Washington State Office of Civil Legal Aid

CIVIL LEGAL AID OVERSIGHT COMMITTEE

MEETING OF
September 12, 2025

MATERIALS

CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF September 12, 2025

MEETING MATERIALS

Tab 1: Meeting Agenda

Tab 2: Draft Minutes of March 14, 2025, and June 13, 2025 Meetings

Tab 3: Civil Legal Aid Oversight Committee Mission

Tab 4: Civil Legal Aid Oversight Committee Roster

Tab 5: OCLA Director's Report (including attachments)

Tab 6: OCLA Supplemental Decision Packages

TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE
September 12, 2025
11:30 a.m. – 1:00 p.m.
Via Zoom Link

AGENDA

1. Executive Session (11:30-11:45am)

2. Welcome and Introductions (Chair Sanchez)

3. Occupied Land Acknowledgment and Recognition of Responsibility (Molly Matter, Committee Member)

4. Approval of March and June meeting minutes (Chair Sanchez)

5. Role of Chair and Vice Chair (Sara Robbins, Director)

6. Civil Legal Needs Study Update (Sara Robbins, Director)

7. Supplemental Decision Packages (Sara Robbins, Director)

8. Eviction Defense Appointed Counsel Program Report (Philippe Knab, Program Director)

9. Public Comment/New Business

10. Adjourn

TAB 2

CIVIL LEGAL AID OVERSIGHT
COMMITEE MEETING OF
March 14, 2025
DRAFT MINUTES

Pursuant to notice duly provided in advance, the quarterly meeting of the Civil Legal Aid Oversight Committee was held virtually through ZOOM on Friday, March 14, 2025.

Members Participating: Chair Alé Sanchez, Vice Chair Angela Cruz Boldt, Judge Faye Chess, Judge Janet Chung, Natasha Damien, Megan Johnston, Molly Matter

Members Not Participating: Senator MacEwen, Senator Trudeau, Representative Thai

OCLA Staff: Sara Robbins (Director), Stefanie Powell (Director of Operations), Ali Kingston (RTC Program Manager), Philippe Knab (Program Director), Annalise Martucci (Program Director), Bailey Zydek (Program Director)

Guests: Jim Bamberger (community member), Abigail Daquiz (NJP), Monte Jewell (DVORA) Erin Shea McCann (Seattle University, School of Law), Karen Pillar, Michael Terasaki (Washington Pro Bono Council)

The meeting convened at 11:32 a.m.

1. **Welcome and Introductions (Alé Sanchez, Oversight Committee Chair)**
   Chair Sanchez welcomed new committee member Molly Matter and asked her to give a short introduction. He then invited OCLA staff and meeting guests to introduce themselves. Chair Sanchez noted there will be limited attendance at this Oversight Committee meeting due to the legislature being in session.

2. **Occupied Land Acknowledgment and Recognition of Responsibility (Sara Robbins, OCLA Director)**
   Sara Robbins provided the land acknowledgment. Sara also noted that the current request for proposals (RFP) for the Domestic Violence program includes a percentage of funding dedicated for the use of tribes and legal aid organizations working directly for the benefit of tribal members.

3. **Approval of Minutes of December 6, 2024, Meeting**
   Chair Sanchez invited a motion to approve the December meeting minutes.

   Motion to approve the December 6, 2024, meeting minutes: Molly Matter

   Second: Megan Johnston

CIVIL LEGAL AID OVERSIGHT
COMMITEE MEETING OF
June 13, 2025
DRAFT MINUTES

Pursuant to notice duly provided in advance, the quarterly meeting of the Civil Legal Aid Oversight Committee was held virtually through ZOOM on Friday, June 13, 2025.

Members Participating: Chair Alé Sanchez, Vice Chair Angela Cruz Boldt, Megan Johnston, Molly Matter

Members Not Participating: Judge Faye Chess, Judge Janet Chung, Natasha Damien, Senator MacEwen, Senator Trudeau, Representative Thai

OCLA Staff: Sara Robbins (Director), Stefanie Powell (Director of Operations), Ali Kingston (RTC Program Manager), Bailey Zydek (Program Director), Beth Leonard (Program Counsel), Nick Gúzman (Client Voice and Community Impact Coordinator)

Guests: Jim Bamberger (community member), Abigail Daquiz (Northwest Justice Project), Erin Shea McCann (Seattle University, School of Law), Michael Terasaki (Washington Pro Bono Council), Cayce Hall, Deborah Espinosa (Living with Conviction), Rhea Yo (Children's attorney), Corey Guilmette (Civil Survival), Kari Petrasek (contracted provider), Cindy Elsberry

The meeting convened at 11:32 a.m.

1. **Welcome and Introductions** *(Alé Sanchez, Oversight Committee Chair)*
   Chair Sanchez welcomed everyone to the meeting. He introduced himself and then invited Oversight Committee members, OCLA staff, and guests to introduce themselves. Chair Sanchez noted there will be limited attendance at this Oversight Committee meeting due to the timing of the meeting.

2. **Occupied Land Acknowledgment and Recognition of Responsibility** *(Sara Robbins, OCLA Director)*
   Sara Robbins provided the land acknowledgment from her location in Salt Lake City, Utah, which is the traditional and ancestral homelands of the Shoshone, Paiute, Goshute, and Ute Tribes and is a crossroad for Indigenous peoples. Sara also noted that the upcoming 2025 Access to Justice (ATJ) Conference will be centered on Indigenous voices. She further shared the conference description which states, "For generations, Indigenous communities have modeled what it means to survive and thrive through collective care, restorative practices, and shared strength." Registration for the conference is open on ATJ's website.

3. **Approval of Minutes of March 14, 2025, Meeting**
Chair Sanchez confirmed that there was not a quorum present due to a current vacancy on the committee and a judicial conference today.

Chair Sanchez invited advisory comments on the draft minutes, and there were none. The committee will approve the March minutes at the committee's next meeting in September.

4. **Recognition of Judge Faye Chess** *(Chair Sanchez)*
Although Judge Chess was not present due to her attendance at the judicial conference, Chair Sanchez wanted to recognize her during her final meeting as an Oversight Committee member. He noted she was a long-standing committee member, serving for six years. Chair Sanchez thanked her for all she's done for the committee, and he encouraged attendees who know her to reach out and thank her for her contributions.

5. **Role of Oversight Committee Chair and Vice Chair** *(Sara Robbins)*
According to current operating rules, the role of the Oversight Committee Chair turns over in odd years with the Vice Chair transitioning into the Chair role. Previously, the Committee had Chairs step into their roles mid-term, and this is true for Alé who became a chair mid-year during the first year of the biennium when the existing Chair stepped off the committee. At the last Oversight Committee meeting, Angela was voted into the role of Vice Chair. Given how recently Angela moved into the Vice Chair role, Alé, Angela, and Sara would like to put forth a proposal asking that Alé stay in the Chair role for this biennium, and he will work with Angela to transition her to the Chair role in the next cycle. Angela further explained that she requested this delay to provide her with more time to learn about the committee before moving into the Chair role.

Alé called for an advisory vote in order to address any concerns. No concerns were noted, and the Oversight Committee members in attendance voiced their support for the proposal.

6. **Civil Legal Needs Study Update** *(Sara Robbins)*
The Civil Legal Needs Study (CLNS) Scoping Committee finished meeting in February. Once the meetings concluded, Sara Robbins and Beth Leonard from OCLA and Sarah Boege from the Washington State Center for Court Research compiled a draft Scoping Committee report. The purpose of the Scoping Committee report is to provide the groundwork for developing a Request for Proposals (RFP) for the upcoming CLNS.

The draft Scoping Committee report was shared with the Scoping Committee last week for edits, feedback, and to ensure its completeness. The feedback period closes today, and feedback will be incorporated into draft. The next step is to share the draft report with the ATJ listserv for comments. Once feedback is received from ATJ listserv members, the Scoping Committee will finalize their report and talk about next steps including the timing of the next CLNS.

7. **State Budget Update** *(Stefanie Powell, OCLA Director of Operations)*
Stefanie Powell provided an update on the budget following the recent legislative session.

For the 2025 supplemental budget, OCLA received $850,000 for the Children's Representation Program (CRP). Although funding had been requested for the Legally Free program with the CRP, funding was received for the 1219 program in the CRP. As the programs and their work are related, OCLA is working through administrative processes to utilize the funding.

Stefanie also walked through funding for the 2025-27 biennium, and additional information was provided with the meeting materials.

- The 1219 program within the CRP received sufficient funding to fully implement the January 2025 cohort; however, the 1219 program's implementation has been delayed by four years due to legislation and contractors did not receive a vendor rate adjustment (VRA).
- The general, or core, program received a VRA.
- The Kinship program was OCLA's only fully funded decision package.
- The low-income tenant right-to-counsel (RTC) program received a VRA and a continuation of FY25 supplemental funding. However, the continuation of the FY25 supplemental funding is only for FY26, and the RTC program has a $3 million funding reduction in FY27.
- The funding for the *Blake* program was unexpectedly eliminated in the conference budget, and OCLA will end this program on June 30, 2025.
- OCLA received funding to establish a long-term care right to counsel program, as requested by the Department of Social and Health Services (DSHS). However, the funding received is far less than the funding that is estimated to be needed to run the program.
- The CRP receives a small amount of funding in FY25 under E2SSB 6109, and this funding is extended into the new biennium.
- No other decision packages were funded.
- OCLA is expected to continue the Civil Legal Aid for Victims of Crime Program (VOCA) and the Foreclosure Fairness Program. Both are funded through interagency agreements (IIAs) with the Washington State Department of Commerce (Commerce). During the current biennium, OCLA has also had an IIA with Commerce relating to the Community Investment program. OCLA funding for FY26 for this program is not yet known as Commerce received reduced funding for the program in the new biennium.

OCLA is now working on issuing FY26 contracts and will develop 2026 supplemental decision packages over the summer. The 2026 supplemental decision packages will be brought to the Oversight Committee for approval at the September meeting.

During the budget presentation, there were questions regarding immigration services as they relate to the CRP, the Kinship program, and how the supplemental decision packages will be developed, and various members of the OCLA staff provided responses. The reason for the unexpected ending of the *Blake* program at OCLA was also questioned, and it was shared that the exact reasons are unknown. There was also a brief discussion regarding the new model for the Community Reinvestment program and that it is currently unclear if OCLA will remain involved in awarding and overseeing contractor funding in the new model.

8. **Program Update: Long-Term Care Appointed Counsel** *(Beth Leonard, Program Counsel)*
Beth Leonard provided an update on the long-term care (LTC) appointed counsel program, covering the program's origin, the anticipated impact, and the implementation plan.

About a year ago, DSHS contacted OCLA regarding this program. DSHS was aware of the Federal Medicaid requirement to provide services to residents in long-term care settings that are comparable to the services tenants receive in eviction proceedings under the RTC program. DSHS further noted that Washington was out of compliance with the requirement and a new service was needed. DSHS reached out to OCLA due to OCLA's experience with RTC for tenants and children as well as legal aid. It was determined that DSHS and OCLA would partner on the LTC program with DSHS developing the relevant sections of the Washington Administrative Code (WAC) and OCLA conducting legal research on what will be needed to implement the program and who needs to be involved in coordinating the program. As a result of the planning efforts, OCLA submitted a decision package to fund the LTC program beginning in the 2025-27 biennium.

OCLA and others are excited about the impact this program can bring to LTC residents. It is anticipated that there will be a significant material benefit to individuals who receive services. The impacted population is mostly vulnerable adults who are dealing with challenges relating to aging, physical disabilities, and cognitive disabilities. When these individuals are improperly discharged from LTC they can end up in inappropriate settings such as homeless shelters or placements in hospitals when there is no related medical need. OCLA is also excited that this will allow the agency to build new partnerships and relationships.

OCLA did not receive the full budget requested for implementation, and the LTC program has been adjusted to fit the funding received. Under the reduced funding, OCLA is developing a model to protect those most at risk of harm. The current program design allows for OCLA to start at a smaller scale, creating program that will need to be scaled as additional funding is received. OCLA intends to spend the first six months of FY26 building the LTC program. During the program building, OCLA will partner with DSHS on ensuring there is reliable data such as for the monthly population of eligible individuals. In addition, OCLA is hiring a new Program Counsel who will lead a competitive procurement process during the fall of 2026 with services for the LTC program going live in early January 2026.

9. **Children's Representation Program Updates** *(Bailey Zydek, Program Director)*
Bailey Zydek provided an update on the Children's Representation Program (CRP). The CRP has a phased implementation, and it is currently in 20 Washington counties. Previously, statewide implementation was scheduled to be achieved by January 1, 2028. Due to new legislation, statewide implementation is now delayed until January 1, 2032. The cohort of counties that had been slated for implementation on January 1, 2026, which includes all counties east of the mountains and Clark County, has been delayed until 2030.

