

Washington State Judicial Branch

2025-2027 Biennial Budget

Family Defense Law School Practicum

Agency: Office of Public Defense

Decision Package Code/Title: 1K – Law School Practicum

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests funding to introduce law students to the child welfare legal field and encourage them to pursue the practice. OPD will partner with Washington law schools to develop and implement a child welfare legal practicum to prepare future attorneys for OPD Parents Representation Program contracts as well as other public service attorney roles in child welfare litigation. Historically, OPD has been able to fill Parents Representation contracts quickly with well-qualified applicants but that task is increasingly difficult, and the state lacks a classroom-to-courtroom pipeline for new practitioners. Updates to family defense standards further drive the need to draw more attorneys into this unique practice area.

Fiscal Summary: Funding is requested to develop coursework and internships to prepare new lawyers to practice in the child welfare legal field.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 16A-1	\$750,000	\$750,000	\$1,500,000	\$750,000	\$750,000	\$1,500,000
Total Expenditures						
	\$750,000	\$750,000	\$1,500,000	\$750,000	\$750,000	\$1,500,000

Package Description:

Background and current situation:

The Washington State Office of Public Defense (OPD) has a statutory duty to provide effective legal counsel to represent indigent parents in dependency and termination of parental rights proceedings statewide. (See [RCW 2.70.020\(c\)](#).) To fulfill this responsibility, OPD's Parents Representation Program currently administers 127 FTE attorney contracts with county agencies, nonprofits, small firms, and sole practitioners throughout Washington to provide parent representation. The contracts include about 240 individual attorneys covering a mix of full-time and part-time positions to ensure adequate resources to address conflict cases and caseload capacity.

Parents Representation Program contract vacancies are up significantly in recent years, in part due to retirements and alternative employment opportunities. For example, turnover among contract attorneys increased statewide from 18.6% in fiscal year 2018 to 22.2% in Fiscal Year 2023. Contract turnover was especially alarming in Kitsap County at 71.4%, Spokane County at 50% and Chelan County at 66.7% in Fiscal Year 2023. OPD expects to see more Parents Representation Program contract vacancies as the Office of Civil Legal Aid (OCLA) requires similarly experienced attorneys to provide children's representation statewide.

Historically, OPD has been able to fill Parents Representation Program contracts quickly with well-qualified applicants but that task is becoming increasingly difficult, and the state lacks a pipeline for developing potential new child welfare

attorneys. In addition, the Washington State Bar Association (WSBA) Board of Governors recently approved updates to family defense standards that further drive a need to draw new attorneys into this unique practice area.¹

Unfortunately, law students and recent graduates typically are not knowledgeable about child welfare legal practice and do not have opportunities to build the requisite experience to qualify for an OPD Parents Representation Program contract. Law schools do not offer courses focused on child dependency or terminations of parental rights. At most, some relevant material may be covered in a “children and the law course,” or to a lesser extent in family law or constitutional law course. Such limited exposure to child welfare litigation does not provide the depth of information needed to understand this specialized area of law nor does it allow hands-on opportunities to practice the critical legal skills necessary to competently represent a party in this field².

Problem:

Indigent parents involved in a dependency or termination case have a right to effective counsel, and OPD has a statutory duty to provide counsel. But as Parents Representation Program contract attorneys retire or pursue other opportunities, OPD finds it increasingly difficult to attract qualified applicants for available contract attorney positions. While the 2024 Legislature appropriated funding to provide professional training for existing OPD contract attorneys, the agency lacks resources to help develop a ready workforce with the basic qualifications to work under a Parents Representation Program contract.

Proposed Solution:

OPD requests \$750,000 annually to partner with Washington law schools to develop and implement a child welfare legal practicum, including academic courses focused on child welfare law, clinical training programs, and internships to prepare future attorneys for a child welfare practice.³

This combination of coursework and skills-based learning exposes law students to a practice field while also giving them the experience required to competently work on an OPD Parents Representation Program contract or in another child welfare-related public law practice soon after graduation. Child welfare operations are a core state government function, and the state has a strong interest in ensuring a classroom-to-courtroom pipeline for the specialized attorney positions at OPD and OCLA.

OPD has executed a Memorandum of Understanding (MOU) with Gonzaga University School of Law and Seattle University School of Law and is continuing discussions for an MOU with the University of Washington School of Law⁴. In consultation with OPD, Gonzaga and Seattle University are beginning to develop relevant coursework and already have

¹ At its September 2024 meeting, the WSBA Board of Governors voted to approve updates to family defense standards which include new caseload limits. The updated standards direct public defense attorneys, including OPD Parents Representation Program contractors, to limit caseloads to 45 clients and 60 open cases by July 2025 and 35 clients and 40 open cases by July 2026. The WSBA has not yet posted the updated standards to its website, but a pdf document is attached at the end of this decision package.

² The [Washington State Supreme Court Standards on Indigent Defense](#), the proposed updated [Washington State Supreme Court Standards for Indigent Defense](#) and [Washington State Bar Association Standards for Indigent Defense Services](#) all require attorneys handling termination hearings to have at least six month’s dependency experience or have significant experience in handling complex litigation. Recently approved updates to WSBA family defense standards require the contracting authority to assure proficiency of new contractors prior to the attorney participating in any evidentiary hearing. Courts typically assign Parents Representation Program contract attorneys to both dependencies and termination cases, and recent law school graduates are unlikely to comply with the updated standards absent additional upfront training and experience.

³ OPD understands the Office of Civil Legal Aid (OCLA) Child Representation Program is facing similar recruitment problems. This decision package is consistent with OCLA’s separate request for funding in this area. OPD and OCLA are working together to combine efforts as appropriate.

