

HOUSE BILL REPORT

SSB 5903

As Reported by House Committee On:
Judiciary

Title: An act relating to duties of the director of the office of public defense.

Brief Description: Requiring the director of the office of public defense to oversee and monitor legal representation of parents in dependency and termination proceedings.

Brief History:

Committee Activity:

Judiciary: 3/30/05, 3/31/05 [DP].

Brief Summary of Substitute Bill

- Requires the Office of Public Defense to oversee and monitor legal representation of parents in dependency and termination cases statewide.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Springer and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Serben.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The Office of Public Defense (OPD), created in 1996 and scheduled to sunset in 2009, administers state-funded indigent defense services for criminal appeals. The OPD also recommends criteria and standards for determining and verifying indigency, coordinates with the Supreme Court and the appellate courts to determine how attorney services should be provided, and provides studies and recommendations to the Legislature regarding indigent defense services.

Child dependency cases are generally initiated when the Department of Social and Health Services (DSHS) files a petition alleging a child is abandoned, abused, or neglected. The court may enter an order removing the child from the parents' home. The DSHS is required to offer services to parents so they have the opportunity to address their parenting deficiencies and be reunited with their child. In some cases, the DSHS may file a petition to terminate the

parent-child relationship, and the court may terminate the relationship if it finds by clear, cogent, and convincing evidence that certain statutory conditions are met.

Parents have a statutory right to counsel in child dependency and termination proceedings brought by the state. The state is represented by the Attorney General's Office. Defense attorneys appointed by the counties represent the parents.

In 2000, the Legislature appropriated money to the OPD to conduct a pilot program for legal representation in dependency and termination hearings in Benton-Franklin and Pierce counties. In 2001, the Legislature requested that the OPD develop criteria for a statewide program for improved parents' representation in dependency and termination cases.

Summary of Bill:

Subject to available funds, the OPD must oversee and monitor legal representation for parents in dependency and termination cases statewide. The OPD must require attorneys and agencies providing representation to comply with maximum caseload requirements, implement enhanced defense attorney practice standards, and use investigative and expert services in appropriate cases.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The Board for Judicial Administration strongly supports this bill. It will implement statewide the very successful pilot project taking place in two counties. The state spends about three times as much to prosecute these cases than the counties do on representing the parents who may lose their parental rights. These parents are indigent and have problems, and the state is required by law to give them an opportunity to improve their lives so they can be reunited with their children. The pilot program decreased the amount of continuances that were sought, which means better and faster resolution of these cases. Under this bill, the DSHS will be held accountable and will help to prevent children slipping through the cracks in the foster care system.

Testimony Against: None.

Persons Testifying: Senator Stevens, prime sponsor; Gerry Alexander, Chief Justice of the Washington State Supreme Court; and Joanne Moore, Office of Public Defense.

Persons Signed In To Testify But Not Testifying: None.