   Within the CRP, the Client Voice and Community Impact (CVCI) initiative includes the development of a lived expert advisory board to review and provide feedback on the CRP program and related training. The initiative includes community engagement in child welfare workgroups and committees. It will also include regular training and development opportunities for youth and young adults who participate on the advisory board. The advisory board will consist of ten young adult members ages 18-26. In addition, there will be targeted opportunities for young people ages 12-17. There was a brief discussion of the CVCI initiative, and Oversight Committee members provided positive feedback as well as sharing recommendations for youth involved in ICWA who may want to participate. There was a question relating to compensation for participants, and OCLA shared they are following the guidelines set by the WA Office of Equity for individuals with lived experience.

   The CRP is also rolling out a social services support panel pilot for the 2025-27 biennium. The program is being funded from OCLA's appropriations under E2SSB 6109, relating to opioid use. The funding will be used to contract with two full-time social workers serving Gray's Harbor and Mason counties which have Washington's highest rates of opioid deaths. They will also serve Pierce County, and although the rates of opioid deaths are lower, the numbers have quintupled over last the 20 years. OCLA is excited to be able to fund these positions as contractors have long asked for private social worker support. OCLA will collect data on the need for and use of the social workers' services over the 2025-27 biennium with an aim to request ongoing funding and program expansion. Interviews for social workers begin next week. A question was asked regarding what the structure will look like for community participation regarding this pilot. OCLA noted they are still building the pilot and are open to feedback and community involvement. OCLA recognizes that like all new initiatives, they will try things and likely need to pivot based on ongoing learning. OCLA's overarching goal is to be responsive to impacted persons and the community. OCLA also clarified that the focus for the social workers will be youth receiving services under the CRP.

10. **Federal Funding for Civil Legal Aid**
Abigal Daquiz, the Executive Director of the Northwest Justice Project (NJP), was asked to provide an update on funding for the Legal Services Corporation (LSC) as the current

Federal budget bill calls for the elimination of the LSC, and NJP receives LSC funds for Washington State.

She shared that as of now, LSC is funded through the end of calendar year 2025. The proposed budget for the Federal fiscal year starting on October 1, 2025, includes the elimination of the LSC. She noted this is not unusual in budget bills and historically funding for LSC is eliminated during initial Federal budget planning and Congress reinstates funding in final budget bills. Currently many states are working collaboratively to show the successes of LSC as well as the impact if LSC is eliminated. In Washington State, LSC funds about 20% of the legal aid system.

The Equal Justice Coalition is currently lobbying for continued funding of LSC along with the Legal Foundation of Washington (LFW). It was requested that, as appropriate, attendees please share the following article: https://www.seattletimes.com/opinion/how-cuts-to-legal-services-corporation-will-hurt-access-to-justice-in-wa/

11. Public Comment/New Business

Public comments: None

New business: None

The meeting adjourned at 12:58 p.m.

Action: Approved with 6 votes. *(Note: Judge Chess joined the meeting after the vote.)*

4. **Civil Legal Needs Study Update** (Sara Robbins, OCLA Director)
Beginning in the fall of 2024, OCLA convened a scoping committee to develop a report that will serve as a guide for the eventual RFP for the next iteration of the civil legal needs study. The scoping committee has met four times. These were productive meetings that included discussions on the study's audience, purpose, goals, and intended outcomes.

   Following the scoping committee meetings, a small subcommittee is drafting the scoping committee's summary report. In addition, a separate subgroup of the scoping committee will meet to discuss how to ensure the upcoming study is based upon a trauma-informed approach and that this is reflected in the RFP scoring. The committee feels a trauma-informed approach is necessary as study participants are giving up their time to discuss sensitive topics.

   The scoping committee has discussed timing of the study given the current environment, especially at the federal level. They have determined they should proceed as it is important to have information regarding civil legal needs. The scoping committee also recognizes the needs for civil legal aid are ever changing. More specifically, they recognized the needs have already shifted since the scoping committee began work five months ago, and needs will continue to shift. They recognize the need for a mindful approach during the study regarding how to approach communities, how to talk to people, and what people will be willing to discuss.

   Going forward, the timeline remains flexible. Once the draft scoping committee report is finalized, it will be reviewed by the full scoping committee. They currently anticipate issuing the scoping committee's report by early fall 2025. Once the report is issued, next steps regarding the RFP for the study will be determined.

5. **State Budget Update** (Stefanie Powell, OCLA Director of Operations)
A high-level overview was provided relating to OCLA's state and federal funding in both the current fiscal year and the upcoming 2025-2027 biennium.

   OCLA has not been asked to take any cuts and is not expecting any budget cuts for the current fiscal year ending June 30, 2025. Approximately 95% of OCLA's budget is spent on contracts with the remaining 5% going to overhead. As a result, OCLA is under contract with vendors through the end of the fiscal year for almost all of the current year's budget.

   OCLA receives a limited amount of federal funding. Within the Children's Representation Program, approximately $2 million of the annual budget of approximately $11 million comes from federal Title IV-E funds. OCLA receives these funds on a passthrough basis under a subcontract with the Department of Children, Youth, and Families (DCYF). At this time, DCYF has instructed OCLA to operate as usual in the current fiscal year regarding these funds.

Although the final amount is not yet determined, the state is anticipating an approximately $15 billion budget deficit over the next four years. Executive branch agencies were asked to take 6% budget cuts, but judicial branch agencies have not been instructed to make cuts. However, OCLA has reduced decision packages for the upcoming biennium by about half, prioritizing requests to meet the most critical program needs.

There was discussion around funding beginning with the children's representation program. A committee member wondered if there are other options regarding the 1219 program for children's representation aside from delaying full implementation until 2032 as proposed. Questions were also raised on the ability to access Federal funds, and OCLA was unsure if DCYF currently has access to Federal funds as DCYF did not have the ability to drawdown Federal funds earlier this year. However, as noted above, OCLA has not been asked to make any changes in the current fiscal year as a result of potentially limited access to federal funds.

There was also discussion around funding for the Victims of Crime Act (VOCA) program, and it was noted that as federal funding for the VOCA program has declined, the state has supplemented the funding. It was also shared that OCLA is included in the RCW related to VOCA which mandates OCLA receive a portion of VOCA funds. Although it has not moved forward during a challenging budget season, the Washington State Department of Commerce proposed SB 5362 which would have set a floor on VOCA funding, with the state covering any gaps in federal funding. It is anticipated that this will be revisited in future legislative sessions.

6. **Legislative Update** (Sara Robbins)
Many legislative topics were already discussed, and this update focused on programs that had not yet been addressed.

Funding for the Foreclosure Fairness program has been unstable in recent years as it has been based on a fee charged on foreclosure filings. SB 5686 would change the funding mechanism to a fee charged at the time of loan origination on mortgages. This bill passed the floor of the Senate last week and has a hearing in the House housing committee next week. This could provide a stable source of funding, and it would also increase funding from the current level.

The Washington State Department of Social and Health Services (DSHS) has asked OCLA to launch an appointed counsel program in long-term care discharge cases, as required for DSHS to come into compliance with current federal Medicaid rules. Based on a preliminary review, the new program appears to be eligible for a 50% Medicaid funding match. DSHS and OCLA are meeting with the Governor's office next week to discuss logistics surrounding establishing the program.

In general, OCLA’s leadership team has been meeting with legislators to discuss decision packages, prioritizing programs with the greatest needs. The eviction right to counsel (RTC) program, has a particularly high need for funding as eviction filings continue to increase across state, and it is increasingly difficult for the program to keep up with the volume of filings in nearly all parts of the state. The requested decision package would continue to fund ten contracted attorneys that were added in the 2024 supplemental request, and it would add five additional contracted attorneys for King County where there is an acute need.

There was a question regarding the CLEAR hotline, which is a legal hotline for individuals in Washington with low incomes. OCLA submitted a decision package for the upcoming biennium requesting additional funding for the CLEAR hotline to assist in addressing a severe lack of capacity. If the decision package is not funded, the CLEAR hotline will stay at the current funding level.

There was also a question regarding how OCLA prioritizes what to discuss with legislators. It was shared that OCLA’s Program Directors are more involved in legislative work than in prior years, which provides greater capacity to meet with legislators regarding all of OCLA’s programs. The RTC appointed counsel program naturally rises as a priority as there is a statutorily required service level. OCLA also meets with providers, other stakeholders, and legislators to determine their priorities. Currently, existing programs are prioritized over new programs.

7. **Public Comment/New Business**

Public comments:

- Abigail Daquiz thanked OCLA and Michael Terasaki of the Washington Pro Bono Council for hosting the upcoming Statewide Legal Advocate Training (SLAT) conference. This is the first time the conference has been offered since COVID, and this has been a joint effort that included combining resources with the Legal Foundation of Washington (LFW) and the Northwest Justice Project (NJP) to make the conference free for most attendees.

New business: None

The meeting adjourned at 12:32 p.m.

TAB 3

CIVIL LEGAL AID OVERSIGHT COMMITTEE

MISSION STATEMENT

To ensure that all people in Washington share in the fundamental right to civil justice, the Civil Legal Aid Oversight Committee, consistent with its statutory authority, shall oversee and support the Office of Civil Legal Aid and shall periodically make recommendations to the Supreme Court, the Access to Justice Board and the Legislature as to the most efficient and effective use of state-appropriated civil legal aid funds on behalf of low-income people.

TAB 4

CIVIL LEGAL AID OVERSIGHT COMMITTEE ROSTER
(September 2025)

Position 1 (BJA 1):

Name:	Hon. Janet Chung
Address:	Washington State Court of Appeals, Div 1 600 University Street Seattle, WA 98101-1176
Phone:	206-464-7750
E-mail:	Janet.Chung@courts.wa.gov
Appointing Entity:	Board for Judicial Administration
Term Expires:	June 30, 2027; eligible for reappointment

Position 2 (BJA 2):

Name:	
Address:	
Phone:	
E-mail:	
Appointing Entity:	Board for Judicial Administration
Term Expires:	June 30, 2028; eligible for reappointment

Position 3 (Supreme Court 1):

Name:	Megan Johnston
Address:	P.O. Box 6188 Olympia, WA 98507-6188
Phone:	(360) 628-9560
E-mail:	mjohnston@resolutionwa.org
Appointing Entity:	Supreme Court (on recommendation of the Access to Justice Board)
Term Expires:	June 30, 2026; eligible for reappointment

Position 4 (Supreme Court 2):

Name:	Natasha Damien
Address:	
Phone:	
E-mail:	ms.damien.johns@gmail.com
Appointing Entity:	Supreme Court (on recommendation of the Access to Justice Board)
Term Expires:	June 30, 2025; eligible for reappointment

Position 5 (Supreme Court 3 – Client Eligible):

Name:	Angela Cruze Boldt
Address:	
Phone:	
E-mail:	cruzeangela@yahoo.com
Appointing Entity:	Supreme Court (on recommendation of the Access to Justice Board)
Term Expires:	June 30, 2026; eligible for reappointment

Position 6 (Senate Republican Caucus):

Name:	Senator Drew MacEwen
Address:	115 Legislative Modular Building PO Box 40435 Olympia, WA 98504
Phone:	(360) 786-7668
E-mail:	Drew.MacEwen@leg.wa.gov
Appointing Entity:	Senate Republican Caucus
Term Expires:	June 30, 2026; eligible for reappointment

Position 7 (Senate Democratic Caucus):

Name:	Senator Yasmin Trudeau
Address:	PO Box 40427 Olympia, WA 98504-0427
Phone:	360-786-7652
E-mail:	yasmin.trudeau@leg.wa.gov
Appointing Entity:	Senate Democratic Caucus
Term Expires:	June 30, 2027; eligible for reappointment

Position 8 (House Republican Caucus):

Name:	Representative Matt Marshall
Address:	PO Box 40600 Olympia, WA 98504
Phone:	
E-mail:	matt.marshall@leg.wa.gov
Appointing Entity:	House Republican Caucus
Term Expires:	June 30, 2028; eligible for reappointment

Position 9 (House Democratic Caucus):

Name:	Representative My-Linh Thai
Address:	424 John L. O'Brien Building PO Box 40600 Olympia, WA 98504-0600
Phone:	206-333-4107
E-mail:	My-linh.thai@leg.wa.gov
Appointing Entity:	House Democratic Caucus
Term Expires:	June 30, 2025; eligible for reappointment

Position 10 (Office of the Governor):

Name:	Alejandro (Ale') Sanchez
Address:	WA St. Department of Licensing 1125 Washington Street SE - HLB, FL 4 - MS: 48002 Olympia, WA 98501
Phone:	360-972-6356
E-mail:	alsanchez@dol.wa.gov
Appointing Entity:	Department of Licensing
Term Expires:	June 30, 2027; not eligible for reappointment

Position 11 (Washington State Bar Association):

Name:	Molly Matter
Address:	PO Box 13203 Burton, WA 98103
Phone:	206-280-8724
E-mail:	amendmentxv@gmail.com
Appointing Entity:	Washington State Bar Association
Term Expires:	June 30, 2027; eligible for reappointment

TAB 5

PO Box 41183
Olympia, WA 98504-1183
360-485-1544

Sara Robbins
Director
sara.robbins@ocla.wa.gov

To: OCLA Oversight Committee

From: Sara Robbins

Re: Director's Report

Date: September 5, 2025

It has been a very busy at OCLA over the last three months. Here is a snippet of some of the projects we have been working on:

- We issued annual and biennial contracts for all our programs.
- We launched our new website! We have been working with Washington Technology Solutions (WaTech) for about a year to update our website which now includes a contractor portal and training platform.
- Request for Proposals (RFP): We are currently seeking proposals from qualified organizations and individuals to provide direct representation to long-term care residents facing discharge and transfer. This work will be part of OCLA's Legal Counsel for Long-Term Care Program. Funding for successful applicants will be available starting in November 2025, with services scheduled to begin January 5, 2026.

