

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2260 HB	<b>Title:</b> Dependency proceeding notice
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## Estimated Cash Receipts

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	0	1,096,000	0	1,994,000	0	1,994,000
Department of Children, Youth, and Families	0	202,760	0	368,890	0	368,890
<b>Total \$</b>	<b>0</b>	<b>1,298,760</b>	<b>0</b>	<b>2,362,890</b>	<b>0</b>	<b>2,362,890</b>

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of Attorney General	.7	0	1,096,000	1.4	0	1,994,000	1.4	0	1,994,000
Department of Children, Youth, and Families	.3	951,822	1,154,582	.5	1,742,274	2,111,164	.5	1,742,274	2,111,164
<b>Total \$</b>	<b>1.0</b>	<b>951,822</b>	<b>2,250,582</b>	<b>1.9</b>	<b>1,742,274</b>	<b>4,105,164</b>	<b>1.9</b>	<b>1,742,274</b>	<b>4,105,164</b>

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

# Estimated Capital Budget Breakout

<b>Prepared by:</b> Rayanna Williams, OFM	<b>Phone:</b> (360) 902-0553	<b>Date Published:</b> Preliminary 2/ 6/2020
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# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 2260 HB	<b>Title:</b> Dependency proceeding notice	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
Legal Services Revolving Account-State 405-1	99,000	997,000	1,096,000	1,994,000	1,994,000
<b>Total \$</b>	99,000	997,000	1,096,000	1,994,000	1,994,000

### Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.1	1.4	0.7	1.4	1.4
<b>Account</b>					
Legal Services Revolving Account-State 405-1	99,000	997,000	1,096,000	1,994,000	1,994,000
<b>Total \$</b>	99,000	997,000	1,096,000	1,994,000	1,994,000

### 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: Luke Wickham	Phone: 360-786-7146	Date: 01/07/2020
Agency Preparation: Stacia Hollar	Phone: (360) 664-0865	Date: 02/05/2020
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 02/05/2020
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/06/2020

## 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.*

This bill has only one section which amends RCW 13.34.080 to shift the legal and financial responsibility of publishing notice and summons in dependency cases from the county clerk's office to the Department of Children, Youth, and Families (DCYF).

### 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.*

Cash receipts are assumed to equal the Legal Service Revolving Account cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Department of Children, Youth, and Families. The Office of the Attorney General (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency's fiscal note. Appropriation authority is necessary in the AGO budget.

### 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.*

Assumptions for the Office of the Attorney General (AGO) Social & Health Services Legal Support for the Department of Children, Youth, and Families (DCYF):

1. This bill is assumed effective 90 days after the end of the 2020 legislative session.
2. The AGO will bill DCYF for statewide legal services based on the enactment of this bill.
3. Costs that are identified reflect legal services and direct costs assumed to be provided agency wide. This includes the following divisions: Social and Health Services—Seattle (SHS); Social and Health Services—Olympia (SHO); Tacoma (TAC); Spokane (SPO); and the Regional Services Division (RSD).
4. The AGO assumes that 3,279 publications are needed each year:

A. The Washington Center for Court Research reports that in 2018 there were 2,996 affidavits of publication filed in dependency and termination cause numbers statewide. This number of affidavits is the most recent and most complete available data available after 2017. As of November 13, 2018, King County transitioned to a locally implemented and maintained case management system, so the number of affidavits of publication filed after this data is unknown.

B. The Washington Center for Court Research reports that the 2018, 2,996 affidavits of publication were filed in 5,378 cases.

C. 2,996 affidavits of publication, divided by 5,378 cases = 56 percent

D. The AGO assumes that the state files 4,259 dependency cases a year and 1,597 termination cases a year, for a total of 5,856 cases.

1) This assumption is based on the AGO's internal case management system and the Washington State Center for Court Research statistics for calendar year 2019. The Washington State Center for Court Research does not have access to the number of dependency and termination cases filed in King County because the King County Superior Court transitioned to a locally implemented and maintained case management system. The AGO represents DCYF in King County and used its internal case management system to account for dependency and termination cases filed in 2019 in King County.

