

Multiple Agency Fiscal Note Summary

Bill Number: 1295 HB	Title: DCYF placement agreements
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	15,277,000	0	0	24,446,000	0	0	12,223,000
Total \$	0	0	15,277,000	0	0	24,446,000	0	0	12,223,000

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Public Defense	1.5	1,631,028	1,631,028	1,631,028	2.0	4,026,556	4,026,556	4,026,556	2.0	4,428,756	4,428,756	4,428,756
Office of Attorney General	52.1	0	0	15,277,000	83.4	0	0	24,446,000	83.4	0	0	24,446,000
Department of Children, Youth, and Families	Fiscal note not available											
Total \$	53.6	1,631,028	1,631,028	16,908,028	85.4	4,026,556	4,026,556	28,472,556	85.4	4,428,756	4,428,756	28,874,756

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Carly Kujath, OFM	Phone: (360) 790-7909	Date Published: Preliminary
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Individual State Agency Fiscal Note

Bill Number: 1295 HB	Title: DCYF placement agreements	Agency: 056-Office of Public Defense
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	2.0	1.5	2.0	2.0
Account					
General Fund-State 001-1	171,050	1,459,978	1,631,028	4,026,556	4,428,756
Total \$	171,050	1,459,978	1,631,028	4,026,556	4,428,756

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: 01/19/2023
Agency Preparation: Brett Ballew	Phone: 360-586-3164 1	Date: 01/25/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 01/25/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/25/2023

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 authorizes the Office of Public Defense (OPD) to provide legal counsel for parents under investigation by the Department of Children, Youth, and Families (DCYF), including when DCYF proposes a voluntary placement agreement prior to filing a dependency case.

Section 3 provides that when DCYF proposes a voluntary placement agreement when there is no pending dependency proceeding, the child's parent, guardian, or legal custodian has the right to a telephone or video consultation with counsel, provided through contract with OPD; and (b) If after consulting with counsel, the child's parent, legal guardian, or legal custodian requests an attorney, they shall receive representation by counsel provided through contract with the office of public defense. To implement these sections of statute, OPD would need to create a telephone or video conference line and would need to contract with attorneys to answer the calls from parents regarding voluntary placement agreements. OPD also would need to secure contracts with qualified attorneys to represent parents who request ongoing representation regarding voluntary placement agreements. The bill requires OPD to phase in these services, with statewide implementation by July 1, 2026.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

OPD would on-board 1 FTE managing attorney and 1 FTE paralegal in the last 6 months of FY 2024 so that these positions could direct implementation of the consultation phone line and ongoing legal representation. The OPD consultation phone line and ongoing legal representation would begin implementation in FY 2025.

1. OPD Agency Staff:

OPD would hire 1 FTE Managing Attorney and 1 FTE Paralegal. Salaries and benefits are identified at Expenditure Objects A and B.

There would be a one-time cost of \$10,000 for staff equipment, plus \$500 annually for ongoing equipment needs. Staff equipment costs are included in the total reported at Expenditure Object E.

2. Consultation phone line:

OPD estimates one-time telephone system costs of \$12,000 with an ongoing cost of \$18,000 per year. Telephone system costs are included in the total reported at Expenditure Object J (one-time costs) and Expenditure Object E (ongoing costs).

Based upon data provided by the Department of Children, Youth, and Families, OPD estimates that 450 children would enter into care with a voluntary placement agreement. Based upon OPD experience, that translates into a potential 720 parent representations (1.6 per child) because many of those cases will involve 2 parents and some of the consultations will not result in a placement. OPD would contract with 4.5 FTE attorneys to cover the phone consultations at a cost \$161,495 per full-time contractor. This is OPD's typical annual contract fee for attorneys qualified to advise and represent parents in child welfare matters. The ongoing costs would be \$726,728, and are included in the total reported at Expenditure Object N.

3. Ongoing representation:

HB 1295 requires a 3 year phase-in of ongoing pre-filing representation following a VPA telephone consultation. Using the same numbers above, OPD would need sufficient contracts to cover 240 representations in FY 2025, 480 in FY 2026, and 720 in FY 2027. OPD assumes 8 hours of attorney time per representation at \$115 per hour totaling \$220,800 in FY 2025, \$441,600 in FY 2026, and \$662,400 in FY 2027. In addition to an attorney, 4.5 social workers or social service specialists would be needed to assist the attorneys in these cases. Contracts for full-time social workers or social work specialists are valued at \$87,600. OPD would need 1.5 social work contractors in FY 2025 totaling \$131,400, 3 in FY 2026 totaling \$262,800, and 4.5 in FY 2027 totaling \$394,200. These would be ongoing costs and are included in the total reported at Expenditure Object N.