OCLA Staffing

Lauren Suell spent the summer with OCLA as the Eviction Defense Intern and her last day was August 22nd. Her first project was drafting comments to a proposed local rule that would have hindered defense counsel from effectively representing tenants. After the huge win of the proposed local rule being withdrawn, Lauren reviewed every Washington superior court website for accessibility for both pro se individuals and individuals with disabilities. She did extensive docket operations and tracking to help inform decisions made by OCLA. Her final project consisted of reviewing all applicable landlord/tenant caselaw and creating a summary guide for defense attorneys. This resource is something that defense attorneys have asked for, and OCLA is grateful that Lauren was able to complete this. Lauren is entering her last year of law school where she will be a student attorney for Gonzaga's LGBTQ+ Rights Clinic!

Rowan Gordon, Administrative Contract and Support Assistant with the Children's Representation Program, left OCLA at the beginning of August after being out on parental leave. Rowan had been at OCLA for almost 2 years, and we wish her the best. We are currently hiring for this position with a closing date of 9/14/25.

We are currently hiring an Administrative and Contract Support Assistant to support the Eviction Defense and Re-entry portfolio of programs. We are in the interview process. This is a new position at OCLA, and we expect to the successful candidate to begin work in early October.

Oversight Committee Membership

The House Republican Caucus appointed Representative Matt Marshall, who serves the 2nd congressional district. His term began July 1, 2025, and this will be his first Oversight Committee meeting.

One of the positions appointed by the Board for Judicial Administration (BJA) is currently vacant, and BJA will appoint a new member soon.

The Access to Justice Board has nominated Natasha Damien for a second term on the Oversight Committee, and this has been forwarded to the Supreme Court for appointment.

Civil Legal Needs Study

I have made a very difficult decision to pause next steps for the Civil Legal Needs Study. Please see the attached memo that outlines the changing landscape that led me to make this decision. My intent is to reassess at the end of FY 2026 and redetermine the timeline going forward.

Coordinated Legal Education and Advice Referral (CLEAR) Assessment

In February 2025, OCLA engaged Komenge Consulting to conduct an assessment of the CLEAR intake and referral system, operated by the Northwest Justice Project (NJP). CLEAR serves as the primary statewide entry point for civil legal aid, screening and referring clients both to NJP's field offices and specialty units as well as to a broad network of legal aid providers across Washington. An assessment of this type has been an OCLA priority for many years, recognizing that the demand for legal services far exceeds the capacity of CLEAR's attorney team and screening unit to respond to calls, online requests, and email referrals. The purpose of the assessment is to better understand the scope of this gap and identify whether and how the system can be scaled to more effectively meet statewide demand. Following a public solicitation process, Komenge was selected by a review panel that included representatives from OCLA, NJP, and the Legal Foundation of Washington. Since then, Komenge has conducted a multiphase evaluation involving data analysis, surveys of providers, community partners, and clients, and has also conducted listening sessions and feedback panels. Their findings will be compiled into a final report, expected by October 31, 2025. OCLA's intent is that, in partnership with NJP and other Alliance members, these recommendations will inform changes to improve the accessibility of the CLEAR system and prompt discussions about how to better coordinate intake for legal aid statewide. This will be on the agenda for the December 2025 Oversight Committee meeting.

OCLA in the News

This article in the Seattle Times highlights the crisis that our state is currently facing with evictions. OCLA's eviction defense appointed counsel program is straining under the pressure of a record number of eviction filings, and this is especially acute in King County. In 2024, Washington saw a record high number of eviction filings at over 23,000, with 2025 already at almost 13,000 at the end of June. Unfortunately, this means that in King County where the filings are the highest, OCLA has had to make difficult decisions that not every tenant will get full representation from an attorney. In late May, the provider in King County began prioritizing tenants with disabilities and with limited English proficiency. OCLA is working very closely with our providers to try and prevent this from happening in other parts of the state and to increase capacity in King County.

Upcoming OCLA Priorities

- All the Directors and I will be preparing and planning for the legislative session.
- Many staff, including me, will be attending the Access to Justice Conference in October.
- The Statewide Legal Advocates Conference (SLAT) will be happening again in March 2026. OCLA is the lead for the logistics and operations of the conference, and the Eviction Defense track. We are a participant in the planning for the other substantive areas of the conference.
- The Children's Representation Program has begun planning a conference for Spring 2026 for our contractors.

Washington State Office of
Civil Legal Aid

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Cell 360-628-0607

Sara Robbins
Director
Office of Civil Legal Aid
sara.robbins@ocla.wa.gov

To: Civil Legal Needs Scoping Committee

From: Sara Robbins

Re: CLNS Next Steps

Date: August 27, 2025

The Office of Civil Legal Aid (OCLA) is required to periodically assess the civil legal needs experienced by low-income people in Washington state and to assess the ability of the state-funded legal aid system to meet those legal needs.[1] The most recent civil legal needs study was released a decade ago in 2015 and is no longer a representative evaluation of the prevalence of civil legal needs experienced by people and families in Washington. In recognition that an updated civil legal needs study is needed, OCLA assembled a civil legal needs study scoping committee to begin the planning process for a new study. The scoping committee met four times between October 2024 and January 2025 and subsequently developed a report on its recommendations for the form, substance, and goals of an updated civil legal needs study.[2]

At this stage, OCLA and its partners had to determine when to initiate the next steps towards conducting the updated study pursuant to the scoping committee's recommendations. As we approached this decision, we had to consider our concerns about the current changing landscape for low-income people in Washington and how that might impact the accuracy and subsequent utility of a civil legal needs study that is conducted within the next year. In addition, there is concern about investing a significant amount of financial resources into this effort at a time when other financial resources are rapidly shrinking, and when such an investment may not yield accurate and effective results.

Policy changes at the federal level and budgetary changes have created rapid shifts and new threats for many low-income Washingtonians. Fear of immigration enforcement, loss of employment and heightened harassment and discrimination based on race, gender, and 2SLGBTQIA+ identity are just a few of the many concerns individuals and families are facing. Further, the recently passed H.R. 1 by the federal government is projected to have a devasting impact on Washingtonians who use public healthcare, food assistance and other benefits. Initial estimates indicate that 1 million Washingtonians

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[1] *See* RCW 2.53.020(3)(c).

[2] Scoping Committee report attached as Exhibit A

will see a reduction in food assistance[3] and as many as 400,000 people in Washington will lose healthcare coverage.[4] These changes pose a direct risk to individual health and lives and indirect risks, due to medical debt, to income and housing stability. These changes are set to roll out over the next several years and are sure to increase the prevalence of civil legal issues related to public benefits, evictions and foreclosure, among others.

Further, the current changing political landscape and related threats to low-income people and families will likely impact the willingness of individuals to participate in a survey process. There is already a recent trend of declining response rates on research surveys throughout the nation. The added mistrust and increased privacy concerns due to the current political environment, especially for populations who are currently feeling targeted by the federal policy changes, will likely decrease the response rate even further. We are concerned that any data collected in the next year will not be representative of the totality of the low-income population in Washington State.

The updated civil legal needs study will be a critical tool for planning and delivering civil legal aid services to low-income Washingtonians for years to come. The time, expense, and importance of this survey require OCLA to be strategic about when to initiate next steps so that we can ensure resources are utilized responsibly to create a representative and useful study result.

For the above-described reasons, OCLA has determined to pause the survey effort during this time of swift and dramatic policy and budget change. OCLA will revisit the survey project at the end of FY 26 to determine if conditions are more amenable to conduct a survey that will have more accurate results.

[3] *See* Press Release, "Governor Ferguson: Every Washingtonian on Supplemental Nutrition Assistance Program will see benefits reduced," available at https://governor.wa.gov/news/2025/governor-ferguson-every-washingtonian-supplemental-nutrition-assistance-program-will-see-benefits
[4] *See* Press Release, "Governor Ferguson denounces Congressional Republicans' decision to gut Medicaid in cruel, unprecedented vote," available at https://governor.wa.gov/news/2025/governor-ferguson-denounces-congressional-republicans-decision-gut-medicaid-cruel-unprecedented-vote

TAB 6

Washington State Office of Civil Legal Aid

2026 Supplemental Budget Request

2026 Supplemental Decision Package	Reason for Request	Maintenance or Policy Level	Estimated FY 2027* Request	Current Annual Budget
Legal Counsel for Long-Term Care Discharge Additional implementation funding	2025-27 allocated funding is less than needed to fully implement the program	Policy	$2,076,000**	$783,000**
Children's Representation Programs Vendor Rate Adjustment (VRA)	Achieve compensation parity with contract attorneys providing similar services	Maintenance	$819,000	$12,800,000***
Appointed Counsel for Tenants Funding restoration	Allocated funding for the program decreases $3M in FY 2027 as compared to FY 2026. However, there is no anticipated corresponding decrease in need.	Maintenance	$3,000,000	$19,612,000
Reentry Legal Aid Program Funding increase	Overall funding for OCLA's reentry portfolio of work decreased approximately $10M for the 2025-27 biennium as compared to the 2023-25 biennium. However, there is no corresponding decrease in need.	Policy	$1,000,000	$1,007,000

*Note: All decision packages request funding for Fiscal Year 2027. There are no requests for additional funding for Fiscal Year 2026.

**The Legal Counsel for Long-Term Care Discharge program is funded 50% from state general funds and 50% from a Medicaid match. Amounts shown represent state general funds. The Department of Social and Health Services (DSHS) and OCLA are entering into an interagency agreement to secure 50% reimbursement from Medicaid for program expenses. The Medicaid reimbursement will be requested and processed by DSHS on behalf of OCLA.

***Program's total budget estimated due to program receiving reimbursements under federal Title IV-E at fluctuating rates.

Washington State Judicial Branch
2026 Supplemental Budget
Legal Counsel for Long-Term Care Discharge

Agency: Office of Civil Legal Aid

Decision Package Code/Title: [Leave Blank. AOC Budget Staff will complete.]

Agency Recommendation Summary Text:
The Office of Civil Legal Aid (OCLA) is requesting $2,076,000 to provide legal counsel for Medicaid-eligible residents at risk of discharge or transfer from long-term care facilities, addressing a gap left by the limited start-up funding provided in the 2025–27 biennial budget. This decision package builds on the Department of Social and Health Services' (DSHS) request that OCLA stand up a program to provide these services, following a Centers for Medicare and Medicaid Services (CMS) finding that Washington's current protections for residents in certain long-term care settings do not comply with federal standards. A forthcoming WAC will make the right to legal counsel explicit and without sufficient access to qualified legal counsel when the rule takes effect, the state risks continued non-compliance with both federal and state mandates. With the additional funding requested, OCLA will be able to contract with sufficient numbers of legal aid providers to meet anticipated need, ensuring that the program fulfills its intended role of protecting residents from unlawful or unsafe discharge, promoting placement stability, reducing downstream Medicaid costs, and strengthening compliance with federal requirements.

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Operating Expenditures						
Fund 001	$0	$2,076,000	**$2,076,000**	$2,076,000	$2,076,000	**$4,152,000**
Total Expenditures						
	$0	**$2,076,000**	**$2,076,000**	**$2,076,000**	**$2,076,000**	**$4,152,000**

Package Description:
To be fully operational, OCLA's Legal Counsel for Long-Term Care program needs an additional $2,076,000 in continuing funding beginning in FY 2027. This funding would allow OCLA to contract for an additional 20 staff attorneys, one managing attorney, and two intake professionals to support the program – the amount needed to ensure services to all eligible residents of long-term care facilities, based on recent Department of Social and Health Services (DSHS) projections. Without this funding, OCLA anticipates being able to serve only 10% of eligible residents, leaving 90% without the access anticipated by the related upcoming change to the Washington Administrative Code (WAC) and existing federal Medicaid guidance.

Program Background:
In June 2024, the federal Centers for Medicare and Medicaid Services (CMS) determined Washington's Statewide Transition Plan does not comply with the federal Home and Community Based Services (HCBS) settings rules. Specifically, CMS determined Washington is not complying with 42 CFR § 441.530(a)(1)(vi)(A) because residents in provider-owned or controlled settings do not have protections related to eviction and appeals that are comparable to those afforded to tenants under Washington's Residential Landlord Tenant Act (RLTA), *see* RCW 59.18. The RLTA guarantees appointed counsel for indigent tenants in eviction proceedings under the terms of RCW 59.18.640, but long-term care residents had no right to similar legal counsel.

