

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5805 SB	<b>Title:</b> Dependency/attorney appt.
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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	2,691,000	0	0	8,846,000	0	0	10,486,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>2,691,000</b>	<b>0</b>	<b>0</b>	<b>8,846,000</b>	<b>0</b>	<b>0</b>	<b>10,486,000</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## 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
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Public Defense	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Civil Legal Aid	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	8.6	0	0	2,691,000	28.1	0	0	8,846,000	33.3	0	0	10,486,000
Department of Children, Youth, and Families	Fiscal note not available											
<b>Total \$</b>	<b>8.6</b>	<b>0</b>	<b>0</b>	<b>2,691,000</b>	<b>28.1</b>	<b>0</b>	<b>0</b>	<b>8,846,000</b>	<b>33.3</b>	<b>0</b>	<b>0</b>	<b>10,486,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Civil Legal Aid	.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>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Preliminary 1/11/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5805 SB	<b>Title:</b> Dependency/attorney appt.	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*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 for 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: Alison Mendiola	Phone: 360-786-7488	Date: 01/03/2024
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 01/10/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/10/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/11/2024

189,024.00

Request # 5805-1-1

## Part II: Narrative Explanation

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

This bill develops a schedule for court appointment of attorneys for children and youth in dependency and termination proceedings.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

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

NONE

None

189,024.00

Form FN (Rev 1/00)

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Request # 5805-1-1

Bill # 5805 SB

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5805 SB	<b>Title:</b> Dependency/attorney appt.	<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:**

NONE

**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: Alison Mendiola	Phone: 360-786-7488	Date: 01/03/2024
Agency Preparation: Gideon Newmark	Phone: 360-586-3164 1	Date: 01/08/2024
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 01/08/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/09/2024

## 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.*

There is no fiscal impact

RCW 13.34.212(3) provides a phased-in right to counsel for every child under the age of 8 in termination proceedings, and for every child between the ages of 8 and 17 for dependency and termination proceedings. The present statute directs the Office of Civil Legal Aid (OCLA) to provide this right to counsel for children in 30 counties by January 1, 2026 and statewide by January 1, 2027. SB 5805 slows OCLA's statewide implementation of this right to counsel by adding an extra step, mandating representation in 36 counties by January 1, 2027, and statewide by January 1, 2028.

The Office of Public Defense (OPD) provides indigent representation for appeals of trial court rulings in dependency and termination cases, including appeals by children.

Extending the deadline for statewide implementation of children's representation distributes the costs to implement RCW 13.34.212(3) over a longer time period. In response to HB 1219, which enacted RCW 13.34.212, OPD estimated a cost of \$66,846 to cover appeals for statewide implementation. Per that estimate, SB 5805 would reduce OPD's appellate costs in FY27 by \$5,142, and increase appellate costs by \$5,142 in FY28, for no net fiscal impact.

### 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.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### 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> 5805 SB	<b>Title:</b> Dependency/attorney appt.	<b>Agency:</b> 057-Office of Civil Legal Aid
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**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: Alison Mendiola	Phone: 360-786-7488	Date: 01/03/2024
Agency Preparation: Jim Bamberger	Phone: (360) 704-4135	Date: 01/06/2024
Agency Approval: Jim Bamberger	Phone: (360) 704-4135	Date: 01/06/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/08/2024



## 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.*

There is no fiscal impact.

Sec. 1 of SB 5805 amends RCW 13.34.212(3)(c) to (a) extend the schedule for implementation of the right to appointed counsel for children in dependency cases for an additional year, (b) limit the number of additional dependent children for whom representation will be made available to no more than 1,250 per calendar year, and (c) provide the Office of Civil Legal Aid (OCLA) with latitude to develop a schedule that, “to the extent practicable” achieves the priorities outlined in section .212(3)(c)(i). The bill makes no other substantive changes to the right to appointed counsel for children in dependency and termination cases established in ch. 210, laws of 2021 (codified at RCW 13.34.212(3)).

SB 5805 is a follow up to a budget proviso in the FY 23-25 operating budget bill that directed OCLA to “[d]evelop a revised implementation schedule based on a caseload assumption of adding no more than 1,250 new dependency cases to the program each fiscal year for consideration by the governor and the legislature.” Sec. 116(1), ch. 475, laws of 2023. OCLA submitted a proposal on October 2, 2023 (copy attached to this FN). The proposal is the source of the revised schedule outlined in SB 5805.

