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**SUBSTITUTE SENATE BILL 6386**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Haugen, Hargrove, Swecker, Brown, Patterson, Sheahan, Morton, Long, Costa and Rasmussen)

Read first time 01/28/2000.

1 AN ACT Relating to funds appropriated for representation of  
2 indigent parents and children; amending RCW 2.70.020; and adding new  
3 sections to chapter 2.70 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 2.70.020 and 1996 c 221 s 3 are each amended to read  
6 as follows:

7 The director, under the supervision and direction of the advisory  
8 committee, shall:

9 (1) Administer all criminal appellate indigent defense services;

10 (2) Submit a biennial budget for all costs related to state  
11 appellate indigent defense;

12 (3) Establish administrative procedures, standards, and guidelines  
13 for the program including a cost-efficient system that provides for  
14 recovery of costs;

15 (4) Recommend criteria and standards for determining and verifying  
16 indigency. In recommending criteria for determining indigency, the  
17 director shall compile and review the indigency standards used by other  
18 state agencies and shall periodically submit the compilation and report

1 to the legislature on the appropriateness and consistency of such  
2 standards;

3 (5) Collect information regarding indigency cases funded by the  
4 state and report annually to the legislature and the supreme court;

5 (6) Coordinate with the supreme court and the judges of each  
6 division of the court of appeals to determine how attorney services  
7 should be provided;

8 (7) Administer and distribute funds appropriated for representation  
9 of indigent parents and children. Spending priorities shall include:

10 (a) Development of uniform tracking of indigent parent and children  
11 cases and funding amounts state-wide;

12 (b) Efforts to reduce delays and continuances in dependency and  
13 termination cases;

14 (c) Ensuring parents, guardians and legal custodians are screened  
15 for indigency pursuant to chapter 10.101 RCW;

16 (d) Methods for establishing paternity among possible fathers at  
17 the earliest possible date when paternity is an issue;

18 (e) Setting salary levels for dependency and termination defense  
19 counsel that attracts competent, skilled counsel;

20 (f) Retention of sufficient counsel to maintain reasonable  
21 caseloads;

22 (g) Making funds available for necessary support staff, defense  
23 experts, dependency and termination defense counsel, and investigators;

24 (h) Development and enforcement of standards of practice for  
25 defense counsel; and

26 (i) Training for dependency and termination defense counsel.

27 The office of public defense shall not provide direct  
28 representation of clients.

29 NEW SECTION. Sec. 2. A new section is added to chapter 2.70 RCW  
30 to read as follows:

31 The director shall convene a task force to assist in the  
32 development of the plan to administer and distribute funds appropriated  
33 for the representation of indigent parents and children. The plan  
34 shall be constructed with emphasis on the spending priorities listed in  
35 RCW 2.70.020(7). The members of the task force shall include but not  
36 be limited to the following: A representative of the attorney  
37 general's office whose primary responsibility is representation of the  
38 department of social and health services in dependency matters; an

1 attorney in private practice who represents parents in dependency  
2 matters; an attorney representing a public defender office that  
3 provides representation to parents in dependency matters; two superior  
4 court judges or court commissioners whose major responsibilities entail  
5 presiding over dependency cases, one from eastern Washington and one  
6 from western Washington; a guardian ad litem; a representative of a  
7 court-appointed special advocate program; and two consumers, one from  
8 eastern Washington and one from western Washington.

9       NEW SECTION.   **Sec. 3.** A new section is added to chapter 2.70 RCW  
10 to read as follows:

11       The plan to administer and distribute funds appropriated for the  
12 representation of indigent parents and children shall be delivered to  
13 the legislature by January 1, 2001.

14       NEW SECTION.   **Sec. 4.** A new section is added to chapter 2.70 RCW  
15 to read as follows:

16       The funds appropriated for the purposes of section 1 of this act  
17 shall not be available to the office of public defense until July 1,  
18 2001.

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