

**WASHINGTON STATE
CIVIL LEGAL AID OVERSIGHT
COMMITTEE**

**MEETING OF
DECEMBER 7, 2018**

**WASHINGTON STATE BAR
ASSOCIATION
ADAMS/RAINIER ROOMS
1325 FOURTH AVE., SIXTH FLOOR
SEATTLE, WA**

MEETING MATERIALS

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF DECEMBER 7, 2018**

MEETING MATERIALS

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TAB 1

CIVIL LEGAL AID OVERSIGHT COMMITTEE
December 7, 2018
10:00 a.m. to 1:00 p.m.
WASHINGTON STATE BAR ASSOCIATION
ADAMS/RAINIER ROOMS
1325 Fourth Avenue, Sixth Floor
Seattle, WA

AGENDA

1. Welcome and introductions of members and guests (10:30 – 10:35)
2. Review and approval of Draft Minutes of the September 14, 2018 Oversight Committee meeting (10:35 – 10:40)
3. Re-Orientation of Oversight Committee on the Alliance for Equal Justice
 - a. Pro Bono Council (10:40 – 10:55)
 - b. Access to Justice Board and State Planning (10:55 – 11:15)
4. Recognition of former Oversight Committee members Sen. Jamie Pedersen and Judge Michael Spearman (Ret.) (11:15 – 11:20)
5. Discussion of OCLA priorities for the legislative session (11:20 – 11:45)
 - a. Discussion of election results and implications (Legislative members)
 - b. Review of budget requests and discussion of Oversight Committee members' roles (All)
6. Standing Race Equity and Justice Discussion: Introduction of the Race Equity Toolkit (JustLeadWA) (Sarah Augustine lead) (11:45 – 12:20)
7. Equal Justice Coalition Update: Introduction of Will Livesly-O'Neill; preview of EJC efforts in the legislative session (Caitlin Davis, Will Livesly-O'Neill) (12:20 – 12:35)
8. New Business/Adjourn

TAB 2

**CIVIL LEGAL AID OVERSIGHT COMMITTEE
MEETING OF SEPTEMBER 14, 2018
DRAFT MINUTES**

Pursuant to notice duly provided in advance, a meeting of the Civil Legal Aid Oversight Committee was held on Friday, September 14, 2018 in the Ellis Conference Room at the KL Gates Law Offices, 925 Fourth Ave., Suite 2900, Seattle, WA.

Members Participating in Person: Taylor Wonhoff (Acting Chair), Rep. Laurie Jinkins (by phone), Rep. Drew Stokesbary (by phone), Sen. David Frockt, Judge G. Helen Whitener, Judge Rebecca Pennell, Chalia Stallings-Ali-Ilima, Sarah Augustine (by phone), Theodore Grammount

Members Not Participating: Judge Greg Tripp, Sen. Ann Rivers

Staff: James Bamberger, Director, Office of Civil Legal Aid (OCLA); Jill Malat, OCLA Children's Representation Program Manager; Dana Boales, OCLA Civil Legal Aid to Crime Victims Program Manager

Guests: Caitlin Davis (Legal Foundation of Washington/Equal Justice Coalition); Jerry Kröon (ELAP); César Torres (NJP); Randy Pepple (Pepple Communications); Judge Fred Corbit (ATJ Board, by phone); Catherine Brown (Pro Bono Council); Benjamin Haslam (Snohomish County Legal Services, by phone); Adam Hall (Senate Democratic Caucus); Laurie Garber (NJP Technology Assisted Forms Project Manager); Jennifer Werdell (JustLeadWA); Omid Bagheri (JustLeadWA); Alexandra Holden (Office of the Governor, Boards and Commissions); Marin Anderson (Skagit County VLP, by phone); Elizabeth Fitzgerald (Clark County VLP, by phone); Rachael Lundmark (Thurston County VLP, by phone).

Mr. Wonhoff called the meeting to order at 10:10 a.m.

1. Welcome and Introductions

Mr. Wonhoff asked existing members to introduce themselves. He then invited new the members (Judge Pennell, Sen. Frockt, and Ms. Stallings-Ali'Ilima) to introduce themselves. He then invited guests to introduce themselves and the organizations with which they are affiliated.