To comply with federal regulations, DSHS is amending the Washington Administrative Code (WAC) to require applicable long-term care providers[1] to establish legally enforceable agreements with residents, and provide comparable discharge and transfer protections, including access to legal counsel. This WAC amendment will become effective January 1, 2026. Specifically, it will: "[r]equire the facility to provide notice to residents upon transfer and discharge that includes information about available legal resources and notice that, subject to legislative appropriation, *residents have the right to legal counsel at public expense upon notice of transfer or discharge*."[2] (emphasis added)

In anticipation of the required regulatory changes, DSHS requested OCLA develop a legal services program that would ensure the availability of representation consistent with DSHS's forthcoming rule change. While the resulting program, Legal Counsel for Long-Term Care (LTC), is administered and overseen solely by OCLA, it was developed in close collaboration with DSHS to align with the state's compliance obligations under CMS guidance. Building on its experience administering the Appointed Counsel for Indigent Tenants program and informed by stakeholder and subject-matter expert input, OCLA designed the program to provide legal representation to Medicaid-eligible residents facing discharge or transfer from provider owned long-term care settings. The program is designed to not only meet federal requirements, but to also deliver clear benefits to LTC residents and the state, as it protects residents' rights, strengthens our Long-Term Care system, and safeguards Medicaid resources.

Resident Need and Funding:

DSHS currently serves more than 19,000 individuals in long-term care settings affected by this rule change. Initial projections by DSHS estimated that 1,380 residents would be eligible for legal counsel annually. Based on that estimate, OCLA requested a total $5.85 million for the 2025–27 biennium to implement the Legal Counsel for Long-Term Care program, with 50% coming from state general funds and 50% coming from a matching Medicaid reimbursement administered by DSHS. The final enacted budget for 2025-27 included $3,132,000 in funds from the biennium ($783,000 per year in general fund and $783,000 per year in Medicaid match), significantly less than the amounts originally requested to fully implement the program.

Subsequent analysis by DSHS revised the original client estimate upward, projecting that approximately 2,400 residents will be eligible for legal counsel annually—an increase of 43% over the initial forecast. This substantial growth in expected demand underscores the need for greater program capacity than current funding levels can support. While some assumptions, such as average case duration and complexity, will be refined as the program is implemented, current funding would, at best, allow services for only 11% of eligible clients. This limited reach falls well short of the intent and requirements set forth in the revised WAC and federal CMS guidance.

To meet the anticipated need and provide access to legal counsel for all eligible residents, OCLA estimates the total annual cost of full program implementation at $5.5 million, or $11 million per biennium. This decision package requests funding to close the gap between current appropriations and the amount needed for full implementation. Specifically, OCLA requests $2,076,000 in state general funds for FY 2027 and continuing.[3]

Fully describe and quantify expected impacts on state residents.

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[1] This includes adult family homes (AFH), enhanced service facilities (ESF), and adult living facilities (ALF).

[2] Amendments will be made to WAC Chapters 388-76, 388-78A, and 388-107.

[3] In the 2025-2027 biennium, the general fund appropriation is in OCLA's budget, while the corresponding Medicaid match/reimbursement funds appear in DSHS' budget. OCLA and DSHS will enter into an interagency agreement to arrange Medicaid billing and reimbursement. For this supplemental session, DSHS will be submitting a decision package for the corresponding amount in Medicaid match.

With full funding, the Legal Counsel for Long-Term Care program will provide legal representation to approximately 2,400 Medicaid-eligible residents facing discharge or transfer from long-term care settings each year. These services will help ensure that residents are not unlawfully removed, that transitions are safe and appropriate, and that the residents' rights under state and federal law are upheld. Without access to legal counsel, Washington has experienced concerning patterns in which vulnerable and disabled long-term care residents are discharged to homeless shelters, left boarding in hospitals without the ability to return to their facility beds, or subjected to other practices that compromise their wellbeing and infringe on rights guaranteed under state and federal law. Legal counsel is expected to address these issues by negotiating with facilities to secure reasonable accommodations, representing residents in administrative hearings when disputes cannot be resolved, and defending against unlawful detainer actions in Superior Court when facilities pursue physical removal through law enforcement.

By supporting housing stability and continuity of care while maintaining compliance with federal HCBS mandates, the program reduces the heightened risk of harm residents face when discharged to higher or incremental-cost settings such as hospitals, shelters, or facilities that are unequipped to meet their needs[4]. Moreover, through early legal intervention, residents are more likely to remain in safe, appropriate settings and avoid involuntary discharges that trigger "transfer trauma" and rapid medical deterioration[5], which may contribute to otherwise more costly care. By protecting against unnecessary disruptions in continuity of care, this program also promotes sustainability for both Medicaid-funded services, and providers reliant on Medicaid funding, at a time of rapidly growing demand[6] and new federal policy shifts—including eligibility hurdles, reduced lookback coverage, and provider tax caps.[7]

Explain what alternatives were explored by the agency and why this was the best option chosen.

OCLA has no other funding sources to support this program, and there is no alternative that currently exists to deliver both the CMS compliance and resident rights protections under the rule change. The Long-Term Care Ombuds cannot provide legal representation, and DSHS does not have statewide legal services capacity. Without OCLA-coordinated counsel, CMS compliance, quality of representation, and cost-control goals will remain unmet.

What are the consequences of not funding this request?

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[4] Washington State Standard, *Residents of Long-Term Care Facilities Need Stronger Eviction Protections* (Dec.18,2023),https://washingtonstatestandard.com/2023/12/18/residents-of-long-term-care-facilities-need-stronger-eviction-protections/; National Long Term Care Ombudsman Resource Center, *The Who , What, Where, Why and How of the Long-Term Care Ombudsman Program* (2019), https://ltcombudsman.org/uploads/files/about/who-what-where-ltcop_2020_w2019data.pdf (2019) (eviction/discharge as top complaint, including abandonment).

[5] The Columbian, *Vulnerable People Quietly Kicked Out of Clark County's Adult Family Homes and Assisted Living Facilities* (Jan. 18,2025), https://www.columbian.com/news/2025/jan/18/vulnerable-people-quietly-kicked-out-of-clark-countys-adult-family-homes-and-assisted-living-facilities/

[6] By 2030, 1 in 5 Washington residents will be 65+, and by 2050 the number of adults 85+ is projected to quadruple. Washington state department of social and health services. Washington State Department of Social and Health Services, *Washington State Plan on Aging, 2023-2027*, pp.3-8, https://www.dshs.wa.gov/sites/default/files/ALTSA/stakeholders/documents/agingplan/WA%20State%20Plan%20on%20Aging.pdf ;

A person turning 65 today will face a 70% chance of needing long-term care services at some point in their lives, while approximately 1 out of every 3 of those individuals will receive that care in a facility. U.S. Department of Health & Human Services, Administration for Community Living, *How Much Care Will You Need?* (2020), https://acl.gov/ltc/basic-needs/how-much-care-will-you-need.

[7] Washington State Health Care Authority presentation to Senate Health and Long-Term Care Committee, *Federal Impacts to Medicaid* (Jul.22, 2025), https://app.leg.wa.gov/committeeschedules/Home/Document/289605

Without full funding, Washington would be:

- Out of compliance with CMS mandates—risking further enforcement actions and potential loss of significant federal Medicaid funding tied to HCBS rules.
- Serving only about 271 residents each year—approximately 11% of those estimated to be eligible—leaving roughly 89% without legal assistance during discharge or transfer proceedings. This level of underfunding means that, in practice, the vast majority of residents entitled to representation will be unable to access it, rendering the program effectively inaccessible for most and undermining the protections it was created to provide.
- Weakening access to legal services - the centralized intake line required under new WAC rules may be under-staffed, leading to otherwise unnecessary delays, missed calls, and reduced access for residents already facing barriers.
- Exposing residents to unnecessary harm, including:
    - Unsafe or unlawful removals from LTC facilities;
    - Discharge to hospitals or shelters without appropriate care; and
    - Increased health deterioration, hospitalization, or homelessness due to inadequate discharge planning.
- Increasing system costs and instability by:
    - Removing supports that help avoid higher cost settings;
    - Allowing inefficiencies to persist in Medicaid; and
    - Heightening strain as new federal Medicaid rules begin to take effect.

Is this an expansion or alteration of a current program or service?
Yes. This program is already partially funded, and this request would allow it to operate as intended.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Job Title Classification	**#s of FTE Round to Nearest Tenth**				**Workload Assumptions/Description**
	FY 26	**FY 27**	**FY 28**	**FY 29**	
n/a					

Use Standard Costs?
No

If No, Explain Additional Costs	**Round to Nearest $1,000**				**Description/Assumptions**
	FY 26	**FY 27**	**FY 28**	**FY 29**	
Contracts	$0	$4,152,000	$4,152,000	$4,152,000	
Less: Interagency Reimbursements		$(2,076,000)	$(2,076,000)	$(2,076,000)	Assumes 50% Medicaid match*
Net General Funds Request	$0	**$2,076,000**	**$2,076,000**	**$2,076,000**	

**The Department of Social and Health Services (DSHS) and OCLA are entering into an interagency agreement to secure 50% reimbursement from Medicaid for program expenses. The Medicaid reimbursement will be requested and processed by DSHS on behalf of OCLA.*

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

The program will ensure that residents at risk of discharge from a long-term care facility receive the necessary legal representation to assert their rights, provide for safe discharge and transfer, prevent unnecessary displacement, and prevent homelessness. Without this package, the extremely limited funding will result in an inequitable distribution of resources, and the vast majority of eligible residents will be unable to access these services.

Accessibility

This program enhances access to justice by providing legal resources and representation to indigent long-term care residents, many of whom are vulnerable adults and/or are living with a disability.

Access to Necessary Representation

The forthcoming amendments to WAC Chapters 388-76, 388-78A, and 388-107, will make the right to legal counsel explicit for Medicaid-eligible residents in certain facilities. However, very few existing legal aid attorneys in Washington have the specialized expertise required to handle these complex cases, and most Medicaid recipients lack the financial resources to secure private legal representation. Without statewide access to qualified legal counsel when the new rule takes effect, the state risks non-compliance with both federal and state mandates and may face increased liability. This program helps fill that gap by ensuring statewide access to qualified legal counsel when the new rule takes effect, and the funding requested in this package ensures sufficient resources for all eligible residents.

Are there impacts to other governmental entities?

Yes, this decision package is reliant on DSHS rulemaking and ongoing collaboration with DSHS to ensure proper implementation. If this funding is not provided, and OCLA is unable to appropriately staff the Legal Counsel for Long-Term Care program, DSHS may be impacted by federal CMS enforcement actions for continuing noncompliance with federal regulations.

Stakeholder response:

There is broad support for this request from organizations serving long-term care residents, reflecting consensus on the need for accessible legal remedies. The Washington State Long-Term Care Ombudsman has identified discharge and transfer as among the most frequent complaints, while Disability Rights Washington and the Office of Developmental Disability Ombuds emphasize the lack of representation for residents with disabilities. The Washington State Hospital Association, Northwest Health Law Advocates, and Northwest Justice Project likewise recognize the risks residents face without counsel.

Are there legal or administrative mandates that require this package to be funded?

Yes, DSHS' amended WACs are required for compliance with federal regulations. The new WAC will require providers to give residents a notice including their right to legal counsel upon discharge or transfer. While services are "subject to appropriation," to effectuate the intent of the WAC and meet the purpose of the underlying CMS regulation, a meaningful level of legal services is needed. At current funding levels, nearly 90% of eligible residents would not have access to these services.

Continuing noncompliance could have an impact on federal funding and Washington's ability to administer the state's Medicaid funded Long-Term Services and Supports programs. Insufficient funding risks noncompliance and loss of Medicaid funds, so adequate resources are essential to ensure eligible residents receive effective legal counsel.

Does current law need to be changed to successfully implement this package?
Yes, as stated above, DSHS is currently in the process of amending rules for AFHs, ALFs, and ESFs to achieve compliance with federal regulations. This change will become effective January 1, 2026. *See* WSR 25-18-037

Are there impacts to state facilities?
No.

Are there other supporting materials that strengthen the case for this request?
Please see the following attachments:

1. Budget Detail Spreadsheet
2. WSR 25-18-037

Are there information technology impacts?
No

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Office of Civil Legal Aid
Legal Counsel for Long-Term Care
2026 Supplemental Request

	FY 2026 (a)	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Personal Service Contracts						
Managing Attorneys (b)	$0	$190,000	$190,000	$190,000	$190,000	$380,000
Staff Attorneys (c)	$0	$3,650,000	$3,650,000	$3,650,000	$3,650,000	$7,300,000
Intake Professionals (d)	$0	$240,000	$240,000	$240,000	$240,000	$480,000
Conflict Counsel Fund (e)	$0	$72,500	$72,500	$72,500	$72,500	$145,000
Less: Expected Medicaid Reimbursement (f)	$0	($2,076,250)	($2,076,250)	($2,076,250)	($2,076,250)	($4,152,500)
Total Decision Package Request	**$0**	**$2,076,250**	**$2,076,250**	**$2,076,250**	**$2,076,250**	**$4,152,500**
Round to Nearest $1,000	**$0**	**$2,076,000**	**$2,076,000**	**$2,076,000**	**$2,076,000**	**$4,152,000**

Notes:

(a) This program will begin on January 5, 2026, and the current appropriation is expected to cover Year 1 (FY 2026) costs.
(b) Calculated as $190,000 each, with additional 1.0 contracted managing attorney needed beginning in Year 2 of the program (FY 2027).
(c) Calculated as $182,500 each, with additional 20 contracted staff attorneys needed beginning in Year 2 (FY 2027).
(d) Calculated as $120,000, with additional 2 contracted intake professionals needed beginning in Year 2 (FY 2027).
(e) Calculated as $72,500 beginning in Year 2 (FY 2027).
(f) It is anticipated that Medicaid will reimburse 50% of program expenses.