Expert services would be needed for these representations in order for the attorneys to provide effective assistance of counsel. OPD estimates expert costs of \$50,000 in FY 2025, \$100,000 in FY 2026, and \$150,000 in FY 2027. Expert costs are included in the total reported at Expenditure Object N.

Because OPD would assign cases to contract attorneys, OPD would need to implement a database to check for conflicts of interest. OPD estimates costs for conflicts checks at \$25,000 per year. Costs for conflict checks are included in the total reported at Expenditure Object J.

4. Costs associated with both telephone consultation and ongoing representation:

OPD estimates \$10,000 per year for training costs for attorney and social work contractors. Training costs are included in the total reported at Expenditure Object E.

An evaluation of the new services would cost approximately \$50,000 and is included in the total reported at Expenditure Object N.

Because HB 1295 involves pre-filing representation, OPD assumes that these expenditures would not be eligible for federal Title IV-E partial reimbursement.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	171,050	1,459,978	1,631,028	4,026,556	4,428,756
Total \$			171,050	1,459,978	1,631,028	4,026,556	4,428,756

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	2.0	1.5	2.0	2.0
A-Salaries and Wages	92,500	185,000	277,500	370,000	370,000
B-Employee Benefits	42,550	42,550	85,100	85,100	85,100
C-Professional Service Contracts					
E-Goods and Other Services	24,000	28,500	52,500	57,000	57,000
G-Travel					
J-Capital Outlays	12,000	25,000	37,000	50,000	50,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		1,178,928	1,178,928	3,464,456	3,866,656
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	171,050	1,459,978	1,631,028	4,026,556	4,428,756

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 2024	FY 2025	2023-25	2025-27	2027-29
OPD Managing Attorney	115,000	0.5	1.0	0.8	1.0	1.0
OPD Paralegal	70,000	0.5	1.0	0.8	1.0	1.0
Total FTEs		1.0	2.0	1.5	2.0	2.0

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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1295 HB	Title: DCYF placement agreements	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	3,054,000	12,223,000	15,277,000	24,446,000	12,223,000
Total \$	3,054,000	12,223,000	15,277,000	24,446,000	12,223,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	20.8	83.4	52.1	83.4	83.4
Account					
Legal Services Revolving Account-State 405-1	3,054,000	12,223,000	15,277,000	24,446,000	24,446,000
Total \$	3,054,000	12,223,000	15,277,000	24,446,000	24,446,000

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: 01/19/2023
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 01/24/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/24/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/24/2023

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 - Amends RCW 2.70.020 to provide legal counsel for placement under investigation by the Department of Children, Youth, and Families (DCYF) including circumstance when DCYF proposes a voluntary placement agreement.

Section 2 - Reenacts and amends RCW 13.34.030 making changes to definition of voluntary placement agreement.

Section 3 - Reenacts and amends RCW 13.34.090 to add a right to counsel for parents when the department proposes a voluntary placement agreement. Staggered implementation from July 1, 2024 to July 1, 2026.

Section 4 - Section 3 takes effect July 1, 2024.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

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

The client agencies are the Department of Children, Youth, and Families (DCYF). The Attorney General's Office (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.

AGO AGENCY ASSUMPTIONS:

DCYF will be billed for non-Seattle rates:

FY 2024: \$3,054,000 for 11.91 FTE Assistant Attorney General (AAG), and 5.96 FTE Legal Assistant (LA).

FY 2025: \$12,223,000 for 47.65 AAG, and 23.83 LA, and in each FY thereafter.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Attorney General's Office (AGO) Agency Assumptions:

For the purposes of this FN, we assume that the AGO would have an ability to recruit, hire, and train the individuals necessary to perform this work by the bill's effective date on July 1, 2024.

Location of staffing housed is assumed to be in a non-Seattle office buildings.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a

representative classification.