2. Review and Adopt Minutes of March 23, 2018 Meeting

Mr. Wonhoff asked if there were any suggested changes to the draft minutes. Mr. Bamberger advised that he had not included Ms. Brown as a guest who had attended the meeting in the draft minutes in the packet but that he had updated the draft minutes on the website to acknowledge Ms. Brown's presence at the meeting.

Mr. Wonhoff invited a motion to approve the minutes of the March 23, 2018 meeting with the addition of Ms. Brown as a participant at the meeting.

Motion: By Judge Whitener to approve the minutes of the March 23, 2018 meeting as revised to reflect Ms. Brown's participation.

Second: By Ms. Stallings-Ali-Ilima

Action: Approved unanimously

3. Confirmation of Taylor Wonhoff as Vice-Chair/Chair-Elect

Mr. Bamberger advised that members had been polled during the summer regarding the vacant position of Vice-Chair/Chair-Elect, and that there was general consensus that Mr. Wonhoff be elected to that position. He requested formal action on the matter.

Motion: By Representative Jinkins to elect Mr. Wonhoff as Vice-Chair/Chair-Elect of the Oversight Committee

Second: By Judge Whitener

Action: Approved unanimously

4. Confirmation of Appointment of Rep. Stokesbary as the Legislative Member on the Executive Committee

Mr. Bamberger advised that Sen. Pedersen's departure created a vacancy for a legislative member of the Executive Committee. He noted that Sen. Rivers had nominated Rep. Stokesbary who agreed to serve if elected by his legislative colleagues. Consistent with Section V.A of the Operating Rules and Procedures, Mr. Bamberger suggested that the legislative members ratify the appointment of Rep. Stokesbary to serve as the legislative member on the Executive Committee.

Motion: By Sen. Frockt that Rep. Stokesbary serve as the legislative member on the Executive Committee.

Second: By Rep. Jinkins

Action: Approved unanimously by the legislative members participating in the meeting.

5. Update on Implementation of SHB 2308

Mr. Bamberger provided an update on the passage and signing into law SHB 2308. He noted that the final bill passed by votes of 86-12 in the House and 48-0 in the Senate. He thanked the legislative members for their sponsorship and shepherding of the bill.

Mr. Bamberger noted that the most important change is the expansion of substantive areas of authorized legal representation to ensure that state-funded work was carried out in the areas of greatest need as determined in the 2015 Civil Legal Needs Study. He provided members with a spreadsheet outlining the changes in these areas by legal problem and special legal problem codes used by the Northwest Justice Project (NJP). The changes became effective June 7, 2018 and apply to all state-funded legal aid providers.

Mr. Wonhoff invited legislative members to share their perspectives on the effort to pass this legislation. Representative Jinkins agreed that the successful effort reflected a strong sense of bipartisan understanding of the importance of civil legal aid and the need to ensure access to

justice for everyone. She said that enactment of the legislation represented a good outcome for all involved. Representative Stokesbary agreed. He noted that Representative Jay Rodne was effective in building a strong consensus in the House Republican Caucus to support the bill.

Mr. Torres observed that the legislation was extremely timely and that the alignment of state-authorized legal assistance to the presenting needs of clients is particularly important as state funding becomes the dominant component of Northwest Justice Project's funding mix.

6. Review of Proposed FY 2019-21 Budget Decision Packages*

Mr. Wonhoff invited Mr. Bamberger to present and explain the four draft decision packages for budget increases in FY 2019-21 that were included in the materials.

Mr. Bamberger provided members with background on the budget development process that led to the recommendations presented to the Oversight Committee. He noted that the total request of \$11.45 million is substantially smaller than the \$14.3 million request submitted in the FY 2017-19 biennial budget process.

Mr. Bamberger asked how the Committee wanted to proceed. There was a general consensus to consider and vote on each of the draft decision packages sequentially.

a. NJP Personnel Related Vendor Rate Adjustment

Mr. Bamberger explained the purpose and effect of the proposed vendor rate adjustment to underwrite the state's share of the increased personnel costs associated with the anticipated collective bargaining agreement between NJP and its newly established staff union. He explained that OCLA historically sought to address changes in NJP's personnel and leasehold expenses through a combination of maintenance level and policy level adjustments; and that these had been accepted by the Legislature in each of the previous two biennia. He noted that this year is different because of the recent organization of NJP's professional and non-professional staff and the anticipated bargaining agreement that will legally bind NJP to provide compensation consistent with its terms and conditions. Mr. Bamberger noted that failure to secure funding for these cost increases will leave NJP in the position of having to cut expenses equal to the amount of the proposed vendor rate increase and that this will result in NJP losing about 13 FTE attorneys over the course of the biennium.

