

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Preliminary Decision Package**

**Agency:** Office of Public Defense

**Decision Package Title:** Parents Representation Program

**Budget Period:** 2013 – 2015 Biennium

**Budget Level:** Policy Level

**Agency Recommendation Summary Text**

Funds are requested to expand the Parents Representation Program, which provides adequate legal representation for parents in dependency and termination cases, to all juvenile courts.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 State General Fund</b>		<b>\$760,000</b>		<b>\$6,937,000</b>		<b>\$7,697,000</b>
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		-0-		-0-		-0-

**Package Description**

Funds are requested to complete the phase-in of the Parents Representation Program in all counties during FY 2015. The agency estimates that 50 more attorneys and accompanying resources and support staff are needed in order to provide adequate parental representation throughout Washington.

**Narrative Justification and Impact Statement**

- **This package contributes to the objectives for justice as noted below.**

**Access to Necessary Representation.**

*Constitutional and statutory guarantees of the right to counsel shall be effectively implemented.*

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

*Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

OPD's enabling statute, RCW 2.70, establishes that the agency shall "administer all state-funded services ... (for) representation of indigent parents qualified for

appointed counsel in dependency and termination cases, as provided in RCW 13.34.090 and 13.34.092.” In 2005, the Legislature declared in SB 5454 that “the legislature recognizes the state’s obligation to provide adequate representation...to parents in dependency and termination cases.” Since 2000, under legislative direction, OPD has worked to identify major problems with Washington’s provision of counsel for indigent parents in dependency and termination cases, and has established the Parents Representation Program to address these problems.

- **Reason for change**

Under Washington law, indigent parents in dependency and termination cases are guaranteed the right to counsel. The appellate courts have declared that the quality of legal representation provided by government must be of adequate quality. Over the past twelve years, OPD has proved there is a compelling statewide need for the Parents Representation Program. In the 14 counties lacking OPD’s program today, many parents are receiving substandard representation, despite these clear legal requirements.

In 2005, the Legislature recognized the state’s obligation to provide adequate representation for indigent parents involved in dependency and termination cases, and funded an expansion of the OPD Parents Representation Program to 13 counties. In 2006, the Legislature expanded the program to another five counties, and in 2007, to an additional seven counties. The program now covers approximately 65% of Washington’s dependency cases involving indigent parents.

Thus, about one-third of the children and their parents who are involved in dependencies and terminations still suffer emergent need for this program. These cases not infrequently result in the permanent severance of their relationship to each other for all purposes. Program evaluations have shown that parents who are afforded the Parents Representation Program are substantially more likely to succeed in their cases, saving their families and meeting the intent of our child welfare laws.

Evaluations of case outcomes have consistently shown improved reunification rates. In addition, a 2011 University of Washington study of the program found that the program significantly speeds earlier permanency for children.

OPD proposes a phased implementation of the remaining counties over the 2013-2015 biennium. These include Whatcom, San Juan, Island, King, Lewis, Okanogan, Douglas, Lincoln, Adams, Whitman, Walla Walla, Colombia, Garfield, and Asotin. The first year, the program would be implemented in two or three counties with the most demonstrated emergent need, on January 1, 2014. Whatcom County would be included in this group; DSHS’s high filing rate there is continuing and the system remains stressed. On January 1, 2015, OPD would expand the program to the remaining counties.

- **Impact on clients and services**

Implementation of this program statewide meets the state’s legal mandates, both constitutional and statutory, to ensure that effective counsel is appointed for indigent parents in dependency and termination cases. The courts will be able to more effectively hold parents accountable for participating actively in services and the cases because their attorneys ensure that they have timely and clear opportunities to do so. Program attorneys will hold all parties accountable for providing services that have been ordered by the court for parents.

- **Impact on other state programs**

Each year that the program exists, the cumulative alternate care savings it creates increase as a result of higher numbers of reunifications. Additionally, it is anticipated that when the program is expanded statewide, many more foster care beds will be made available for needy children. Foster care and caseload reductions generated by the program will be substantial.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**
- **Alternatives explored**
- **Budget impacts in future biennia**
- **Distinction between one-time and ongoing costs**
- **Effects of non-funding**

**Expenditure Calculations and Assumptions**

<b>Object Detail</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
Staff Costs		\$-0-		\$-0-		\$-0-
Non-Staff Costs		\$760,000		\$6,937,000		\$7,697,000
<b>Total</b>		<b>\$760,000</b>		<b>\$6,937,000</b>		<b>\$7,697,000</b>