. There should be a clear process to apply for such a waiver after sentencing, and the court should be required to consider waiver whenever contemplating sanctions for non-payment.

6) Ensure that individuals know their rights and have assistance of counsel whenever appearing in court or signing an order to be entered with the court for LFO collections. Our investigation found that most courts offered the assistance of counsel only at the very end of the collection process, after the court had

already determined that the failure to pay was willful and decided to impose jail time. Assistance of counsel and other procedural protections at an earlier stage in the process will ensure that persons are advised of their rights and responsibilities. The courts should also develop educational materials to make sure that individuals understand that ability to pay is a crucial issue, are informed about mechanisms for seeking relief, and are aware of their right to counsel.

7) Expand reporting requirements to account for the cost of collecting LFOs: County clerks are required to provide an annual report to the Washington State Legislature on the amounts of LFOs they collect for superior court cases.⁴³ Unfortunately, this report does not account for the costs expended to collect LFOs, including staff time, court time, jail costs, and law enforcement costs. Policy-makers would benefit from more complete reporting that includes the costs of collection.

We hope that the jurisdictions named in this report, as well as others throughout Washington, carefully examine this report and implement changes that will end excessive imposition of LFOs and the use of debtors' prisons, and will guarantee that LFOs are imposed and collected reasonably. ■

REFERENCES

¹See Alicia Bannon, Mitali Nagrecha & Rebekah Diller, "Criminal Justice Debt: A Barrier to Reentry," Brennan Center for Justice (2010) at 4; see also Washington Office of Public Defense, Update on Criteria and Standards for Determining and Verifying Indigency (2007) (stating that between 80 and 90% of those charged with felonies in the United States qualify for indigent defense).

²See Washington State Office of Public Defense, "Update on Criteria and Standards for Determining and Verifying Indigency" (2007) at 17.

³See Bannon, et. al., supra n. 1 (nearly 65% of those incarcerated in the U.S. did not receive a high school diploma; 70% function at the lowest literacy levels).

⁴See Devah Pager et al, Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records (2009) (finding that people with criminal history are half as likely to receive a follow up interview as people with similar skills and education but no criminal history).

⁵See Bannon, et. al., supra n. 1.

⁶See Katherine Beckett, Alexes Harris, & Heather Evans, "The Assessment and Consequences of Legal Financial Obligations in Washington State," Washington State Minority and Justice Commission (Aug. 2008).

⁷See Beckett, et. al., supra n. 6.

⁸RCWs 9.94A.760; 36.110.020.

⁹RCW 9.94A.030(30).

¹⁰RCWs 10.01.160; 10.46.190; 36.18.016.

¹¹RCW 36.18.020(2)(h).

¹²RCW 10.01.160.

¹³See RCW 7.68.035 (VPA); 43.43.7541 (DNA). The VPA is imposed regardless of whether the crime involved a victim. The DNA database fee is also collected whenever a defendant is convicted of a felony, regardless of whether the state has already collected his DNA.

¹⁴See RCW 10.01.160(3); see also State v. Bertrand, 165 Wn.App. 393, 404 (Div. 2, 2011).

¹⁵See, e.g., RCW 9.94B.040; 10.01.160(4); 10.73.160.

¹⁶See RCW 10.82.090; 4.56.110(4); 19.52.020. Interest is simple, meaning it accrues every year.

¹⁷See RCW 3.62.020(5); 3.62.040(5).

¹⁸As of Nov. 11 2013, many civil judgments accrue 5.25% interest. See RCW 4.56.110 (3)(b) (interest on civil judgments 2% above the federal reserve's prime rate); Federal Reserve Bank, Daily Interest Rates, available at <http://www.federalreserve.gov/releases/h15/> (last visited Nov. 11, 2013) (setting federal bank prime loan rate at 3.25%).

¹⁹RCW 9.94A.760 (8); RCW 9.94A.753(4). LFOs are collected by the clerk of the court where the underlying conviction occurred. So, a conviction in King County Superior Court will be collected by the clerk of that court.

Superior courts, which handle all felony cases in Washington, impose LFOs. So do district and municipal courts, which handle misdemeanors and violations of city codes. LFOs and the collections processes differ significantly from court to court.

²⁰RCW 36.18.016(29); RCW 9.94A.780.

²¹See Clark County Superior Court Collections Unit at www.co.clark.wa.us/courts/clerk/LFO.html. Many counties, including Clark County, also charge a per payment "convenience fee" for payments made online or through credit or debit cards. See <http://www.clark.wa.gov/courts/clerk/lfo.html>. Therefore, unless a person can appear in person to submit a cash payment, he will have to pay about 3% of each individual payment towards this fee, not his underlying LFO balance.