Mr. Bamberger called attention to the fact that the day before the Oversight Committee meeting a tentative agreement had been reached between the Governor's office and state employees on new contracts for the FY 2019-21 biennium. As reported in the press, the agreement would provide for a 6% increase in compensation for state employees over the FY 2019-21 biennium, cost of living increases, and a minimum wage floor of \$12 per hour for full time state employees. He encouraged members to consider the NJP vendor rate increase within the context of this agreement.

Mr. Torres provided members with a more detailed outline of the bargaining process and timelines. He noted that both the union and NJP were hoping to complete negotiations on or near the beginning of the open enrollment period for health care benefits, which begins on November 1st. Sen. Frockt asked about the composition of the union membership. Mr. Torres

explained that professional staff elected to have a single wall-to-wall union representing all staff eligible to participate in the bargaining unit. He estimated that there are about 200 eligible members. Mr. Torres noted that the state's share of personnel expenses has gone up from about 62% to 70% in response to recent increases in state funding and stagnation of other funding sources, including the federal Legal Services Corporation.

Sen. Frockt asked whether the step-increases anticipated in the salary scales are different from the approach to compensation in prior years. Mr. Torres explained that NJP has always had salary scales that provide small step-increases per year of experience. The anticipated collective bargaining agreement will continue this approach.

There being no further discussion, Mr. Wonhoff called for a motion.

Motion: By Judge Whitener to endorse the decision package to cover the state's share of costs associated with the NJP collective bargaining agreement and protect existing client service capacity in the face of such increased costs.

Second: By Judge Pennell

Action: Unanimously approved

b. Civil Justice Reinvestment Plan Phase

Mr. Bamberger reminded members of the history of the Civil Justice Reinvestment Plan (CJRP) and the target objective of achieving "minimum access" level client service staffing throughout Washington State over a period of three biennia. He noted the Legislature's express endorsement of the CJRP in both the biennial operating budget bill and the supplemental budget bill. He discussed how minimum access includes not only the number of professional staff legal aid attorneys at NJP and other state-funded programs, but also the effective equivalent of FTE's delivered by the volunteer attorneys working in association with the 17 state-funded volunteer attorney programs; reminding members that the CJRP equates 2000 hours of volunteer time to one FTE legal aid attorney.

Mr. Bamberger explained further that when the minimum access target was first established, the state was 110 FTE's short of the target. The addition of FTE's supported with federal Victim of Crime Act (VOCA) funding administered by OCLA and the 20 CJRP FTE's authorized by the Legislature brought the shortfall down to about 70 FTE's. He explained that the proposed decision package seeks funding to phase in an additional 40 FTE's over the course of the biennium.

Sen. Frockt asked whether the currently funded positions were hired and where they were located. Mr. Bamberger referenced the list in the meeting materials that showed where the initial 15 FTE's authorized by the Legislature were deployed. He noted that an additional 5 FTE's are funded beginning in January 2019. Mr. Bamberger explained that OCLA employs a sophisticated Client Demographics/Client Service Capacity Matrix that tracks the allocation of state-funded and other client service resources by region and monitors the level of client service capacity in reach region in relation to the minimum access benchmark. He explained that OCLA uses the Matrix as a guide to ensure equity of presence throughout the state. He advised

members that OCLA has and will continue to work with the Access to Justice Board's Delivery Systems Committee and others in determining where additional FTE's funded by the Legislature should be deployed.

Ms. Stallings-Ali'Ilima noted that the current shortfall is about 70 FTE's and that the proposed request, if funded, would bring on an additional 40. She asked what happens next. Mr. Bamberger explained that a Phase 3 request would be developed to close the remaining minimum access gap in the FY 2021-23 biennial budget request. He then reminded members of that it is the agency's position that the Legislature be responsible for funding a solid baseline of client service capacity – the minimum access level. He explained that this ensures meaningful community presence to (a) help increase the ability of low-income people to understand their legal rights and responsibilities and make informed choices about whether, when, and where to look for legal help, (b) provide an equitable chance for low-income people to get legal help with respect to their most important legal problems, and (c) serve as a deterrent against those who take advantage of the lack of legal aid to exploit or interfere with the legal rights of low-income people.

