

Washington State Judicial Branch 2024 Supplemental Budget Training Resources for Parents Representation Program

Agency: Office of Public Defense

Decision Package Code/Title: BE – Parents Representation Pgm Training

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests funding to ensure stable, professional training resources for OPD Parents Representation Program staff and approximately 300 client services contractors. OPD requests 1.0 FTE training coordinator to develop and coordinate training resources for the Parents Representation Program. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.25	1.0	0.63	1.0	1.0	1.0
Operating Expenditures						
Fund 001-1	\$121,850	\$517,400	\$639,250	\$525,770	\$534,558	\$1,060,328
4E Reimburse Deduct	(\$30,784)	(\$74,634)	(\$105,418)	(\$76,226)	(\$77,898)	(\$154,124)
Total Expenditures						
Net Cost	\$91,066	\$442,766	\$533,832	\$449,544	\$456,660	\$906,204

NOTE: OPD is a subrecipient (Department of Children’s, Youth, and Families) of federal Title IV-E funding. Certain child welfare-related training, including training for parent attorneys as described in this decision package, is eligible for partial federal reimbursement based on an average “penetration rate” of .2853 (75% of .3804). State funding appropriated to implement this decision package is projected to generate federal Title IV-E reimbursement as noted above.

Package Description:

Background:

The Office of Public Defense (OPD) is a national leader in family defense in child welfare cases and is the agency exclusively responsible for providing effective parent defense in Washington State. RCW 2.70.020. OPD administers the Parents Representation Program through contracts with attorneys and defense social workers across the state.

In order to ensure qualified parent representation, OPD must provide regular, relevant training to attract new Parents Representation Program contractors as well as to update knowledge and skills for experienced practitioners. Training must cover not only current and changing state and federal law but also other areas impacting child welfare law such as social worker policy and practice, racial disparity and disproportionality, psychology, mental illness, and disability. The Washington Supreme Court and the Washington State Bar Association (WSBA) regulate the practice of law in Washington and require all attorneys to participate in continuing legal education in order to maintain their license to practice law. OPD’s Parents Representation Program Social Worker Practice Standards also require ongoing annual training for defense social workers.

The WSBA requires attorneys to attend a minimum of 45 hours of training for every three-year reporting period. American Bar Association (ABA) Standards for Representing Parents in Abuse and Neglect Cases recommend a minimum

20 hours of relevant training prior to receiving appointments and a minimum of 15 hours of ongoing training per year. Licensed social workers in Washington State must have 36 hours of continuing education with six hours of law and ethics every two years. Approximately 300 contracted attorneys and defense social workers represent parent clients through contracts with the Parents Representation Program. Training these contractors is a critical part of OPD's technical assistance and oversight duties, as required by RCW 2.70.020(4).

Typical OPD-hosted annual training includes a multi-day statewide Parents Representation Program conference as well as several shorter trainings throughout the year, either in person or online. The shorter trainings are offered by OPD managing attorneys and managing social workers, but only intermittently depending on a manager's availability. Other training providers include the Washington State Children's Justice Conference, the ABA's Center for Children and the Law, the National Association for Public Defense (NAPD) and the National Indian Child Welfare Association (NICWA). These organizations provide critically important training for practitioners, but uncertain funding limits OPD's ability to offer scholarships to encourage contractor attendance.

New OPD contractors often present fundamental training needs. Law schools typically do not offer education on dependency and termination of parental rights cases, so attorneys new to an OPD contract may require intensive training and technical assistance. Additionally, new defense social work contractors may lack specific experience supporting a parent defense team. In some years OPD has been able to offer a half-day training for new social work contractors scheduled just prior to the annual OPD-hosted conference. OPD also has developed some online training content to educate new contractors, but limited agency resources can delay updates.

The Problem:

Historically, OPD has had uncertain and limited funding available to train Parents Representation Program contractors. Yet, the need for training is on the rise. The average turnover rate for OPD-contracted attorneys increased in Fiscal Years 2022 and 2023 compared to Fiscal Years 2018 and 2019. This is occurring at the same time it is more difficult to recruit contractors with substantial experience in dependency or termination representation. In order to address the ongoing retirement wave of contractors who have practiced parent defense work for the last 20 years or longer, OPD must provide training to attract and retain new contractors. OPD needs to ensure continued competence in this specialized practice area.

