

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 3205 E 2S HB AMS WM S5951.1	<b>Title:</b> Child long-term well-being
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## Estimated Cash Receipts

Agency Name	2007-09		2009-11		2011-13	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	0	566,304	0	1,132,608	0	0
Department of Social and Health Services	Non-zero but indeterminate cost. Please see discussion."					
<b>Total \$</b>	0	566,304	0	1,132,608	0	0

Local Gov. Courts *						
Local Gov. Other **						
Local Gov. Total						

## Estimated Expenditures

Agency Name	2007-09			2009-11			2011-13		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Public Defense	.5	461,550	461,550	1.0	923,100	923,100	1.0	923,100	923,100
Office of Attorney General	2.5	0	566,304	5.0	0	1,132,608	.0	0	0
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total</b>	3.0	\$461,550	\$1,027,854	6.0	\$923,100	\$2,055,708	1.0	\$923,100	\$923,100

Local Gov. Courts *	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Other **									
Local Gov. Total									

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<b>Prepared by:</b> Garry Austin, OFM	<b>Phone:</b> 360-902-0564	<b>Date Published:</b> Revised 3/13/2008
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 3205 E 2S HB AMS WM S5951.1	<b>Title:</b> Child long-term well-being	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

FUND	FY 2008	FY 2009	2007-09	2009-11	2011-13
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

**Non-zero but indeterminate cost. Please see discussion.**

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date: 03/04/2008
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 03/04/2008
Agency Approval: Jeff Hall	Phone: 360-357-2131	Date: 03/04/2008
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/04/2008

Request # -1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This amendment makes some clarifications to the substitute bill and removes some sections.

Section 2 – The bill amends RCW 13.34.136 and in paragraph (3) the court is to require that a petition be filed seeking termination of parental rights when a child has been in out-of-home placement 15 out of the most recent 22 months.

Section 3 – The bill amends RCW 13.34.145(3) by adding a provision requiring that at the permanency planning hearing, the department shall file a petition to terminate parental rights when the child has been in out-of-home placement for 15 months of the last 22 months since the date the dependency petition was filed. The court may enter a good cause finding as to why a petition is not filed at this time. The court’s good cause finding will be reviewed at all subsequent hearings concerning the child. "Good cause exception" is defined.

### II. B - Cash Receipts Impact

### II. C - Expenditures

This amendment does not change the following expenditure impact other than to remove sections 6 and 7 which were in the earlier substitute.

The original fiscal note concluded "no fiscal impact" to the courts based on the assumption that sections 2 and 3 codified current practice under existing federal regulations and therefore would not result in changes to existing court practices.

However, the Attorney General’s Office has projected an additional 155 termination petitions will be filed annually for the next three years in order to bring all existing cases into compliance with the standards codified under Section 2. DSHS estimates that a backlog of 1,275 cases exist which are eligible for filing of a petition under Section 2. Should the Attorney General's Office increase the number of petitions filed per year, there will be a fiscal impact to the courts as follows:

It is assumed that each case will require an average of four hours of hearing time.

Based on the assumptions described in the attached document, an additional 155 annual termination filings will result in the need for additional 0.55 superior court judges and supporting staff statewide. The annual expenditure impact to the state would be \$57,522. The expenditure impact to the counties for the first year (including capital costs) would be \$835,604. For second and subsequent years, the counties’ expenditure would be \$394,494.

The overall cost to file the 1,275 petitions projected by DSHS, would require the equivalent of 4.52 superior court judges and supporting staff statewide for a one year period. It is not known over what time period these costs might actually be incurred. The expenditure impact to the state would be \$473,166. The expenditure impact to the counties (including capital costs) would be \$6,873,515.

In section 3, the good cause finding by the court to not require the filing of a termination of parental rights petition is not expected to increase the number of termination of parental rights petitions. The courts will still be required to make this finding under the existing federal standard, which requires a “compelling reason” not to file a petition.

As provided in section 3, reviewing the courts finding for not requiring the filing of a termination petition at subsequent hearings, does not represent a change from current practice. The impact on the courts of this provision would not be significant.

Fiscal impact is calculated on a statewide basis. Even though this may result in the need for a fraction of an additional judge FTE statewide when the impact of a particular bill is minimal, the goal is to provide an estimate of projected costs for a given piece of proposed legislation.

There are currently 182 superior court judge positions. The statutorily mandated (RCW 2.56.030) objective workload methodology estimates a need for 255 superior court judges. This is a gap of 73 judge FTE. Thus, only 71% of the superior court judge need is currently being met by elected full-time superior court judges. Some jurisdictions have chosen to establish and fund court commissioner positions instead of elected judge positions. There are currently 54.17 FTE court commissioner positions.