RULE-MAKING ORDER
PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 25, 2025
TIME: 10:11 AM

WSR 25-18-037

Agency: Department of Social and Health Services, Home and Community Living Administration, RCS

Effective date of rule:
Permanent Rules
☐ 31 days after filing.
☒ Other (specify) January 1, 2026 **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this rulemaking is to comply with Centers for Medicare and Medicaid (CMS) regulations related to Home and Community Based Settings (HCBS) in adult family homes (AFH), assisted living facilities (ALF), and enhanced services facilities (ESF). Compliance with the regulations is necessary to administer the state's Medicaid funded Long-Term Services and Supports programs. RCW 74.09.520(2) and 74.39A.007.
The changes to the chapters create a new requirement for the operators of AFH, ALF, and ESF to enter into a residency agreement with current and new residents with Medicaid as a payor that addresses resident rights in relation to transfer and discharge. The changes require these operators to include, for residents with Medicaid, information upon transfer or discharge that explains the resident's rights, which includes the right to an attorney to represent the resident's interests in response to the transfer or discharge notice. This right is subject to legislative appropriation. The changes make minor updates to existing rules-to include a requirement that the residency agreement for residents with Medicaid must be kept in the resident's record. The new and amended rules will be effective January 1, 2026.

Citation of rules affected by this order:
New: WAC 388-76-10506, 388-76-10617, 388-78A-2651, 388-78A-2661, 388-107-0161, 388-107-0281
Repealed: none
Amended: WAC 388-76-10320, 388-78A-2410, 388-107-0560
Suspended: none

Statutory authority for adoption: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), and 74.39A.007

Other authority: 42 C.F.R. 441.530(a)(1)(vi)(A) and 42 C.F.R. 441.301.(c)(4)(vi)(A)

PERMANENT RULE (Including Expedited Rule Making)
Adopted under notice filed as WSR 25-11-012 on 05/08/2025 (date).
Describe any changes other than editing from proposed to adopted version: In response to comments we received during the public hearing and formal comment period, we made these changes:
We removed "if applicable" from the rule text in -

- WAC 388-76-10320(12)
- WAC 388-78A-2410(14)
- WAC 388-107-0560(2)(l)

We changed "upon" (transfer or discharge) to "before" in -

- WAC 388-76-10506(2)(c)
- WAC 388-78A-2651(2)(c)
- WAC 388-107-0161(2)(c)

We added "that is signed and dated by both parties" in -

- WAC 388-76-10506(4)
- WAC 388-78A-2651(4)
- WAC 388-107-0161(4)

We added "provided to the resident or their representative" in -

- WAC 388-76-10506(4)(b)
- WAC 388-78A-2651(4) (b)
- WAC 388-107-0161(4) (b)

We added "and date" in the model agreement language in -

- WAC 388-76-10506(5)(d)
- WAC 388-78A-2651(5)(d)

- WAC 388-107-0161(5)(d)

We added “your health, safety, welfare, and rights as a long-term care resident” and removed “other issues”. We added “find out more about” in place of “request assistance from”. We added “contact a long-term care ombuds” in place of “make your request” in -

- WAC 388-76-10617(5)(h)(ii)
- WAC 388-78A-2661(5)(h)(ii)
- WAC 388-107-0281(5)(h)(ii)

We added “You have the right to make a complaint to the” (complaint resolution unit) in -

- WAC 388-76-10617(5)(h)(iv)
- WAC 388-78A-2661(5)(h)(iv)
- WAC 388-107-0281(5)(h)(iv)

Because the Aging and Long-term Support Administration became Home and Community Living Administration on May 1, 2025, we removed “Aging and Long-term Support Administration” and replaced it with “Home and Community Living Administration” in -

- WAC 388-76-10617(5)(h)(iv),
- WAC 388-78A-2661(5)(h)(iv)
- WAC 388-107-0281(5)(h)(iv)

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Colleen Jensen
Address: P.O. Box 45600, Olympia, WA 98504
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Other:

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	6	Amended	3	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0

The number of sections adopted on the agency’s own initiative:

New	0	Amended	0	Repealed	0

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0

The number of sections adopted using:

Negotiated rule making:	New	2	Amended	1	Repealed	0
Pilot rule making:	New	____	Amended	____	Repealed	____

Other alternative rule making: New 4 Amended 2 Repealed ____

Date Adopted: August 22, 2025	**Signature:**
Name: Lisa Yanagida	
Title: DSHS Chief of Staff	

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10320 Resident record—Content. The adult family home must ensure that each resident record contains, at a minimum, the following information:

(1) Identifying information about the resident;

(2) The name, address, and telephone number of the resident's:

(a) Representative;

(b) Health care providers;

(c) Significant family members identified by the resident; and

(d) Other individuals the resident wants involved or notified.

(3) Current medical history;

(4) The resident assessment information;

(5) The preliminary service plan;

(6) The negotiated care plan;

(7) List of resident medications;

(8) The resident's Social Security number;

(9) When the resident was:

(a) Admitted to the home;

(b) Absent from the home; and

(c) Discharged from the home.

(10) A current inventory of the resident's personal belongings dated and signed by:

(a) The resident; and

(b) The adult family home.

(11) Financial records.

(12) The residency agreement for residents with medicaid as a payor.

RESIDENCY AGREEMENT-RESIDENTS WITH MEDICAID

NEW SECTION

WAC 388-76-10506 Written residency agreement-Residents with medicaid as a payor. (1) For the purposes of this section "residency agreement" means a legally enforceable written document prepared by the adult family home that contains the rights and responsibilities of the facility and the resident specific to transfer and discharge and is signed by both parties.

(2) For residents with medicaid as a payor the facility must complete a signed written residency agreement with each resident that:

(a) Is signed by the resident or their legal representative and the facility upon admission of the resident to the facility;

(b) Requires the facility to agree to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129; and

(c) Requires the facility to provide notice to residents before transfer and discharge that includes information about available legal resources and notice that, subject to legislative appropriation, residents have the right to legal counsel at public expense upon notice of transfer or discharge.

(3) For residents whose payor status changes from medicaid to private pay, a new residency agreement is required if the resident's payor status returns to medicaid.

(4) A copy of the residency agreement that is signed and dated by both parties must be:

(a) Kept in the resident record; and

(b) Provided to the resident or their representative.

(5) The residency agreement must be in substantially the following form:

Residency agreement-residents with medicaid as a payor.

(a) [facility name] agrees to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129.

(b) Subject to legislative appropriation [resident name] has a right to a free lawyer to help them in response to a notice of transfer or discharge. If they want a free lawyer to help them, they must call the long-term care discharge defense screening line at [phone number].

(c) [Signature of resident/legal representative and date].

(d) [Signature of facility and date].

NEW SECTION

WAC 388-76-10617 Resident rights-Transfer and discharge notice-Residents with medicaid as a payor. For residents with medicaid as a payor, in addition to the requirements in WAC 388-76-10616, the adult family home must do the following when issuing a written notice of transfer or discharge:

(1) Include in the notice contact information provided by the department for the legal services agencies assigned to provide legal counsel;

(2) Clearly state in the notice that, subject to legislative appropriation, legal counsel at public expense is available to represent the resident's interests in the transfer or discharge process. This language must be substantially in the following form: "Subject to legislative appropriation you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number].";

(3) Within three calendar days of issuing the notice, provide a copy of the notice to the resident's assigned department case manager;

(4) Within three calendar days of issuing the notice, provide a copy of the notice to the Washington state long-term care ombudsman program; and

(5) Issue the transfer and discharge notice in substantially the following form:

Notice of transfer or discharge-residents with medicaid as a payor:

(a) Resident information;

(i) Resident name;

(ii) Resident address;

(b) Facility information;

(i) Facility name;

(ii) Facility address;

(iii) Contact person's name;

(c) Date notice given;

(d) Effective date: Effective date must be at least 30 days from the date notice is given unless an exception applies according to RCW 70.129.110;

(e) Location to where resident is transferred or discharged:

(i) Name;

(ii) Address;

(iii) Phone;

(f) Reason for transfer or discharge: The specific reason for the transfer or discharge must be one or more of the reasons in (i)-(v) of this subsection:

(i) Transfer or discharge is necessary for the resident's welfare and the residents' needs cannot be met in the facility;

(ii) The safety of individuals in the facility is endangered;

(iii) The health of individuals in the facility would otherwise be endangered;

(iv) The resident has failed to make the required payment for their stay;

(v) The facility ceases to operate.

(g) Copy of notice given within three days to:

(i) Department case manager;

(ii) Washington state long-term care ombudsman program;

(h) Your rights and resources.

(i) Legal counsel: Subject to legislative appropriation, you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number].

(ii) Washington state ombuds: The Washington state long-term care ombudsman program is available to answer questions and provide assistance regarding this notice and your health, safety, welfare, and rights as a long-term care resident. If you wish to find out more about the long-term care ombuds, call 1-800-562-6028. You may also contact a long-term care ombuds in writing, by fax at (253) 815-8173, email at ltcop@mschelp.org, or mail at PO Box 23699, Federal Way, WA 98093-0699.

(iii) Disability rights Washington: If you have a diagnosis of a mental illness or an intellectual disability, you may contact disability rights Washington 1-800-562-2702 or (206) 324-1521. You may also make your request in writing by fax at (206) 957-0729, email at info@dr-wa.org or mail at Disability rights Washington, 315 5th Ave S, Suite 850, Seattle WA, 98104.

(iv) DSHS home and community living administration (HCLA): You have the right to make a complaint to the complaint resolution unit (CRU/complaint hotline) 1-800-562-6078.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2410 Content of resident records. The assisted living facility must organize and maintain resident records in a format that the assisted living facility determines to be useful and functional to enable the effective provision of care and services to each resident. Active resident records must include the following:

(1) Resident identifying information, including resident's:

(a) Name;

(b) Birth date;

(c) Move-in date; and

(d) Sleeping room identification.

(2) Current name, address, and telephone number of:

(a) Resident's primary health care provider;

(b) Resident's representative, if the resident has one;

(c) Individual(s) to contact in case of emergency, illness, or death; and

(d) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.

(3) Resident's written acknowledgment of receipt of:

(a) Required disclosure information prior to moving into the assisted living facility; and

(b) Information required by long-term care resident rights per RCW 70.129.030.

(4) The resident's assessment and reassessment information.

(5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar, and other laboratory tests required by the negotiated service agreement.

(6) The resident's negotiated service agreement consistent with WAC 388-78A-2140.

(7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.

(8) Medical and nursing services provided by the assisted living facility for a resident, including:

(a) A record of providing medication assistance and medication administration, which contains:

(i) The medication name, dose, and route of administration;

(ii) The time and date of any medication assistance or administration;

(iii) The signature or initials of the person providing any medication assistance or administration; and

(iv) Documentation of a resident choosing to not take ((~~his or her~~)) their medications.

(b) A record of any nursing treatments, including the signature or initials of the person providing them.

(9) Documentation consistent with WAC 388-78A-2120 monitoring resident well-being.

(10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.

(11) Notices of and reasons for relocation as specified in RCW 70.129.110.

(12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.

(13) When available, a copy of any legal documents in which:
(a) The resident has appointed another individual to make ((~~his or her~~)) their health care, financial, or other decisions;
(b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future ((~~and/~~)) or provides directions to health care providers or both; and
(c) A court has established guardianship on behalf of the resident.
(14) The residency agreement for residents with medicaid as a payor.

Residency Agreement-Residents with Medicaid

NEW SECTION

WAC 388-78A-2651 Written residency agreement-Residents with medicaid as a payor. (1) For the purposes of this section "residency agreement" means a legally enforceable written document prepared by the assisted living facility that contains the rights and responsibilities of the facility and the resident specific to transfer and discharge and is signed by both parties.
(2) For residents with medicaid as a payor the facility must complete a signed written residency agreement with each resident that:
(a) Is signed by the resident or their legal representative and the facility upon admission of the resident to the facility;
(b) Requires the facility to agree to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129; and
(c) Requires the facility to provide notice to residents before transfer and discharge that includes information about available legal resources, and notice that, subject to legislative appropriation, residents have the right to legal counsel at public expense upon notice of transfer or discharge.
(3) For residents whose payor status changes from medicaid to private pay, a new residency agreement is required if the resident's payor status returns to medicaid.
(4) A copy of the residency agreement that is signed and dated by both parties must be:
(a) Kept in the resident record; and
(b) Provided to the resident or their representative.
(5) The residency agreement must be in substantially the following form:
Residency agreement-residents with medicaid as a payor.
(a) [facility name] agrees to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129.
(b) Subject to legislative appropriation [resident name] has a right to a free lawyer to help them in response to a notice of trans-

fer or discharge. If they want a free lawyer to help them, they must call the long-term care discharge defense screening line at [phone number].

(c) [Signature of resident/legal representative and date].

