

**Washington State Judicial Branch
2025-27 Biennial Budget
Office of Civil Legal Aid
Children’s Representation RTC -
Continued Implementation of 2SHB 1219 (2021)**

Agency: Office of Civil Legal Aid

Decision Package Code/Title: 1A – Continued Implement of 2SHB 1219

Agency Recommendation Summary Text:

The Office of Civil Legal Aid (OCLA) is responsible for implementing an appointed counsel program for children and youth throughout Washington in dependency cases. Ongoing funding is requested to continue the implementation and staffing of the program for representation of children and youth in dependency cases required under RCW 13.34.212(3) (known as the “1219 program”) and for the maintenance of the program for the representation of children and youth in dependency cases required under the “legally free” program (RCW 13.34.212(1)).

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	2.00	2.00	2.00	4.00	4.00	4.00
Operating Expenditures						
Fund 001-1	\$5,172,000	\$7,906,000	\$13,078,000	\$10,956,000	\$11,604,000	\$22,560,000
Total Expenditures						
	\$5,172,000	\$7,906,000	\$13,078,000	\$10,956,000	\$11,604,000	\$22,560,000

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 13.34.212 212 and RCW 13.34.267. Under this program, OCLA is required to engage, contract with, and oversee attorneys appointed to represent children and youth in dependency and termination of parental rights proceedings as well as youth participating in the Extended Foster Care program pursuant to RCW 13.34.267.

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”). This program is known as the “legally free” program and has been operational since July 2014. The limited right to counsel under RCW 13.34.212(1) exists until the expanded right to counsel for dependent children under RCW 13.34.212(3) is fully implemented. This means that as the 1219 program (described below) phases in, the legally free program and its attendant expenses phase out.

In accordance with RCW 13.34.212(3) OCLA began implementation of an appointed counsel program for children and youth ages eight (8) and above in all dependency proceedings (and all children regardless of age in parental rights termination) cases throughout Washington State. This is referred to as the “1219 program” due to the law that was enacted in 2021 establishing this expanded right to counsel, HB 1219. Implementation of the 1219 program is occurring on a county-by-county basis with full statewide expansion to be achieved by January 2028. To date, OCLA has

implemented the program in 20 counties¹ in accordance with the Legislature’s implementation schedule. 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)². Under the statute, the right to appointed counsel is absolute, subject only to the availability of appropriated funds.

1. Continued 1219 Program Implementation

In accordance with the Legislature’s implementation schedule, the program will expand to 16 additional counties in Washington over FY26 (Asotin, Chelan, Clark, Columbia, Douglas, Garfield, Lincoln, Okanogan, Spokane, and Whitman) and FY27 (Clallam, Jefferson, Kitsap, Skagit, Snohomish, and Whatcom).

In order to implement the program in additional counties in FY26 and FY27, additional funding is needed to:

- Provide direct legal services to children and youth in the additional counties. The 1219 program is run utilizing attorneys throughout the state contracted by OCLA. Based on recommendations of the Children’s Representation Standards Work Group in 2021, the Washington Supreme Court’s Commission on Children in Foster Care (CFCC) adopted a revised standard that sets a maximum of 45 dependency clients and a total of 60 cases for experienced competent full-time children’s representation attorneys. OCLA’s professional service contracts for children’s legal representation are calculated as a percentage of a full-time caseload, with a full-time equivalent contract being based off of a 45 child client maximum. Based on the current number of children eligible for court appointed counsel pursuant to RCW 13.34.212(3) and RCW 13.34.267(6) in the next two county cohorts, it is anticipated that 1219 program expansion will result in OCLA needing to execute an additional 25 full-time professional service contracts in FY26 and the equivalent of another 17 full-time professional service contracts in FY27. The number of full-time professional service contracts does not correlate to the actual number of attorneys OCLA will need to recruit, train, oversee, and compensate to meet capacity needs. Currently, OCLA must contract with 1.7 individuals to meet the capacity needs of 1 full-time professional service contract. This ratio is driven by a number of factors, including attorney availability (some attorneys are only able to take or are interested in partial contracts) and the fact that not all counties have enough cases to necessitate full-time contracts but still require multiple attorneys to be available to accept assignments in order to avoid conflicts.
- Continue to provide direct legal services to legally free children and youth afforded court appointed counsel under RCW 13.34.212(1). The legally free program continues to operate across the state until the 1219 program phases into a given county. There will be the equivalent of 7 full-time professional service contracts operational under the legally free program in FY 26 and the equivalent of 4 full-time professional service contracts operational in FY 27. These will operate in addition to the 25 full-time professional service contracts in FY 26 and 17 full-time equivalent contracts in FY 27 under the 1219 program and will require the same level of oversight, contract management, and administrative support as the 1219 professional service contracts. As with the 1219 program, OCLA must contract with roughly 1.7 individuals to meet the capacity needs of 1 full-time professional service contract in the legally free program.
- Provide contract management and support of the additional contracted attorneys by OCLA. In order to provide appropriate oversight of the additional attorneys, OCLA is requested 1 additional managing attorney and 1 additional administrative assistant beginning in FY 26.

