



### Agency Recommendation Summary

The Department of Children, Youth, and Families (DCYF) requests \$7,265,000 (\$6,243,000 GF-S) in the 2023-25 Biennial Budget to address cost increases in Attorney General’s Office (AGO) services to DCYF: • Child Abuse Allegations - \$3,697,000 • Youth Counsel HB 1219 - \$2,294,000 • DCYF Legal Representation Transition - \$1,274,000

### Program Recommendation Summary

#### 090 - Program Support

The Department of Children, Youth, and Families (DCYF) requests \$7,265,000 (\$6,243,000 GF-S) in the 2023-25 Biennial Budget to address cost increases in Attorney General’s Office (AGO) services to DCYF: • Child Abuse Allegations - \$3,697,000 • Youth Counsel HB 1219 - \$2,294,000 • DCYF Legal Representation Transition - \$1,274,000

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Operating Expenditures</b>						
Fund 001 - 1	\$3,018	\$3,225	<b>\$6,243</b>	\$4,975	\$5,862	<b>\$10,837</b>
Fund 001 - A	\$495	\$527	<b>\$1,022</b>	\$814	\$959	<b>\$1,773</b>
<b>Total Expenditures</b>	<b>\$3,513</b>	<b>\$3,752</b>	<b>\$7,265</b>	<b>\$5,789</b>	<b>\$6,821</b>	<b>\$12,610</b>
<b>Revenue</b>						
001 - 0393	\$495	\$527	<b>\$1,022</b>	\$814	\$959	<b>\$1,773</b>
<b>Total Revenue</b>	<b>\$495</b>	<b>\$527</b>	<b>\$1,022</b>	<b>\$814</b>	<b>\$959</b>	<b>\$1,773</b>

### Decision Package Description

The AGO provides legal advice and representation to DCYF, which protects children from abuse and neglect and, in some circumstances, seeks removal of a child from their parents’ homes in order to ensure that the child will be safe while the parents work to reunify with their children. In 2021, the Legislature enacted E2SHB 1227, called the “Keeping Families Together Act.” The bill makes three primary changes to dependency laws: (1) it raises the standard that DCYF must prove before a child can be removed from their parents’ home; (2) it raises the standard that DCYF must prove if it opposes placement with relatives or suitable other persons; and (3) it provides for additional financial support to relative and suitable other placements by prioritizing licensure for these placements as soon as possible after a child is placed with them.

Also, the Legislature appropriated funding for the increased legal services related to implementation of the first phase of 2SHB 1219, a three-county expansion of appointment of counsel for children. Additional funding is necessary for the increased legal services associated with the upcoming phases of implementation.

In 2021, the Legislature enacted 2SHB 1219, which creates a six-year implementation schedule that provides for appointment of counsel at state public expense for children eight years and older in dependency cases and for all children in dependency and termination of parental rights cases upon the filing of a petition to terminate parental rights.

In addition, the AGO provides legal advice and representation to DCYF, which protects children from abuse and neglect and, in some circumstances, files dependency petitions and seeks removal of a child from their parents’ homes in order to ensure that the child will be safe while the parents work to reunify with their children, and files termination of parental rights petitions in order to aid DCYF in freeing a child for adoption when they cannot be safely returned home. Until recently, the AGO contracted with local prosecutors’ offices and private attorneys to represent DCYF in these cases in several more remote counties. Over the last three years, DCYF requested and the Legislature funded the transition of three of these counties from contracted representation to the local AG’s offices; there remain now only three counties in which DCYF is represented by private attorneys. In Pacific, Wahkiakum, and Kittitas Counties, the AGO contracts with local private attorneys to represent DCYF in dependency, termination of parental rights, and guardianship cases. In order to enhance statewide consistency in practice, and to allow for the collection and review of statewide performance data that will aid DCYF in pursuing its goals including achieving timely permanency, DCYF requested that the AGO pursue transition representation of these remaining three counties to the local AG’s offices. Additional legal services are required to support this ongoing work in the nearby local AG’s offices.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request of \$3,697,000 (\$3,217,000 GF-S) to be used to cover increases in AGO costs to DCYF that will arise as a result of implementing E2SHB 1227 Child Abuse Allegations enacted by the legislature.

DCYF also requests \$2,294,000 (\$1,995,000 GF-S) to be used to cover increases in AGO costs that will arise as a result of implementing 2SHB 1219 Youth Dependency Counsel enacted by the legislature.

Additionally, the \$1,274,000 of funding requested will be used to cover transition of the following local prosecutors and private attorney service contracts to the state AGO:

- Scott Harmer Firm (Pacific and Wahkiakum Counties)
- Chris Herion/Tony Swartz (Kittitas County)

### **Detailed Assumptions and Calculations:**

DCYF is transitioning from contracting with local attorneys to using the AGO in Pacific, Wahkiakum, and Kittitas counties requests inclusion of these AGO costs in the Central Service Model. This transition will facilitate a more consistent statewide approach and help DCYF achieve significant system reforms adopted by the Legislature and comply with its federal reporting requirements. DCYF also uses data from the AGO's data system to report on its compliance with its federal performance improvement plan and would like to have access to this data in more counties.

The two contracts listed above total \$461,000 per biennium. Transitioning them to the state AGO will cost DCYF \$2,197,000. As a result, DCYF is requesting a \$1,274,000 (\$1,108,000 GF-S) increase in funding to complete the transition of these contracts from local prosecutors and private attorneys to the state AGO.

### **Workforce Assumptions:**

Not applicable

## Strategic and Performance Outcomes

### **Strategic Framework:**

This budget request will support the Governor's Results Washington priorities of "Healthy and Safety Communities".

### **Performance Outcomes:**

This budget request will support the Governor's Results Washington priorities of "Efficient, Effective, and Accountable Government."

## Equity Impacts

### **Community outreach and engagement:**

NA

### **Disproportional Impact Considerations:**

NA

### **Target Populations or Communities:**

NA

## Other Collateral Connections

**Puget Sound Recovery:**

Not applicable

**State Workforce Impacts:**

Not applicable

**Intergovernmental:**

This request will enable DCYF to pay for services provided by the state Attorney General's Office.

**Stakeholder Response:**

Not applicable

**State Facilities Impacts:**

Not applicable

**Changes from Current Law:**

Not applicable

**Legal or Administrative Mandates:**

This request is in response to a law passed in 2021, requiring a multi-year phase-in of court-appointed counsel for children in child welfare cases. It is also in response to a change in the law, increasing and enhancing legal requirements for all 72-hour shelter care hearings and dependency petitions.

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$3,513	\$3,752	<b>\$7,265</b>	\$5,789	\$6,821	<b>\$12,610</b>

## Agency Contact Information

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