

# Washington State Judicial Branch

## 2025 Supplemental Budget

### Supplemental Funding for Legally Free Children’s Representation Program

**Agency:** Office of Civil Legal Aid

**Decision Package Code/Title:** S1 – Legally Free Supplemental Funding

**Agency Recommendation Summary Text:**

Previously projected reductions for professional service contracts for fiscal year 2025 for the “legally free” Children’s Representation Program, codified at RCW 13.34.212(1), have not been realized. The Office of Civil Legal Aid (OCLA) is requesting a modest but critical one-time supplemental appropriation for FY25 to ensure continuity of service at the same level as intended for the legally free program.

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Operating Expenditures</b>						
Fund 001-1	\$0	\$850,000	\$850,000	\$0	\$0	\$0
<b>Total Expenditures</b>						
	\$0	\$850,000	\$850,000	\$0	\$0	\$0

**Package Description:**

The Office of Civil Legal Aid’s Children’s Representation Program (CRP) is statutorily directed to recruit, train, compensate, and otherwise maintain a statewide panel of attorneys to represent children and youth who remain dependents of the state six months after the termination of parental rights. Dependent children who have no parent with remaining legal rights are known as “legally free” children. The CRP has been administering the legally free children’s representation program since 2014. The CRP is also currently implementing the expanded right to counsel under RCW 13.34.212(3) in phases prescribed by the legislature. While the legally free program is being reduced in size and reach as the expanded right to counsel program is implemented, the legally free program will exist in some capacity—and require its own source of funding—until January 1, 2028, when the expanded right to counsel program is fully implemented across Washington’s 39 counties.

The budget for the CRP for fiscal year 2025 was based on an initial projection of a decrease in the number of professional service contracts (PSCs) necessary in FY 25 for OCLA to administer the “legally free” children’s representation program pursuant to RCW 13.34.212(1). However, that has not occurred and the need for contracted attorneys to support the program actually increased in FY 24, putting additional strain on the budget for FY 25. This decision package is requesting supplemental funding to ensure OCLA’s ability to comply with legislative mandates of RCW 13.34.212(1).

**Fully describe and quantify expected impacts on state residents.**

Those most impacted by this request will be the dependent children and youth who remain in foster care after their parents’ legal rights have been terminated and who are expected to receive court-appointed counsel to assist them in resolving their dependencies. Contracted attorneys on the CRP’s panel will also be impacted, as many are already under contract with OCLA for FY 25 and without this funding OCLA will be in breach of the contracts.

**Explain what alternatives were explored by the agency and why this was the best option chosen.**

The total FY 25 shortfall within the legally free program is approximately \$1,470,000. OCLA has identified approximately \$620,000 of other funds that can be used to support the legally free program on a one-time basis for fiscal year 2025. However, that still leaves a gap of \$850,000 for which OCLA does not have another funding source.

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

The CRP will not be able to fully meet its statutory directive to recruit, train, compensate, and maintain a panel of attorneys to represent the legally free children across the state. Legally free children who are eligible for court appointed counsel pursuant to RCW 13.34.212(1) are necessarily in a situation where the State has failed to meet federally established permanency timelines. Without this funding, OCLA will be in breach of the professional service contracts it has executed with private attorneys and law firms across the state to accept case assignments through FY 25. Courts will continue to appoint counsel under the law, as appointment of counsel is mandatory and without exception, but will likely be unable to find attorneys to accept assignments without OCLA's panel of attorneys. Such disruptions in service will lead to further delays in permanency for legally free children and open up potential legal challenges which would put additional burdens on the system and the State.

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

No, this request concerns maintaining a program that has been operational since July 2014.

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

**Use Standard Costs?**

No

**Explanation of standard costs by object:**

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 24	FY 25	FY 26	FY 27	
Contracts, Goods and Services, Travel		\$850,000			See attached spreadsheet for expense breakout

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

**Fair and Effective Administration of Justice**

Dependent children who receive state-funded attorney representation are entitled to counsel that practice according to statutorily prescribed training, caseload, and practice standards. OCLA cannot maintain a panel of attorneys to represent these children if it is unable to compensate their court-appointed counsel. Attorneys cannot render standards-based representation if OCLA lacks the funding to cover travel and litigation expenses.

**Accessibility**

Many dependent children and youth suffer from multiple and compounding traumas as well as physical and emotional disabilities which can put additional demands on an attorney's representation such as requiring more frequent in-person meetings or additional expert support. Attorneys must be able to meet the unique needs of these vulnerable children and OCLA must be able to compensate and reimburse attorneys for those efforts.

**Access to Necessary Representation**

Dependent children are afforded standards-based legal representation by OCLA CRP-contracted counsel pursuant to RCW 13.34.212(1). The Legislature has already recognized "...that appointing attorneys to provide standards-based legal representation for children and youth in dependency proceedings has been shown to

result in more timely permanency for children and youth, increased school and placement stability, and increased contact with parents and siblings.” (Ch. 210, Laws of 2021, Sec. 1) Attorneys cannot render standards-based representation if OCLA is unable to fund their efforts.

**Commitment to Effective Court Management**

N/A

**Sufficient Staffing and Support**

N/A

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

No

**Stakeholder response:**

Those primarily impacted by this supplemental budget request are legal orphans who are in foster care and the attorneys who represent them. These impacted groups broadly support this request.

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

No

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

No

**Are there impacts to state facilities?**

No

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

Please see the attached spreadsheet.

**Are there information technology impacts?**

No

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