

HOUSE BILL REPORT

SB 5651

As Reported by House Committee On:
Civil Rights & Judiciary
Appropriations

Title: An act relating to establishing a kinship care legal aid coordinator.

Brief Description: Establishing a kinship care legal aid coordinator.

Sponsors: Senators King, Saldaña, Walsh, Darneille, Das, Wilson, C. and Hasegawa.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 3/22/19, 3/26/19 [DP];

Appropriations: 4/5/19, 4/6/19 [DPA].

**Brief Summary of Bill
(As Amended by Committee)**

- Establishes the role of kinship care legal aid coordinator at the Office of Civil Legal Aid, subject to appropriation.
- Requires the coordinator to consult with a range of stakeholder groups to identify and facilitate the development of local and regional kinship care legal aid initiatives and further recommendations of the Kinship Care Oversight Committee.
- Requires the coordinator to develop training materials to help pro bono and low-cost attorneys provide assistance to kinship caregivers and submit a biennial report to the Legislature.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Hansen, Kilduff, Kirby, Klippert, Orwall, Valdez, Walen and Ybarra.

Minority Report: Do not pass. Signed by 2 members: Representatives Graham and Shea.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Ingrid Lewis (786-7289).

Background:

Kinship care is the full-time care of children by relatives. Kinship care occurs informally, when children are not involved with public child welfare agencies, and formally, when public child welfare agencies are involved in placing children with relatives. The term "kin" is defined as persons 18 years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and who are: denoted by the prefix "grand" or "great;" full, half, or step siblings; uncles or aunts; nephews or nieces; or first cousins. Washington offers kinship caregivers several legal custody options distinguished by the degree of involvement with the child welfare system, the permanency of the arrangement, and rights conferred to the caregiver.

In 2003 the Department of Social and Health Services (DSHS) was directed by the Legislature to create a Kinship Care Oversight Committee (Committee) tasked to plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required. The Committee is required to annually update the Legislature and Governor on recommendations and activities. On July 1, 2018, the Department of Children, Youth, and Families assumed child welfare services from the DSHS.

Office of Civil Legal Aid.

The Legislature established the Office of Civil Legal Aid (OCLA) in 2005 as an independent agency in the judicial branch. The OCLA is responsible for the administration and oversight of state funds that are appropriated by the Legislature to provide civil legal aid services. The OCLA does not provide legal aid services directly, but contracts with attorneys to provide civil legal aid services to eligible low-income clients throughout the state. The Northwest Justice Project is the primary statewide provider of civil legal aid services. The OCLA is responsible for reporting to the Legal Aid Oversight Committee on the use of state funds for legal aid.

Summary of Bill:

The role of kinship care legal aid coordinator is created in the Office of Civil Legal Aid, subject to appropriation. The coordinator must consult with specified stakeholders to develop local and regional kinship care legal aid initiatives and implement relevant recommendations from the Kinship Care Oversight Committee.

Coordinator duties include working with the Department of Children, Youth, and Families (DCYF) on the development of training materials to help pro bono and low-cost attorneys provide legal advice and assistance to kinship caregivers. The coordinator must produce a biennial report outlining activities undertaken by the coordinator; legal aid resources developed at the statewide, regional, and local levels; and other information regarding development and expansion of legal aid services to kinship caregivers in Washington. Reports are due to the DCYF, the Department of Social and Health Services, and relevant committees of the Legislature by December 1 of each even-numbered year.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on June 30, 2019.

Staff Summary of Public Testimony:

(In support) Accessing legal service is difficult for kinship caregivers. This bill establishes a way for caregivers to have access to legal services and supports. Since 2004 the King County Bar's Kinship Care Solutions project has provided kinship caregivers free legal services. There are many obstacles that kinship caregivers encounter in the daily needs of children in their care. For example, medical care, educational care, and safeguarding children. The coordinator would be helpful in providing training and coordinating best practices statewide. This bill will add critical legal resources for families who are raising relatives and who cannot afford to pay an attorney. Unlike foster parents, relative caregivers do not have access to social workers or other services to guide them through the system and help provide permanency for children in their care. Free legal services should be provided to family caregivers. Kinship caregivers are vulnerable to attacks from the legal system and from bureaucrats and profiteers.

(Opposed) None.

Persons Testifying: Senator King, prime sponsor; Laurie Lippold, Partners for Our Children; Judy Lin, King County Bar Association; Shelly Willis, Family Education Support Services; and Michael Brunson.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

Staff: Meghan Morris (786-7119).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Civil Rights & Judiciary:

The Appropriations Committee added a null and void clause, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect on June 30, 2019. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This is a good bill that is fully funded in the Senate budget. The bill leverages substantial private, volunteer, and low-bono legal services and will help vulnerable children find safety and security with their relatives. In the early 2000s, the Washington State Institute for Public Policy did a needs survey for kinship caregivers, and identified access to legal services and supports as one of the top issues. That is still the case today. There are thousands of children in Washington being raised by relatives. Some of these children are going through the formal child welfare system, but most are not. Navigating the system can be challenging, particularly when caregivers are assessing legal options. This program will benefit thousands of kinship caregivers by connecting them to the legal structures necessary to help them raise kids and keep them out of the child welfare system.

(Opposed) None.

Persons Testifying: Jim Bamberger, Office of Civil Legal Aid; Shelly Willis, Family Education and Support Services; and Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying: None.