(d) [Signature of facility and date].

NEW SECTION

WAC 388-78A-2661 Resident rights-Transfer and discharge notice-Residents with medicaid as a payor. For residents with medicaid as a payor, in addition to the requirements in WAC 388-78A-2660, the assisted living facility must do the following when issuing a written notice of transfer or discharge:

(1) Include in the notice contact information provided by the department for the legal services agencies assigned to provide legal counsel;

(2) Clearly state in the notice that, subject to legislative appropriation, legal counsel at public expense is available to represent the resident's interests in the transfer or discharge process. This language must be substantially in the following form: "Subject to legislative appropriation you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number].";

(3) Within three calendar days of issuing the notice, provide a copy of the notice to the resident's assigned department case manager;

(4) Within three calendar days of issuing the notice, provide a copy of the notice to the Washington state long-term care ombudsman program; and

(5) Issue the transfer and discharge notice in substantially the following form:

Notice of transfer or discharge-residents with medicaid as a payor:

(a) Resident information;

(i) Resident name;

(ii) Resident address;

(b) Facility information;

(i) Facility name;

(ii) Facility address;

(iii) Contact person's name;

(c) Date notice given;

(d) Effective date: Effective date must be at least 30 days from the date notice is given unless an exception applies according to RCW 70.129.110;

(e) Location to where resident is transferred or discharged:

(i) Name;

(ii) Address;

(iii) Phone;

(f) Reason for transfer or discharge: The specific reason for the transfer or discharge must be one or more of the reasons in (i)-(v) of this subsection:

(i) Transfer or discharge is necessary for the resident's welfare and the residents' needs cannot be met in the facility;

(ii) The safety of individuals in the facility is endangered;

(iii) The health of individuals in the facility would otherwise be endangered;
(iv) The resident has failed to make the required payment for their stay;
(v) The facility ceases to operate.
(g) Copy of notice given within three days to:
(i) Department case manager;
(ii) Washington state long-term care ombudsman program;
(h) Your rights and resources;
(i) Legal counsel: Subject to legislative appropriation, you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number].
(ii) Washington state ombuds: The Washington state long-term care ombudsman program is available to answer questions and provide assistance regarding this notice and your health, safety, welfare, and rights as a long-term care resident. If you wish to find out more about the long-term care ombuds, call 1-800-562-6028. You may also contact a long-term care ombuds in writing, by fax at (253) 815-8173, email at ltcop@mschelp.org, or mail at PO Box 23699, Federal Way, WA 98093-0699.
(iii) Disability rights Washington: If you have a diagnosis of a mental illness or an intellectual disability, you may contact disability rights Washington 1-800-562-2702 or (206) 324-1521. You may also make your request in writing by fax at (206) 957-0729, email at info@dr-wa.org or mail at disability rights Washington, 315 5th Ave S, Suite 850, Seattle WA, 98104.
(iv) DSHS home and community living administration (HCLA): You have the right to make a complaint to the complaint resolution unit (CRU/complaint hotline) 1-800-562-6078.

RESIDENCY AGREEMENT-RESIDENTS WITH MEDICAID

NEW SECTION

WAC 388-107-0161 Written residency agreement-Residents with medicaid as a payor. (1) For the purposes of this section "residency agreement" means a legally enforceable written document prepared by the enhanced services facility that contains the rights and responsibilities of the facility and the resident specific to transfer and discharge and is signed by both parties.
(2) For residents with medicaid as a payor the facility must complete a signed written residency agreement with each resident that:
(a) Is signed by the resident or their legal representative and the facility upon admission of the resident to the facility;
(b) Requires the facility to agree to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129; and

(c) Requires the facility to provide notice to residents before transfer and discharge that includes information about available legal resources, and notice that, subject to legislative appropriation, residents have the right to legal counsel at public expense upon notice of transfer or discharge.

(3) For residents whose payor status changes from medicaid to private pay, a new residency agreement is required if the resident's payor status returns to medicaid.

(4) A copy of the residency agreement that is signed and dated by both parties must be:

(a) Kept in the resident record; and

(b) Provided to the resident or their representative.

(5) The residency agreement must be in substantially the following form:

Residency agreement-residents with medicaid as a payor.

(a) [facility name] agrees to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129.

(b) Subject to legislative appropriation [resident name] has a right to a free lawyer to help them in response to a notice of transfer or discharge. If they want a free lawyer to help them, they must call the long-term care discharge defense screening line at [phone number].

(c) [Signature of resident/legal representative and date].

(d) [Signature of facility and date].

NEW SECTION

WAC 388-107-0281 Transfer and discharge notice-Residents with medicaid as a payor. For residents with medicaid as a payor, in addition to the requirements in WAC 388-107-0280, the enhanced services facility must do the following when issuing a written notice of transfer or discharge:

(1) Include in the notice contact information provided by the department for the legal services agencies assigned to provide legal counsel;

(2) Clearly state in the notice that, subject to legislative appropriation, legal counsel at public expense is available to represent the resident's interests in the transfer or discharge process. This language must be substantially in the following form: "Subject to legislative appropriation you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number].";

(3) Within three calendar days of issuing the notice, provide a copy of the notice to the resident's assigned department case manager;

(4) Within three calendar days of issuing the notice, provide a copy of the notice to the Washington state long-term care ombudsman program; and

(5) Issue the transfer and discharge notice in substantially the following form:

Notice of transfer or discharge-residents with medicaid as a payor:

(a) Resident information;

(i) Resident name;
(ii) Resident address;
(b) Facility information;
(i) Facility name;
(ii) Facility address;
(iii) Contact person's name;
(c) Date notice given;
(d) Effective date: Effective date must be at least 30 days from the date notice is given unless an exception applies according to RCW 70.129.110;
(e) Location to where resident is transferred or discharged:
(i) Name;
(ii) Address;
(iii) Phone;
(f) Reason for transfer or discharge: The specific reason for the transfer or discharge must be one or more of the reasons in (i)-(v) of this subsection:
(i) Transfer or discharge is necessary for the resident's welfare and the residents' needs cannot be met in the facility;
(ii) The safety of individuals in the facility is endangered;
(iii) The health of individuals in the facility would otherwise be endangered;
(iv) The resident has failed to make the required payment for their stay;
(v) The facility ceases to operate.
(g) Copy of notice given within three days to:
(i) Department case manager;
(ii) Washington state long-term care ombudsman program;
(h) Your rights and resources:
(i) Legal counsel: Subject to legislative appropriation, you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number].
(ii) Washington state ombuds: The Washington state long-term care ombudsman program is available to answer questions and provide assistance regarding this notice and your health, safety, welfare, and rights as a long-term care resident. If you wish to find out more about the long-term care ombuds, call 1-800-562-6028. You may also contact a long-term care ombuds in writing, by fax at (253) 815-8173, email at ltcop@mschelp.org, or mail at PO Box 23699, Federal Way, WA 98093-0699.
(iii) Disability rights Washington: If you have a diagnosis of a mental illness or an intellectual disability, you may contact disability rights Washington 1-800-562-2702 or (206) 324-1521. You may also make your request in writing by fax at (206) 957-0729, email at info@dr-wa.org or mail at disability rights Washington, 315 5th Ave S, Suite 850, Seattle WA, 98104.
(iv) DSHS home and community living administration (HCLA): You have the right to make a complaint to the complaint resolution unit (CRU/complaint hotline) 1-800-562-6078.

AMENDATORY SECTION (Amending WSR 16-14-078, filed 7/1/16, effective 8/1/16)

WAC 388-107-0560 Resident records—Clinical records. (1) The enhanced services facility must:

(a) Maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

(i) Complete;

(ii) Accurately documented;

(iii) Readily accessible; and

(iv) Systematically organized;

(b) Safeguard clinical record information against alteration, loss, destruction, and unauthorized use; and

(c) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

(i) Transfer to another health care institution;

(ii) Law; or

(iii) The resident.

(2) The enhanced services facility must ensure the clinical record of each resident includes a minimum of the following:

(a) Resident identification and sociological data, including the name and address of the individual or individuals the resident designates as significant;

(b) Medical information;

(c) Physician's orders;

(d) Assessments;

(e) Person-centered service plans;

(f) Services provided;

(g) Progress notes;

(h) Medications administered;

(i) Consents, authorizations, releases;

(j) Allergic responses;

(k) Laboratory, X-ray, and other findings;

(l) The residency agreement for residents with medicaid as a payor; and

((~~(l)~~)) (m) Other records as appropriate.

(3) The enhanced services facility must maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including ((~~chapters~~)) chapter 70.02 ((~~and 70.96A~~)) RCW.

Washington State Judicial Branch
2026 Supplemental Budget
Contractor Vendor Rate Adjustment for Children's Representation Programs

Agency: Office of Civil Legal Aid

Decision Package Code/Title: [Leave Blank. AOC Budget Staff will complete.]

Agency Recommendation Summary Text:

Funding is requested to adjust the Office of Civil Legal Aid's (OCLA) Children's Representation Program's (CRP) contract attorney (vendor) rates to levels necessary to facilitate recruitment and retention of qualified attorneys to represent children and youth eligible for appointment of counsel in dependency matters as required by RCW 13.34.212(1) (known as the CRP's "legally free program"); RCW 13.34.212(3) (known as the CRP's "1219 program", in reference to 2SHB 1219 (2021) which established this law); and RCW 13.34.267(7), concerning the appointment of counsel for youth in Extended Foster Care subject to the implementation schedule delineated in RCW 13.34.212(3)(c). A vendor rate adjustment is requested for both the CRP's "1219 program" under RCW 13.34.212(3) & RCW 13.34.267(7) and its "legally free" program under RCW 13.34.212(1).

This vendor rate adjustment is requested beginning in FY 2027 in order to match the 2025-27 contract attorney rates of the Office of Public Defense (OPD), whose contracted attorneys provide similar services. The absence of a VRA increases the risk of OCLA being unable to obtain sufficient contract attorneys for the fiscal year due to the contract attorneys providing similar services at a higher rate for OPD. Additionally, licensed attorneys in the state are facing increasing pressures on their licenses to add support staff which are not included within the current compensation rates.

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Operating Expenditures						
Fund 001-1	$0	$819,000	**$819,000**	$819,000	$819,000	**$1,638,000**
Total Expenditures						
	$0	**$819,000**	**$819,000**	**$819,000**	**$819,000**	**$1,638,000**

Package Description:

The Office of Civil Legal Aid (OCLA) contracts with attorneys across the state to provide standards-based legal representation to children and youth in dependency (child welfare) proceedings pursuant to RCW 13.34.212(1),(3) and RCW 13.34.267(7). OCLA contracts with attorneys on either a full-time equivalent (FTE) or percentage basis to provide this representation pursuant to RCW 2.53.045. In FY 2026 OCLA was only able to offer a maximum of $191,000 per full-time equivalent contract to attorneys handling this work. This contract amount is intended to cover:

- Salaries and benefits for the attorney contractor
- Taxes (business, operating, payroll)
- Salaries and benefits for essential support staff and/or contracted support services such as legal assistants and paralegals

- Business and professional expenses (e.g., technology, rent/overhead, general business and malpractice insurance, legal research, accounting, payroll, financial services)
- Work-related travel that is ineligible for reimbursement by OCLA
- Licensing fees
- Professional development
- Contribution to retirement program
- Student loan debt repayment
- Other essential operational expenses

Actual compensation to the contractor comes at the end of the chain of expenses that the attorney must incur to perform responsibilities under the contract. A survey of full-time OCLA children's representation contractors indicates that most go without essential support capacity, such as legal assistant/paralegal support, business and payroll services, and other essential technology systems and support due to low compensation. Few full-time contractors are able to purchase meaningful health insurance packages, and even fewer are able to meaningfully contribute to 401(k) or other retirement accounts. This issue is only compounded by the increasing costs of housing, food, and gas.

Further compounding the issue of inadequate compensation is the fact that OCLA's current contract rate for attorneys is substantially below the rate of contract attorneys providing similar services for other state agencies. While OCLA was only able to offer contracts with a maximum of $191,000/full time equivalent (FTE) contract to attorneys representing children and youth in child welfare proceedings in FY 2026, the Office of Public Defense was funded to offer contracts with a maximum of $206,000/FTE to attorneys representing parents in the same proceedings. Attorneys representing children and youth in child welfare proceedings have the same legal and ethical obligations to their clients as attorneys representing parents in dependency proceedings. The work is as rigorous and demanding and yet attorneys for children are simply paid less. The gap in compensation and support is even wider when looking at Assistant Attorneys General (AAGs) handling child welfare proceedings. In FY 2024, the state spent an average of $335,700 per year per full-time AAG in Seattle and $322,837 per year per full-time AAG in the rest of the state. This expense accounts for a six-figure salary for the AAG plus the support of paralegals and legal assistants; office space and supplies; paid time off; medical benefits; and a state pension. Attorneys on contract with OCLA receive none of these benefits. They are fully responsible for paying for support services, medical benefits, retirement, and overhead costs. As a result, their salaries are substantially less than their AAG counterparts for comparable work.