Extending the deadline for statewide implementation does not change the overall cost to implement the mandate of RCW 13.34.212(3). It distributes these costs over a longer time period. Consequently, as shown in the attached Excel sheet, the extended schedule will reduce the number of FTE attorney contractors that OCLA will engage over the near term (through FY 2027). This will reduce expenses associated with this program from those projected in the current implementation schedule. The extended period to achieve full statewide implementation (by January 1, 2028) will still fall within the FY 27-29 biennium as originally projected, with implementation expenses now occurring in both FY 2027 and FY 2028 of that biennium (in contrast with the initial projection of full implementation in FY 2027).

### 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.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**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.*



## Washington State Office of Civil Legal Aid

PO Box 41183  
Olympia, WA 98504-1183  
(360) 338-5619

Bailey Zydek, Program Manager  
Children's Representation Program  
[bailey.zydek@ocla.wa.gov](mailto:bailey.zydek@ocla.wa.gov)

To: Sen. Claire Wilson, Chair Senate Human Services Committee  
Sen. Noel Frame  
Sen. Matt Boehnke, Ranking Member Senate Human Services Committee  
Sen. June Robinson, Chair Senate Ways and Means Committee  
Sen. Lynda Wilson, Ranking Member Senate Ways and Means Committee  
Rep. Tana Senn, Chair House Human Services, Youth & Early Learning Committee  
Rep. Carolyn Eslick, Ranking Member House Human Services, Youth & Early Learning Committee  
Rep. Timm Ormsby, Chair House Appropriations Committee  
Rep. Chris Corry, Ranking Member House Appropriations Committee

From: Bailey Zydek, OCLA Children's Representation Program Manager  
Jim Bamberger, OCLA Director

Re: Report to Legislature in Response to Sec. 116(1), Ch. 475, Laws of 2023  
Revised Implementation Schedule for RCW 13.34.212(3)(c)

Date: October 2, 2023

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Sec. 116(1), ch. 475, Laws of 2023 directed in relevant part:

By October 1, 2023, the office must develop a revised implementation schedule based on a caseload assumption of adding no more than 1,250 new dependency cases to the program each fiscal year for consideration by the governor and the legislature.

In accordance with the budget proviso, the Office of Civil Legal Aid (OCLA) hereby submits a proposed revised schedule for implementation of the mandate for expanded children's representation required under RCW 13.34.212(3).

As currently written, RCW 13.34.212(3)(c) directs:

(c) The [OCLA] statewide children's legal representation program shall develop a schedule for court appointment of attorneys for every child in dependency proceedings that will be phased in on a county-by-county basis over a six-year period. The schedule required under this subsection must:

(i) Prioritize implementation in counties that have:

(A) No current practice of appointment of attorneys for children in dependency cases; or

- (B) Significant prevalence of racial disproportionality or disparities in the number of dependent children compared to the general population, or both;
- (ii) Include representation in at least:
  - (A) Three counties beginning July 1, 2022;
  - (B) Eight counties beginning January 1, 2023;
  - (C) Fifteen counties beginning January 1, 2024;
  - (D) Twenty counties beginning January 1, 2025;
  - (E) Thirty counties beginning January 1, 2026; and
- (iii) Achieve full statewide implementation by January 1, 2027.

As currently planned and implemented to date, OCLA’s RCW 13.34.212(3) implementation schedule is:

- Cohort 1 (2023) (Grant, Lewis, Cowlitz, Yakima, Benton, Franklin, Walla Walla, Kittitas)
- Cohort 2 (2024) (Thurston, Mason, Adams, Grays Harbor, Pacific, Klickitat, Skamania)
- Cohort 3 (2025) (Pierce, Whitman, Stevens, Ferry, Pend Oreille)
- Cohort 4 (2026) (Spokane, Lincoln, Kitsap, Clallam, Jefferson, Chelan, Douglas, Clark, Skagit, Whatcom)
- Cohort 5 (2027) (King, Snohomish, Okanogan, Asotin, San Juan, Island, Wahkiakum, Garfield, Columbia)

Cohort 1 has been fully implemented. Cohort 2 attorneys are identified and will be under contract shortly and begin accepting appointments on or shortly before January 1, 2024.