²²Washington Association of County Officials (WACO), "Ninth Annual Report to the Legislature on the Collection of Court Ordered Legal Financial Obligations by County Clerks as Required by Senate Bill 5990, Chapter 379, Laws of 2003," (Feb. 5, 2013) at 4 (acknowledging that clerks collect the fee "in advance").

²³RCW 9.94A.760(1).

²⁴See WACO Report, *supra* n.22, at 4 ("To supplement the funding available to support this work, many clerks assess a statutory collection fee of up to \$100 per year.").

²⁵We note that Clark County's practices in this regard are not unusual. Similar practices appeared in every other county that we investigated, and it is likely that they exist statewide.

²⁶Beckett and Harris, *supra* n. 6, at 90.

²⁷See WACO Report, *supra* n. 22 at Table 8.

²⁸See RCW 10.101.010(3) (defining people receiving TANF, food stamps, veteran's disability benefits and SSI as indigent for the purpose of obtaining a public defender); General Rule 34(3)(A) (defining people receiving such benefits as indigent and entitled to waiver of filing fees); *Jafar v. Webb*, 177 Wn. 2d 520 (2013) (holding that GR 34 requires a total waiver of all civil filing fees for indigent people, and rejecting trial court's attempt to require partial fee payment over time).

²⁹See, e.g., 42 U.S.C. § 407(a) (SSI and SSDI exempt from garnishment); 42 U.S.C. § 1383(d)(1) (same); 38 U.S.C. § 5301 (benefits administered by the Veterans Administration exempt from garnishment).

³⁰See RCW 9.94B.040(3)(a)(i); RCW 10.01.180.

³¹This estimate is based upon the ACLU's and CLS's review of jail rosters and court records between May and October of 2013. People who are in custody for non-payment of district court fines are listed as "sitting out fines" and we simply calculated the number of those individuals. To estimate how many people are in custody for non-payment of superior court fines, we identified those individuals who were listed on the jail roster as having "non-compliance with the conditions of sentence." To weed out those whose non-compliance was not LFO-related, we reviewed court records to identify those people who, before reporting to jail, were ordered to pay a specific amount to LFOs or serve time in jail. Together, the numbers for those sanctioned for non-payment of district and superior court LFOs averaged about 20% of the jail's daily inmate roster.

³²See Jody Lawrence-Turner, "Debt to Society," *The Spokesman-Review* (May 24, 2009) (Stating that on any given day, up to 200 of the estimated 1,200 people incarcerated in Spokane County's two correctional facilities are there for failing to pay LFOs; see also *State v. Nason*, 168 Wn. 2d 936 (2010) (discussing and ruling unconstitutional Spokane's former policy requiring people who hadn't paid LFOs to report to jail without a hearing). Our investigation revealed that Clark, Clallam and Thurston counties also regularly incarcerate individuals for non-payment of LFOs.

³³*Bearden v. Georgia*, 461 U.S. 660 (1983). See also WA Const. Art. 1, § 17 ("There shall be no imprisonment for debt, except in cases of absconding debtors.").

³⁴See *Bearden*, supra n. 33, 461 U.S. at 674 (stating that the lower court violated fundamental fairness by sentencing a person to prison for failure to pay without considering the reasons for inability to pay or the propriety of reducing the fine or extending time for payments).

³⁵See *Bearden*, supra n. 33, 461 U.S. 660. See also *State v. Bower*, 64 Wn. App. 227, 233 (Div. 1, 1992).

³⁶Court records indicate that warrants may also be issued even if a person hasn't missed a hearing to explain the reason for non-payment: in other words, a warrant is sometimes issued based simply on failure to pay.

³⁷See RCW 9.94A.725; 9.94A.731.

³⁸See RCW 10.01.180 (requiring credit against LFO balance for days served in jail on account of non-payment of district court fines). The Benton County jail also offers a "trustee" program, in which inmates serving a jail term work 12 hour shifts. Trustees earn \$80 per day against LFOs, allowing many to shorten their stays.

³⁹See Kristen Kraemer, "Paying District Court Fines with Jail Time Debated in Benton County, Tri-City Herald" (Nov. 4, 2013).

⁴⁰See Kraemer, supra n. 39.

⁴¹See *State v. Stone*, 165 Wn. App. 796, 814 (Div. 2, 2012).

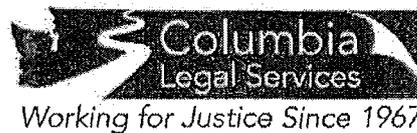
⁴²A person cannot give up their right to counsel unless waiver is "knowing, intelligent, and voluntary." See *Stone*, supra n. 41. This is a high standard, and the burden of proving voluntary waiver is on the State.

⁴³RCW 36.23.110.

This report was brought to you by the ACLU of Washington and Columbia Legal Services.