2) The AGO assumes that any decrease in dependency or termination filings in subsequent years is compensated for by an increase in publications due to increased cases where paternity is not established and the unknown biological father (or John Doe) must be provided notice.

E. 5,856 cases x 56 percent = 3,279 publications per year.

5. The AGO assumes to bill DCYF as direct costs for publication of notices.

A. The AGO's 2010 fiscal note for HB 1003, which would have shifted the cost of publications in dependency and termination cases from the counties to the state, assumed a cost of \$326,938 for 1,490 publications. This averages to \$219 per publication. ( $\$326,938 \div 1,490 \text{ publications} = \$219/\text{publication}$ ).

B. The Seattle Consumer Price Index has increased about 20 percent since the AGO's prior fiscal note for publication costs, increasing the average publication cost to \$263 per publication. ( $\$219 \times 20 \text{ percent} = \$44$ ;  $\$219 + \$44 = \$263$ ).

C. The AGO assumes that any reduction in average cost of publication that would result by removing the cost of publication for counties in which the state is already paying publication costs is accounted for by the high cost of out-of-state publications and the low estimate of average publication cost. The cost of publication varies widely, and out of state publication costs can average about \$1,500 each, as estimated in the 2009 AGO Fiscal Note for HB 1003, which also estimated an average in-state publication cost of \$275.

D. The cost of publication for the AGO is unaltered by any potential federal reimbursement that DCYF may later receive through Title IV-E.

E. The AGO assumes that the average cost of publication of notice will be:

1) In FY 2020: \$263 each, for a total of \$90,000 ( $340 \text{ publications} \times \$263 = \$89,420$ ).

2) In FY 2021 and in each FY thereafter: \$263 each, for a total of \$861,721 per year ( $3,279 \text{ publications per year} \times \$263 = \$861,721$ ).

6. The AGO assumes that the enactment of this bill will increase legal services workload by 45 minutes per case, or 2,460 Legal Assistant (LA) hours statewide ( $3,279 \text{ cases} \times 45 \text{ minutes} = 2,460 \text{ legal assistant hours}$ ):

A. The AGO assumes, based on previous input from the county clerks as reflected in the 2009 Individual State Agency Fiscal Note for HB 1003 (which was a similar bill), that the workload associated with each notice is, on average, 45 minutes.

B. The AGO assumes this increased workload will be performed by LA FTEs.

C. The AGO assumes that 49 percent of this increased workload, or 1,205 LA hours, will be performed by LAs in King County. The Washington Center for Court Research reports that in the 2,996 affidavits of publication filed in dependency and termination cause numbers statewide (referenced above), 1,475 of these were filed in King County cases. (1,475 divided by 2,996 = 49 percent). This number of affidavits is the most recent and most complete available data available after 2017.

D. This new work is added to the current workload of LAs who support Assistant Attorney's General (AAG), whose caseloads already, on average, far exceed the American Bar Association's recommended caseload for attorneys representing child welfare agencies.

#### 7. Total workload impact:

FY 2020: 0.1 LA at a cost of \$99,000 (this includes printing costs of \$89,000).

FY 2021 and in each FY thereafter: 1.37 LA at a cost of \$997,000 per FY (this includes direct litigation costs of \$862,000 per FY).

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
405-1	Legal Services Revolving Account	State	99,000	997,000	1,096,000	1,994,000	1,994,000
<b>Total \$</b>			99,000	997,000	1,096,000	1,994,000	1,994,000

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

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.1	1.4	0.7	1.4	1.4
A-Salaries and Wages	6,000	82,000	88,000	164,000	164,000
B-Employee Benefits	2,000	33,000	35,000	66,000	66,000
C-Professional Service Contracts					
E-Goods and Other Services	91,000	882,000	973,000	1,764,000	1,764,000
G-Travel					
J-Capital Outlays					
<b>Total \$</b>	99,000	997,000	1,096,000	1,994,000	1,994,000

