

Request	FY14	FY15	13-15
FTE	0.0	0.0	0.0
GF-State	\$1,085,000	\$2,120,000	\$3,205,000
Total	\$1,409,000	\$2,754,000	\$4,163,000

DECISION PACKAGE SUMMARY

The Attorney General's Office (AGO) requires resources to meet the current and future caseload demands related to the state's termination of parental rights cases that achieve stability, safety, and permanent homes for foster children. Specifically, the Department of Social and Health Services (DSHS) requests funding to 1) reverse reductions in attorney positions serving DSHS in order to keep up with current caseloads, and 2) provide requisite staffing to meet an emergent need for an oncoming spike in new parental termination cases over the next two years. To meet these needs, DSHS requests \$1,409,000 (\$1,085,000 GF-State) in Fiscal Year 2014 and \$2,754,000 (\$2,120,000 GF-State) in Fiscal Year 2015 to reimburse the AGO through the Legal Services Revolving Fund.

PROBLEM STATEMENT

This request has two components. The first is to restore staffing levels of attorneys who represent DSHS in dependency and termination cases. The second is to respond to a permanency initiative by DSHS. Both issues impact the AGO's ability to provide timely representation in termination cases referred by DSHS.

Retention is a critical issue impacting the AGO's ability to keep up with the termination caseload. Attrition for attorneys in AGO divisions representing DSHS has been high. Thirty percent of attorneys performing DSHS work have left that work since January of 2011. In addition to the chronic set of vacancies in the division, AGO caseload capacity has diminished as the agency has lost many of its most experienced attorneys. For example, in one regional office, only 2 of the 6 attorneys have more than nine months of experience. Less experienced attorneys need time and training before they are able to handle a full caseload. Retention will continue to be a problem until the AGO can offer salaries competitive with their public sector peers.

PROPOSED SOLUTION

Restoration of Staffing Levels: The AGO requests \$573,000 (\$441,000 GF-State) and 3 FTEs in Fiscal Year 2014 and \$1,146,000 (\$882,000 GF-State) and 6 FTEs in Fiscal Year 2015 to handle current caseloads. In order to address the critical attorney recruitment and retention challenges noted above, it has been necessary for the AGO to actively hold vacancies in this division and redirect funding to be used for some very limited salary adjustments. These vacancies have a negative impact on the AGO's ability to timely process termination referrals from DSHS resulting in longer stays for children in the foster care system. The requested resources will enable the AGO to restore staffing levels and to timely process the regularly-anticipated number of termination referrals from DSHS.

DSHS Permanency Initiative: The AGO requests \$836,000 (\$644,000 GF-State) and 6 FTEs in Fiscal Year 2014 and \$1,608,000 (\$1,238,000 GF-State) and 12 FTEs in Fiscal Year 2015 to address an upcoming caseload spike. DSHS is making a concentrated effort to achieve permanency for more foster children, which will result in a significant increase in the number of termination cases referred to the AGO. This permanency initiative is being undertaken to ensure compliance with federal laws requiring timely permanency for children in foster care. In addition to reducing the amount of time kids spend in foster care, this initiative is expected to save state resources by reducing the costs of foster care, provision of remedial services and visitation for families, and staff resources. This initiative will result in a significant increase in the number of cases referred to the AGO for termination of parental rights within the next six months. The number of cases expected to be referred to the AGO is 1,248, which is a greater than 50 percent increase over the normal course of business. To process these cases in a timely manner and assure the state realizes the savings, additional resources to meet this work load are needed.

EXPECTED RESULTS

The AGO expects its performance on timely filing of termination petitions to be impacted by this request. In the last two years, due to the attorney retention challenges, AGO performance on timely filing of termination petitions dropped. In Fiscal Year 2011, the AGO filed 93 percent of cases within 45 days of receiving the referral from DSHS. In Fiscal Year 2013, the rate has dropped to 79 percent of cases being filed within this timeframe. DSHS performance outcomes that may be impacted are those related to timely permanency for foster children. If the DSHS backlog of termination cases is resolved, this is likely to free more foster children for permanency through adoption. If DSHS is able to achieve permanency for more foster children, this could also decrease DSHS case worker caseload and further enable these workers to timely accomplish other work. satisfaction.

This decision package supports the Results Washington goal to ensure efficiency, performance, and accountability to the public by providing transparency and accountability in state agency operations.

STAKEHOLDER IMPACT

If DSHS proceeds to termination on more cases, this will impact the courts by increasing the number of cases to be scheduled for termination trials. It will also impact defense counsel caseloads, as indigent parents are entitled to court-appointed counsel in termination proceedings. However, when permanency is not achieved and dependency cases continue, the court and defense counsel resources are impacted as well, as there are twice-yearly review hearings and various other motions.

Without additional resources to address the salary disparities between AGO attorneys and its public sector peers, significant turnover and retention issues will continue. These retention challenges may make it difficult to achieve the intended results of this request.