If OCLA's vendor rate adjustment is not funded, the compensation gap will widen at the start of FY 2027. The Office of Public Defense is currently funded to increase their contracts to $210,000 per FTE contract in FY 2027, further exacerbating the existing pay inequity. OCLA has already lost contract attorneys due to the existing pay and support gap. To bring compensation parity to OCLA and OPD contractors, and to make OCLA more competitive in recruitment and retention, OCLA is requesting a 10% vendor rate adjustment for contractors across the Children's Representation Program. This would bring OCLA's contract value for attorneys representing children and youth in child welfare proceedings up to approximately $210,00 in FY 2027 per FTE contract, in line with OPD.

In addition to achieving compensation parity, contracted attorneys for OCLA have statutorily rising costs of doing business. The practice standards to which attorneys on contract with OCLA are statutorily required to adhere assumes they have access to support staff such as paralegals in order to practice effectively. Additionally, the Washington State Bar Association's Standards of Indigent Defense require that by July 2028, attorneys employ or otherwise contract with one full-time paralegal for every four attorneys in a firm. *See* Standard 7 (c), Washington State Bar Association Standards of Indigent Defense (Revised March 8, 2024). For most OCLA contractors, this will mean having to employ or otherwise contract with a .25 FTE paralegal. Contractors will not be able to absorb this additional financial burden without a significant increase in compensation.

Fully describe and quantify expected impacts on state residents.
OCLA is legislatively mandated to contract with attorneys to represent children and youth in dependency and termination cases. Upon full implementation of the program, OCLA contracted attorneys will represent nearly 5,000 children and youth in dependency and termination of parental rights proceedings across the state each year. OCLA's capacity to meet this mandate is a function of its ability to recruit, train, contract with, and ultimately retain qualified attorneys in every corner of the state.

Explain what alternatives were explored by the agency and why this was the best option chosen.
OCLA's Children's Representation Program is a statutorily mandated program. There is no other source of funding to address the compensation parity challenges OCLA and its contractors face. Failure to adequately compensate contracted attorneys at a rate which allows them to render standards-based advocacy in addition to attaining a quality of life comparable to that of their colleagues on contract with the Office of Public Defense and those employed by the Office of the Attorney General threatens OCLA's ability to sustain its mandatory representation programs.

What are the consequences of not funding this request?
Not funding this request would exacerbate existing difficulties in recruiting and retaining experienced attorneys who are qualified to accept an OCLA CRP contract to provide statutorily mandated representation of children and youth in dependency and termination proceedings. The program's inability to adequately staff counties could result in significant delays in the appointment of counsel for children and youth entitled to counsel under the law, which in turn threatens delayed permanency for the children/youth and opens the door for future legal challenges. Prolonged stays in foster care and future legal challenges present additional costs to the state.

Is this an expansion or alteration of a current program or service?
This is not an expansion or alteration of a current program or service. This request will ensure continuity of existing CRP programs and OCLA's ability to administer the appointed counsel programs for children and youth set forth in RCW 13.34.212(1),(3) and RCW 13.34.267(7).

Decision Package expenditure, FTE and revenue assumptions:

Use Standard Costs?
No

If No, Explain Additional Costs	**Round to Nearest $1,000**				**Description/Assumptions**
	FY 26	**FY 27**	**FY 28**	**FY 29**	
Professional Service Contracts	$0	$1,064,000	$1,064,000	$1,064,000	Assumes effective total of 56 full-time contractors each FY
Less: Interagency Reimbursements*	$0	($244,720)	($244,720)	($244,720)	Assumes PEN rate of 23% for federal Title IV-E expense reimbursement*
Net General Funds Request	$0	**$819,000**	**$819,000**	**$819,000**	

**Note: Per legislative directive, OCLA enters into an interagency agreement with the Department of Children, Youth & Families (DCYF) to secure partial reimbursement from the federal government for Title IV-E qualifying expenses. The rate for the entire year varies, generally between 19% and 24%. An average reimbursement rate of 23% is assumed for budget planning based on rates during calendar years 2024 and 2025.*

How does the package relate to the Judicial Branch principal policy objectives?
A vendor rate adjustment will help ensure that OCLA's CRP can recruit and retain an adequate number of qualified contracted attorneys to effectively represent children and youth subject to dependency and termination of parental rights proceedings. The decision package serves the following judicial branch objectives:

Fair and Effective Administration of Justice
Adequately compensated and resourced attorneys are better able to comply with published practice standards which OCLA is statutorily mandated to enforce.

Accessibility
Children with disabilities are overrepresented in the child welfare system. Supporting OCLA's ability to recruit and retain qualified legal counsel promotes access to justice for vulnerable minors.

Access to Necessary Representation
Children and youth in Washington State who are subject to dependency and termination of parental rights proceedings are entitled to receive high-quality, standards-based legal representation pursuant to RCW 13.34.212 and RCW 13.34.267(7). Funding this request serves to support OCLA's ability to successfully attract and retain quality legal counsel for the benefit of these children and youth.

Are there impacts to other governmental entities?
Funding this request would not create any impact or obligation on other agencies, courts, or governments. However, failure to fund this request could result in delayed appointment of counsel for children and youth, which in turn could impact case backlogs in the trial and appellate courts, pushing the state further behind federal dependency timeliness requirements.

Stakeholder response:
There has been no opposition to this request. Contracted attorneys surveyed as part of OCLA's efforts to understand contractor needs were clear and unified in their response that compensation is inadequate. People struggle to fund their retirement accounts and pay for medical insurance, and they worry about rising costs. Contracted attorneys are unable to hire necessary support staff such as paralegals. Of those who do not struggle, it is because of circumstances such as being partnered with someone who makes an adequate income. Contractors are also quick to point out the inexplicable compensation discrepancy between themselves and colleagues providing similar services through the Office of Public Defense and the Office of the Attorney General.

Are there legal or administrative mandates that require this package to be funded?
RCW 13.34.212(1),(3) and RCW 13.34.267(7) directs that certain children and youth be appointed counsel in dependency and termination cases. This decision package ensures OCLA's capacity to meet these mandates over the course of the next biennium and beyond.

Does current law need to be changed to successfully implement this package?
No

Are there impacts to state facilities?
No

Are there other supporting materials that strengthen the case for this request?
See attached calculation worksheet.

Are there information technology impacts?
No

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Office of Civil Legal Aid

Children's Representation Program - Vendor Rate Adjustment

2026 Supplemental Request

	FY2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Proposed Contract Amount with VRA	$ 191,000	$ 210,000		$ 210,000	$ 210,000	
Current Contract Amount	$ 191,000	$ 191,000		$ 191,000	$ 191,000	
Proposed Increase Per Contract	**$ -**	**$ 19,000**		**$ 19,000**	**$ 19,000**	
Contract Attorney Effective FTE totals		56.0		56.0	56.0	
Total VRA Requested	**$ -**	$ 1,064,000		$ 1,064,000	$ 1,064,000	
Less: Title IV-E Reimbursement		$ (244,720)		$ (244,720)	$ (244,720)	
Total General Funds Request	$ -	**$ 819,280**	**$ 819,280**	**$ 819,280**	**$ 819,280**	**$ 1,638,560**
Round to nearest $1,000	**$ -**	**$ 819,000**	**$ 819,000**	**$ 819,000**	**$ 819,000**	**$ 1,638,000**

Washington State Judicial Branch
2026 Supplemental Budget
Appointed Counsel for Tenants – RCW 59.18.640

Agency: Office of Civil Legal Aid

Decision Package Code/Title: [Leave Blank. AOC Budget Staff will complete.]

Agency Recommendation Summary Text:
The Office of Civil Legal Aid requests $3,000,000 in fiscal year (FY) 2027 to continue to provide the same level of legal counsel for tenants facing evictions. The approved 2025-27 biennial budget reduces funding for the program from FY 2026 levels by $3,000,000 (less a vendor rate adjustment) in FY 2027, although the demand for the program is anticipated to remain the same in FY 2027 as in FY 2026. This additional funding is necessary as the State of Washington continues to see a significant increases in unlawful detainer (UD), or eviction, filings as compared to pre-pandemic levels, and this is continuing to strain capacity. In FY 2025, courts received 24,368 UD filings—**nearly 50% higher than pre-pandemic levels**. Early data from FY 2026 shows no signs of decline, and providers report that demand remains high. Without continued funding at the FY 2026 level, the program will not have the capacity to meet court appointment needs under RCW 59.18.640.

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Operating Expenditures						
Fund 001-1	$0	$3,000,000	**$3,000,000**	$3,060,000	$3,060,000	**$6,120,000**
Total Expenditures						
	$0	**$3,000,000**	**$3,000,000**	**$3,060,000**	**$3,060,000**	**$6,120,000**

Package Description:
This package requests continued funding for the Appointed Counsel for Tenants Program in FY 2027 to maintain the state's compliance with RCW 59.18.640, which provides court-appointed counsel for indigent tenants in unlawful detainer (eviction) cases. The program was fully funded in FY 2026 and continues to operate in every county in Washington. Filing volumes remain higher than pre-pandemic levels with no sign of decline. Since the program's inception, the program has provided representation for every eligible tenant, except in King County where the addition of new courtrooms and the clearing of a six-month backlog required the use of a triage system during the end of FY 2025.

Currently, the approved biennial budget for the program cuts funding by $3,000,000 in FY 2027, less a vendor rate adjustment. However, statewide unlawful detainer filings in FY 2025 totaled 24,368 - over 50% higher than pre-pandemic levels and more than 10% above FY 2024 filings. In FY 2025 the program opened over 13,000 cases statewide. Demand for representation remains at historically high levels, and the program has helped thousands of low-income Washington residents avoid eviction and remain housed. Continued funding at the FY 2026 level is essential to preserving this impact. Without continued funding at FY 2026 levels, the program will be unable to fulfill its statutory mandate, and more people will lose their homes.

Fully describe and quantify expected impacts on state residents.
The Appointed Counsel for Tenants Program provides legal representation to those most at risk of eviction and displacement. As of January 2025, nearly half of the tenants served are people of color (47%), and close to two in five are people with disabilities (39%). These groups have long been overrepresented in eviction filings and face some of the greatest barriers to asserting their rights without legal help.

Legal representation can mean the difference between housing stability and homelessness. Among closed cases with known outcomes, 90% of represented tenants secured permanent housing, 76% had no writ issued meaning the tenant was not evicted, and 60% were able to remain in the home that was the subject of the eviction action. These outcomes underscore the essential role of counsel in preventing displacement. The presence of a lawyer helps tenants remain housed, negotiate workable outcomes, and avoid the long-term consequences of an eviction record. It also reduces trauma and disruption for children, elders, and people with disabilities—populations often concentrated in households already at the margins of stability.

Without continued funding, the program will be forced to limit representation in high-volume courts, widening racial and geographic disparities in access to justice. For Black and Brown tenants already bearing the brunt of housing instability, the loss of legal counsel means greater exposure to lockout, debt, and systemic disconnection. This program is one of the few targeted protections in place for these communities, and its continuation is essential to advancing racial equity and preventing deepening cycles of displacement and poverty.

Explain what alternatives were explored by the agency and why this was the best option chosen.
The agency considered whether limited funding or reduced scope could sustain the program but found that any reduction would compromise compliance with RCW 59.18.640 and result in unequal access to appointed counsel across counties. Maintaining FY 2026 funding levels is the only viable way to ensure statewide coverage and fulfill the statutory mandate. In addition, the Office of Civil Legal Aid does not have any other funding source to support this program.

What are the consequences of not funding this request?
Without continued funding, the program will be forced to reduce representation, leading to more unrepresented tenants in eviction proceedings. This would likely increase eviction judgments, housing instability, and strain on courts and emergency response systems. It would also exacerbate racial and geographic disparities in access to justice in unlawful detainer proceedings. Ultimately, these dynamics would drive more families and individuals into homelessness, compounding the social and economic costs to communities.

Is this an expansion or alteration of a current program or service?
No. This request continues the existing Appointed Counsel for Tenants Program at the current (FY 2026) level in order to maintain statewide coverage and statutory compliance.

Decision Package expenditure, FTE and revenue assumptions:
Staffing Assumptions

Job Title Classification	**#s of FTE Round to Nearest Tenth**				**Workload Assumptions/Description**
	FY 26	**FY 27**	**FY 28**	**FY 29**	
n/a					

Use Standard Costs?
No

If No, Explain Additional Costs	Round to Nearest $1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Personal Service Contracts	$0	$3,000,000	$3,060,000	$3,060,000	

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

This package directly supports fair and effective administration of justice by ensuring low-income tenants facing the loss of their homes are represented by qualified counsel, enabling courts to evaluate legal claims and defenses on their merits. The program also ensures that anyone facing displacement is connected to all available resources—such as rental assistance, benefits, or behavioral health support—helping keep individuals and families housed and communities stable.

Accessibility

The Appointed Counsel for Tenants Program advances accessibility by ensuring that low-income tenants, many of whom face significant barriers to navigating the legal system, can meaningfully participate in court proceedings. Over one-third of tenants represented by the program identify as having a disability. By providing qualified legal counsel, the program ensures greater access to justice for individuals who might otherwise be excluded from asserting their rights.

