

SENATE BILL REPORT

SB 6386

As Reported By Senate Committee On:
Human Services & Corrections, January 26, 2000

Title: An act relating to funds appropriated for representation of indigent parents and children.

Brief Description: Administering funds for representation of indigent parents and children.

Sponsors: Senators Haugen, Hargrove, Swecker, Brown, Patterson, Sheahan, Morton, Long, Costa and Rasmussen.

Brief History:

Committee Activity: Human Services & Corrections: 1/20/2000, 1/26/2000 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Staff: Jennifer Strus (786-7484)

Background: For some time, counties have been concerned about the increased costs for defense representation in dependency and termination cases when they do not control the volume of cases.

In response to this concern, Senate Bill 5744, passed during the 1999 legislative session, required the Office of Public Defense (OPD) to develop a proposal to address the costs of legal representation and expenses reasonably related to such representation of indigent parents, guardians, legal custodians and children in dependency and termination hearings under Chapter 13.34 RCW.— The proposal is also required to address the increased dependency and termination filings and the effect of the increase on indigent defense costs. Further, OPD is to recommend strategies to ensure that an equitable method of paying for indigent defense costs in dependency and termination proceedings is established.—

In a report issued by OPD in December 1999, it makes 11 recommendations for strategies to ensure an equitable method of paying for indigent defense costs. These recommendations are broken down into the following categories: general; defense representation; and children's representatives.

Summary of Substitute Bill: The Office of Public Defense must administer and distribute funds appropriated for the representation of indigent parents and children. The spending priorities to be followed by OPD are listed as follows: develop a tracking system for indigent parent and child cases and funding amounts; reduce continuances; ensure cases are screened for indigency; establish paternity early on; set salary levels for defense counsel that attracts

competent and skilled persons; retain counsel to maintain reasonable caseloads; make funds available for support staff, experts and investigators; develop and enforce practice standards; and develop training.

The Director of the Office of Public Defense must convene a task force to assist in the development of the plan to administer and distribute funds appropriated. Members of the task force are specified. The plan is due to the Legislature by January 1, 2001. Funds appropriated pursuant to this bill are not available until July 1, 2001.

Substitute Bill Compared to Original Bill: The substitute bill adds a stakeholder development process for the distribution and administration of the funds.

Appropriation: None.

Fiscal Note: Requested on January 18, 2000.

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

Testimony For: Counties are struggling to pay for indigent defense. The method by which counties obtain and pay for defense attorneys varies considerably and causes the representatives to be inconsistent. This bill would assure consistent representation across the state and adequate funding.

Testimony Against: None.

Testified: PRO: John H. Hill, Deborah Lippold, Pierce County Department of Assigned Counsel; Sophia Byrd, WSAC; Lori Irwin, State Association of CASA Programs; Linda Lillevik, Seattle Public Defenders' Office.