

HOUSE BILL REPORT

HB 1113

*As Reported By House Committee on:
Human Services*

Title: An act relating to the source of funding for costs of legal representation in cases relating to dependency of a child and the termination of a parent and child relationship.

Brief Description: Providing legal representation in child dependency cases.

Sponsor(s): Representatives Haugen, Ferguson, Basich, Riley, Winsley, Wang, Brekke, Dellwo, R. Meyers, Van Luven, Scott, Hargrove and Phillips.

Brief History:

Reported by House Committee on:
Human Services, February 13, 1991, DPS.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *That Substitute House Bill No. 1113 be substituted therefor, and the substitute bill do pass.*
Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Dawn Jones (786-7077).

Background: State law provides for the appointment of counsel to represent indigent parents, guardians and custodians in child dependency proceedings and proceedings to terminate the parent-child relationship. The law also provides for the appointment of counsel for the child in such proceedings.

Counties presently are obligated to pay the costs for appointed counsel in these cases. This has been a matter of some controversy. Recently, Pierce and Whatcom counties brought suit to force the state to pay the costs but the State Supreme Court found that the county was obligated to incur this cost.

Summary of Substitute Bill: The administrator of the courts will develop and present a proposal to address indigent defense costs in dependency and termination of parental rights cases to the Legislature by December 6, 1991. By July 1, 1992, the state will pay 25 percent of the legal costs. By July 1, 1993, the state will pay 50 percent of the legal costs in these cases.

Substitute Bill Compared to Original Bill: The substitute bill directs the administrator for the courts to develop and present a proposal addressing indigent defense costs in dependency and termination of parental right cases to the Legislature by December 6, 1991. Instead of incurring the total cost of the legal representation for indigent parents and their children, the state will assume responsibility for 50 percent of the cost. This will be accomplished by the following: by July 1, 1992, the state will pay 25 percent of the legal costs; by July 1, 1993 the state will pay 50 percent of the legal costs in dependency and termination of parental rights cases.

Fiscal Note: Available.

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

Testimony For: The bill is logical. The state is responsible for the increase in the number of dependency cases in the system, but the county government must bear the cost. The legislators must consider who is paying for the things that they want done. We all support the people having the attorneys, but we do not realize the burden it places on the local governments.

Prior to 1977, the intervention into the family unit was handled almost entirely by legislation through the counties. As a result of revisions in the Juvenile Justice Act, this area was pre-empted by state governmental units. The Attorney General's Office is now responsible for prosecuting these cases at the Superior Court level. The proceedings are initiated by the Department of Social and Health Services. They are entirely driven by state resources. The county is now left out of the process, but is strongly impacted by it.

Testimony Against: The cost of providing representation by state law in proceedings is so high that the state cannot bear it.

Witnesses: John A. Hill, Director, Pierce County Assigned Counsel; Colleen Waterhouse, Department of Children and Family Services; Steve Gustaveson, Attorney General,

Department of Social and Health Services; Barbara Gletne, King County Office of Public Defense; George Wall, Pierce County; and Mike Redman, Washington Association of Prosecuting Attorneys.