This request seeks ongoing funding in FY26 and FY27. This funding is intended to implement the 1219 program in the 16 counties identified by the Legislature for FY26 and FY27 implementation while simultaneously funding the phase out of the legally free program in those same counties, and the maintenance of the legally free program in those counties

¹ Counties implemented as of FY25: Adams, Benton, Cowlitz, Ferry, Franklin, Grant, Grays Harbor, Lewis, Kittitas, Klickitat, Mason, Pacific, Pend Oreille, Pierce, Skamania, Stevens, Thurston, Wahkiakum, Walla Walla, and Yakima

² See Sec. 9, Ch. 210, laws of 2021

where the 1219 program is not yet scheduled to be implemented. This funding will ensure children and youth are appointed counsel in accordance with RCW 13.34.212 and RCW 13.34.267.

2. Funding Type

In addition to administering the 1219 program, the Office of Civil Legal Aid's Children's Representation Program also administers the "legally free" program under RCW 13.34.212(1) in counties for which the 1219 program has not yet been implemented. Historically, the 1219 program has been funded through proviso while the legally free program has been funded through the general fund. This decision package seeks to combine the historically separate appropriations for these two programs because, as a practical matter, the work involved in managing these two programs is virtually indistinguishable from each other. In addition, maintaining separate funds creates an administrative burden that could easily be resolved by funding both programs through a single appropriation from the general fund. Both the legally free and 1219 programs utilize the same agency staff to operate. Attorneys on contract with OCLA often have two separate contracts with OCLA—a legally free contract and a 1219 contract—to account for the different appropriations, which doubles the administrative burden for OCLA staff and the contracted attorneys. The professional service contracts themselves are identical and the work that goes into managing these contracts, including overseeing contracted attorney performance and administering the programs, is generally identical. But because the CRP receives two distinct appropriations—one for the 1219 program and one for the legally free program—the program is forced to duplicate many administrative processes and develop complicated budget schemes that account for two separately funded programs which utilize identical staff and perform identical functions. It would promote administrative efficiency to fund both programs under a single appropriation from the general fund.

Fully describe and quantify expected impacts on state residents.

This request ensures that all eligible children and youth in dependency proceedings will receive, at state expense, legal representation that comports with legislatively mandated practice, caseload, and training standards.

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

The 1219 program will necessarily grow in size and scope until January 1, 2028, when full, statewide implementation must be achieved. Appointed counsel at state expense is mandated, and counties have no responsibility to underwrite costs associated with this state mandate. This decision package allows OCLA to increase 1219 program funding and subsequent service areas as required in the implementation schedule.

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. As a result, children and youth in the counties identified for implementation will not receive the intended services.

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

This request does not represent an expansion of the current program but rather reflects the minimum amount of funds necessary above the carryforward levels to remain in compliance with the phase-in schedule established under RCW 13.34.212(3).

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

In order to provide appropriate levels of contract management and support, OCLA needs 1.0 FTE managing attorney and 1.0 administrative assistant for every 35 contracted attorneys. As the 1219 program expands and the number of contracted attorneys grow, OCLA will also need to grow support for contracted attorneys through the addition of 1.0 FTE each of managing attorneys and administrative assistants in FY26 and FY28.

