

# SENATE BILL REPORT

## SB 5651

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As Passed Senate, March 8, 2019

**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:** Law & Justice: 2/14/19, 2/21/19 [DP-WM].

Ways & Means: 2/26/19, 2/27/19 [DP, w/oRec].

**Floor Activity:**

Passed Senate: 3/08/19, 48-0.

### Brief Summary of Bill

- Establishes the kinship care legal aid coordinator at the Office of Civil Legal Aid, subject to appropriation.
- Requires the coordinator to develop training materials designed to help free and low cost attorneys provide legal advice and assistance to kinship caregivers.
- Requires the coordinator to work with state entities to develop legal aid initiatives and implement recommendations of the Kinship Care Oversight Committee.
- Allows the coordinator to contract with nonprofit organizations for these purposes.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

**Staff:** Tim Ford (786-7423)

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### SENATE COMMITTEE ON WAYS & MEANS

*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.*

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wilson, L..

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Schoesler.

**Staff:** Claire Goodwin (786-7736)

**Background:** The Legislature established the Office of Civil Legal Aide (OCLA) in 2005 as an independent agency in the judicial branch. OCLA is responsible for the administration and oversight of state funds appropriated by the Legislature to provide civil legal aid services. OCLA does not provide legal aid services directly. Rather, OCLA 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. OCLA is responsible for reporting to the legal aid oversight committee on the use of state funds for legal aid.

In 2003, the Legislature passed HB 1233 which related to improving services for kinship caregivers. The bill created a Kinship Care Oversight Committee (KCOC) charged with the responsibility to monitor, guide, and report on kinship care recommendations and implementation activities. The Department of Social and Health Services (DSHS) must consult with KCOC on its efforts to better collaborate and coordinate services to benefit kinship care families. KCOC must annually update the Legislature and Governor on its recommendations and activities.

"Kin" is defined in law and means persons eighteen years or older to whom a child is related by blood, adoption, or marriage. On July 1, 2018, the Department of Children, Youth, and Families (DCYF) assumed child welfare services from DSHS. DCYF is required to prioritize placing children with willing and able kin. DCYF has the authority to purchase legal representation for kinship care providers, within appropriated amounts, for purposes including modifying parenting plans or obtaining orders establishing legal relationships.

In its December 1, 2018 report to the Legislature, KCOC made several recommendations including the establishment of a statewide kinship caregivers legal aid support and training coordinator to help pro bono and low bono attorneys provide legal assistance at a level of support for \$100,000 per year or \$200,000 per biennium.

**Summary of Bill:** Subject to appropriation, the act creates the role of a kinship care legal aid coordinator at the OCLA. To identify and facilitate the development of local and regional kinship care legal aid initiatives, and to implement recommendations from KCOC, the coordinator must work with:

- the KCOC;
- the Washington State Supreme Court Access to Justice board's pro bono council;
- the Washington State Bar Association Moderate Means Program;

- the DSHS Aging and Long-term Support Administration; and
- the Office of Public Defense.

The coordinator must develop training materials designed to help free and low cost attorneys provide legal advice and assistance to kinship caregivers on matters that relate to their ability to meet physical, mental, social, educational, and other needs of children and youth in their care. Within DCYF, the KCOC must assist the coordinator to develop those training materials. KCOC must update the Legislature and Governor annually on committee activities, with each update due by December 1st.

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 State.

Reports are due to DCYF, DSHS, and relevant committees of the Legislature by December 1st of each even-numbered year.

The office may contract with a separate nonprofit legal aid organization to satisfy the requirements of the Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony (Law & Justice):** PRO: This simple bill establishes a kinship care legal aide coordinator. It will help kinship providers through the system with legal guidance either free or very low cost. The coordinator would work with other entities to provide this legal guidance.

My husband and I are fifty-nine and have custody of two-and-a-half-year-old granddaughter because our daughter is mentally ill. We used legal aide to get custody. We are a middle class family able to afford legal aide through our court navigator, but others may not be able to afford legal aide. The paperwork is too difficult to navigate on our own and without the legal aide we would have had to hire an attorney.

So many people are raising grandchildren and other relatives. We estimate that for 4500 to 5000 children who are placed by the department formally through the child welfare system with their relatives, there are maybe ten times that amount who are being informally raised by grandparents. Some caregivers have limited resources. Having some legal advice to navigate the legal system, particularly in third party custody cases, is a great help.

An appropriation of \$100,000 will leverage hundreds of thousands of dollars in legal aid. The Office of Civil Legal Aide with contract with the King County Bar Association which has a successful kinship care legal aide program since 2003. The coordinator role will build capacity for providing legal aide as a statewide project.

**Persons Testifying (Law & Justice):** PRO: Senator Curtis King, Prime Sponsor; Leanne LaBissoniere, Parish Outreach Coordinator, Catholic Charities Serving Central Washington; Laurie Lippold, Partners for Our Children; Jim Bamberger, Office of Civil Legal Aid.

**Persons Signed In To Testify But Not Testifying (Law & Justice):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Twenty people signed in to testify in support. For every child formally placed by DCYF in foster care system, there are roughly ten times the number of children being raised by relatives. WSIPP published a study years ago that said legal services is a high-priority for kinship caregivers. This bill will help pro-bono attorneys for kinship care givers.

**Persons Testifying (Ways & Means):** PRO: Laurie Lippold, Partners for Our Children.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.