**Part III: Expenditure Detail**

**Part IV: Capital Budget Impact**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 3205 E 2S HB AMS WM S5951.1	<b>Title:</b> Child long-term well-being	<b>Agency:</b> 056-Office of Public Defense
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	0.0	1.0	0.5	1.0	1.0
<b>Fund</b>					
General Fund-State 001-1	0	461,550	461,550	923,100	923,100
<b>Total \$</b>	0	461,550	461,550	923,100	923,100

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/04/2008
Agency Preparation: Candace Martin	Phone: 360-586-3164	Date: 03/13/2008
Agency Approval: Candace Martin	Phone: 360-586-3164	Date: 03/13/2008
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/13/2008

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

HB 3205 establishes at Section 2(3) that “If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi).” At Section 3(f), the Senate amendments establish that at the permanency planning hearing, the court will order the department to file a (future) petition if the child is in out-of-home care for 15 out of 22 months unless the court finds good cause under one of the enumerated exceptions. Section 1, the intent section, says that “The legislature ... finds that according to measures of timely dependency case processing, many children’s cases are not meeting the federal and state standards...the legislature intends...to promote closer adherence to timeliness standards in the resolution of dependency cases.”

It is clear that the legislature intends HB 3205 to ensure that courts order that termination petitions be filed when children have been in care for 15 months out of 22 months.

Accelerated filings under the bill are expected to result in approximately 137 potential additional non-relative care OPD Parents Representation Program termination cases annually. This number is based on the Senate amendment establishing the exemption of enumerated good-cause cases. The OPD program is located in Benton, Chelan, Clallam, Clark, Cowlitz, Ferry, Franklin, Grant, Grays Harbor, Kitsap, Kittitas, Klickitat, Mason, Pacific, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, and Yakima counties.

AGO data on the “Estimated Number of Children Reaching 15 Months Placed Out of 22 Months” document lists the total number of children reaching 15 months out of 22 months, the subset of these children who were placed with relatives, and the number of termination petitions filed. The non-relative children in the 25 OPD counties total for whom termination petitions were not filed by the time they had been in out of home care 15 out of 22 months is 192. Due to the other good cause grounds enumerated by the Senate amendments, OPD expects that another 25% of the potential Parents Representation Program cases would be deemed as good cause exceptions to HB 3205’s termination filing requirement, bringing the total to 144. (The 25% estimate is based on the overall problems parents have in obtaining services and the estimated number of cases with other compelling interests.) The total must be reduced by another 5% to take into account parents who are not indigent and therefore not eligible for public defense representation. The 137 remaining children are assumed to represent the public defense accelerated terminations that could be expected per year as a result of the bill.

Termination of parental rights cases are usually more demanding and time consuming than dependency cases, and they require more expert services and litigation expenses. When trials occur, they may take from 1 to 10 days or more. The duration of termination cases can range from less than a month if the parties agree, or up to one year or more if they are contested, depending on the court’s schedule and other factors. As noted by both the AGO and OPD previously, many of these accelerated terminations are expected to be contested.

Dependency cases remain open during the pendency of the termination cases, so there would be no reduction of OPD program attorneys’ ongoing dependency case caseload as a result of the new accelerated termination cases. Parent attorneys’ dependency case representation continues to involve representing the parent at dependency hearings, overseeing the parent’s participation in court ordered services, enforcing visitation orders, and conducting other necessary case activities. It is not uncommon for children to be returned home pursuant to the dependency case after a termination petition is filed.

Once the accelerated termination cases reached closure, one might expect some reduction in the program’s overall dependency and termination caseload. However, it appears that whatever reductions might occur are likely to be absorbed by increased dependencies resulting in accelerated termination filings in cases that successively become 15 months old in months after the bill takes effect. For example, over the last year of actual caseload filings reported by the

Caseload Forecast Council, there was an increase of 172 unduplicated foster care placements (not including relative placements) over the previous foster care placement rate. (These are assumed not to be depicted on the "Estimated Number of Children Reaching 15 Months Placed Out of 22 Months" chart because the cases had not reached 15 months by the end of 2007.) Fifteen months from when these placements were made, an indeterminate but significant number of them would become accelerated termination filings under HB 3205. Another example is that the Council predicts that from the July 1, 2008 effective date of HB 3205 to 12 months later, there will be an unduplicated foster care placement increase of 226 cases, an indeterminate but significant number of which should also become accelerated termination filings under HB 3205 15 months after the dependency filings. These are additional cases over the present day counts depicted on the AGO "Estimated Number of Children Reaching 15 Months Placed Out of 22 Months" chart. These types of ongoing increases in HB 3205 cases would be expected to "fill in" any reductions in OPD program attorneys' caseloads caused by the closure of accelerated termination cases, at least during the next few years as the system adjusts.

