

**Washington State Judicial Branch  
2023-25 Biennial Budget  
Children's Representation RTC – SHB 1219**

**Agency:** Office of Civil Legal Aid

**Decision Package Code/Title:** AC – Children's Rep. RTC - SHB 1219

**Agency Recommendation Summary Text:**

Funding is requested to ensure full and proper implementation of legislative mandates that certain children and youth receive the effective assistance of appointed counsel in dependency cases in accordance with the graduated expansion directives in RCW 13.34.212(3). (General Fund – State)

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
<b>FTEs</b>	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>
<b>Operating Expenditures</b>						
<b>Fund 001-1</b>	\$144,197	\$4,242,961	<b>\$4,387,158</b>	\$7,772,246	\$14,580,893	<b>\$22,353,139</b>
<b>Total Expenditures</b>	<b>\$144,197</b>	<b>\$4,242,961</b>	<b>\$4,387,158</b>	<b>\$7,772,246</b>	<b>\$14,580,893</b>	<b>\$22,353,139</b>

**Package Description:**

The Office of Civil Legal Aid (OCLA) is the independent judicial branch agency assigned by the Legislature to administer and oversee the statewide Children's Representation Program established in RCW 2.53.045 and subject to the requirements of RCW 13.34.212. Under this program, OCLA is required to engage, contract with, and oversee attorneys appointed to represent children and youth in dependency and certain related parental rights termination cases.

Under RCW 13.34.212(1), OCLA must contract with qualified attorneys appointed to represent all children and youth who remain dependent six months following termination of their parents' legal rights and children ("legally free children and youth") and youth in extended foster care (EFC).

In accordance with RCW 13.34.212(3) OCLA began implementation of an appointed counsel program for children and youth ages 8 and above in all dependency (and all children regardless of age in parental rights termination) cases throughout Washington State. Implementation is to be undertaken on a county-by-county basis with full statewide expansion to be achieved by January 2028. All representation must be conducted consistent with representation, caseload, and training standards adopted by the Washington State Supreme Court's Commission on Children in Foster Care (CCFC). See, sec. 9, ch. 210, laws of 2021. Under the statute, the right to appointed counsel is absolute, subject only to the availability of appropriated funds.

This request seeks \$144,197 in FY 2024 and \$4,242,961 funding above carryforward levels to ensure that all children entitled to appointed counsel under the legally free and EFC provisions as well as the first fifteen (15) counties in which children and youth ages 8 and above have an entitlement to appointed counsel in all dependency cases. These include children and youth in Cowlitz, Lewis, Grant, Benton-Franklin, Yakima, Kittitas, Walla Walla Counties (all coming online in FY 2023) and Thurston, Mason, Adams, Grays Harbor, Pacific, Klickitat, Skamania, Pierce, Whitman, Stevens, Ferry, and Pend Oreille counties (all coming on line during the FY 24-25 biennium).

This request is for funding above FY 24-25 carryforward levels to achieve implementation in the first 15 counties during the biennium. Carryforward levels for this program were derived from projected FY 2022-23 and FY 24-25 expenditures outlined in OCLA’s March 2021 fiscal note. A number of circumstances drive expenditure levels above those projected at the time of the bill’s passage. These include:

