

Payments to Other Agencies

145 - M2 - NB - DSHS CHILD PERMANENCY AND WELFARE

Agency Submittal: 11-2017-19-YR Agency Req

Budget Period: 2017-19

SUMMARY

The Department of Social and Health Services (DSHS) requests \$7,192,000 (\$5,034,000 GF-State) to support the Attorney General's Office (AGO) request for child permanency and child welfare litigation. This funding request has two components: 1) the AGO retain and make ongoing the funding the Legislature provided in the 2015-17 Biennium to achieve permanency for children; 2) the Legislature provide funding for additional staff to meet the increasing demands of child welfare litigation. In order to provide competent and timely legal representation to protect children from abuse and neglect, and to achieve timely permanency it is imperative to increase current funding levels to meet the demands of child welfare litigation and to make those funding levels permanent.

PROBLEM STATEMENT

The AGO requires stable and sufficient funding to meet the demands of the child permanency and child welfare litigation workload. Large caseloads and workload stress caused by factors outside of an attorney's control are creating unsustainable work practices and causing increased turnover among staff trained to perform this work. By way of example, managers are carrying their own significant caseloads and leaving too little time to train newer attorneys. The AGO cannot continue to provide effective and competent representation to protect children from abuse and neglect if there are insufficient staff.

In order to meet the legal services needs of the DSHS, the AGO is requesting funding in two components:

First, the AGO requests that the funding currently provided by the Legislature for the permanency initiative be made part of the base, ongoing funding levels to provide continuing legal services to DSHS in parental termination cases. Specifically, ongoing funding will be used to sustain the legal and support positions currently slated to end June 30, 2017, who are supporting the timely filing of parental termination cases. Retaining these positions will allow the AGO to avoid a backlog in filing termination petitions and assist DSHS in achieving stable, safe, and permanent homes for children.

Sustaining Child Permanency funding and related positions the AGO has created to perform this work will cost \$2,734,000 per biennia. This cost is based on 5.0 Assistant Attorneys General (AAG), 3.0 Paralegals (PL) and 2.5 Legal Assistants (LA), consistent with the original Permanency related request submitted in the 2014 Supplemental.

Second, even with the current temporary funding for permanency work, the funding level for legal services for DSHS is insufficient for the AGO to meet the demands of the workload. While every AGO office doing child welfare litigation is having challenges, five AGO offices have a critical need for additional positions. The driving workload factors vary in each of these offices and include: excessive child welfare caseloads per attorney FTE; AGO participation in specialized courts and proceedings (e.g. family treatment or drug courts, court for dependent babies, mandatory mediations); and impacts on workload due to social worker turnover, expanded parent representation, and additional and lengthier court hearings.

The additional positions to keep pace with the DSHS workload include 9.0 AAG, 1.0 PL and 4.5 LA and 2.0 LOA at a biennial cost of \$4,458,000.



DSHS VISION

People are healthy • People are safe • People are supported • Taxpayer resources are guarded

DSHS MISSION

To transform lives

DSHS VALUES

Honesty and Integrity • Pursuit of Excellence • Open Communication • Diversity and Inclusion • Commitment to Service

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PROPOSED SOLUTION

This decision package ensures stable, ongoing funding to retain current and obtain additional staff and expertise to meet increasing caseload demand and performance measures that directly relate to achieving safety and permanency for children.

Sustain DSHS Child Permanency funding: 5.0 AAG, 3.0 PL and 2.5 LA at a biennial cost of \$2,734,000.

Additional DSHS Child Permanency and Juvenile Litigation workload: 9.0 AAG, 1.0 PL and 4.5 LA and 2.0 LOA at a biennial cost of \$4,458,000

EXPECTED RESULTS

The restoration and increase of permanency funding would allow the AGO to increase staff and thereby continue to reduce the backlog of termination petition referrals. It would also allow continued improvement under the AGO's internal 45 day filing performance measure. In Fiscal Year 2013, just 79 percent of termination petitions were filed within 45 days. The added permanency positions enabled the AGO in Fiscal Year 2015 to file 91 percent of the termination petitions in 45 days, a 12 point improvement.

Funding this request will result in no change to the agency goal of 25,000 cases open at the end of each fiscal year. Lack of sufficient funding could increase anticipated open, unresolved cases by one to two hundred per year.

Pursuant to RCW 13.34.070(1), a fact-finding hearing on a dependency petition shall be held no later than 75 days after filing, unless there are exceptional reasons for a continuance. Once the dependency is established, pursuant to RCW 13.34.138(1), there shall be a review by the court at least once every six months to determine the progress of the parties and determine whether supervision should continue.

Under the Federal Adoption and Safe Families Act, states must ensure timely permanency for foster children by filing a termination petition within 15 months from when the child was removed from home. Limited, case by case, exceptions are available if there is a compelling reason not to do so. States that do not comply with this requirement may be financially penalized.

In cases where parental rights have been terminated and adoption is the permanent plan, the goal is to complete the adoption within six months. RCW 13.34.145(1)(c). The dependency continues with periodic reviews until the adoption is completed.