Cohorts 3, 4, and 5 involved onboarding the state’s largest counties – Pierce, Spokane, Snohomish, King, and Clark. Based on caseload numbers at the time, OCLA projected the number of children for whom appointments would be required to range from 900 (Cohort 3) to 2100 (Cohort 4). Recognizing that bringing on cohorts of this size at a time of extreme attorney shortages presented a potentially impossible task, the Legislature in the budget proviso set forth above directed OCLA to come up with an extended implementation schedule during which no single cohort would exceed 1250 children/youth.

OCLA’s Children’s Representation Program (CRP) team reviewed the best available caseload data, its recruitment and contracting experience to date, the legislative priorities guiding implementation of the expanded program, and the team’s capacity to bring the additional counties on-line successfully. Based on this review, the CRP team recommends that the implementation schedule be extended through FY 28 and be carried out in accordance with the schedule below:

<b>County</b>	<b># of Eligible Children</b>	<b>Projected FTE Contractors</b>
<b>2025</b>		
Pierce	628	14.0
Stevens	1	0.0
Ferry	13	0.3

Pend Oreille	2	0.1
Wahkiakum	10	0.3
<b>2025 Totals</b>	<b>654</b>	<b>14.6</b>
<b>2026</b>		
Spokane	525	12.0
Chelan	53	1.3
Douglas	23	0.5
Okanogan	32	0.8
Lincoln	7	0.2
Asotin	16	0.4
Columbia	8	0.2
Garfield	1	0.1
Whitman	21	0.5
Clark	390	9.0
<b>2026 Totals</b>	<b>1076</b>	<b>24.9</b>
<b>2027</b>		
Kitsap	120	3.0
Skagit	95	2.2
Whatcom	189	4.2
Jefferson	33	0.8
Clallam	60	1.5
Snohomish	247	5.5
<b>2027 Totals</b>	<b>744</b>	<b>17.2</b>
<b>2028</b>		
King	896	20.0
San Juan	3	0.1
Island	22	0.5
<b>2028 Totals</b>	<b>921</b>	<b>20.6</b>

This schedule meets the directive of the budget proviso and flattens out the implementation effort. This in turn increases the likelihood of achieving implementation objectives consistent with relevant standards and reduces the volatility of budget demands as new cohort sizes will average 849 children/youth and no single cohort will require contracts for more than 1076 new children/youth.

Based on the foregoing, OCLA's Children's Representation Program recommends that the Legislature amend the implementation schedule set forth in RCW 13.34.212(3)(c) to extend the period for implementation of the program expansion consistent with this proposed revised schedule. Suggested language to this effect is reproduced below:

Sec. 6(3)(c), ch. 210, laws of 2021 is hereby amended to read:

(c) The statewide children's legal representation program shall develop a schedule for court appointment of attorneys for every child in dependency proceedings that will be phased in on a county-by-county basis over a seven-year period. The schedule required under this subsection must not add more than 1,250 cases each fiscal year and should, to the extent practicable:

(i) Prioritize implementation in counties that have:

(A) No current practice of appointment of attorneys for children in dependency cases; or

(B) Significant prevalence of racial disproportionality or disparities in the number of dependent children compared to the general population, or both;

(ii) Include representation in at least:

(A) Three counties beginning July 1, 2022;

(B) Eight counties beginning January 1, 2023;

(C) Fifteen counties beginning January 1, 2024;

(D) Twenty counties beginning January 1, 2025;

(E) Thirty counties beginning January 1, 2026; ~~and~~

(F) Thirty-six counties beginning in January 1, 2027; and

(iii) Achieve full statewide implementation by January 1, ~~2027~~ 2028.

We welcome the opportunity to provide a briefing in a work session or otherwise.