Mr. Grammount described the importance of having access to legal aid and his experience with the local office in Longview. He explained that it is very helpful to have access to local attorneys, especially for people who are homeless and who experience a range of problems arising from that status. Mr. Torres added that the experience of NJP demonstrates that presence on the ground is key to solving problems before they spiral out of control.

Motion: By Ms. Stallings-Ali'Ilima to endorse the decision package to fund Phase 2 of the Civil Justice Reinvestment Plan.

Second: By Mr. Grammount

Action: Unanimously Approved

c. VLP Staff Compensation Vendor Rate Adjustment

Mr. Bamberger introduced the discussion on the VLP vendor rate adjustment by noting the unique nature of organizations the principal focus of which is to cultivate, nurture, and support relationships with volunteers. He noted that continuity of relationships between staff and volunteers is critical for such efforts to be successful.

He noted that for a number of years concerns have been raised about the inadequacy of compensation paid to staff in the 17 local volunteer programs across the state. He reported that these programs have collectively experienced staff turnover rates of between 35% and 39%, and that much of the turnover is reported to be a function of inadequate compensation. Mr. Bamberger then provided an overview of recent efforts on the part of OCLA and the Legal Foundation of Washington (LFW) to work with the Pro Bono Council in assessing the compensation equity gap, and referenced the two reports included in materials documenting a significant compensation equity gap between compensation provided to VLP staff and that paid to employees in similarly situated non-profit organizations and in relation to functionally similar positions at NJP. He advised that while there are still questions relating to the methodology used by the consultants and other issues, there is no question that a significant compensation equity

gap exists, that it seriously affects the ability of the VLP's to perform the role that they play in the state-funded legal aid system, and that both he and Ms. Davis believed that this gap needed to be addressed. He explained that the \$300,000 per year represents two-thirds of the level of additional investment needed to take a first step in addressing the gap, and that this represented the average percentage of state funding included in grants to these organizations made by the Legal Foundation of Washington. If funded, he explained that the remaining third would come from LFW.

Mr. Haslam introduced himself as the Director of Snohomish County Legal Services and the Chair of the ATJ Board's Pro Bono Council. He spoke to the proposed Vendor Rate Adjustment for pro bono compensation equity. He provided some background on the programs on how they operate. Collectively the VLP's engage more than 2000 attorneys and deliver more than 69,000 hours of legal assistance to more than 23,000 clients each year. He noted the problems identified in the reports from Compensation Connections and how those problems manifest in high rates of staff turnover and corresponding difficulties in recruiting staff. He reported that the problem is not just limited to salaries, noting that 8 of 17 programs across the state either make no or very little contribution to health benefits. He explained that high rates of staff turnover make it difficult for organizations like the 17 VLP's whose primary function is to recruit and work with volunteers to be as effective as they can be. He offered his opinion that the 35% staff turnover over the past 2 years is directly attributable to low salaries and inadequate benefits and that this has had a significant disruptive impact on his program and most of the other VLP's. He explained that of the 31 positions that turned over, 10 turned over twice in the past two years. He discussed his program's experience, where 4 of 9 staff will have left the program in the past two years. He requested that the Oversight Committee endorse the proposed decision package to take a first step toward achieving compensation equity between VLP staff, NJP and other similarly situated non-profit organizations.

Ms. Stallings-Ali'Ilima asked whether this was a new issue. Mr. Bamberger noted that this is a matter of longstanding concern and that coordinated efforts by OCLA, LFW, and the Pro Bono Council to quantify and address the issue action to squarely address it began in late 2017. Mr. Torres spoke to the important role that the VLP's play in the delivery system and how the historically high levels of turnover have negatively affected staff at CLEAR (the statewide legal aid hotline) and other components of the Alliance.

Ms. Augustine asked what percentage the request represents to the overall amount of these programs' budgets. Mr. Davis noted that LFW provides about \$1.7 million in annual funding to the VLP's. An increase of \$450,000/year would represent a little more than 26%.

