

Multiple Agency Fiscal Note Summary

Bill Number: 5805 SB	Title: 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	0	0	0	8,846,000	0	0	10,486,000
Total \$	0	0	0	0	0	8,846,000	0	0	10,486,000

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	.0	0	0	0	28.4	0	0	8,846,000	33.5	0	0	10,486,000
Department of Children, Youth, and Families	.0	0	0	0	.0	7,607,000	7,607,000	8,846,000	.0	9,018,000	9,018,000	10,486,000
Total \$	0.0	0	0	0	28.4	7,607,000	7,607,000	17,692,000	33.5	9,018,000	9,018,000	20,972,000

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	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Final 1/17/2024
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Judicial Impact Fiscal Note

Bill Number: 5805 SB	Title: Dependency/attorney appt.	Agency: 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

Bill Number: 5805 SB	Title: Dependency/attorney appt.	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:

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

Bill Number: 5805 SB	Title: Dependency/attorney appt.	Agency: 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

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Olympia, WA 98504-1183
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Bailey Zydek, Program Manager
Children's Representation Program
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

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:

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

Pend Oreille	2	0.1
Wahkiakum	10	0.3
2025 Totals	654	14.6
2026		
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
2026 Totals	1076	24.9
2027		
Kitsap	120	3.0
Skagit	95	2.2
Whatcom	189	4.2
Jefferson	33	0.8
Clallam	60	1.5
Snohomish	247	5.5
2027 Totals	744	17.2
2028		
King	896	20.0
San Juan	3	0.1
Island	22	0.5
2028 Totals	921	20.6

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	
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	
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	
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	
Totals:	4387	98.0	\$ 14,112,000.00	\$ 18,718,000.00	\$ 1,910,000.00	\$ 8,404,000.00	\$ 15,853,000.00	\$ 18,718,000.00	\$ 18,718,000.00	

Current Projections Under Current Implementation Schedule										
County Cohorts Coming Online	# of Eligible Children	Current Projected FTE Rate	FTE Annual Cost @ Current Vendor	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		
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		
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		
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		
Totals:	3395	75.5	\$ 14,420,500.00	\$ 1,432,500.00	\$6,016,500.00	\$11,794,250.00	\$14,420,500.00	\$ 14,420,500.00		

Current Projections Under Proposed Amended Implementation Schedule										
County Cohorts Coming Online	# of Eligible Children	Current Projected FTE Rate	FTE Annual Cost @ Current Vendor	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		
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		
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		
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		
Jan. 1, 2028: King, Island, San Juan	921	20.5	\$ 3,915,500.00	\$ -	\$ -	\$ -	\$ 1,957,750.00	\$ 3,915,500.00		
Totals:	3395	75.5	\$ 14,420,500.00	\$ 1,384,750.00	\$5,061,500.00	\$ 8,929,250.00	\$12,462,750.00	\$ 14,420,500.00		

Individual State Agency Fiscal Note

Revised

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

Estimated Operating Expenditures from:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	28.4	33.5
Account					
Legal Services Revolving Account-State 405-1	0	0	0	8,846,000	10,486,000
Total \$	0	0	0	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: 01/12/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/12/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/16/2024

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 1250 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:

Estimated cash receipts in FY 2025 have already been funded and are not included in this fiscal note. Costs assumed in the future years were included in the fiscal note for 2SHB 1219. These costs were funded in the outlook but must be requested again by the AGO in the 2025-27 biennial request. The estimates included in this take into account the changes in the implementation of counties in SB 5805.

FY 2025: The AGO has received funding from the legislature for the costs assumed in the 2023-25 biennium. FY 2025 costs assumed have already been funded and are not included in this fiscal note.

FY 2026: \$3,716,000 for 11.4 Assistant Attorney General (AAG), 2.3 Paralegal (PL) 2, and 5.7 PL 1

FY 2027: \$4,456,000 for 13.7 AAG, 2.7 PL 2, and 6.9 PL 1

FY 2028 and each year thereafter: \$4,829,000 for 14.8 AAG, 3.0 PL 2, and 7.4 PL 1

DCYF will also be billed for the King County rates:

FY 2025: The AGO has received funding from the legislature for the costs assumed in the 2023-25 biennium. FY 2025 costs assumed have already been funded and are not included in this fiscal note.

