

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1295 S HB	<b>Title:</b> 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	24,000	0	0	122,000	0	0	148,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>24,000</b>	<b>0</b>	<b>0</b>	<b>122,000</b>	<b>0</b>	<b>0</b>	<b>148,000</b>

## 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	.1	0	0	24,000	.4	0	0	122,000	.5	0	0	148,000
Department of Children, Youth, and Families	Fiscal note not available											
<b>Total \$</b>	<b>1.6</b>	<b>1,631,028</b>	<b>1,631,028</b>	<b>1,655,028</b>	<b>2.4</b>	<b>4,026,556</b>	<b>4,026,556</b>	<b>4,148,556</b>	<b>2.5</b>	<b>4,428,756</b>	<b>4,428,756</b>	<b>4,576,756</b>

## 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								
<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

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**Date Published:**  
Preliminary 2/16/2023

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1295 S HB	<b>Title:</b> DCYF placement agreements	<b>Agency:</b> 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
<b>Account</b>					
General Fund-State      001-1	171,050	1,459,978	1,631,028	4,026,556	4,428,756
<b>Total \$</b>	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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Brett Ballew	Phone: 360-586-3164 1	Date: 02/10/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/10/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/14/2023

## 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.*

Substitute House Bill 1295 made changes to to House Bill 1295 in Sections 1 and 2, but none of those changes have a fiscal impact different from OPD's original assumptions or conclusions.

Substitute House Bill 1295, Section 1, authorizes the Office of Public Defense (OPD) to provide legal counsel for parents, guardians, or legal custodians when DCYF proposes a voluntary placement agreement when there is no pending dependency case. The substitute narrows OPD's potential scope of authority from the original bill, but OPD did not assume a fiscal impact in the original bill beyond what is authorized in Section 3.

Substitute House Bill 1295, 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) 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 OPD. 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.*

To implement SHB 1295, the Office of Public Defense (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. Employee 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, there would be approximately 350 voluntary placement agreements, involving 450 children entering into care. Based upon OPD's experience, that translates to 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:

SHB 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 attorney contracts to cover a potential 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 contracted attorneys, 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 per position. 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. Contract fees 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 creating and maintaining a conflict-check database 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 SHB 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
<b>Total \$</b>			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-					
<b>Total \$</b>	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
<b>Total FTEs</b>		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

<b>Bill Number:</b> 1295 S HB	<b>Title:</b> DCYF placement agreements	<b>Agency:</b> 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		24,000	24,000	122,000	148,000
<b>Total \$</b>		24,000	24,000	122,000	148,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.2	0.1	0.4	0.5
<b>Account</b>					
Legal Services Revolving Account-State 405-1	0	24,000	24,000	122,000	148,000
<b>Total \$</b>	0	24,000	24,000	122,000	148,000

### 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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Dave Merchant	Phone: 360-753-1620	Date: 02/10/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/10/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/10/2023

## 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) in circumstance when DCYF proposes a voluntary placement agreement and there is no pending dependency proceeding.

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 parent/guardian right to consult with counsel and if desired to obtain counsel through the office of public defense, 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 agency is the Department of Children, Youths, 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 2025: \$24,000 for 0.10 Assistant Attorney General FTE (AAG), and 0.05 Legal Assistant 3 FTE (LA).

FY 2026: \$48,000 for 0.19 AAG, and 0.10 LA.

FY 2027: \$74,000 for 0.29 AAG, and 0.15 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:

Legal services associated with the enactment of this bill will begin on July 1, 2024.

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

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. Assumptions for the AGO Children Youths, and Families Division's (CYF) Legal Services for the Department of Children, Youths, and Families (DCYF):

The AGO will bill DCYF for legal services based on the enactment of this bill.

DCYF's data shows that, over that past three fiscal years, parents have agreed to 350 voluntary placement agreements (VPAs) per year. DCYF also offers VPAs to parents who do not agree. Under this bill, parents would have a right to counsel before they decide whether or not to agree. Assuming that approximately two-thirds of the parents who are offered a VPA agree, DCYF offers 525 VPAs per year (350 multiplied by 0.667). Therefore, under this bill, in 525 cases parents would have a right to call the hotline before deciding whether to agree to a VPA and, after calling the hotline, would have the right to request and be assigned an Original Placement Date (OPD)-assigned attorney to provide representation. We also assume that 90 percent of the parents who call the hotline when DCYF proposes a VPA will also ask for an attorney to be assigned to represent them and that, if parents do not ask for an attorney to be assigned, it does not result in any additional workload.

This means there may be additional AAG workload in 473 cases (90 percent of 525). The additional workload will be the result of having to attend shared planning meetings with DCYF, parents, and their attorneys; corresponding with parents' attorneys; and providing additional advice to DCYF.

The FIRST Clinic is a program in Everett that enables parents to have appointed attorneys represent them prior to DCYF deciding whether to file a dependency petition. These attorneys typically represent parents who have substance use disorder issues and have newborn children, with the goal of receiving services and avoiding the need for a dependency petition to be filed. DCYF assumes that the additional AAG workload from this smaller pilot project would be similar to the additional AAG workload that would result from the enactment of this bill, which also provides attorneys to parents who are at risk of having their child(ren) removed.

Based on data from the Regional Services Division-Everett office, which represents DCYF in cases involving the FIRST Clinic, we assume that, as a result of this bill: 50 percent of the 473 cases would result in no new workload; 45 percent of the 473 cases would result in two additional AAG hours; and five percent of the cases would require four additional AAG hours.

This means that, when fully implemented, this bill will result in 520.3 additional AAG hours: (45 percent of 473 x 2 = 425.7) + (5 percent of 473 x 4 = 94.6) = 520.3.

This bill also provides that the appointment of counsel would be phased in over a three year period, beginning July 1, 2024. Therefore, the additional AAG workload for FY 2025 will be 173.43 (520.3/3), for FY 2026 will be 346.87 (173.43 x 2), and for FY 2027 and thereafter, the additional AAG workload will be 520.3 hours.

CYF: Total non-Seattle FTE workload impact:

FY 2025: \$24,000 for 0.10 AAG, and 0.05 LA.

FY 2026: \$48,000 for 0.19 AAG, and 0.10 LA.

FY 2027: \$74,000 for 0.29 AAG, and 0.15 LA, and in each FY thereafter.

2. The AGO Solicitor General's Office (SGO) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. New legal services are nominal and costs are not included in this request.

## 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	State	0	24,000	24,000	122,000	148,000
	Revolving Account						
<b>Total \$</b>			0	24,000	24,000	122,000	148,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29	
FTE Staff Years		0.2	0.1	0.4	0.5	
A-Salaries and Wages		16,000	16,000	81,000	98,000	
B-Employee Benefits		5,000	5,000	26,000	32,000	
E-Goods and Other Services		3,000	3,000	15,000	18,000	
<b>Total \$</b>		0	24,000	24,000	122,000	148,000

### 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		0.1	0.1	0.2	0.3
Legal Assistant 3	55,872		0.1	0.0	0.1	0.2
Management Analyst 5	91,524		0.0	0.0	0.1	0.1
<b>Total FTEs</b>			0.2	0.1	0.4	0.5

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29	
Children, Youth, and Families (CYF)		24,000	24,000	122,000	148,000	
<b>Total \$</b>			24,000	24,000	122,000	148,000

## 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.*