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**Human Services, Youth, & Early  
Learning Committee**

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**HB 1295**

**Brief Description:** Concerning voluntary placement agreements with the department of children, youth, and families.

**Sponsors:** Representatives Ortiz-Self, Eslick, Lekanoff, Reeves and Reed.

**Brief Summary of Bill**

- Authorizes the Office of Public Defense (OPD) to provide legal counsel for parents under investigation by the Department of Children, Youth, and Families (DCYF).
- Requires the OPD to provide parents with a legal consultation when the DCYF proposes a voluntary placement agreement and ongoing legal representation (through a phased-in implementation schedule) beginning July 1, 2024.

**Hearing Date:** 1/24/23

**Staff:** Luke Wickham

**Background:**

*Voluntary Placement Agreements.*

The Department of Children, Youth, and Families (DCYF) may enter into a voluntary placement agreement (VPA) with a parent to place a child with a relative or in a licensed foster home when:

- a safety threat exists, that cannot be managed in the home, and services provided for 90 days are likely to eliminate the need for court intervention;
- a safety threat exists that cannot be managed in the home after business hours and the child

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- is not placed in protective custody by law enforcement;
- parents or legal guardians need temporary care for a child while undergoing medical care or treatment and there are no alternative placement resources; or
- the child's parent is not immediately available to provide care.

Parental approval is required for a VPA. A VPA may occur for a child under age 18, or for a youth under age 21 if the youth is being served by the extended foster care program. To qualify for extended foster care, a youth must have been dependent at the time the youth reaches age 18 and be:

- enrolled in a secondary education program;
- enrolled in a postsecondary education program;
- participating in an employment program;
- employed for 80 hours or more per month; or
- not able to engage in any of the above activities due to documented medical condition.

VPAs may not be used to place with someone other than a relative or licensed foster parent, and may not be used for placement outside Washington.

#### *Office of Public Defense.*

The Office of Public Defense (OPD) administers state-funded services for representation of indigent parents qualified for counsel in dependency and termination of parental rights cases, among other duties. To carry out this function, the OPD parents representation program contracts with attorneys for representation of indigent parents in all 39 Washington counties. The OPD parents representation program establishes caseload limits, establishes professional standards, provides training and support, and provides access to expert services.

#### **Summary of Bill:**

The Office of Public Defense (OPD) is authorized to provide legal counsel for parents under investigation by the Department of Children, Youth, and Families (DCYF).

Beginning July 1, 2024, when the DCYF proposes a voluntary placement agreement when there is no pending dependency proceeding, the child's parent, guardian, or legal custodian has the right to consult with counsel by telephone or video conference, provided through contract with the OPD.

The OPD must provide representation by counsel if requested by a parent, legal guardian, or legal custodian after the remote consultation according to the following implementation schedule:

- by July 1, 2024, for at least one-third of anticipated requests for attorneys;
- by July 1, 2025, for at least two-thirds of anticipated requests for attorneys; and
- full statewide implementation by July 1, 2026.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2023.

**Effective Date:** The bill contains multiple effective dates.