OPD Parents Representation Program attorneys are paid in accordance with staffing requirements of the Washington State Bar Association's Public Defense Standards, which allow a 1/4 time staff person and a 1/4 social worker per defense attorney. In termination cases, the emphasis is on communicating with clients, working with experts, negotiating, attending case conferences, intensively preparing for litigation, and litigating the case. The HB 3205 termination caseload would be handled by 2.25 contract attorneys with the assistance of a 1.0 OPD FTE, resulting in an average workload of 42 termination cases each. This provides an average of 42 hours for each termination— allowing for extensive communication with parent clients, investigation, research, obtaining and working with experts, hearings and conferences, and trials. The total expected program-wide workload is 5,871 attorney hours.

OPD estimates that the following additional expenditures would be required to meet the new workload: 2.25 FTE contract attorneys, a .75 FTE of social worker services, a 1.0 FTE supervising/resource attorney at OPD who would oversee the program attorneys' performance under the act in all 25 program counties, including supervising the increased termination representations and providing training and mentoring to all program attorneys regarding the new 15-month hearing issues, and travel. The increase in termination of parental rights cases would also require additional litigation expenses for the services of court reporters, production of records not included in discovery, expert services, and expert witnesses at a cost of \$26,400 per year.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

OPD estimates a need for 2.25 FTE contract attorneys, 1.0 FTE supervision attorney at OPD, and .75 of contract social worker services, at a cost of \$435,100 per year. An additional \$26,400 each FY for litigation expenses such as production of documents, court reporters, expert services and expert witnesses would also be required for a total estimate cost of \$461,500. The bill is assume effective July 1, 2008.

### Part III: Expenditure Detail

#### III. A - Expenditures by Object Or Purpose

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years		1.0	0.5	1.0	1.0
A-Salaries and Wages		83,400	83,400	166,800	166,800
B-Employee Benefits		21,900	21,900	43,800	43,800
C-Personal Service Contracts					
E-Goods and Services		343,050	343,050	686,100	686,100
G-Travel		13,200	13,200	26,400	26,400
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
<b>Total:</b>	\$0	\$461,550	\$461,550	\$923,100	\$923,100

#### III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2008	FY 2009	2007-09	2009-11	2011-13
Attorney	83,400		1.0	0.5	1.0	1.0
<b>Total FTE's</b>			1.0	0.5	1.0	1.0

### Part IV: Capital Budget Impact

### Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 3205 E 2S HB AMS WM S5951.1	<b>Title:</b> Child long-term well-being	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

FUND	FY 2008	FY 2009	2007-09	2009-11	2011-13
Legal Services Revolving Account-State 405-1		566,304	566,304	1,132,608	
<b>Total \$</b>		566,304	566,304	1,132,608	

### Estimated Expenditures from:

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	0.0	5.0	2.5	5.0	0.0
<b>Fund</b>					
Legal Services Revolving Account-State 405-1	0	566,304	566,304	1,132,608	0
<b>Total \$</b>	0	566,304	566,304	1,132,608	0

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/04/2008
Agency Preparation: Noella Rawlings	Phone: (206) 389-2994	Date: 03/04/2008
Agency Approval: John Fricke	Phone: 360-753-2516	Date: 03/06/2008
OFM Review: John Shepherd	Phone: 360-902-0538	Date: 03/07/2008

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

In this latest version of the bill, the intent section is adjusted and the language regarding a continuum of services is deleted and substituted with protection of the child's right to a safe, stable and permanent home where the child receives basic nurturing. This version adds language to the intent section that the federal and state standards for timely case processing is meant to promote child-centered decision making in dependency cases.

In section 2 of this version of the bill, the termination petition is to be filed in accordance with RCW 13.34.145(3)(b)(vi) rather than RCW 13.34.145(2).

In section 3, the provision regarding the finding of good cause is moved from subsection 2 to subsection (3)(vi) and the meaning of "good cause exception" is added to include, but not limited to the child is being cared for by a relative; the Department of Social and Health Services (DSHS) has not provided the family with services; and DSHS has documented in the case plan a compelling reason for determining that the filing of a termination petition is not in the child's best interests.

This version of the bill eliminates the requirement that the long-term well being of the child shall be a paramount concern. Also, eliminated are the provisions regarding DSHS contracting for an information and referral services provider to support families with children adopted out of foster care. This version removes the provisions authorizing DSHS to enter into voluntary placement agreements with parents who adopted foster children.