1. A change in the applicable caseload standard for full-time Children’s Representation Program contract attorneys. In Sec. 9 of SHB 1219 (ch. 210, laws of 2021) the Legislature requested that the Supreme Court’s Commission on Children in Foster Care (CCFC) to convene a children’s representation work group “... to review and update, where appropriate, the standards of practice, caseload limits, and training guidelines referenced in RCW 2.53.045 ...”. On unanimous recommendation of the Children’s Representation Standards Work Group, the CCFC adopted a revised standard that sets a maximum of 45 dependency clients and a total of 60 cases for experienced and competent full-time children’s representation attorneys.<sup>1</sup> The former standard was 60 clients and up to 80 cases. This change (which is consistent with applicable national standards) has been implemented and, all other variables being constant (which they are not), will result in a 25% increase in expenses for CRP contract attorney services. The new Standards are [here](#).
2. Changes in the counties identified for the FY 23 Cohort from those assumed in OCLA’s March 2021 fiscal note projections. OCLA made a few changes in the schedule and timing for the county-by-county implementation starting in FY 23 and continuing throughout the implementation time horizon. This changed the number of attorneys needed and related expenses associated with them.
3. More accurate caseload numbers for the affected counties than what was available at the time OCLA prepared the March 2021 fiscal note. The changes substantially increased the number of children for whom attorneys must be appropriated. For example, instead of an initial assumption of 532 dependency cases in the first cohort of counties included in the fiscal note’s FY 2023 assumptions, the current number is 1,022. Similar changes were made to reflect actual caseloads for all successive cohorts.

**Fully describe and quantify expected impacts on state residents and specific populations served:**

This request ensures that all children and youth in dependency cases who are eligible for appointed counsel to represent their stated and legal interests in accordance with legislatively endorsed practice, caseload, and training standards receive the same.

**Explain what alternatives were explored by the agency and why they were rejected as solutions:**

There are no alternatives to this request. Appointed counsel at state expense is mandated. Counties have no responsibility to underwrite costs associated with this state mandate.

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

The Office of Civil Legal Aid will be unable to engage the number of attorneys needed in the target counties, and statutory implementation directives/timelines set forth in RCW 13.34.212(3) will not be achieved.

**Is this an expansion or alteration of a current program or service?**

This request ensures OCLA’s ability to meet current fiscal year obligations. There is no expansion.

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

The FY 2023 expenditure assumptions in relation to currently budgeted amounts (based on OCLA’s March 2021 fiscal note) are attached. Additional staff in the out years reflect the need for a 1 FTE Program Counsel to 40 FTE CRP contractors. OCLA currently has 3.5 FTE CRP staff. This is projected to increase to 7.5 by FY 27. One new staff program

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<sup>1</sup> The revised Practice, Caseload, and Training Standards approved by the CCFC are posted at: <https://ocla.wa.gov/wp-content/uploads/2022/09/5a-Final-August-16-2022-Child-Rep-Practice-Standards-002.pdf>

counsel will be required in each FY 24 and FY 25. There are no changes in any line item other than the expenses for professional services (attorneys appointed to represent children and youth).

<b>Expenditures by Object</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>
C Personal Service Contracts	177,165	5,197,641	9,536,823	17,890,991
S Inter-agency Reimbursement	(32,968)	(954,680)	(1,764,577)	(3,310,098)
<b>Total Objects</b>	<b>144,197</b>	<b>4,242,961</b>	<b>7,772,246</b>	<b>14,580,893</b>

Note: Per legislative directive, OCLA enters into an interagency agreement with the Department of Children, Youth & Families to secure partial reimbursement from the federal government for Title IV-E qualifying expenses (shown in Object S). The average reimbursement rate is 18.6% and is assumed in the budget information above.

**How does the package relate to the Judicial Branch principal policy objectives?**

This request ensures that children and youth entitled to the effective assistance of appointed counsel in dependency cases receive the same. This serves the listed objectives below:

- Fair and Effective Administration of Justice
- Accessibility
- Access to Necessary Representation
- Sufficient Staffing and Support

**Are there impacts to other governmental entities?**

Expansion of the CRP program in accordance with the schedule outlined in RCW 13.34.212(3) may result in increased need for attorney representation by the AGO and parents’ attorneys contracted through the Office of Public Defense. There are no other anticipated impacts on other agencies, courts, or local governments.

**Are there legal or administrative mandates that require this package to be funded?**

This request ensures OCLA’s ability to comply with legislative mandates to ensure effective, standards-based representation for children and youth eligible for appointed counsel under RCW 13.34.212(3).

**Does current law need to be changed to successfully implement this package?**

No, but failure to fund this package will require a change in RCW 13.34.212(3)(c)(ii) – the statutory implementation schedule.