Former Projections Under Current Implementation Schedule										
County Cohorts Coming Online	# of Eligible Children	Prev. Projected FTE	Prev. FTE Projected Annual Cost @ Old Vendor Rate	FTE Annual Cost @ Current Vendor Rate	FTE Cost Increase FY 25	FTE Cost Increase FY 26	FTE Cost Increase FY 27	FTE Cost Increase FY 28	FTE Cost Increase FY 29	FTE Cost Increase FY 29
Jan 1, 2025: Pierce, Whitman, Stevens, Ferry, Pend Oreille	891	20.0	\$ 2,880,000.00	\$ 3,820,000.00	\$1,910,000.00	\$ 3,820,000.00	\$ 3,820,000.00	\$ 3,820,000.00	\$ 3,820,000.00	\$ 3,820,000.00
Jan. 1, 2026: Spokane, Lincoln, Kitsap, Clallam, Jefferson, Whatcom, Skagit, Chelan, Douglas, Clark	2162	48.0	\$ 6,912,000.00	\$ 9,168,000.00	\$ -	\$ 4,584,000.00	\$ 9,168,000.00	\$ 9,168,000.00	\$ 9,168,000.00	\$ 9,168,000.00
Jan. 1, 2027: King, Snohomish, Okanogan, Asotin, San Juan, Island, Wahkiakum, Garfield, Columbia	1334	30.0	\$ 4,320,000.00	\$ 5,730,000.00	\$ -	\$ -	\$ 2,865,000.00	\$ 5,730,000.00	\$ 5,730,000.00	\$ 5,730,000.00
<b>Totals:</b>	<b>4387</b>	<b>98.0</b>	<b>\$ 14,112,000.00</b>	<b>\$ 18,718,000.00</b>	<b>\$ 1,910,000.00</b>	<b>\$ 8,404,000.00</b>	<b>\$ 15,853,000.00</b>	<b>\$ 18,718,000.00</b>	<b>\$ 18,718,000.00</b>	<b>\$ 18,718,000.00</b>

  

Current Projections Under Current Implementation Schedule										
County Cohorts Coming Online	# of Eligible Children	Current Projected FTE Rate	FTE Annual Cost @ Current Vendor Rate	FTE Cost Increase FY 25	FTE Cost Increase FY 26	FTE Cost Increase FY 27	FTE Cost Increase FY 28	FTE Cost Increase FY 29	FTE Cost Increase FY 29	FTE Cost Increase FY 29
Jan 1, 2025: Pierce, Whitman, Stevens, Ferry, Pend Oreille	665	15.0	\$ 2,865,000.00	\$ 1,432,500.00	\$2,865,000.00	\$ 2,865,000.00	\$ 2,865,000.00	\$ 2,865,000.00	\$ 2,865,000.00	\$ 2,865,000.00
Jan. 1, 2026: Spokane, Lincoln, Kitsap, Clallam, Jefferson, Whatcom, Skagit, Chelan, Douglas, Clark	1495	33.0	\$ 6,303,000.00	-	\$3,151,500.00	\$ 6,303,000.00	\$ 6,303,000.00	\$ 6,303,000.00	\$ 6,303,000.00	\$ 6,303,000.00
Jan. 1, 2027: King, Snohomish, Okanogan, Asotin, San Juan, Island, Wahkiakum, Garfield, Columbia	1235	27.5	\$ 5,252,500.00	-	-	\$ 2,626,250.00	\$ 5,252,500.00	\$ 5,252,500.00	\$ 5,252,500.00	\$ 5,252,500.00
<b>Totals:</b>	<b>3395</b>	<b>75.5</b>	<b>\$ 14,420,500.00</b>	<b>\$ 1,432,500.00</b>	<b>\$6,016,500.00</b>	<b>\$11,794,250.00</b>	<b>\$14,420,500.00</b>	<b>\$14,420,500.00</b>	<b>\$14,420,500.00</b>	<b>\$14,420,500.00</b>

  