Additionally, in recent years the Legislature has adopted extensive amendments to the dependency and termination statutes that require ongoing training for defense practitioners. These include HB 1227 (changes to removal and shelter care requirements and creation of provisional license for relatives), HB 1194 (changes to visitation), HB 1747 (prioritizing relative placement and guardianship in lieu of termination), SB 5151 (child specific foster care licensing) and HB 1219 (creating a statewide child representation program).

Finally, the Washington Supreme Court has issued numerous decisions substantially changing interpretations of the Indian Child Welfare Act (ICWA) and the Washington Indian Child Welfare Act (WICWA), as well as child welfare requirements to address "reasonable efforts," relative placement, parental disability, evidentiary issues and procedural issues in dependency fact findings and termination of parental rights proceedings. These also have resulted in pressure to provide additional training for OPD Parents Representation Program contractors.

The Solution:

OPD requests funding to expand and ensure stable, ongoing training opportunities for Parents Representation Program contractors. OPD also requests 1 FTE to coordinate the overall training matrix for Parents Representation Program contractors, including additional intensive training for contractors new to family defense practice.

Fully describe and quantify expected impacts on state residents.

Funding specifically earmarked for training will allow OPD to plan for and implement adequate training for agency contractors, which will assure continued effective representation for parents involved in dependency and termination of parental rights cases.

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

Without a dedicated training budget, OPD’s capacity for training is uncertain and unstable. In some years the Parents Representation Program can provide robust training due to underspending in another area in the Program, but that approach is not reliable or efficient for long-term planning.

What are the consequences of not funding this request?

Not funding this decision package will adversely impact OPD’s ability to plan for and consistently provide adequate training for Parents Representation Program contractors.

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 24	FY 25	FY 26	FY 27	
Statewide Parents Rep Training Coordinator	.250	1.0	1.0	1.0	Manages statewide training and conference planning for the Parents Representation Program. Salary & Bens (prior to 4E deduct) FY24 = \$41,850 (April – June 2024) FY25 = \$167,400 FY26 = \$175,770 FY27 = \$184,558

Additional Costs	Round to Nearest \$1,000				Description/Assumptions Prior to 4E Deduct
	FY 24	FY 25	FY 26	FY 27	
Conference/Training Contracts/LOA		\$50,000	\$50,000	\$50,000	Presentations/speakers, etc. at OPD-hosted conferences.
Conference/Training Goods & Services		\$100,000	\$100,000	\$100,000	Supplies, registration, facility rentals, training materials, publications, etc.
Conference/Training Travel	\$75,000	\$200,000	\$200,000	\$200,000	Supports partial scholarships for contractors to attend national training & professional conferences. Also covers costs for OPD managers to attend.
One-time Start-up	\$5,000				Technology & equipment for 1 FTE.

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

Fair and Effective Administration of Justice

OPD intends to offer ethics trainings on equity, inclusion, and mitigation of both implicit and explicit bias. Parents Representation Program attorneys who are trained in these matters can help inform judicial officers about equitable practices and can support judicial officers to more fairly and affectively administer justice.

Accessibility

Enhanced training for defense teams can support a more accessible court system through competent representation.

Access to Necessary Representation

A key component to necessary representation is attorney competency. Stable training opportunities for Parents Representation Program contractors helps assure competent representation for their clients.

Commitment to Effective Court Management

Well-trained OPD contractors will contribute to a more knowledgeable court system.

Sufficient Staffing and Support

This decision package provides 1.0 FTE Training Coordinator/Manager to ensure that the Parents Representation Program can effectively support and train program contractors.

Are there impacts to other governmental entities?

No.

Stakeholder response:

OPD contractors support this request for funding to stabilize training in family defense practice.

OPD contractors regularly request additional training, including OPD-hosted activities as well as scholarships to participate in training opportunities hosted by the American Bar Association, National Association for Public Defense, and National Indian Child Welfare Association, among others.

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

Under RCW 2.70.020(4), OPD must “ [p]rovide oversight and technical assistance to ensure the effective and efficient delivery of services in the office's program areas.”

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?

- American Bar Association, *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases* (2006) Basic Obligations of Parents Attorneys #1, p. 8 (training recommendations) & Obligations of Attorney Managers #5, p. 34-35 (providing training opportunities). Accessed July 28, 2023 at: https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf

Office of Public Defense

Policy Level – BE – Parents Representation Pgm Training

- Family Justice Initiative, Attribute 5: Support & Oversight, describing other state training programs considered good practice. Accessed July 28, 2023 at: <https://familyjusticeinitiative.org/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute5-1.pdf>

Are there information technology impacts?

No.

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