

FINAL BILL REPORT

SB 5805

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Synopsis as Enacted

Brief Description: Developing a schedule for court appointment of attorneys for children and youth in dependency and termination proceedings.

Sponsors: Senators Frame, Boehnke, Kuderer, Nguyen, Nobles, Trudeau and Wilson, C..

Senate Committee on Human Services
House Committee on Civil Rights & Judiciary

Background: In dependency proceedings, where the court determines whether a child should be a dependent of the state, the Department of Children, Youth, and Families (DCYF) is represented by an assistant attorney general. Parents and guardians have the right to counsel and, if indigent, they have the right to have counsel appointed by the court. The Office of Public Defense contracts with attorneys to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings.

Historically, whether a court appointed an attorney for a child in a dependency proceeding depended upon the age of the child, the stage of the proceeding, and was, in most cases, a matter of court discretion.

Mandatory Appointment of Counsel for Children. In 2021, the Legislature passed 2SHB 1219 which requires, subject to appropriation, counsel for children in dependency proceedings to be appointed on a phased-in county-by-county basis over a six-year period as follows:

- at least three counties beginning July 1, 2022;
- at least eight counties beginning January 1, 2023;
- at least 15 counties beginning January 1, 2024;
- at least 20 counties beginning January 1, 2025;
- at least 30 counties beginning January 1, 2026; and
- full-statewide implementation by January 1, 2027.

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

For children ages zero through seven years, mandatory appointment occurs upon the filing of a termination petition. For children ages 8 through 17, mandatory appointment for new dependency petitions occurs at or before the commencement of the shelter care hearing and, for any pending or open dependency case where the child is unrepresented and is entitled to appointment, mandatory appointment occurs at or before the next hearing.

Counties that have either no current practice of appointment of attorneys in dependency cases or have a significant prevalence of racial disproportionality or disparities in the number of dependent children compared to the population, or both, must be prioritized.

Summary: The schedule for court appointment of attorneys for every child in dependency proceedings is revised to add 36 counties beginning in January 1, 2027, with full statewide implementation by January 1, 2028. The phased-in schedule must not add more than 1250 cases each fiscal year.

To the extent practicable, counties that have either no current practice of appointment of attorneys in dependency cases or have a significant prevalence of racial disproportionality or disparities in the number of dependent children compared to the population, or both, should be prioritized.

Votes on Final Passage:

Senate	46	2
House	58	36

Effective: June 6, 2024