

FINAL BILL REPORT

SB 5761

C 413 L 25
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 and Nobles.

Senate Committee on Ways & Means
House Committee on Appropriations

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 is represented by an assistant attorney general. For parents' representation, the Office of Public Defense contracts with attorneys and social workers to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental right proceedings.

For childrens' representation, the Office of Civil Legal Aid (OCLA) provides attorney representation for children subject to dependency and termination proceedings. 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.

Mandatory Appointment of Counsel for Children. In 2021, the Legislature enacted 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. In 2024, the implementation schedule was extended with the passage of SB 5805. The implementation schedule is:

- 3 counties beginning July 1, 2022;
- 8 counties beginning January 1, 2023;
- 15 counties beginning January 1, 2024;
- 20 counties beginning January 1, 2025;
- 30 counties beginning January 1, 2026;

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- 36 counties beginning January 1, 2027; and
- statewide implementation by January 1, 2028.

For children ages 0 through 7 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 extended by four years, to the following implementation schedule:

- 3 counties beginning July 1, 2022;
- 8 counties beginning January 1, 2023;
- 15 counties beginning January 1, 2024;
- 20 counties beginning January 1, 2025;
- 30 counties beginning January 1, 2030;
- 36 counties beginning January 1, 2031; and
- statewide implementation by January 1, 2032.

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

Votes on Final Passage:

Senate	46	3	
House	87	9	(House amended)
Senate	45	3	(Senate concurred)

Effective: July 27, 2025