Current Projections Under Proposed Amended Implementation Schedule										
County Cohorts Coming Online	# of Eligible Children	Current Projected FTE Rate	FTE Annual Cost @ Current Vendor Rate	FTE Cost Increase FY 25	FTE Cost Increase FY 26	FTE Cost Increase FY 27	FTE Cost Increase FY 28	FTE Cost Increase FY 29	FTE Cost Increase FY 29	FTE Cost Increase FY 29
Jan 1, 2025: Pierce, Wahkiakum, Stevens, Ferry, Pend Oreille	654	14.5	\$ 2,769,500.00	\$ 1,384,750.00	\$2,769,500.00	\$ 2,769,500.00	\$ 2,769,500.00	\$ 2,769,500.00	\$ 2,769,500.00	\$ 2,769,500.00
Jan. 1, 2026: Spokane, Chelan, Douglas, Okanogan, Lincoln, Asotin, Columbia, Garfield, Whitman, Clark	1076	24	\$ 4,584,000.00	\$ -	\$2,292,000.00	\$ 4,584,000.00	\$ 4,584,000.00	\$ 4,584,000.00	\$ 4,584,000.00	\$ 4,584,000.00
Jan. 1, 2026: Kitsap, Skagit, Whatcom, Jefferson, Clallam, Snohomish	744	16.5	\$ 3,151,500.00	\$ -	\$ -	\$ 1,575,750.00	\$ 3,151,500.00	\$ 3,151,500.00	\$ 3,151,500.00	\$ 3,151,500.00
Jan. 1, 2028: King, Island, San Juan	921	20.5	\$ 3,915,500.00	\$ -	\$ -	\$ -	\$ 1,957,750.00	\$ 3,915,500.00	\$ 3,915,500.00	\$ 3,915,500.00
<b>Totals:</b>	<b>3395</b>	<b>75.5</b>	<b>\$ 14,420,500.00</b>	<b>\$ 1,384,750.00</b>	<b>\$5,061,500.00</b>	<b>\$ 8,929,250.00</b>	<b>\$12,462,750.00</b>	<b>\$14,420,500.00</b>	<b>\$14,420,500.00</b>	<b>\$14,420,500.00</b>

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5805 SB	<b>Title:</b> Dependency/attorney appt.	<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		2,691,000	2,691,000	8,846,000	10,486,000
<b>Total \$</b>		2,691,000	2,691,000	8,846,000	10,486,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	17.2	8.6	28.1	33.3
<b>Account</b>					
Legal Services Revolving Account-State 405-1	0	2,691,000	2,691,000	8,846,000	10,486,000
<b>Total \$</b>	0	2,691,000	2,691,000	8,846,000	10,486,000

### 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: Alison Mendiola	Phone: 360-786-7488	Date: 01/03/2024
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 01/08/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/08/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/10/2024



## 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 13.34.212. Extends the time for the statewide children’s legal representation program to develop and phase in a schedule for court appointment of attorneys for children in dependency proceedings from a six to seven year period. Adds language specifying that the schedule must not add more than 1,250 cases each fiscal year. Adds language specifying that the schedule include representation in at least 36 counties beginning January 1, 2027. Changes the full statewide implementation deadline from January 1, 2027 to January 1, 2028.

### 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, 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:

Department of Children, Youth, and Families (DCYF) will be billed for non-King County rates:

FY 2025: \$2,478,000 for 7.6 AAG, 1.5 Paralegal (PL) 2, and 3.8 PL 1

FY 2026: \$3,716,000 for 11.4 AAG, 2.3 PL 2, and 5.7 PL 1

FY 2027: \$4,456,000 for 13.6 AAG, 2.7 PL 2, and 6.8 PL 1

FY 2028 and each year thereafter: \$4,829,000 for 14.8 AAG, 2.9 PL 2, and 7.4 PL 1

DCYF will also be billed for the King County rates:

FY 2025: \$213,000 for 3.8 AAG, 1.5 Paralegal (PL) 2, and 3.8 PL 1

FY 2026: \$317,000 for 5.7 AAG, 2.3 PL 2, and 5.68 PL 1

FY 2027: \$357,000 for 13.6 AAG, 2.7 PL 2, and 6.82 PL 1

FY 2028 and each year thereafter: \$414,000 for 14.8 AAG, 2.9 PL 2, and 7.4 PL 1

The total billed for DCYF is:

FY 2025: \$2,691,000 8.3 AAG, 1.7 PL 2, 4.2 PL 1

FY 2026: \$4,033,000 12.5 AAG, 2.5 PL 2, 6.2 PL 1

FY 2027: \$4,813,000 14.9 AAG, 3.0 PL 2, 7.5 PL 1

FY 2028 and each year thereafter: \$5,243,000 16.2 AAG, 3.2 PL 2, 8.1 PL 1.

### 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:

This bill is assumed effective 90 days after the end of the 2024 legislative session.

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. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal (PL) 1 FTE and 0.35 MA.

1) The AGO will bill The Department of Children, Youth, and Families (DCYF) for legal services based on the enactment of this bill. Costs that are identified reflect legal services assumed to be provided agency-wide.

2) These assumptions are for legal services for the following AGO divisions: Children, Youth, and Families (CYF), Tacoma (TAC), Social and Health Services—Seattle (SHS), Spokane (SPO), and Regional Services Division (RSD).