#### III. C - Operating FTE 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 2020	FY 2021	2019-21	2021-23	2023-25
Legal Assistant 3	54,108		0.7	0.4	0.7	0.7
Legal Assistant 3 (Seattle)	64,944	0.1	0.7	0.4	0.7	0.7
<b>Total FTEs</b>		0.1	1.4	0.7	1.4	1.4

### III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Headquarters Administration (ADM)	99,000	926,000	1,025,000	1,852,000	1,852,000
Social & Health Services Seattle Division (SHS)		71,000	71,000	142,000	142,000
<b>Total \$</b>	99,000	997,000	1,096,000	1,994,000	1,994,000

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

## Part V: New Rule Making Required

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 2260 HB	<b>Title:</b> Dependency proceeding notice	<b>Agency:</b> 307-Department of Children, Youth, and Families
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
General Fund-Federal 001-2	18,315	184,445	202,760	368,890	368,890
<b>Total \$</b>	18,315	184,445	202,760	368,890	368,890

### Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	0.5	0.3	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	80,685	871,137	951,822	1,742,274	1,742,274
General Fund-Federal 001-2	18,315	184,445	202,760	368,890	368,890
<b>Total \$</b>	99,000	1,055,582	1,154,582	2,111,164	2,111,164

### 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: Luke Wickham	Phone: 360-786-7146	Date: 01/07/2020
Agency Preparation: Ed Baker	Phone: 3609020859	Date: 02/06/2020
Agency Approval: Jennifer Smith	Phone: 3609028023	Date: 02/06/2020
OFM Review: Rayanna Williams	Phone: (360) 902-0553	Date: 02/06/2020



## 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 of the bill amends RCW Chapter 13.34.080 by shifting the responsibility to publish notice for dependency proceedings from the county clerks to the Department of Children, Youth, and Families (DCYF).

### 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.*

DCYF assumes that a portion of the cost associated with this legislation will be eligible for federal reimbursement under Title IV-E.

DCYF assumes that Title IV-E reimbursement will be \$18,315 beginning in FY20 and then \$184,445 annually beginning in FY21, based on the federal financial participation rate of 18.5 percent.

### 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.*

Section 1 of HB 2260 amends RCW Chapter 13.34.080 by shifting the responsibility to publish notice for dependency proceedings from the county clerks to DCYF.

DCYF assumes the cost of shifting this responsibility to be \$920,303 annually beginning in FY21.

FTE, SALARY AND BENEFITS: FY21, and all future years: 0.5 FTE of a Washington Management System 1 (WMS1), costing \$49,820 to provide contract support and work as a liaison with the Attorney General's Office (AGO).

GOODS AND SERVICES:

The Attorney General's Office (AGO) estimates the cost of publications in dependency and termination cases would be \$99,000 I FY 20 and \$997,000 in FY21 and each fiscal year thereafter.

The cost of legal services is based on the AGO assumptions outlined below:

1. Legal services and direct costs associated will occur upon the bill's enactment, assumed to be June 10, 2020.
2. The AGO will bill DCYF for statewide legal services based on the enactment of this bill.
3. Costs that are identified reflect legal services and direct costs assumed to be provided agency wide.
4. The AGO assumes that 3,279 publications are needed each year:

A. The Washington Center for Court Research reports that in 2018 there were 2,996 affidavits of publication filed in dependency and termination cause numbers statewide. This number of affidavits is the most recent and most

complete available data available after 2017. As of November 13, 2018, King County transitioned to a locally implemented and maintained case management system, so the number of affidavits of publication filed after this data is unknown.

B. The Washington Center for Court Research reports that in 2018, the 2,996 affidavits of publication were filed in 5,378 cases.

C. 2,996 affidavits of publication, divided by 5,378 cases = 56%

D. The AGO assumes that the state files 4,259 dependency cases a year and 1,597 termination cases a year, for a total of 5,856 cases.

1) This assumption is based on the AGO's internal case management system and the Washington State Center for Court Research statistics for calendar year 2019. The Washington State Center for Court Research does not have access to the number of dependency and termination cases filed in King County because the King County Superior Court transitioned to a local implemented and maintained case management system. The AGO represents DCYF in King County and used its internal case management system to account for dependency and termination cases filed in 2019 in King County.

