

Multiple Agency Fiscal Note Summary

Bill Number: 5363 SB	Title: Youth counsel/dependency
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Estimated Cash Receipts

Agency Name	2017-19		2019-21		2021-23	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Total \$	0	0	0	0	0	0

Estimated Expenditures

Agency Name	2017-19			2019-21			2021-23		
	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	.0	1,432,960	1,432,960	.0	1,791,200	1,791,200	.0	1,791,200	1,791,200
Office of Civil Legal Aid	2.5	31,971,503	31,971,503	2.5	39,845,868	39,845,868	2.5	39,845,868	39,845,868
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total	2.5	\$33,404,463	\$33,404,463	2.5	\$41,637,068	\$41,637,068	2.5	\$41,637,068	\$41,637,068

Local Gov. Courts *	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 902-9810	Date Published: Final 2/ 3/2017
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 45660

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 5363 SB	Title: Youth counsel/dependency	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2018	FY 2019	2017-19	2019-21	2021-23
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.
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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	Melissa Burke-Cain	Phone: 360-786-7755	Date: 01/26/2017
Agency Preparation:	Renee Lewis	Phone: 360-704-4142	Date: 01/30/2017
Agency Approval:	Ramsey Radwan	Phone: 360-357-2406	Date: 01/30/2017
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 01/30/2017

Request # SB 5363-1

Part II: Narrative Explanation

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

RCW 13.34.090 would be amended to state: (3) At all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel and have counsel appointed for him or her by the court.

RCW 13.34.100 would be amended to strike the provision that a child who has turned twelve may be represented by an attorney. All children, regardless of age, would have the right to be represented by counsel and have counsel appointed for him or her by the court.

II. B - Cash Receipts Impact

II. C - Expenditures

Based on information from judges and county juvenile department staff, more time would be needed for disposition hearings in agreed cases. The estimated time ranged from ten minutes to thirty minutes per case for thousands of cases. And it is estimated that this legislation would add two hours to fact finding hearings. The impact is not quantifiable and will be specific to the individual juvenile courts. The dockets are already full at the majority of the juvenile courts. The impact would mean that some dependency hearings may not meet the state and federal standards for optimal handling of dependency cases.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 5363 SB	Title: Youth counsel/dependency	Agency: 056-Office of Public Defense
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Account					
General Fund-State 001-1	537,360	895,600	1,432,960	1,791,200	1,791,200
Total \$	537,360	895,600	1,432,960	1,791,200	1,791,200

Estimated Capital Budget Impact:

NONE

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: Melissa Burke-Cain	Phone: 360-786-7755	Date: 01/26/2017
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 01/30/2017
Agency Approval: Joanne Moore	Phone: 360 956-2107	Date: 01/30/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/30/2017

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.

SB 5363 requires appointment of counsel for all children involved in dependency cases filed under Chapter 13.34 RCW. Section 1(3) of the bill provides that at all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel and have counsel appointed for him or her by the court. The bill does not limit a child's right to counsel to trial proceedings so it is assumed that a child's right to counsel would extend to proceedings in the Court of Appeals and the Washington Supreme Court. RCW 2.70.020 directs the Office of Public Defense (OPD) to administer all state-funded services for appellate public defense, so it is assumed that OPD would administer any appellate representation required for children impacted by this bill.

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.

SB 5363 requires appointment of counsel for all children involved in dependency cases filed under Chapter 13.34 RCW. Section 1(3) of the bill provides that at all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel and have counsel appointed for him or her by the court.

OPD's assumptions for this fiscal note:

1. The bill does not limit a child's right to counsel to trial proceedings so it is assumed that a child's right to counsel would extend to proceedings in the Court of Appeals and the Washington Supreme Court.
 2. Existing law (RCW 2.70.020) directs the Office of Public Defense (OPD) to administer all state-funded services for appellate public defense, so it is assumed that OPD would administer any appellate representation required for children impacted by this bill.
 3. OPD's cost to provide appellate counsel for children in dependency appeals would depend on the number of additional full-time appellate attorney contracts required to handle the increased workload, the cost for trial transcripts, costs for extraordinary compensation, and costs for attorney training and travel.
- Supreme Court caseload standards limit each full-time public defense attorney to 36 appeals per year, assuming experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload is to be reduced accordingly.
4. To provide appellate representation for persons who qualify for appointed counsel, OPD contracts with law firms and individual attorneys around the state. On average, each appellate representation costs approximately \$3,305 for attorney services. In addition, each appellate representation requires a transcript of trial proceedings.

Over the past two fiscal years, the average cost for a dependency/termination case transcript was \$1,098.

