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**SUBSTITUTE SENATE BILL 5903**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen; by request of Office of Public Defense)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to duties of the director of the office of public  
2 defense; and amending RCW 2.70.020.

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

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

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

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

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

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

14 (4) Recommend criteria and standards for determining and verifying  
15 indigency. In recommending criteria for determining indigency, the  
16 director shall compile and review the indigency standards used by other  
17 state agencies and shall periodically submit the compilation and report  
18 to the legislature on the appropriateness and consistency of such  
19 standards;

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

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

6 (7) Subject to the availability of amounts appropriated for this  
7 specific purpose, oversee and monitor dependency and termination legal  
8 representation for parents statewide. The goal shall be to enhance the  
9 quality of legal representation in dependency and termination hearings.  
10 To meet this goal, attorneys and agencies providing such representation  
11 shall comply with the following, subject to appropriation of state  
12 funds:

13 (a) Meet maximum caseload requirements for dependency and  
14 termination cases, in accordance with standards published by the office  
15 of public defense;

16 (b) Implement enhanced defense attorney practice standards  
17 published by the office of public defense, including but not limited to  
18 those related to reasonable case preparation and the delivery of  
19 adequate client advice; and

20 (c) Use investigative and expert services in appropriate cases.

21 The office of public defense shall not provide direct  
22 representation of clients.

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