The AGO anticipates an increase of 20 percent in termination filings per year until all appropriate cases within the statutory timeline for out-of-home placement have been filed or findings for a good cause exception have been made. The recent report from Administrative Office of the Courts on compliance with timelines in dependency cases indicated that only 50% of termination cases were filed at or before the child had been out of home for 15 months. The report also determined that 90% of termination cases were filed by the time the child had been out of home for more than 30 months. This indicates that approximately 40% of the termination cases filed from 2004 to 2007 were filed past the time required by existing state and federal requirements, an indication of a sizeable backlog that will be subject to increased scrutiny by the courts pursuant to section 3 of this bill.

In FY 2007, the AGO opened 1,247 termination cases per referrals from DSHS. If the court orders accelerated filings for even a portion of the 40% of termination cases now filed after 15 months, the potential increase will be significant. A conservative estimate is that the AGO will experience a 20% increase in filings per year for the next 3 or 4 years until this backlog is resolved. Accelerating filings would result in approximately 100 more cases per year (40 percent of 1,247 x 20%). In addition, both dependency and termination filings have increased in recent years. The AGO opened 6.4% more termination cases in FY 2007 compared to FY 2006. In FY 2006, the AGO opened 8.4% more termination cases than FY 2005. It is likely that even without the effect of this bill, termination filings will continue to increase for 2 or 3 more years in response to increases in dependency filings, even if dependencies start to level off.

Further, based on prior experience when courts have ordered accelerated termination filings, the AGO anticipates that an increased percentage of these cases are likely to result in contested fact-finding hearings and subsequent appeals to the Court of Appeals. Because of the definition of good cause added to this bill, the AGO has determined that the previous estimate should be reduced. The AGO estimates a need for an additional 2.0 attorney FTEs, 1.0 paralegal FTE, 1.0 legal assistant FTEs and 1.0 office assistant for the next four years, and for \$30,000 annually in litigation costs which would total \$566,304 for the next three years. This is a reduction in the estimated fiscal impact to the AGO for this version of the bill compared to previous versions.

There may be a cost savings in the long term as permanent plans are established for children sooner.

The bill is assumed effective July 1, 2008.

**II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

Legal Services costs incurred by the AGO will be billed through the revolving fund to the client agency--DSHS.

**II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

The AGO anticipates an increase of 20 percent in termination filings per year under this bill. In FY 2007, the AGO opened 1,247 termination cases per referrals from DSHS, 40% of which were filed after 15 months. Therefore, the AGO estimates approximately 100 more cases per year (40 percent of 1,247 cases x 20%) over the next three years.

Further, based on prior experience when courts have ordered accelerated termination filings, the AGO anticipates that an increased percentage of these cases are likely to result in contested fact-finding hearings and subsequent appeals to the Court of Appeals. Because of the definition of good cause added to this bill, the AGO has determined that the previous estimate should be reduced. The AGO estimates a need for an additional 2.0 attorney FTEs, 1.0 paralegal FTE, 1.0 legal assistant FTEs and 1.0 office assistant for the next four years, and for \$30,000 annually in litigation costs which would total \$566,304 for the next three years. This is a reduction in the estimated fiscal impact to the AGO for this version of the bill compared to previous versions.

The bill is assumed effective July 1, 2008.

When reviewing the AGO fiscal note as compared to the DSHS fiscal note it is important to understand that the AGO bases the cost estimate on the number of cases while DSHS estimates cost based on the number of individual children.

Assumptions:

1. The AGO handles workload by cases, which often include a number of siblings.
2. Our 1,247 cases include 1,929 child based individual petitions.

**Part III: Expenditure Detail**

**III. A - Expenditures by Object Or Purpose**

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years		5.0	2.5	5.0	
A-Salaries & Wages		301,512	301,512	603,024	
B-Employee Benefits		84,423	84,423	168,846	
C-Personal Serv Contr		30,000	30,000	60,000	
E-Goods and Services		85,369	85,369	210,738	
G-Travel		25,000	25,000	50,000	
J-Capital Outlays		40,000	40,000	40,000	
M-Inter Agency Fund Transfers					
N-Grants, Benefits Services					
P-Debt Service					
S-Interagency Reimbursement					
T-Intra-Agency Reimbursement					
<b>Total:</b>	\$0	\$566,304	\$566,304	\$1,132,608	\$0