5. In FY 15 and FY 16 about 2 percent of indigent parents involved in dependency/termination trials pursued appeals and required OPD appellate representation in the Court of Appeals or Washington Supreme Court. After consulting with the Office of Civil Legal Aid (OCLA) OPD believes it is reasonable to assume that about 2 percent of represented children also would be involved in appeals and would require OPD appellate representation.

6. Based on the OCLA fiscal note assumption that it would annually administer 9,900 child representations at the trial level, and assuming that 2 percent of these child representations would require counsel on appeal, OPD assumes it would be responsible for an additional 200 appellate representations per year.

7. Attorney services for 200 additional appeals would require OPD to administer an additional 5.5 FTE attorney contracts at a cost of approximately \$661,000 per year for attorney services.

8. Trial transcripts for 200 additional appeals would cost an estimated \$219,600 per year.

9. Extraordinary compensation is awarded on a case-by-case basis when an extraordinary amount of preparation and time is required. In FY 16 OPD awarded approximately \$25,000 in extraordinary compensation for appellate representation of parents appealing dependency/termination cases, and OPD assumes an additional \$25,000 ex comp per year would be awarded for appellate representation of children.

10. OPD provides specialized training for its contracted attorneys. OPD also pays for appellate contract attorney travel to courts that are beyond their normally assigned division. (For example, an appellate contractor based in Spokane is typically assigned to Court of Appeals Division 3 cases and is not reimbursed for travel to Division 3. However if a Spokane-based contract attorney is required to take a case in Court of Appeals Division 2, he or she would be reimbursed for travel to Division 2 in Tacoma.) OPD assumes additional training and travel costs of \$15,000 per year.

11. OPD assumes it will not require additional agency employees to administer the additional appellate representation contracts.

12. Consistent with the phased-in implementation assumed by OCLA, OPD reduces the various estimated appellate costs by 40 percent in FY 18.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	396,600	661,000	1,057,600	1,322,000	1,322,000
E-Goods and Other Services	131,760	219,600	351,360	439,200	439,200
G-Travel	9,000	15,000	24,000	30,000	30,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$537,360	\$895,600	\$1,432,960	\$1,791,200	\$1,791,200

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

Bill Number: 5363 SB	Title: Youth counsel/dependency	Agency: 057-Office of Civil Legal Aid
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	2.5	2.5	2.5	2.5	2.5
Account					
General Fund-State 001-1	12,048,569	19,922,934	31,971,503	39,845,868	39,845,868
Total S	12,048,569	19,922,934	31,971,503	39,845,868	39,845,868

Estimated Capital Budget Impact:

NONE

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.

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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: Melissa Burke-Cain	Phone: 360-786-7755	Date: 01/26/2017
Agency Preparation: Jim Bamberger	Phone: (360) 704-4135	Date: 01/26/2017
Agency Approval: Jim Bamberger	Phone: (360) 704-4135	Date: 01/26/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/27/2017

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.

SB 5363 requires appointment of attorneys for all children in dependency cases filed under RCW 13.34. It provides authority for the Office of Civil Legal Aid to pay the costs of legal services provided by an attorney.

Sec. 1 (3) amends RCW 13.34.090 to require that the court appoint an attorney to represent a child who is alleged to be dependent at all stages of the proceeding.

Sec. 1(5) amends RCW 13.34.090 to require that child and child's counsel receive copies of department of social and health services or supervising agency records that child and child's counsel has access to pursuant to RCW 13.50 prior to shelter care hearing.

Sec. 2 amends RCW 13.34.092 to add the requirement that counsel be appointed to the legal custodian unless counsel has been retained by the legal custodian

Sec. 3 (6) (a) amends RCW 13.34.100 to require the court to appoint an attorney for all children in dependency proceedings prior to the initial shelter care hearing. It strikes the section that excludes representation of a child by an attorney in an appellate proceeding relative to the termination of the parent and child relationship.

Section 3 (6)(b)(iii) assigns responsibility for implementation of the program to pay for and oversee children's legal representation to the Office of Civil Legal Aid subject to the availability of appropriations. State payment is conditioned on the legal representation being provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180 laws of 2010.

Assumptions for this fiscal note include:

1. Addition of 2 Full-Time Children's Representation Resource Attorneys (Resource Attorneys). OCLA is currently contracting directly with 75 individual attorneys and three legal agencies to provide representation to children who have been legally free for six months or greater. OCLA has one Program Manager who is in charge of the oversight of the entire program, management of attorney contracts and payment for the representation of approximately 850 children by 75 attorneys. This bill will require the oversight, recruitment, payment and support of an additional 90 FTE attorneys. This will require the addition of two (2) full-time Resource Attorney positions. The individuals hired in these positions must have substantial knowledge of the child welfare system and experience providing standards-based representation for children in dependency cases. Compensation for the Resource Attorneys will be \$60,000 plus fringe and necessary overhead. Personnel expenses are phased in over FY 18.