WWW.ACLU-WA.ORG



WWW.COLUMBIALEGAL.ORG

Tri-CityHerald.com

Benton County time-for-fines program criticized

Kristin M. Kraemer, Tri-City Herald November 18, 2013

- Facebook
 -
- Twitter
 -
- Google Plus
- More
 - LinkedIn
 - Reddit
 - YouTube
 -
 - E-mail
 - Print
 -
 -

Prosecutor Andy Miller left no doubt Monday he doesn't support Benton County District Court's longstanding policy of locking up criminals to wipe out their unpaid fines and court costs.

"I take the position that the current practice of converting the fines to jail ... should be either eliminated or dramatically changed," Miller told Benton County commissioners. "I think that the ordering of jail time for somebody who deserves it is very appropriate ... but how the (time-for-fines program) is working, I just don't think it's achieving what I think we need to achieve."

Miller was one of several top law enforcers who one by one took a seat before the county board Monday and suggested modifying the policy. They all said they must strike a balance between holding a criminal accountable and the cost to the public, but agreed there are no clear answers.

Almost 40 people attended the two-hour meeting in the Benton County Justice Center.

Commissioner Jim Beaver said the meeting was scheduled after an "interesting conversation" between Miller and District Court Judge Robert Ingvalson in front of the board last month.

He pointed out that the commission only has the authority to set the rate for credit. Currently, delinquents can burn off their debt at \$70 a day if they're serving on a work crew and \$50 a day if they're just sitting in jail.

Otherwise, the county board doesn't have the power to tell judges what they should do in their courtrooms, Beaver said.

He said the discussion really needs to be with prosecutors, city officials and Benton County District Court judges to see if they can reach their own resolution, but added that the board is there to "roll up our sleeves" and help get through it.

"I think we have a problem, and so with that said we just need to get together and see if we can't fix the problem," Beaver said.

Beaver moved to review the issue at another meeting. He wanted that done within a month, but agreed to push it out to January at Commissioner Jerome Delvin's recommendation.

That gives county staff a couple of months to work with criminal justice officials and break down the numbers on revenue generated in fines, the costs of housing people and how it impacts the budget.

Delvin clarified that the issue is with people who are serving out their fines at a daily bed rate of \$68.59 in the Benton County jail. Some career criminals are being locked up for several months or even a year because they're delinquent on multiple fines, and the jurisdiction that prosecuted each case must cover the jail tab.

Delvin believes they all want to keep the work crew part of the fines policy, but added that he's not going to tell the judges how to run their court, he said.

Judge Joe Burrowes, the court's presiding judge, said he and his colleagues weren't at the meeting to advocate for or against the policy. It is up to the legislative body to allow the court to do the time-for-fines program, and the judges will utilize the mechanism if it continues to be in place, he said.

Judge Ingvalson later raised his hand and interrupted the board, saying "I want to make it real clear -- you do nothing, we stay where we are. This is our practice. This is how we're going to proceed."

Benton County District Court is believed to be one of only two courts in Washington to take advantage of a state law allowing criminals convicted of misdemeanors and gross misdemeanors to serve out their unpaid legal financial obligations in exchange for credit.

Most courts just turn the nonpayers over to collection agencies.

District Court's five judges contend the practice is an effective deterrent for people who drag their feet on paying. A person is given at least three chances to explain their situation to a judge, and may even have their monthly amount adjusted, before being told it's time to do work crew or sit in jail.

City and county officials have said they're not even sure what the policy is costing them each year.

Dee Willis, a chaplain at the jail and Richland resident, has studied the issue for three years by accruing data on jail inmates, particularly those incarcerated for failing to comply with court orders.

On average, 112 inmates per day are behind bars to sit out fines, Willis said. That works out to \$2.8 million total a year for Benton County, Kennewick, Richland, West Richland and Prosser to keep these people locked up instead of forcing them to pay with another alternative. His study shows that Kennewick has the largest bill at \$1,066,000, with Benton County not far behind at \$1,037,000.

Some officials Monday questioned if Willis' numbers are a true reflection of the costs, and pointed out that eliminating the jail portion of the program altogether won't necessarily bring a savings of \$2.8 million because the jail still has certain operating costs.

Sheriff Steve Keane said it is a difficult position for him to be in when he must hold people accountable, but also run an efficient jail as costs continue to go up. He agreed with Kennewick Police Chief Ken Hohenberg and Kennewick City Attorney Lisa Beaton that it may be good to set a cap on the number of jail days, but asked that they not cut the work crew part because it benefits the community.

Richland City Attorney Heather Kintzley and West Richland Police Chief Brian McElroy and City Attorney Bronson Brown also addressed the commissioners.

Judge Katy Butler is in favor of work crew as the first option, but said just this past week she received a foot-high stack of documents for people who were sentenced to it but didn't show. Now they will be ordered to sit out the time in jail, she said.