Ms. Augustine asked how the funds will be invested should the Legislature agree to appropriate the funds. Mr. Bamberger explained that this is an issue that OCLA and LFW continue to work on with the Pro Bono Council, but that the goal is to prioritize investment and target funds to those programs furthest behind in terms of salary comparability; and that there would not be an across-the-board increase.

Motion: By Ms. Stallings-Ali'Ilima to endorse the Vendor Rate Adjustment to address compensation equity problems experienced by the subcontracted volunteer attorney programs.

Second: By Sen. Frockt

Action: Unanimously approved

d. Children's Representation Study Reauthorization

Mr. Bamberger provided a brief history of the children's legal representation study that the Legislature directed OCLA to undertake in section 28 of 2ESSB 5890 passed in the 2017 legislative session. He explained that this request simply seeks to move funding appropriated for the study from FY 2019 to FY 2020. It has no fiscal impact.

Motion: By Judge Pennell to endorse reauthorizing the \$37,500 for the Children's Representation Study in FY 2020.

Second: By Judge Whitener

Action: Unanimously approved.

7. Presentation on Technology Assisted Forms Project

Mr. Bamberger reminded members that a core objective of the Civil Justice Reinvestment Plan is to expand the capacity of unrepresented persons to solve problems themselves with limited or no legal representation. The initial project identified and for which funding was sought was to automate the recently upgraded mandatory family law forms. The Plan is to create a self-directed publicly accessible, and free system by which unrepresented litigants can select and complete the forms necessary to initiate and complete a family law related matter; much like how TurboTax[®] operates for tax returns.

He reported that following the Legal Services Corporation's conditional commitment of \$190,000 to manage the projected two-year project, the Legislature agreed to fund its share of the project starting in FY 2019 and carrying forward into FY 2020. A total of \$550,000 has been projected for the initial phase.

He reported that a statewide Technology Assisted Forms Work Group reviewed a number of possible platforms and concluded that Pro Bono Net's Law Help Interactive is the best available, and that HotDocs is the best available software for the system, and that LHI provides the most stable and well-supported platform. He advised that OCLA had engaged Pro Bono Net and its subcontractor Capstone Practice Systems to work with the NJP Project Manager and OCLA to develop the Project Plan.

Mr. Bamberger then introduced Ms. Garber, the recently hired Project Manager at NJP. Ms. Garber provided members with an outline of the overall scope of the project, activities being undertaken during the planning phase and activities to be conducted during the project phase. She talked about the working relationship established between the principals – Pro Bono Net, Capstone Practice Systems, NJP and OCLA. During her presentation Ms. Garber walked members through a series of PowerPoint slides. Ms. Augustine requested that the slides be sent to members participating by phone.

Ms. Garber explained how the system is expected to operate, who will be the target audiences, and how the project will be managed. Ms. Garber invited questions from members. Ms. Stallings-Ali'Ilima asked when the system will be available. Ms. Garber said that the goal is to have initial forms packages going on line in February with additional packages rolled out sequentially over the remaining course of the two-year project period. Ms. Stallings-Ali-Ilima also asked whether the system will be mobile friendly. Ms. Garber explained that while HotDocs is scalable and is designed to function on all mobile devices, this system will be most useable on tablets and more difficult to use on hand-held devices.

8. Standing Race Equity and Justice Discussion: Introduction of the Race Equity Toolkit

Mr. Bamberger reminded members that when the Oversight Committee embraced the Race Equity and Justice Acknowledgments and Commitments, it was agreed that there be a standing agenda item on race equity issues at each meeting. The agenda item for this meeting is a presentation and discussion about the Race Equity and Justice Organizational Toolkit produced by JustLead Washington under contract with the Office of Civil Legal Aid. He invited Ms. Werdell and Mr. Bagheri to present the toolkit, hard copies of which were provided to members. Ms. Werdell provided a general introduction to JustLead Washington and a brief history of the Race Equity and Justice Initiative now hosted and staffed there. Mr. Bagheri explained the purpose of the Toolkit and walked members through a series of slides that outlined each of the core areas of focus.