2. Addition of a .5 FTE Admin Support. In order to administer the contracts, process payments and ensure compliance with standards of representation, an additional .5 FTE administrative support staff person is needed. OCLA determined that compensation for this .5 FTE position should be \$27,000 plus fringe and necessary overhead. Personnel expenses are phased in during FY 18.

3. Training. Section 3 (6) (b) (i) conditions state payment on attorney compliance with the standards of practice,

voluntary training and caseload limits developed by the statewide children's representation work group. OCLA contracts with the Court Improvement Training Academy at the University of Washington Law School to provide high quality, ongoing training and support for current Children's Representation Program attorneys. OCLA currently pays \$54,000 per year for the training of approximately 75 attorneys. This bill will require training of an additional 90 FTE attorneys and will increase the training costs by \$71,000 per year.

4. Payment for Legal Services Provided By Attorneys Appointed Under Section 3 (6) (a). OCLA currently pays \$120,000 per year for 1 FTE attorney to carry a case load of 80 children who have been legally free for six months or greater. This is consistent with what the Office of Public Defense currently pays attorneys to represent parents in dependency and termination cases. Consistent with the standards of practice, voluntary training and caseload limits developed by the statewide children's representation work group OCLA will apply a caseload standard of 60 clients with up to 80 cases. OCLA is assessing whether \$120,000 will be sufficient to attract and retain full-time children's representation attorneys representing children pre-termination of parental rights, but has used that figure for this fiscal note.

According to the Administrative Office of Courts, an average of 11,000 children have open dependency cases each year. Assuming that 10% of these cases involve siblings, the weighted number of open cases is approximately 9900. Assuming each CRP attorney maintains a caseload of 60 clients, 165 FTE's will be needed to serve these 9900 weighted clients. At a rate of \$120,000, the cost for legal representation will be \$18,600,000 per year. Costs of attorney representation are reduced by 40% in FY 18 to accommodate phased implementation of the program.

Extraordinary Compensation. Consistent with standards of practice, OCLA authorizes extraordinary compensation of up to \$750 for cases that take an extraordinary amount of preparation and time. Assuming 10% of weighted cases (N=990) will require an extraordinary amount of preparation and time, costs for extraordinary compensation will annualize at \$742,500. Extraordinary costs are reduced by 40% in FY 18 to accommodate phased implementation of the program.

Case Activity, Reporting and Oversight System. In order to ensure compliance with standards of practice OCLA currently employs a Case Activity, Reporting and Oversight System (CAROS), an online database that tracks attorneys' case activities and certain demographic information about the clients served. The cost to OCLA for this system is \$15 per user per month. OCLA hopes to recruit attorneys willing to commit to full-time representation of children. However, there will be many attorneys who cannot do so. OCLA anticipates about 250 attorneys will participate. The cost for 250 FTEs would be approximately \$45,000 per year. The net increase over existing expenses will be \$30,000.

5. Compensation for Travel. In order to provide standards based representation attorneys must visit with children in their home. Many children are placed outside of the county of jurisdiction. Assuming that 15% of the children live 50 miles or more outside of county the cost for reimbursement of travel at the state rate of .54 per mile would be approximately \$72,171.

6. Payment for Social Work Services. The Standards of Practice assume that attorneys will have access to adequate social work services. OPD provides 1 social worker per 4 FTE attorneys with a caseload of up to 80 cases. OPD compensates social workers at a rate of \$60,000 per year. Reference to OPD cost experience is relevant as, despite the different legal interests at stake, the roles of social workers for parents are similar to those of social workers for children. Assuming that social worker services will be needed in approximately 10% of the cases, and assuming that 1 FTE social worker will be used per 400 cases, this will cost \$165,000. Social worker costs are reduced by 50% in FY 18 to accommodate phased implementation of the program.

7. While section 3 of the bill strikes language prohibiting representation of children in appeals from orders terminating parental rights, it is unclear whether the drafters intend that representation of children pursuant to RCW 13.34.100(6)(b) should extend to appeals and, if so, whether such appeals should be managed by the Office of Civil Legal Aid or the Office of Public Defense which currently provides appellate representation in cases where there is a constitutional or statutory right to counsel. For purposes of this fiscal note, OCLA assumes that responsibility to fund legal representation does not extend to appeals.

8. Payment for Interpreters. While rare, CRP attorneys will have situations where they will need to engage the assistance of interpreters to ensure effective representation of their clients. These are most likely to be needed to speak with LEP collateral contacts rather than their clients, but may also involve some interpretation for LEP clients. OCLA anticipates 100 hours of interpreter services per year at an average rate of \$40 per hour. These costs are reduced by 25% in FY 18 to accommodate phased implementation of the program.