**III. B - Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

<b>Job Classification</b>	<b>Salary</b>	FY 2008	FY 2009	2007-09	2009-11	2011-13
Attorney	83,400		2.0	1.0	2.0	
Legal Assistant	42,588		1.0	0.5	1.0	
Office Assistant	33,468		1.0	0.5	1.0	
Paralegal	58,656		1.0	0.5	1.0	
<b>Total FTE's</b>			5.0	2.5	5.0	0.0

**III. C - Expenditures By Program (optional)**

<b>Program</b>	FY 2008	FY 2009	2007-09	2009-11	2011-13
Social and Health Services (SHS)		566,304	566,304	1,132,608	
<b>Total \$</b>		566,304	566,304	1,132,608	

**Part IV: Capital Budget Impact**

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 3205 E 2S HB AMS WM S5951.1	<b>Title:</b> Child long-term well-being	<b>Agency:</b> 300-Dept of Social and Health Services
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

**Non-zero but indeterminate cost. Please see discussion.**

**Estimated Expenditures from:**

**Non-zero but indeterminate cost. Please see discussion.**

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/04/2008
Agency Preparation: Denise Livingston	Phone: 360-902-8196	Date: 03/04/2008
Agency Approval: Sue Breen	Phone: 360-902-8183	Date: 03/06/2008
OFM Review: Tammy Hay	Phone: 360-902-0553	Date: 03/07/2008

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 2, amending RCW 13.34.136 -- The court will require the filing of a petition seeking termination of parental rights as a part of the permanency plan for a child who has been in out-of-home care for fifteen of the most recent twenty-two months, in accordance with RCW 13.34.145.

Section 3, amending RCW 13.34.145 -- During a permanency planning hearing, the court will order DSHS to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months, unless the court makes a good cause written finding as to why filing a petition for termination is not appropriate. Any such good cause finding will be reviewed at all subsequent motion and review hearings pertaining to the child.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

Section 2 & 3 -- Federal funds earned will be Title IV-E for Social Worker costs. Payment to the Attorney General's Office (AGO) will be made through fund 145 and spread to Title IV-E and other federal fund sources.

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

Sections 2 and 3:

Current practice is for Children's Administration to review cases once a child has been in an out-of-home placement for 12 months. At this time a determination is made by CA as to whether a petition to seek termination is appropriate. This bill changes the law to require the court, during the first or subsequent permanency planning hearings, to order CA to file a petition for termination of parental rights if a child has been in an out-home placement for 15 of the last 22 months, unless the court makes a good cause exception as to why the termination petition should not be filed. Most children will not have been in placement for 15 months at the time of the first permanency planning hearing so it will be the second permanency planning hearing in most cases that the judge would be compelled to order DSHS to file a termination petition.

If the courts make a written finding of good cause for not filing a termination petition, CA and AGO staff will be required to review this finding at all subsequent motion and review hearings. It is anticipated that this will increase workload for the assigned case worker within CA, leading to lengthier review and motion hearings and additional preparation time for the social workers. There is a minimum of two review hearings a year per child. The minimum additional cost for a review and motion hearing is \$64 (estimated at \$31.99 per hour for salary and benefits) per hearing for a current Social Worker 3 to prepare for the review. However, the additional length of the hearings is unknown and the total cost indeterminate.

Based on the Case and Management Information System (CAMIS), there were approximately 3,204 children under age 18 who reached the 15 months of placement in FY07. Of this population, there were termination petitions filed for 1,929 children during the same time period. For purposes of this fiscal note, DSHS assumes the effect of the bill is that termination petitions will be filed for 20% of the remaining 1,275 children, or an increase of 255 petitions per year.  $(3,204 - 1,929 = 1,275 \times 20\% = 255)$

For purposes of this fiscal note, DSHS assumes a Social Worker 3 (SW3) spends 12 hours preparing for attending court for a termination hearing. Based on the workload study, DSHS needs 2.1 SW3's at a cost of \$202,000  $(1,275 \times 20\% \times 12 \text{ hours} / 12 \text{ months} / 119.3 \text{ hr})$ . Based on the workload study, DSHS will also need .3 SW4s and .2 Clerical Support Staff at

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a cost of \$58,000. The total staff costs are estimated at \$260,000. The AGO estimates an increased number of these cases will likely result in contested fact-finding hearings and subsequent appeals to the Court of Appeals. Additional social worker time needed for the lengthier termination hearings is indeterminate.

Attorney General's Office (AGO) costs:

The AGO's fiscal note estimates a 20% increase in filings per year, or approximately 100 additional termination filings per year for the next 3 or 4 years, for a cost of \$566,304 per year.

### **Part III: Expenditure Detail**

### **Part IV: Capital Budget Impact**

### **Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*