DSHS has committed to improve its performance of achieving timely permanency for foster children as there are societal and fiscal benefits to expeditiously doing so. First, when children are placed in stable, safe, and permanent homes they are likely to be more successful in school and life. Second, when children are placed in permanent homes, costs to the state, such as the continued expense of foster care and related children's needs, and the expense of providing reunification services to families, family visitation, and staff resources are all reduced. In addition, the continued costs of hearings held at least twice a year as well as various contested motion hearings are also avoided.

When the AGO is adequately staffed it can fulfill its obligations to support DSHS and the courts in meeting the timelines set forth in the law, which in turn supports the important goal of achieving permanency for children, whether that is through adoption, guardianship, or return home.

STAKEHOLDER IMPACT

There are no negative impacts to stakeholders. The decision package will decrease the percentage of children with a founded allegation of abuse or neglect as well as decrease the percentage of children in Division of Children and Family

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Services out-of-home placement five years or more. Additionally, this decision package will increase customer satisfaction.

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Program Contact: David Hilberg (360) 902-7641

OTHER CONNECTIONS

Performance Outcomes/Important Connections

1. Does this DP provide essential support to one or more of the Governor's Results Washington priorities?

Goal 4: Healthy & Safe Communities - Healthy People - Provide access to good medical care to improve people's lives.

2. The decision package meets the following DSHS' strategic objectives:

1.3: Percentage of children with founded allegation who have a new founded allegation within 12 months will decrease.

3. Identify other important connections or impacts below. (Indicate 'Yes' or 'No'. If 'Yes' identify the connections or impacts related to the proposal.)

- a) Regional/County impacts? No
- b) Other local government impacts? No
- c) Tribal government impacts? No
- d) Other state agency impacts? Yes (Attorney General's Office, Office of Public Defense, Superior Courts)
- e) Responds to specific task force, report, mandate or executive order? Yes (Federal Adoption and Safe Families Act, must ensure timely permanency for foster children by filing a termination petition within 15 months from when the child was removed from home. RCW 13.34.070(1), a fact-finding hearing on a dependency petition shall be held no later than 75 days after filing. RCW 13.34.138(1), there shall be a review by the court at least once every six months to determine the progress of the parties and determine whether supervision should continue.
- f) Does request contain a compensation change or require changes to a Collective Bargaining Agreement? No
- g) Facility/workplace needs or impacts? No
- h) Capital budget impacts? No
- i) Is change required to existing statutes, rules or contracts? No
- j) Is the request related to litigation? No
- k) Is the request related to Puget Sound recovery? No
- l) Other important connections? No

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4. Please provide a detailed discussion of connections/impacts identified above.

See above

Alternatives/Consequences/Other

5. What alternatives were explored by the agency, and why was this alternative chosen?

DSHS has previously examined whether it could use Children's Administration program funds to pay for an interagency agreement to cover the costs of having adequate legal service funding. The program was unable to identify funds which could be permanently committed for this purpose. In addition, using an interagency agreement to fund ongoing legal work is not desirable or sustainable for budget planning, or for the development and retention of AGO expertise to handle the work.

6. How has or can the agency address the issue or need within its current appropriation level?

DSHS has examined whether it could allocate funding to pay for the interagency agreement but could not identify dollars that could be used on an ongoing basis.

7. Does this decision package include funding for any IT-related costs (hardware, software, services, cloud-based services, contracts or IT staff)?

- No
- Yes (Include an IT Addendum)

Fiscal Detail**145 - M2 - NB - DSHS Child Permanency and Welfare**

Operating Expenditures	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
001-1 General Fund-State	2,517,000	2,517,000	2,517,000	2,517,000
001-A General Fund-DSHS Fam	1,079,000	1,079,000	1,079,000	1,079,000
Total Cost	3,596,000	3,596,000	3,596,000	3,596,000
Staffing	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
FTEs	0.0	0.0	0.0	0.0

Performance Measure Detail

Activity:	Incremental Changes			
	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
Program: 145				
N073 Payment to Other Agencies	0	0	0	0
No measures submitted for package				

Object Detail

	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
EM Attorney General Services	3,596,000	3,596,000	3,596,000	3,596,000
Total Objects	3,596,000	3,596,000	3,596,000	3,596,000

DSHS Source Detail**Overall Funding**

Operating Expenditures	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
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Fund 001-1, General Fund-State**Sources Title**

0011 General Fund State	2,517,000	2,517,000	2,517,000	2,517,000
Total for Fund 001-1	2,517,000	2,517,000	2,517,000	2,517,000

Fund 001-A, General Fund-DSHS Fam**Sources Title**

645G Title IV B-Child Welfare Svs-St Grants(A) (75%)	1,079,000	1,079,000	1,079,000	1,079,000
Total for Fund 001-A	1,079,000	1,079,000	1,079,000	1,079,000
Total Overall Funding	3,596,000	3,596,000	3,596,000	3,596,000