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.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	2.5	2.5	2.5	2.5	2.5
A-Salaries and Wages	117,600	147,000	264,600	294,000	294,000
B-Employee Benefits	27,048	42,263	69,311	84,526	84,526
C-Professional Service Contracts	11,694,000	19,515,500	31,209,500	39,031,000	39,031,000
E-Goods and Other Services	130,250	136,000	266,250	272,000	272,000
G-Travel	79,671	82,171	161,842	164,342	164,342
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$12,048,569	\$19,922,934	\$31,971,503	\$39,845,868	\$39,845,868

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 2018	FY 2019	2017-19	2019-21	2021-23
Administrative Support	54,000	0.5	0.5	0.5	0.5	0.5
Resource Attorneys	60,000	2.0	2.0	2.0	2.0	2.0
Total FTE's	114,000	2.5	2.5	2.5	2.5	2.5

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

Bill Number: 5363 SB	Title: Youth counsel/dependency	Agency: 300-Department 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.

Estimated Capital Budget Impact:

NONE

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: Melissa Burke-Cain	Phone: 360-786-7755	Date: 01/26/2017
Agency Preparation: Mickie Coates	Phone: 360-902-8077	Date: 02/01/2017
Agency Approval: Ken Brown	Phone: 360-902-7583	Date: 02/01/2017
OFM Review: Rayanna Williams	Phone: (360) 902-0553	Date: 02/01/2017

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 1 – At all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel and have counsel appointed for him or her by the court.

Section 3 – The court must appoint an attorney for a child in a dependency proceeding prior to the initial shelter care hearing.

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.

It is assumed that costs incurred under passage of this legislation will be funded with 98 percent GF-State and 2 percent federal under the Title IV-E capped allocation.

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 bill expands the age group for a right to representation by an attorney to all age groups. Currently the right to request an attorney is limited to children ages 12 and above. The Department of Social and Health Services (DSHS), Children’s Administration (CA) estimates that each year an additional 10,000 children will have access to an attorney under passage of this legislation. This is expected to require CA to transport more children to and from hearings and meetings with attorneys. However, it is unknown how many more children will request an attorney and how many more trips will need to occur. For this reason, the staff and transportation costs to implement this legislation are indeterminate.

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.

None

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5363 SB	Title: Youth counsel/dependency
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Legal representation of all children in dependency court proceedings.
- ☐ Special Districts:
- ☒ Specific jurisdictions only: Counties that have juvenile dependency hearings.
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Number of new youth dependency cases assigned legal counsel.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Laura Medrud	Phone: 360/725-5041	Date: 02/02/2017
Leg. Committee Contact: Melissa Burke-Cain	Phone: 360-786-7755	Date: 01/26/2017
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/02/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/03/2017

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

This bill pertains to the appointment of counsel for minors in dependency court proceedings. It amends RCW 13.34.090, 13.34.092, 13.34.100 and 13.34.105.

Section 1, Subsection 3 is amended to stated that at all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel and have counsel appointed for him or her by the court. Subsection 5 is updated to state that the child and the child's counsel shall receive Department of Social and Health Services (DSHS) agency records.

Section 2 is amended to state that at the commencement of a shelter care hearing, a legal custodian is added to the list of individuals who shall be advised of the basic rights as provided in RCW 13.34.090.

Section 3, Subsection 6 is amended to state that the court must appoint an attorney for a child in a dependency proceeding prior to the initial shelter care hearing.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This bill has an indeterminate but potentially significant impact to counties. This bill would impact only counties that handle their own dependency hearings. Small counties presently refer their cases to the Attorney General's office to be handled through an inter-local agreement.

According to the Administrative Office of the Courts, an average of 11,000 children have open dependency cases each year. According to the Washington Superior Court annual caseload report, there were 4,664 dependency cases completed statewide in 2015.

This bill would have an expenditure savings to counties, as currently Guardians ad Litem (GAL) or Court Appointed Special Advocates (CASA) are appointed to assist minors in dependency hearings. The existing GAL requirement may be unnecessary if the child is represented by an attorney in the proceedings. The statewide county average for CASA case costs is \$1,250 per child. The average for GAL representation for a case is \$1400 per child.

This bill requires the state Office of Civil Legal Aid (OCLA) to provide and fund the attorneys for representing children in dependency hearings. Please see the fiscal note for the OCLA for a description of these costs.

Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, county prosecutors and jail costs. Please see the AOC fiscal note for a discussion of impacts to county courts.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This bill has no revenue impact to local government.

SOURCES:

Washington State Association of Counties
Thurston County Office of Public Defense
Washington Defenders Association
Washington State Office of Public Defense
Washington Association of Prosecuting Attorneys
Administrative Office of the Courts fiscal note
Office of Civil Legal Aid fiscal note
Administrative Office of the Courts Therapeutic Court Coordinator
Washington Courts Caseload data
Washington State CASA data