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
Managing Attorney	1.0	1.0	2.0	2.0	<ul style="list-style-type: none"> -Monitor and oversee contracted attorney performance in accordance with published practice and caseload standards -Provide technical support and assistance to contracted attorneys -Manage attorney panels in cohort counties -Ensure adequate levels of contracted attorneys
Administrative Assistant	1.0	1.0	2.0	2.0	<ul style="list-style-type: none"> -Receive and process invoices pertaining to contracted attorney monthly compensation, expert service reimbursement, and travel expenses -Draft, circulate for signature, and file contracts for professional services -Track contractor compliance with training requirements and other contractual obligations -Track and report required data for Title IV-E reimbursement

Use Standard Costs?

Yes, for OCLA FTE shown above. See the attached spreadsheet for comprehensive financial information.

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Contracts, Goods and Services, Travel	\$5,172,000	\$7,906,000	\$10,956,000	\$11,604,000	<p>See attached spreadsheet for expense breakout</p> <p>Amounts are net of Title IV-E reimbursements*</p>

**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. The rate for the entire year varies, generally between 18% and 21%. An average reimbursement rate of 19% is assumed for budget planning.*

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 and the Rules of Professional Conduct to which all attorneys licensed to practice in Washington State must adhere. Attorneys cannot render effective assistance of counsel if they do not have the necessary litigation tools, practice supports, and training.

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. CRP contracted attorneys must be able to meet the unique needs of these vulnerable children and not be hindered by lack of access to court records, experts, legal research tools, travel expense reimbursement, or adequate technical support and assistance.

Access to Necessary Representation

The Legislature has 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."³ Dependent children are entitled to standards-based legal representation by OCLA CRP-contracted counsel pursuant to RCW 13.34.212(1) and (3). Attorneys cannot render ethical, standards-based representation if OCLA is unable to fund and oversee their efforts.

Commitment to Effective Court Management

N/A

Sufficient Staffing and Support

N/A

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

Children and youth of color; LGBTQIA+ youth; indigenous children and youth; and children and youth from low-income families are all disproportionately impacted by the child welfare system. Children and youth who receive the benefit of standards-based legal representation have been shown to exit systems of care quicker and maintain familial bonds at a greater rate than children who do not receive standards-based legal representation, which in turn is associated with positive outcomes in other life domains. As this entire program is centered on providing standards-based legal representation to dependent children and youth, we can expect that BIPOC, LGBTQIA+, and low-income children and youth will benefit most from this proposal.

Describe the how the agency conducted community outreach and engagement.

The CRP has enjoyed broad support from a variety of interest groups. The CRP has been able to convene interest holders, including judges, lawyers, and young people with lived experience, specifically to provide feedback on and guide certain programmatic objectives. The program also engages with child welfare groups such as the Child Welfare Advocacy Coalition and Supreme Court Commission on Children and Foster Care to report out and receive feedback on program initiatives and priorities.

³ See Sec. 1, Ch. 210, Laws of 2021

**Consider which target populations or communities would be disproportionately impacted by this proposal.
Explain why and how these equity impacts will be mitigated.**
No community in Washington should be harmed by this proposal.

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 Office of the Attorney General and parents' attorneys contracted through the Office of Public Defense. There are no other anticipated impacts on other agencies, courts, or local governments.

Stakeholder response:

There has been no opposition to this request. As noted above, the CRP, including the implementation of the 1219 program, has enjoyed broad support from a variety of interest groups.

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

Yes, RCW 13.34.212(1) and (3) and RCW 13.34.267(6) mandate that OCLA recruit, train, oversee, and compensate a panel of attorneys available to accept appointment of counsel for eligible children and youth under those statutes. This request allows OCLA to continue to follow these statutory directives.

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

No, but failure to fund this request would require that the implementation schedule established in RCW 13.34.212(3)(c) to be amended, as OCLA would no longer be able to comply with its mandate.

Are there impacts to state facilities?

No

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

Yes, see the attached budget worksheet projecting expenditures over the remaining four-year implementation schedule.

Are there information technology impacts?

No

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