⁴ The Gonzaga and Seattle University MOUs are attached at the end of this decision package.

placed three students in 10-week internships with OPD Parents Representation Program contractors. The proposed funding is the critical next step for OPD to partner in implementing meaningful clinical programs and expanding internship opportunities.

Fully describe and quantify expected impacts on state residents.

This decision package allows Washington law students to learn about a critically important area of law and the possibility of a public service legal career in the child welfare field. This decision package increases the number of attorneys qualified to fill OPD contract vacancies, which in turn ensures that indigent parents throughout Washington have effective attorneys representing them in child welfare proceedings.

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

- The Parents Representation Program advertises open contracts nationally in an attempt to attract experienced child welfare attorneys from other states. This has had limited success.
- If OPD can't fill a Parents Representation Program contract in a particular county, contractors located in bordering counties may be asked to provide coverage. While addressing an immediate need, this approach is not a long-term solution. Conflicting court dockets in multiple counties can lead to a lack of attorney availability and complaints from the court and other system partners. Additionally, when an attorney is not routinely practicing in a county they are less familiar with the county's system partners as well as local services that the court may order their clients to complete. In addition, out-of-county attorneys are less accessible to clients who often have limited transportation resources.
- Currently, a few OPD contracts in larger counties include a multi-attorney public defense agency or law firm equipped to provide day-to-day mentorship, shadowing by more seasoned attorneys, and supervisor oversight to train new child welfare practitioners. But while public defender agencies and some law firms can mimic these components of an internship or clinical program, they are not experts in teaching the law and they cannot reach the same number of law students that would participate in a law school course, clinic, or internship program. Additionally, most Parents Representation Program contracts are for solo practicing attorneys, often in rural communities, which offer fewer opportunities for new attorneys to be supported in learning this specialized practice.

What are the consequences of not funding this request?

If this request is not funded, OPD's Parents Representation Program eventually may not be able to secure enough qualified attorneys to provide timely representation for indigent parents. This could leave parents unrepresented in violation of RCW 13.34.090(2) and RCW 2.70.020(1)(c).

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

No.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
No OPD FTEs					

Use Standard Costs?

No.

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Contracts	\$750,000	\$750,000	\$750,000	\$750,000	OPD will contract with Washington law schools to develop academic courses, a child welfare clinical program, and internships to introduce law students to the specialized area of child welfare litigation. As contracts are negotiated projected costs will likely include goods and services, travel, etc. OPD administrative costs are estimated at \$37,500 each year.

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

Fair and Effective Administration of Justice

Effective legal counsel for indigent parents helps Washington courts fairly, efficiently and effectively administer justice in child welfare cases.

Accessibility

Well-trained Parents Representation Program attorneys are necessary to ensure that court systems are accessible to indigent parents involved in child welfare proceedings.

Access to Necessary Representation

Parents have a right to an attorney under RCW 13.34.090(2). The vast majority of parents are indigent and qualify for an OPD Parents Representation Program attorney. This decision package helps ensure that OPD will have a pipeline of qualified practitioners available to provide counsel to parents involved in child dependency and termination of parental rights cases.

Commitment to Effective Court Management

A lack of counsel can impact the effectiveness of court management.

How does the package impact equity in the state?

This decision package positively impacts rural communities, indigenous communities, communities of color and low-income communities. This decision package enables OPD to engage with law students from these communities and support their education and training in child welfare legal careers. This decision package has the potential to increase the number of OPD contract attorneys who better reflect the communities and clients they serve.

Describe how the agency conducted community outreach and engagement.

OPD's Parents Representation Program participated with OCLA's Children's Representation Program in meetings with all three Washington law schools. These agencies also met with the Attorney General's Office to discuss ways to incorporate educating law students in understanding the various roles of court partners in child welfare

cases. OPD met with existing Parents Representation Program attorney contractors and law students to gauge interest in internships. OPD also met with students from Heritage University participating in a law school pipeline program to explore opportunities in public defense including the Parents Representation Program.

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.

This decision package does not create disproportionate impacts, and may help mitigate other longstanding systemic impacts.

Are there impacts to other governmental entities?

This decision package positively impacts the courts, the Department of Children, Youth and Families (DCYF) and the Attorney General’s Office because OPD’s Parents Representation Program is recognized for accelerating permanency in child welfare cases and reducing days that children spend in out-of-home care.⁵ This decision package also increases the number of law graduates with experience necessary to represent children under an OCLA contract or to represent DCYF as an assistant AG.

Stakeholder response:

The OPD Advisory Committee voted at its September 12, 2024 meeting to approve this decision package. Washington’s law schools are receptive to developing academic courses and clinical programs if OPD can be an active partner. Parents Representation Program contract attorneys consider this a good approach to develop qualified practitioners, and law students say they want to learn more about the child welfare legal practice.

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

This decision package helps ensure the right to effective assistance of counsel for parents under RCW 2.70.020(1) and RCW 13.34.090(2). This decision package helps ensure a sufficient pool of qualified attorneys to fill OPD contracts for parents representation and to implement the WSBA’s recent updates to family defense standards.

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

Current law does not need to be changed to implement this decision package.

Are there impacts to state facilities?

There are no impacts to state facilities.

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

- MOU with Gonzaga University.
See Attachment A: Gonzaga MOU
- MOU with Seattle University.
See Attachment B: Seattle University MOU
- Family defense standards, as approved September 8 by the WSBA Board of Governors.
See Attachment C: WSBA Family Defense Standards

⁵ *Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care.* Mark E. Courtney and Jennifer L. Hook. *Children and Youth Services Review*, Vol. 34, Issue 7, pgs. 1337-1343 (2012).

Office of Public Defense
Policy Level – 1K – Law School Practicum

Are there information technology impacts?

No.

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