**Are there impacts to state facilities?**

No.

**Are there other supporting materials that strengthen the case for this request?**

Yes, a detailed implementation budget worksheet projecting expenditures over the four-year budget horizon is attached.

**Are there information technology impacts?**

No

Office of Civil Legal Aid  
Policy Level – AC – Children’s Rep. RTC - SHB 1219

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					FY 2022 - 2023				FY 2024-2025			FY 26-27			
HB 1219 Implementation Cohort Counties	Open Cases (Per fiscal note)	Rev. Number	FTE's Fully Operational (per old caseload standard)	Revised Fully Operational (per new caseload standard)	FY 22-23 Biennium (per Budget)	FY 2022 Per New Caseload Standard	FY 2023 Per New Caseload Standard	FY 22-23 (Current Projection)	Difference (Supplemental Request Required)	FY 2024 Per New Caseload Standard	FY 2025 Per New Caseload Standard	FY 24-25 (Current Projection)	FY 26 Per New Caseload Standard	FY 27 Per New Caseload Standard	FY 26-27 (Current Projection)
Cohort 1 (2023) (Grant, Lewis, Cowlitz, Yakima, Benton, Franklin, Walla Walla, Kittitas)	532	1,022	9	23	\$957,600		\$1,907,733	\$1,907,733	\$950,133	\$2,376,000	\$3,368,512	\$5,744,512	\$3,469,567	\$3,573,654	\$7,043,222
Cohort 2 (2024) (Thurston, Mason, Adams, Grays Harbor, Pacific, Klickitat, Skamania)	441	522	7	12					\$0	\$812,000	\$1,720,512	\$2,532,512	\$1,772,127	\$1,825,291	\$3,597,419
Cohort 3 (2025) (Pierce, Whitman, Stevens, Ferry, Pend Oreille)	634	891	11	20					\$0		\$1,425,600	\$1,425,600	\$2,936,736	\$3,024,838	\$5,961,574
Cohort 4 (2026) (Spokane, Lincoln, Kitsap, Clallam, Jefferson, Chelan, Douglas, Clark, Skagit, Whatcom )	866	2162	14	48					\$0			\$0	\$3,459,200	\$7,125,952	\$10,585,152
Cohort 4 (2027) (King, Snohomish, Okanogan, Asotin, San Juan, Island, Wahkiakum, Garfield, Columbia)	744	1334	12	30					\$0					\$4,396,864	\$4,396,864
Extraordinary Compensation @ 10% of Cases					\$97,300				\$97,300			\$0	\$593,100	\$610,893	\$1,203,993
Total Professional Service Attorney Contracts	3217		54	132	\$1,054,900		\$1,907,733	\$1,907,733	\$852,833	\$3,188,000	\$6,514,624	\$9,702,624	\$12,230,731	\$20,557,493	\$32,788,223
OCLA Staff Additions (4 FTE's when fully operational)															
Source Attorneys (1 FTE per 40 Contracted FTE's Phased In -- Total 2) Salary					\$159,120	\$52,000	\$211,120	\$263,120	\$104,000	\$217,454	\$223,977	\$441,431	\$512,173	\$527,538	\$1,039,711
Benefits					\$50,918	\$16,640	\$67,558	\$84,198	\$33,280	\$69,585	\$71,673	\$141,258	\$119,967	\$123,566	\$243,534
Contract Manager (1) Salary					\$84,150	\$27,500	\$47,000	\$74,500	-\$9,650	\$61,903	\$63,760	\$125,663	\$111,903	\$115,260	\$227,163
Benefits					\$26,928	\$8,800	\$15,040	\$23,840	-\$3,088	\$19,809	\$20,403	\$40,212	\$35,809	\$36,883	\$72,692
Statewide Training Coordinator (1) Salary					\$137,700	\$0	\$75,000	\$75,000	-\$62,700	\$95,481	\$105,000	\$200,481	\$101,296	\$104,335	\$205,630
Benefits					\$44,064	\$0	\$24,000	\$24,000	-\$20,064	\$30,554	\$33,600	\$64,154	\$32,415	\$33,387	\$65,802
Goods And Other Services					\$52,500	\$22,500	\$30,000	\$52,500	\$0	\$45,000	\$45,000	\$90,000	\$60,000	\$60,000	\$120,000
Training (Law School Clinical Program Begin FY 24)					\$90,000	\$15,000	\$75,000	\$90,000	\$0	\$160,000	\$160,000	\$320,000	\$160,000	\$160,000	\$320,000
Travel					\$7,449	\$2,000	\$5,449	\$7,449	\$0	\$13,636	\$15,000	\$28,636	\$33,214	\$33,214	\$66,427
Case Management System					\$1,946	\$0	\$2,919	\$2,919	\$973	\$9,740	\$18,388	\$28,128	\$15,816	\$15,816	\$31,632
Interpreters					\$5,000	\$0	\$7,500	\$7,500	\$2,500	\$5,000	\$10,000	\$15,000	\$17,500	\$17,500	\$35,000
Social Workers/Experts					\$25,000	\$0	\$25,000	\$25,000	\$0	\$35,000	\$40,000	\$75,000	\$75,000	\$75,000	\$150,000
Total					\$1,739,675					\$3,951,162	\$7,321,425	\$11,569,962	\$13,505,823	\$21,859,992	\$35,365,815

