

# FINAL BILL REPORT

## SB 5651

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Synopsis as Enacted

**Brief Description:** Establishing a kinship care legal aid coordinator.

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

**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**  
**House Committee on Civil Rights & Judiciary**  
**House Committee on Appropriations**

**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

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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:** 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; and 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.

The bill is null and void unless funded in the budget.

**Votes on Final Passage:**

Senate	48	0	
House	96	1	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 30, 2019