FY 2026: \$317,000 for 1.2 AAG, 2.3 PL 2, and 5.7 PL 1

FY 2027: \$357,000 for 1.3 AAG, .3 PL 2, and .7 PL 1

FY 2028 and each year thereafter: \$414,000 for 1.5 AAG, .3 PL 2, and .8 PL 1

The total billed for DCYF is:

FY 2025: The AGO has received funding from the legislature for the costs assumed in the 2023-25 biennium. FY 2025 costs assumed have already been funded and are not included in this fiscal note.

FY 2026: \$4,033,000 12.6 AAG, 2.6 PL 2, 6.3 PL 1

FY 2027: \$4,813,000 15.0 AAG, 3.0 PL 2, 7.6 PL 1

FY 2028 and each year thereafter: \$5,243,000 16.3 AAG, 3.3 PL 2, 8.2 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 1 FTE (PL) and 0.4 MA.

Estimated costs in FY 2025 have already been funded and are not included in this fiscal note. Costs assumed in the future years were included in the fiscal note for 2SHB 1219. These costs were funded in the outlook but must be requested again by the AGO in the 2025-27 biennial request. The estimates included in this take into account the changes in the implementation of counties in SB 5805.

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.

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).

The AGO assumes that the phase-in implementation schedule in Section 1(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.

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): FY 2025: The AGO has received funding from the legislature for the costs assumed in the 2023-25 biennium. FY 2025 costs assumed have already been funded and are not included in this fiscal note.

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.

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 requires 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

2. The AGO Solicitor General’s Office (SGO) has reviewed this bill and determined it will not increase or decrease the division’s workload. Therefore, no costs are 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 Revolving Account	State	0	0	0	8,846,000	10,486,000
Total \$			0	0	0	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				28.4	33.5
A-Salaries and Wages				5,998,000	7,110,000
B-Employee Benefits				1,836,000	2,176,000
E-Goods and Other Services				957,000	1,134,000
G-Travel				55,000	66,000
Total \$	0	0	0	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				12.6	14.8
Assistant Attorney General-Seattle	135,555				1.3	1.5
Management Analyst 5	95,184				4.8	5.7
Paralegal 1	69,072				6.3	7.4
Paralegal 1-Seattle	72,528				0.7	0.8
Paralegal 2	76,188				2.5	3.0
Paralegal 2-Seattle	79,992				0.3	0.3
Total FTEs					28.4	33.5

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Children, Youth, and Families (CYF)				8,846,000	10,486,000
Total \$				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.

Individual State Agency Fiscal Note

Bill Number: 5805 SB	Title: Dependency/attorney appt.	Agency: 307-Department of Children, Youth, and Families
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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
Account					
General Fund-State 001-1	0	0	0	7,607,000	9,018,000
General Fund-Federal 001-2	0	0	0	1,239,000	1,468,000
Total \$	0	0	0	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: Michael Campbell	Phone: 5096544940	Date: 01/17/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 01/17/2024
OFM Review: Carly Kujath	Phone: (360) 790-7909	Date: 01/17/2024

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.

SB 5805

Section 3(c)- changes the statewide phase in for legal representation for court appointed attorneys from a six-year phase in to a seven-year phase in. It also prevents adding more than 1250 cases each fiscal year.

Section 3(c)ii(F)- adds a timeline that include 36 counties will implemented, beginning in January 1, 2027.

Section 3(c)iii- Changes the full statewide implementation date 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.

The federal reimbursement for AGO Title IV-E and Title XIX is 14 percent.

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.

The Attorney General Office (AGO) provided costs and assumptions to DCYF, based on the original costs estimated for 2SHB 1219. AGO has assumed 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 from the original appropriation of 2SHB 1219. These will be charged to the Department of Children, Youth, and Families (DCYF) through the Legal Services Revolving Account.

FY 2025: The AGO has received funding from the legislature for the costs assumed in the 2023-25 biennium. FY 2025 costs assumed have already been funded and are not included in this fiscal note.

FY 2026:	\$4,033,000	12.6 AAG, 2.6 PL 2, 6.3 PL 1
FY 2027:	\$4,813,000	15.0 AAG, 3.0 PL 2, 7.6 PL 1
FY 2028:	\$5,243,000 and subsequent years	16.3 AAG, 3.3 PL 2, 8.2 PL 1.

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	0	0	0	7,607,000	9,018,000
001-2	General Fund	Federal	0	0	0	1,239,000	1,468,000
Total \$			0	0	0	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					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services				8,846,000	10,486,000
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					
9-					
Total \$	0	0	0	8,846,000	10,486,000

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.