

Washington State Judicial Branch 2023-25 Biennial Budget

Improving Defense Social Work Support for Parents in Dependency Cases

Agency: Office of Public Defense

Decision Package Code/Title: AF – Improving Defense SW Support

Agency Recommendation Summary Text:

OPD requests funding to add six full-time contracts with defense social workers/social service workers to assist Parent Representation Program attorneys in representing parents who have a statutory or constitutional right to counsel in dependency and termination cases. These contract resources would increase OPD’s ability to provide multidisciplinary legal teams to represent parents involved in dependency cases, including parents of color who are disproportionately marginalized and impacted in the child welfare system. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$435,164	\$435,164	\$870,328	\$435,164	\$435,164	\$870,328
Object of Expenditure						
N Social Worker						
Contracts	\$525,600	\$525,600	\$1,051,200	\$525,600	\$525,600	\$1,051,200
G Travel	\$9,000	\$9,000	\$18,000	\$9,000	\$9,000	\$18,000
S Interagency						
Reimbursement for						
Parent Rep (Title IV-E)	(\$99,436)	(\$99,436)	(\$198,872)	(\$99,436)	(\$99,436)	(\$198,872)
Total Expenditures						
	\$435,164	\$435,164	\$870,328	\$435,164	\$435,164	\$870,328

Package Description:

Parents experiencing state removal of their children typically find the child welfare legal system to be confusing, complex, and overwhelming to navigate. Consistent with industry research, OPD’s contracted defense social workers/social service workers have proven to be a critical component in a multidisciplinary legal team approach to helping parents to reach their legal goals in dependency and termination cases.¹ OPD-contracted social workers/social service workers help Parent Representation Program (PRP) defense attorneys change the trajectory of cases by shifting from reactive parent representation to proactive parent representation. Defense social work services help the defense attorney present a balanced perspective to the court.

Of particular concern is the experience of families of color in the public child welfare system. Racial disproportionality is present at all points of the system, including dependency cases filed disproportionately against parents of color. Additional OPD social work contracts would help improve multidisciplinary legal representation for parents of color.

¹ [Effects of an interdisciplinary approach to parental representation in child welfare \(2019\).pdf](#), Gerber et al, Children and Youth Services Review 102, (2019).

OPD currently contracts with 44.9 FTE social workers/social service workers to support Parent Representation Program attorneys. OPD's current PRP model provides for 1 FTE contracted social worker/social service worker to 3.13 FTE contracted defense attorneys. This Decision Package would reduce the ratio to 1 FTE contracted social worker to 2 FTE contracted attorneys and would allow more parents to benefit from a data proven resource, yielding better outcomes for families involved in the dependency legal system.

This Decision Package would provide funding for six FTE contracted social workers/social service workers to achieve a service ratio of a one social worker for every two contracted parent representation attorneys. The average annual cost of one FTE contracted social worker/social service worker is \$87,600.

Federal IV-E Reimbursement.

Funding this request would generate an estimated 18.6% federal reimbursement to the state.

Since 2019, state expenditures for the OPD Parent Representation Program (including social work contracts) qualify for partial federal reimbursement under Title IV-E of the Social Security Act. OPD has an interagency agreement with the Department of Children, Youth and Families (DCYF) pursuant to which OPD receives the federal IV-E reimbursement. The current federal reimbursement rate is about 18.6% of total expenditures. OPD assumes that the federal reimbursement rate will continue at or near 18.6%.

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

This Decision Package would benefit indigent Washington families who are involved in dependency and termination cases. OPD projects that the requested contracts for social workers/social service workers would add defense social work services for up to 168 additional parents involved in dependency proceedings. Many would be parents of color, who are disproportionately impacted by child removal, dependency filings and other actions of the child welfare system.

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

OPD considered the following alternatives:

- Adding more clients to caseloads of existing defense social work contractors. Rejected because existing caseloads already strain capacity. Each full-time contracted OPD social worker/social services worker currently supports three attorneys and up to 28 individual clients at a time.
- Maintaining the status quo. Rejected because current resources can provide defense social work services to only about 10 percent of indigent parents involved in dependency and termination cases. Attorney requests for defense social work services outnumber available social workers/social service workers.

What are the consequences of not funding this request?

Not funding this request would limit or deny defense social work services that could help families navigate their dependency cases and safely reunify.

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

This Decision Package would expand OPD's capacity to provide defense social work services in Parent Representation Program cases.

Decision Package expenditure, FTE and revenue assumptions:

Contracting Assumptions

This Decision Package would fund six contracts for defense social work services for OPD's Parent Representation Program.

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

Access to Necessary Representation: Additional defense social work contracts will help OPD ensure effective legal representation to indigent parents who have a right to legal counsel in dependency and termination cases.

Are there impacts to other governmental entities?

Funding this request would not create any impact or obligation on other agencies, courts, or governments.

Stakeholder response.

Non-governmental stakeholders include OPD-contracted attorneys and contracted defense social workers, as well as existing and future clients. OPD anticipates that they would generally support this Decision Package.

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

Chapter 2.70 RCW requires OPD to ensure the statutory and constitutional rights to counsel and directs OPD to provide counsel to indigent parents in child dependency and termination cases. Access to counsel includes access to investigators, experts, and defense-related social work services.

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

This decision package does not require any changes to statutes or court rules.

Are there impacts to state facilities?

No impacts to state facilities.

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

The following articles are illustrative of a growing body of literature that documents the value of defense social work as part of a multidisciplinary legal team for parents in dependency cases.

[Effects of an interdisciplinary approach to parental representation in child welfare \(2019\).pdf](#)

[Why an attorney may not be enough in child welfare cases \(2019\).pdf](#)

Are there information technology impacts?

No

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