3) The AGO assumes that the phase-in implementation schedule in Section 1 subsection(c)(ii) will not add more than 1,250 cases to the Office of Civil Legal Aid’s (OCLA’s) statewide children’s legal representation program each fiscal year. The AGO assumes that the number of cases requiring appointment of counsel are divided evenly among Washington’s 39 counties.

4) The AGO assumes the workload increase estimated for the original implementation schedule established by 2SHB 1219 in 2021 to prepare for and respond to the child’s attorney’s additional motions, inquiries, discovery requests, and arguments, which will add time to court preparation and appearances, as follows:

- FY 2025 (20 counties): 7.6 AAG, 0.8 AAG-SEA, 1.5 PL 2, 0.2 PL 2-SEA, 3.8 PL 1 and 0.4 PL 1-SEA.
- FY 2026 (30 counties): 11.4 AAG, 1.1 AAG-SEA, 2.3 PL 2, 0.2 PL 2-SEA, 5.7 PL 1 and 0.6 PL 1-SEA.
- FY 2027 (39 counties): 14.8 AAG, 1.5 AAG-SEA, 2.9 PL, 0.3 PL-SEA, 7.4 LA and 0.7 LA-SEA.

5) The bill amends the phased-in implementation schedule of the OCLA’s statewide children’s legal representation program by extending the implementation schedule by one year. Section 1(c)(ii)(E) requires the schedule include implementation in 30 counties beginning January 1, 2026. Instead of requiring full statewide implementation in all 39 counties by January 1, 2027, the bill adds a subsection first requiring statewide implementation in 36 counties by January 1, 2027, followed by full statewide implementation in all 39 counties by January 1, 2028.

The AGO assumes that the workload impact of implementing OCLA’s statewide children’s representation program in six additional counties in FY 2027 is two thirds the workload impact of implementing the program in nine counties and that implementing the program in three additional counties is one third the workload impact of implementing the program in nine counties, as follows:

- FY 2025 (20 counties): 7.6 AAG, 0.75 AAG-SEA, 1.5 PL 2, 0.2 PL 2-SEA, 3.8 PL 1, 0.4 PL 1-SEA.
- FY 2026 (30 counties): 11.4 AAG, 1.12 AAG-SEA, 2.3 PL 2, 0.2 PL 2-SEA, 0.4 PL 1, 0.4 PL 1-SEA.
- FY 2027 (36 counties): 13.6 AAG, 1.25 AAG-SEA, 2.7 PL 2, 0.3 PL 2-SEA, 0.6 PL 1, 0.6 PL 1-SEA.
- FY 2028 and each year thereafter (39 counties): 14.8 AAG, 1.5 AAG-SEA, 2.9 PL 2, 0.3 PL 2-SEA, 7.4 PL 1, 0.7 PL 1-SEA.

### 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	2,691,000	2,691,000	8,846,000	10,486,000
	Revolving Account						
<b>Total \$</b>			0	2,691,000	2,691,000	8,846,000	10,486,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		17.2	8.6	28.1	33.3
A-Salaries and Wages		1,825,000	1,825,000	5,998,000	7,110,000
B-Employee Benefits		558,000	558,000	1,836,000	2,176,000
E-Goods and Other Services		291,000	291,000	957,000	1,134,000
G-Travel		17,000	17,000	55,000	66,000
J-Capital Outlays					
<b>Total \$</b>	0	2,691,000	2,691,000	8,846,000	10,486,000

**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	129,100		7.6	3.8	12.5	14.8
Assistant Attorney General-Seattle	135,555		0.8	0.4	1.2	1.5
Management Analyst 5	95,184		2.9	1.5	4.8	5.7
Paralegal 1	69,072		3.8	1.9	6.3	7.4
Paralegal 1-Seattle	72,528		0.4	0.2	0.6	0.7
Paralegal 2	76,188		1.5	0.8	2.5	2.9
Paralegal 2-Seattle	79,992		0.2	0.1	0.3	0.3
<b>Total FTEs</b>			17.2	8.6	28.1	33.3

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Children, Youth, and Families (CYF)		2,691,000	2,691,000	8,846,000	10,486,000
<b>Total \$</b>		2,691,000	2,691,000	8,846,000	10,486,000

**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.*