1. The AGO Children, Youth, and Families (CYF) Division has reviewed this bill and determined the following impact related to the enactment of this bill:

This bill primarily does two things: First, it amends RW 2.70.020, the statute explaining the duties of the Director of the Office of Public Defense (OPD), to require that “within available funds [OPD will] provide legal counsel for parents under investigation by the Department of Children, Youths, and Families, (DCYF) including when the DCYF proposes a voluntary placement agreement...” Pursuant to RCW 26.44.050 and RCW 26.44.030, the Department of Children, Youth, and Families (DCYF) has a duty to investigate any intake that it receives alleging “reasonable cause to believe that a child has suffered abuse or neglect.” Intakes that meet this standard are screened in for investigation and investigations that do not meet that standard are screened out and not investigated. In FY 2021, DCYF screened in 39,891 intakes for a Child Protective Services (CPS) response., AAGs are not typically involved in providing advice or representation to DCYF until DCYF has made the decision to file a dependency petition starting a legal action. Likewise parents are not assigned attorneys until DCYF files petitions alleging that their children are dependent and the court process begins.

Second, the bill amends RCW 13.34.090 to give parents the right to seek a quick consultation from an attorney prior to signing a voluntary placement agreement (VPA) and to, following the consultation, have an attorney assigned before finally agreeing to the VPA. DCYF offers VPAs to parents as a way of accepting custody of the parents’ children, placing the children with family or in foster care on a shorter-term basis, and providing services more informally without the need for court involvement.

This bill will result in 85,765.65 additional AAG hours. In calculating the fiscal impact of this bill, CYF in addition to the above a, makes the following assumptions: DCYF’s data shows that, in FY 2021, 39,891 intakes screened in for a CPS response. For these intakes, almost no AAG hours are spent prior to DCYF making the decision to file a dependency petition, which is when parents receive appointment of counsel. With counsel assigned to parents at the opening of an investigation, on average two additional AAG hours will be needed per intake. AAGs now spend very little time advising or representing DCYF before DCYF decides to file dependency petitions. The additional two hours of AAG time are the result of additional shared planning meetings that AAGs will be asked to attend, additional client advice requests, and correspondence with parents’ attorneys appointed under this bill. Some cases will require more than two additional AAG hours and others will require little to no additional AAG hours. A small set of cases, about five percent, will require an exceptional amount of additional AAG hours. CYF assumes exceptional case will require five additional AAG hours on average.

The second part of the bill will not require any additional AAG hours that are not accounted for by the first part of the bill. DCYF only offers VPAs to parents as part of a CPS investigation and thus, since the parent is already “under investigation” by DCYF, this first part of the bill will require OPD to have already assigned the parent an attorney.

Therefore, the total number of additional AAG hours would be calculated as follows:
 $((39,891 \text{ screened-in intakes} - 5 \text{ percent of exceptional cases}) \times 2 \text{ additional AAG hours}) + (5 \text{ percent of } 39,891 \times 5 \text{ additional AAG hours}) = 75,792.9 + 9,972.75 = 85,765.65 \text{ additional AAG hours.}$

CYF total FTE workload impact for non-Seattle rates:

FY 2024: \$3,054,000 for 11,91 FTE AAG, and 5,96 FTE LA.

FY 2025: \$12,223,000 for 47.65 FTE AAG, and 23.83 FTE LA, and in each FY thereafter

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	3,054,000	12,223,000	15,277,000	24,446,000	24,446,000
Total \$			3,054,000	12,223,000	15,277,000	24,446,000	24,446,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	20.8	83.4	52.1	83.4	83.4
A-Salaries and Wages	2,019,000	8,078,000	10,097,000	16,156,000	16,156,000
B-Employee Benefits	659,000	2,638,000	3,297,000	5,276,000	5,276,000
E-Goods and Other Services	356,000	1,426,000	1,782,000	2,852,000	2,852,000
G-Travel	20,000	81,000	101,000	162,000	162,000
Total \$	3,054,000	12,223,000	15,277,000	24,446,000	24,446,000

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 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	11.9	47.7	29.8	47.7	47.7
Legal Assistant 3	55,872	6.0	23.8	14.9	23.8	23.8
Management Analyst 5	91,524	3.0	11.9	7.4	11.9	11.9
Total FTEs		20.8	83.4	52.1	83.4	83.4

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Children, Youth, and Families (CYF)	3,054,000	12,223,000	15,277,000	24,446,000	24,446,000
Total \$	3,054,000	12,223,000	15,277,000	24,446,000	24,446,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.