

SENATE BILL REPORT

SB 5903

As Reported By Senate Committee On:
Human Services & Corrections, February 24, 2005

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.

Sponsors: Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen; by request of Office of Public Defense.

Brief History:

Committee Activity: Human Services & Corrections: 2/22/05, 2/24/05 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: In general, the state pays for prosecution of dependency cases and cases involving termination of parental rights, while counties fund the defense costs for indigent parents in these cases.

In 2000, the legislature appropriated funds to establish a pilot program to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys. The pilot program was implemented by the Washington State Office of Public Defense (OPD). It was initiated in two juvenile courts: one in Pierce County; and the other in Benton-Franklin juvenile court. The terms of the pilot program established by the legislature included limits on caseloads, implementation of enhanced defense attorney practice standards, and the use of investigative and expert services, when appropriate. The director of OPD was required to report to the legislature regarding the pilot program.

Summary of Substitute Bill: The director of the Office of Public Defense is authorized to oversee and monitor dependency and termination legal representation statewide, subject to the availability of funds. Attorneys and agencies providing such representation must limit caseloads, adhere to professional practice standards published by OPD, and use investigative and expert services, when appropriate.

Attorney and agency compliance with standards set forth in the bill, such as caseload limits, is made subject to the appropriation of state funds.

Substitute Bill Compared to Original Bill: Attorney and agency compliance with standards set forth in the bill, such as caseload limits, is made subject to the appropriation of state funds.

Appropriation: None.

Fiscal Note: Requested on February 21, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For Original Bill: The program for representing parents in dependency matters has resulted in less delay and higher quality legal work. Cases are being resolved earlier, and the results for families have improved. Attorneys have helped to ensure that parents are getting the services and the visitation that they need during the pendency of proceedings. Parents are more engaged in the process because attorneys are advising them on what they need to do to be successful. More families have been reunited, which is the statutorily favored remedy in the state. Children are returned to a stable and secure environment sooner. The state needs fewer foster beds. It makes sense to fully implement the program throughout the state.

Factors that have contributed to the success of the program under the oversight of the Office of Public Defense include lower caseloads, training and mentoring for attorneys in the program, funds for experts, implementation of practice standards, and periodic evaluation of participating attorneys.

The counties propose a friendly amendment to ensure that implementation of the limits on caseloads and the other practice standards set out in the bill are subject to available funds.

Testimony Against Original Bill: None.

Who Testified: PRO: Senator Val Stevens, prime sponsor; Chief Justice Alexander, Washington Supreme Court; Judge Deborah Fleck, King County Superior Court; Joanne Moore, Office of Public Defense; Deborah Lippold, Pierce County Department of Assigned Counsel; Uma Ahluwalia, Children's Administration, Department of Social and Health Services. OTHER: Sophia Byrd, Association of Counties.