
Appropriations Committee

SB 5761

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

Sponsors: Senators Frame and Nobles.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Delays by four years the schedule for full-statewide implementation of the right to appointed counsel for children and youth in dependency proceedings.

Hearing Date: 4/3/25

Staff: Yvonne Walker (786-7841).

Background:

Dependency Proceedings Generally.

The Department of Children, Youth, and Families (DCYF) or any person may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent or custodian capable of caring for the child. If the court determines the child is dependent, the court conducts periodic reviews and makes determinations about the child's placement and the progress of the parties, as well as whether supervision should continue. The court, under certain circumstances, may order the filing of a petition for the termination of parental rights.

In dependency proceedings, the 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. Under the Parents Representation Program, the Office of Public Defense

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contracts with attorneys to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings.

The Office of Civil Legal Aid contracts with attorneys to represent children and youth in dependency proceedings under the Children's Representation Program. However, historically, whether or not 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.

In 2021 the Legislature enacted Second Substitute House Bill 1219, which required, subject to the availability of funds, that counsel for children in dependency proceedings be appointed on a phased in county-by-county basis over a six-year period. In 2024 the implementation schedule was extended by one year with the passage of Senate Bill 5805 as follows:

- at least 3 counties beginning July 1, 2022;
- at least 8 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;
- at least 36 counties beginning January 1, 2027; and
- full-statewide implementation by January 1, 2028.

Summary of Bill:

The phase-in schedule for full-statewide implementation of the right to appointed counsel for children and youth in dependency proceedings is revised as follows:

- Beginning January 1, 2030, the schedule must include representation in at least 30 counties.
- Beginning January 1, 2031, the schedule must include representation in at least 36 counties.
- The schedule for full-statewide implementation is extended by four years to January 1, 2032.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.