"I know you guys will do what is best for the county," Judge Terry Tanner said before returning to his courtroom for a trial. "We're separated, but we're all under the Benton County umbrella so we're here to do what is best for the county and the people who elect us."

-- Kristin M. Kraemer: 582-1531; kkraemer@tricityherald.com; Twitter: [@KristinMKraemer](https://twitter.com/KristinMKraemer)

- Facebook
- Twitter
- Google Plus
- More
 - LinkedIn
 - Reddit
 - YouTube
 - E-mail
 - Print

Join The Conversation

Tri-City Herald is pleased to provide this opportunity to share information, experiences and observations about what's in the news. Some of the comments may be reprinted elsewhere in the site or in the newspaper. We encourage lively, open debate on the issues of the day, and ask that you refrain from profanity, hate speech, personal comments and remarks that are off point. Thank you for taking the time to offer your thoughts.

[Commenting FAQs](#) | [Terms of Service](#)

[Email Newsletters >](#)
 Manage newsletter subscriptions
[Tablets >](#)
 Apps and services for tablet devices

Mobile >

Apps and services for your mobile phone

Social Media >

Get updates via Facebook and Twitter

e-Edition >

Your daily paper delivered to your computer

Home Delivery >

Manage your home delivery account

Digital Subscriptions >

Manage your online subscriptions

careerbuilder®  HomeFinder.com  FIND & SAVE

© 2015 www.tri-cityherald.com and wire service sources. All Rights Reserved. http://www.tri-cityherald.com



Originally published Sunday, May 24, 2009 at 9:58 AM

Comments (0) E-mail article Print Share

WA jails people for court debt; experts critical

Washington is among a handful of states that jail people for court debt or charges related to that debt. Criminal Justice experts and advocates for the low income think that's wrong.

SPOKANE, Wash. —

Washington is among a handful of states that jail people for court debt or charges related to that debt. Criminal Justice experts and advocates for the low income think that's wrong.

They say it crowds the jails and penalizes the poor, making it harder for them to re-enter society.

"From the outside looking in, it's a modern-day debtor's prison," said Spokane County Public Defender John Rodgers said.

The Spokesman-Review says on any given day, up to 200 of the roughly 1,200 people behind bars in Spokane County Jail and Gelger Corrections Center are there for reasons stemming from failure to pay their court debts - something the courts call legal financial obligations.

Officials are getting ready to ask their voters in Spokane County to approve a property tax increase to build a new jail. The new facility would cost an estimated \$245 million and have an annual operations budget of more than \$8 million.

Brean Beggs, executive director of the Center for Justice, which often represents low-income clients, said, "poverty should not be the top priority in terms of putting people in jail."

Spokane County Superior Court Judge Maryann C. Moreno said, "I don't know what the answer is." But she said the county's approach to collecting court debts has been successful in getting restitution for victims. She added people need to be held accountable.

County Commissioner Mark Richard acknowledged the jail is overcrowded and said, "My gut tells me there are a percentage of them that shouldn't be there."

The Spokesman-Review pointed out that Michael Lafferty has served more time in Spokane County Jail for failure to pay his court fees and fines than for his original third-degree assault conviction. He was 19 when he was sentenced to serve less than three months for his crime, a first offense.

A Superior Court Judge ordered him to pay \$2,207.19 in court fees and restitution. Under Washington statute, the debt began accruing 12 percent interest the day he went to jail.

He's now been jailed 75 additional days - at a cost to taxpayers of \$6,100 - because he has failed to pay the fines. With accumulating interest, his debt is nearing \$3,000.

Lafferty said he lives on a monthly Social Security disability income of \$674. He admits it's unlikely he'll pay off his debt.

ADVERTISING

AdChoices

Any person convicted of a felony in Washington can be assessed court fees, fines and restitution.

Neither Oregon nor Idaho charges interest on debts owed to the court, according to court officials in those states.

Information from: The Spokesman-Review, <http://www.spokesman.com>

Copyright © The Seattle Times Company

E-mail article Print Share

Comments

No comments have been posted to this article.

Read all comments / Share your thoughts

More Local News headlines...

More Local News

- UPDATE - 09:46 AM
Exxon Mobil wins ruling in Alaska oil spill case
- NEW - 7:51 AM
Longview man says he was tortured with hot knife
- Longview man says he was tortured with hot knife
- Longview mill spills bleach into Columbia River
- NEW - 8:00 AM
More extensive TSA searches in Sea-Tac Airport rattle some travelers



HAPPY Valentine's DAY

HOBBY LOBBY

Super Savings. Super Selection.



Video

More videos (7)

Marketplace

pet classifieds



AKC and APRI Registered Chocolate and Standard Yorkies!

Post a pet listing