Access to Necessary Representation

This funding ensures that eligible tenants statewide continue to receive appointed counsel under RCW 59.18.640. Without it, representation would be rationed, undercutting the legislature's intent and leaving vulnerable tenants without equal access to the justice system.

Commitment to Effective Court Management

In addition to meaningful access to justice for low-income litigants, counsel improves case flow and reduces the burden on court staff by helping litigants navigate procedures, resolve disputes early, and reduce defaults. The presence of trained advocates contributes to better courtroom efficiency and clearer records for judicial decisions.

Sufficient Staffing and Support

Without this funding, the program could not provide representation to all eligible tenants and would shift to a discretionary model, leaving access to justice uncertain.

Are there impacts to other governmental entities?

Yes. Without representation, more tenants are likely to lose housing and turn to state and local emergency response systems, including homeless shelters, rental assistance programs, and public health services. Courts would also face more pro se litigants (individuals representing themselves without the assistance of an attorney), increasing judicial and administrative burden.

Stakeholder response:

Courts, legal aid providers, housing advocates, tenant-serving organizations, and even some members of the landlord bar, have expressed strong support for continued funding. Feedback during FY 2025 highlighted that the program has become integral to eviction proceedings, helping the system run more smoothly and lending greater legitimacy to the process.

Are there legal or administrative mandates that require this package to be funded?
Yes. RCW 59.18.640 requires the appointment of counsel for eligible low-income tenants in unlawful detainer proceedings. Continued funding is necessary to uphold that mandate statewide given the current, sustained level of demand for the program.

Does current law need to be changed to successfully implement this package?
No. Current law provides sufficient authority. This package is needed to ensure continued compliance with existing statutory requirements.

Are there impacts to state facilities?
No direct impacts to state facilities are anticipated.

Are there other supporting materials that strengthen the case for this request?
Yes. Performance and outcomes data from the RTC Dashboard demonstrate the program's reach and impact. Breakdowns of case representation by county, outcome metrics, and filings data are available upon request.

Are there information technology impacts?
No

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Office of Civil Legal Aid
Appointed Counsel for Tenants Program
2026 Supplemental Request

	FY 26 (a)	FY 27	Biennial	FY28	FY29	Biennial
Personal Service Contracts (a)	$0	$3,000,000		$3,000,000	$3,000,000	
Vendor Rate Adjustment (b)				$60,000	$60,000	
Total Decision Package Request	**$0**	**$3,000,000**	**$3,000,000**	**$3,060,000**	**$3,060,000**	**$6,120,000**
Round to Nearest $1,000	**$0**	**$3,000,000**	**$3,000,000**	**$3,060,000**	**$3,060,000**	**$6,120,000**

Notes:

(a) $3,000,000 is requested to restore personal service contracts to the funded FY 2026 level.

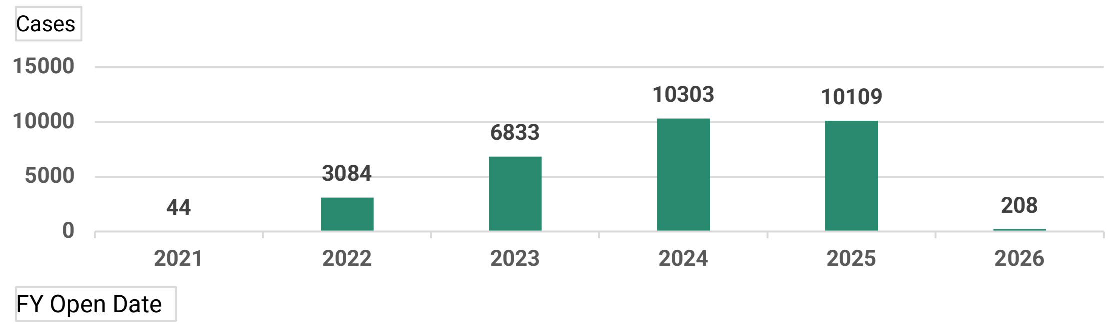
(b) A 2% vendor rate adjustment is requested for 2027-29 due to increased costs of business for contractors.

Eviction Defense Program Summary

Total Cases

30,581

Cases by Fiscal Year Opened



Program Highlights

% of Cases with No Writ Issued

76%

* Closed cases with known outcomes only.

% of Cases with Permanent Housing Secured

90%

* Closed cases with known housing status only.

% of Cases Remaining in Home Subject to UDA

60%

* Closed cases with known housing status only.

Money Saved

$33,294,193

* Closed cases only.

% of Cases for BIPOC Clients

-

* N/A - Data available soon.

% of Cases for Clients with a Disability

-

* N/A - Data available soon.

Washington State Judicial Branch
2026 Supplemental Budget
Reentry Legal Aid Program

Agency: Office of Civil Legal Aid

Decision Package Code/Title: [Leave Blank. AOC Budget Staff will complete.]

Agency Recommendation Summary Text:
The Office of Civil Legal Aid requests $1,000,000 in FY 2027 supplemental funding to stabilize the Reentry Legal Aid Program (RLAP). The approved 2025–27 biennial budget reduced overall funding for reentry-related legal aid, including the loss of nearly $10 million in re-entry legal aid funding between the reduction in the Community Reinvestment Act and the loss of OCLA's *State v. Blake* civil legal aid resources. This abrupt reduction has left thousands of Washingtonians without meaningful access to legal assistance needed to remove barriers to employment, housing, education, and stability. These additional funds will partially fill the gap left by lost resources and sustain RLAP capacity to address the overwhelming unmet demand for reentry legal services.

The $1 million request represents the amount needed to maintain service levels that can reasonably be expected to serve approximately 2,000 additional individuals, vacate 250 additional convictions, and remit millions more in Legal Financial Obligations (LFOs). These outcomes reflect the proven performance capacity of RLAP providers and are directly tied to the staffing and service infrastructure that the supplemental funds will preserve. Without this investment, the program will be forced to turn away a growing number of people who face significant civil legal barriers to full reentry.

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Operating Expenditures						
Fund XXX-X	$0	$1,000,000	**$1,000,000**	$1,000,000	$1,000,000	**$2,000,000**
Total Expenditures						
	$0	**$1,000,000**	**$1,000,000**	**$1,000,000**	**$1,000,000**	**$2,000,000**

Package Description:
This package requests supplemental funding for the Reentry Legal Aid Program (RLAP) in FY 2027 to maintain contractor capacity following the loss of nearly $10 million in state civil legal aid funding tied to *State v. Blake* relief and Community Reinvestment Act resources. The Reentry Legal Aid Program provides funding to specialized legal aid providers who assist individuals with clearing criminal records, vacating convictions, terminating legal financial obligations (LFOs), and addressing collateral consequences of justice involvement. Community-based providers report overwhelming demand for these services across Washington. Providers report serving over 4,000 clients each year and appearing in nearly every court and county in Washington. Despite this reach, the sudden elimination of funding cut their capacity in half, forcing them to create long waitlists, reduce appointment slots, and triage only the most urgent cases. The requested $1,000,000 will allow RLAP to sustain a regular reentry presence in Washington State, preserving momentum and community trust while ensuring that core program functions continue.

Fully describe and quantify expected impacts on state residents.
This package requests supplemental funding for the Reentry Legal Aid Program (RLAP) in FY 2027 to sustain essential services that reduce recidivism, remove barriers to successful reentry, and improve community stability.

The state's investment in reentry legal aid administered through OCLA was reduced by nearly $10 million for the 2025-27 biennium as compared to the 2023-25 biennium. Despite these cuts, RLAP providers have continued to deliver measurable, high-impact results—vacating convictions, relieving millions of dollars in legal financial obligations (LFOs), and addressing the collateral consequences that block access to housing, employment, and family stability.

Community-based providers report overwhelming need statewide. A single OCLA-contracted provider serves more than 2,000 clients each year while receiving thousands of additional requests it cannot meet with existing resources. Clients regularly face wait times of several months to secure even an intake appointment. Another OCLA-contracted provider reports representing clients across 20 jurisdictions in 15 counties, with appearances in 34 of Washington's 39 counties. Both providers report that the sudden elimination of state funding cut their capacity in half—forcing long waitlists, reduced appointment slots, and triage limited to only the most urgent cases.

While far less than the $10 million funding reduction, the requested $1,000,000 will preserve core capacity and allow RLAP providers to continue meeting at least a portion of Washington's overwhelming reentry legal need. The impact of these services is proven. In the *Blake* litigation context alone, providers served 458 clients, vacated 71 convictions, reduced 144 LFOs, and secured more than $4 million in relief through the return of LFOs tied to unconstitutional drug convictions in Fiscal Year 2025. In community reinvestment work, community-based organizations expunged nearly 1,200 criminal convictions and restored over 800 driver's licenses, removing direct barriers that otherwise keep people from housing, jobs, and full participation in society.

These outcomes demonstrate that reentry legal aid is cost-effective, efficient, and indispensable. Without restored funding, community providers will continue to operate at reduced capacity, unable to keep pace with demand. With this supplemental investment, RLAP can stabilize its provider network and ensure Washingtonians have access to the services they need to facilitate reentry.

Explain what alternatives were explored by the agency and why this was the best option chosen.
OCLA evaluated limiting scope, narrowing eligibility, or shifting funds from other legal aid programs. Each of these strategies would leave a majority of eligible clients for reentry services unserved and fail to meet legislative intent. Without supplemental funding, RLAP would effectively end most reentry services statewide, erasing recent progress and trust built with impacted communities. Supplemental funding is the only viable option to stabilize RLAP after the loss of *Blake* and a large portion of legal aid Community Reinvestment resources. OCLA does not have any other funds with which to support this program.

What are the consequences of not funding this request?
Without this investment, contractors will be forced to turn away thousands of clients. As waitlists expand, more people will remain trapped by debts, criminal records, and collateral consequences that make reentry nearly impossible, keeping them shut out of jobs, housing, and education. The result will be greater unemployment, increased homelessness, and deepened racial and geographic inequities.

Is this an expansion or alteration of a current program or service?
Yes. This is an expansion of FY 2027 services to restore some of the services not funded in FY 2026 that were provided during the 2023-25 biennium. This request is necessary to fill gaps created by reduced services following the loss of *Blake* and Community Reinvestment resources.

Decision Package expenditure, FTE and revenue assumptions:

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
n/a					

Use Standard Costs?
No

If No, Explain Additional Costs	Round to Nearest $1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Personal Service Contracts	$0	$1,000,000	$1,000,000	$1,000,000	

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice
The cases addressed through RLAP involve legal and procedural barriers that are especially challenging for individuals navigating the system without representation. Many participants are also carrying the weight of past trauma and a deep distrust of legal institutions, which makes it even harder to effectively assert their rights. RLAP provides access to justice that would not otherwise be available.

Accessibility
Funding would help provide representation for low-income people who cannot navigate complex court processes on their own. Many of the impacted individuals face barriers tied to poverty, disability, trauma, or deep distrust of the legal system. RLAP makes the justice system accessible in ways it otherwise would not be.

Access to Necessary Representation
The funding would help protect continued access to civil legal aid for thousands of eligible Washingtonians.

Commitment to Effective Court Management
Funding will be used for additional contracted attorneys. Attorneys streamline case processing, reduce defaults, and lessen burdens on court staff.

Sufficient Staffing and Support
This funding allows providers to retain and support a trained workforce, avoiding the disruption and cost of staff turnover.

Are there impacts to other governmental entities?
Yes. Without funding, courts will see more self-represented litigants and heavier dockets. Local governments will face increased demand on emergency housing, employment, and benefit systems.

Stakeholder response:
Legal aid providers strongly support this request. They emphasize that demand is overwhelming and that without restored funding, relief will be inaccessible for tens of thousands of Washingtonians. Broader stakeholders—including public defenders, reentry service providers, and housing advocates—also support continued RLAP investment.

Are there legal or administrative mandates that require this package to be funded?
Yes. The Legislature established the Reentry Legal Aid Program (RLAP) to ensure that low-income Washingtonians have access to civil legal services that remove barriers to successful reentry, such as vacating convictions, reducing legal financial obligations, and restoring licenses. Continued funding is necessary to uphold this legislative directive and to prevent a collapse in statewide reentry legal aid capacity.

Does current law need to be changed to successfully implement this package?
No, the current law provides sufficient authority. This package is needed to ensure continued compliance with existing statutory requirements.

Are there impacts to state facilities?
No direct impacts to state facilities are anticipated.

Are there other supporting materials that strengthen the case for this request?
Yes. See attached budget detail spreadsheet.

Are there information technology impacts?
No

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Office of Civil Legal Aid
Reentry Legal Aid Program
2026 Supplemental Request

	FY 26	FY 27	Biennial	FY28	FY29	Biennial
Personal Service Contracts						
Contracted Attorneys (a)	$0	$950,000	$950,000	$950,000	$950,000	$1,900,000
Contractor Goods and Services	$0	$30,000	$30,000	$30,000	$30,000	$60,000
Contractor Travel and Training	$0	$20,000	$20,000	$20,000	$20,000	$40,000
Total Decision Package Request	**$0**	**$1,000,000**	**$1,000,000**	**$1,000,000**	**$1,000,000**	**$2,000,000**

Notes:
(a) Calculated as 5 contracted attorneys at $190,000 each.