

Payments to Other Agencies

145 - M2 - ZF - CHILD WELFARE LITIGATION

Agency Submittal: 2015-17 Final 2017 Sup

Budget Period: 2015-17

SUMMARY

The Department of Social and Health Services (DSHS) requests \$538,000 (\$377,000 GF-State) to support the Attorney General's Office (AGO) request to meet the critical workload needs of juvenile litigation handled out of Seattle and Tacoma AGO offices (serving King, Pierce and Kitsap counties). Current staffing levels are insufficient to cover increases in work resulting from increasing caseloads, high social worker turnover and lengthier court proceedings. In addition, DSHS has requested that the AGO take on an additional area of work not currently handled by the AGO. The additional funding will allow for better support of DSHS's goals to protect children from abuse and neglect in these locations, as well as provide staffing capacity to take the added work.

PROBLEM STATEMENT

The AGO requires sufficient funding to meet the demands of the juvenile litigation workload handled out of our Seattle and Tacoma offices (serving Pierce, Kitsap and King counties). While progress has been made, a continuing increase in cases and workload stress caused by factors outside of the attorneys' control are creating unsustainable work practices, difficulty addressing backlogs, and causing increased turnover among staff trained to perform this work. The AGO cannot continue to provide effective and competent representation to protect children from abuse and neglect, nor take on additional work requested by the client, if there are insufficient staff.

In order to meet the immediate legal services needs of DSHS, the AGO is requesting funding in order to increase the level of legal services provided to DSHS. While every AGO office doing juvenile litigation is having challenges, two AGO offices have an immediate critical need for additional positions. The driving workload factors include: continuing increases in already excessive juvenile litigation caseloads; high social worker turnover; and additional and lengthier court hearings. In addition, in King County, DSHS would like the AGO to provide legal representation for cases not currently handled.

To keep pace with the increasing DSHS workload and other external factors, the AGO needs 2.5 FTE Assistant Attorney General (AAG) and 1.25 FTE Legal Assistant (LA) at an annual cost of \$538,000. The FTE levels are based on 3 AAG positions and 1.5 LA positions for a duration of 10 months each.

PROPOSED SOLUTION

The increase of funding for staff would allow the AGO to add staff and thereby continue to avoid a backlog of termination petition filings as well as keep pace with the increase in dependency and termination cases. It would also allow the Seattle office to have staffing capacity to take on additional work requested by the client.

It would allow continued improvement of the AGO's internal 45 day filing performance measure. In Fiscal Year 2013, just 28 percent of termination petitions were filed within 45 days in King County. The added permanency positions enabled the Seattle SHS division in Fiscal Year 2016 to file 47 percent of the termination petitions in 45 days, a 19 point improvement. An additional position will assist in improving even more. For the Tacoma office, in Fiscal Year 2013, 92 percent of termination petitions were filed within 45 days. The additional permanency positions have helped the office sustain with 96 percent of termination petitions being filed in 45 days in Fiscal Year 2016. However, an additional position would assist in keeping up with the still increasing caseload.



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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The volume of dependency matters referred has also risen steadily over time. In Fiscal Year 2016, new dependency filings increased 9 percent over the previous year in Seattle, and 6 percent in Tacoma.

Additional funding will also result in compliance with other legal and federal requirements including the statutory requirement that dependency fact finding hearings be held typically no later than 75 days after petition filing; the federal requirement that states ensure timely permanency for foster children by filing a termination petition within 15 months from when the child was removed from home, with limited exceptions (states that do not comply with this requirement may be financially penalized); and the goal of completing adoptions within six months when parental rights have been terminated and adoption is the permanent plan.

DSHS has committed to improve its performance of achieving timely permanency for foster children because children who are placed in stable, safe, and permanent homes are likely to be more successful in school and life. It also reduces costs to the state due to no longer needing to provide services related to foster care and related children's needs, staff resources and the costs of hearings related to the matter.

Increased funding will allow for additional staffing for Children in Need of Services (CHINS) hearings in King County, which are currently handled by social workers. In Fiscal Year 2015, approximately 56 CHINS cases were filed in King County and in Fiscal Year 2016, approximately 42 CHINS cases were filed. The client has requested the AGO provide legal representation in these cases, but currently there is an insufficient staffing level to take on this additional, priority work for the client.

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 and providing legal support in CHINS hearings.

STAKEHOLDER IMPACT

DSHS's goal of achieving permanency for children will be realized if the AGO can achieve and sustain sufficient staff resources. Otherwise, delays in child welfare cases will impact the affected children because they will not be provided a timely, stable and permanent home. Delays can impact DSHS' compliance with federal law and risk reduced federal funding to the state.

The court and defense counsels rely on the AGO to present these cases in a timely manner and to be available to resolve issues and appear for hearings. When permanency is not achieved and dependency cases continue, the court and defense counsel resources are impacted. DSHS remains responsible for the cost of providing services and resources to oversee the dependency. Further, inadequate staffing and lack of funding to perform needed legal services affect employee morale and retention.

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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

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

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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 services funding, but they are unable to identify funds which could be committed permanently to this purpose. In addition, using an interagency agreement to fund an increase in ongoing legal work is not desirable or sustainable for budget planning, or for the development and retention of 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 - ZF - Child Welfare Litigation**

Operating Expenditures	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
001-1 General Fund-State	0	377,000	453,000	453,000
001-A General Fund-DSHS Fam	0	161,000	193,000	193,000
Total Cost	0	538,000	646,000	646,000

Staffing	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
FTEs	0.0	0.0	0.0	0.0

Performance Measure Detail

Activity:	Incremental Changes			
	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
Program: 145				
N073 Payment to Other Agencies	0	0	0	0
No measures submitted for package				

Object Detail

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
EM Attorney General Services	0	538,000	646,000	646,000
Total Objects	0	538,000	646,000	646,000

DSHS Source Detail**Overall Funding**

Operating Expenditures	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
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Fund 001-1, General Fund-State**Sources Title**

0011 General Fund State	0	377,000	453,000	453,000
Total for Fund 001-1	0	377,000	453,000	453,000

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

645G Title IV B-Child Welfare Svs-St Grants(A) (75%)	0	161,000	193,000	193,000
Total for Fund 001-A	0	161,000	193,000	193,000
Total Overall Funding	0	538,000	646,000	646,000