2) The AGO assumes that any decrease in dependency or termination filings in subsequent years is compensated for by an increase in publications due to increased cases where paternity is not established and the unknown biological father (or John Doe) must be provided notice.

E. 5,856 cases x 56% = 3,279 publications per year

5. The AGO assumes to bill DCYF as direct costs for publication of notices. The AGO assumes that the average cost of publication of notice will be \$263 each, for a total of \$861,721 per year (3,279 publications per year x \$263 = \$861,721):

A. The AGO's 2010 fiscal note for HB 1003, which would have shifted the cost of publications in dependency and termination cases from the counties to the state, assumed a cost of \$326,938 for 1,490 publications. This averages to \$219 per publication. (\$326,938 divided by 1,490 publications = \$219/publication).

B. The Seattle Consumer Price Index has increased about 20% since the AGO's prior fiscal note for publication costs, increasing the average publication cost to \$263 per publication. (\$219 x 20% = \$44; \$219 + \$44 = \$263).

C. The AGO assumes that any reduction in average cost of publication that would result by removing the cost of publication for counties in which the state is already paying publication costs is accounted for by the high cost of out-of-state publications and the low estimate of average publication cost. The cost of publication varies widely, and out of state publication costs can average about \$1,500 each, as estimated in the 2009 AGO Fiscal Note for HB 1003, which also estimated an average in-state publication cost of \$275.

D. The cost of publication for the AGO is unaltered by any potential federal reimbursement that DCYF may later receive through Title IV-E.

6. The AGO assumes that the enactment of this bill will increase legal services workload by 45 minutes per case, or 2,460 legal assistant hours statewide (3,279 cases x 45 minutes = 2,460 legal assistant hours):

A. The AGO assumes, based on previous input from the county clerks as reflected in the 2009 Individual State Agency Fiscal Note for HB 1003, which was a similar bill, that the workload associated with each notice is, on average, 45 minutes.

B. The AGO assumes this increased workload would be performed by legal assistants (LA) FTEs.

C. The AGO assumes that 49% of this increased workload, or 1,205 LA hours, will be performed by LAs in King County. The Washington Center for Court Research reports that in the 2,996 affidavits of publication filed in dependency and termination cause numbers statewide (referenced above), 1,475 of these were filed in King County cases. (1,475 divided by 2,996 = 49%). This number of affidavits is the most recent and most complete available data available after 2017.

D. This new work is added to workloads of LAs who support Assistant Attorney's General (AAG) whose caseloads already, on average, far exceed the American Bar Association's recommended caseload for attorneys representing child welfare agencies.

OTHER GOODS AND SERVICES \$900 for standard goods and services, including supplies and materials, communications, employee development and training, and computer lease, calculated at the rate of \$1,800 per FTE per fiscal year.

INTRA-AGENCY REIMBURSEMENTS: \$8,402, calculated at the rate of 17.05 percent of combined salaries and benefits, are for indirect expenditures including agency administration and central services.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	80,685	871,137	951,822	1,742,274	1,742,274
001-2	General Fund	Federal	18,315	184,445	202,760	368,890	368,890
<b>Total \$</b>			<b>99,000</b>	<b>1,055,582</b>	<b>1,154,582</b>	<b>2,111,164</b>	<b>2,111,164</b>

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

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		0.5	0.3	0.5	0.5
A-Salaries and Wages		35,884	35,884	71,768	71,768
B-Employee Benefits		13,396	13,396	26,792	26,792
C-Professional Service Contracts					
E-Goods and Other Services	99,000	997,900	1,096,900	1,995,800	1,995,800
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		8,402	8,402	16,804	16,804
9-					
<b>Total \$</b>	<b>99,000</b>	<b>1,055,582</b>	<b>1,154,582</b>	<b>2,111,164</b>	<b>2,111,164</b>

**III. C - Operating FTE 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 2020	FY 2021	2019-21	2021-23	2023-25
WMS Band 1	69,678		0.5	0.3	0.5	0.5
Total FTEs			0.5	0.3	0.5	0.5

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

None.

**Part V: New Rule Making Required**