FY 22-23 Biennium											
Salaries	\$380,970	\$79,500	\$333,120	\$412,620	\$31,650	\$374,838	\$392,737	\$767,575	\$725,372	\$747,133	\$1,472,505
Benefits	\$121,910	\$25,440	\$106,598	\$132,038	\$10,128	\$119,948	\$125,676	\$245,624	\$188,191	\$193,837	\$382,028
Professional Service Contracts	\$1,272,200	0	\$2,015,233	\$2,015,233	\$743,033	\$3,388,000	\$6,724,624	\$10,112,624	\$12,483,231	\$20,809,993	\$33,293,223
Goods and Services	\$54,446	\$22,500	\$30,000	\$52,500	-\$1,946	\$54,740	\$63,388	\$118,128	\$75,816	\$75,816	\$151,632
Travel	\$7,449	\$15,000	\$5,449	\$20,449	\$13,000	\$13,636	\$15,000	\$28,636	\$33,214	\$33,214	\$66,427
Total	\$1,836,975	\$142,440	\$2,490,401	\$2,632,841	\$795,865	\$3,951,162	\$7,321,425	\$11,272,586	\$13,505,823	\$21,859,992	\$35,365,815
Fed. IV-E Reimbursement	-\$339,840	-\$26,351	-\$460,724	-\$487,075	-\$147,235	-\$730,065	-\$1,354,464	-\$2,085,428	-\$2,498,577	-\$4,044,098	-\$6,542,676
Net GF-S Outlay	\$1,497,135	\$116,089	\$2,029,676	\$2,145,765	\$648,630	\$3,220,197	\$5,966,961	\$9,187,158	\$11,007,246	\$17,815,893	\$28,823,139

CRP Contractor Comparability Adjustments				
Base	144,000	% Increase	FTE	Total Increase
FY 2024	168,480	17.0%	35	856,800
FY 2025	191,225	13.5%	55	1,250,964
FY 2026	219,909	11.5%	103	2,954,423
Fy 2027	235,302	7.0%	133	2,047,348

	FY 2024	FY 2025	FY 24-25 Biennium	FY 2026	FY 2027	FY 26-27 Biennium
Carryforward Per OFM Schedule	\$3,076,000	\$1,724,000	\$4,800,000	\$3,235,000	\$3,235,000	\$6,470,000
Net New \$\$ Needed	\$144,197	\$4,242,961	\$4,387,158	\$7,772,246	\$14,580,893	\$22,353,139