Judge Whitener asked whether the Toolkit was being shared with the judiciary. Mr. Bamberger noted that the Toolkit had just been published. He advised that on September 13th he shared it with each of the Justices on the Supreme Court, the Board for Judicial Administration, the Superior Court Judges Association, the District and Municipal Court Judges Association, the Minority and Justice Commission, and key staff at the Administrative Office of the Courts.

Lunch was provided

9. Re-Orientation of Oversight Committee Members: Phase I

Mr. Bamberger noted that the composition of the Oversight Committee has changed significantly, with nearly two-thirds of members having served less than two full years. He suggested that it might be good over the next few meetings to invite leaders from key legal aid system organizations to provide an overview of their roles in the system and the core responsibilities their organizations carry. The first two leaders invited to present were Ms. Davis from the Legal Foundation of Washington and Mr. Torres from Northwest Justice Project.

Mr. Wonhoff invited Ms. Davis, Executive Director of the Legal Foundation of Washington Overview to explain what her organization does and how it intersects with the work of the Office of Civil Legal Aid. Ms. Davis walked members through a series of PowerPoint slides. She provided background on the origins and history of the LFW and the expansion of its initial role from receiving and granting funds generated through the Interest on Lawyers Trust Account (IOLTA) program to a more comprehensive role in securing and investing non-public funding in the state's civil legal aid system, including its role in helping underwrite critical legal aid services that cannot be underwritten with either federal or state funding. She talked about the

LFW's role as designated recipient of cy pres awards under CR 23, its role in identifying and securing grant and other funding opportunities which resulted in recent years in the Home Justice foreclosure prevention initiative, and significant funding from the Gates Foundation. She talked about the Foundation's private resource development efforts under the Campaign for Equal Justice and the Endowment for Equal Justice. And she discussed the LFW's role in hosting and staffing the Equal Justice Coalition, including its contract with Olympia-based lobbyists who are working to support OCLA's budget requests. In addition to the work to support OCLA's budget requests, Ms. Davis referenced the work of the EJC in supporting federal funding for the Legal Services Corporation and the EJC's recent efforts to secure a line item commitment in King County's seniors, veterans, and human services levy.

Mr. Wonhoff then invited Mr. Torres to provide an overview of the Northwest Justice Project (NJP) and describe its many roles as the largest statewide legal aid provider in Washington State.

Mr. Torres introduced himself and provided a high level overview of NJP and its role in the in the statewide legal aid system known as the Alliance for Equal Justice.

Mr. Torres explained that NJP is the direct recipient of federal legal aid funding made available through the Legal Services Corporation as well as the "qualified legal aid provider" with which OCLA is required to contract under state law. He described the core components of the program including the statewide call center known as CLEAR, WashingtonLawHelp, and NJP's 19 regional and satellite offices, including small new offices in Lewis County and Kent. He discussed specialty units (foreclosure, veterans, Native American, and farmworker) and the special systems and practices that NJP employs to help those who experience significant barriers to access to get the help they need. He noted that NJP is a leader in language access, having fostered the development and spun off the Washington State Coalition on Language Access (WASCLA) and has developed internal practices that ensure that all clients and potential clients have access to services regardless of their inability to speak English. He reported that NJP has about 150 attorneys on staff including those assigned to time-limited or specially funded projects.

Mr. Torres provided members with a copy of NJP's 2017 Annual Report and materials that are provided to legislators, and highlighted some of the important work chronicled in that report.

Mr. Grammount discussed his experience working with the NJP Longview office to help facilitate intake and access for individuals with whom he works as a homeless advocate. He's had a very good experience working with the office to secure timely legal help these people need.

Judge Pennell asked about NJP's relicensing work. Mr. Torres noted that NJP identified the relicensing issue as significant problem for many low-income people, affecting everything from employment to meeting basic day to day obligations like school, child care, attending medical appointments and the like. He noted that NJP undertook an integrated statewide effort to understand the scope of the problem and impact it had on low-income people. Over the course of the project NJP engaged a wide range of stakeholders including judicial officers and associations and the Office of the Attorney General. Mr. Torres reported that following the work of a task force established by the Legislature, the Attorney General requested legislation that

would have created a statewide drivers' relicensing system. Unfortunately, opposition from the collection industry was strong and the bill did not pass.

10. Access to Justice Board Update

Mr. Wonhoff invited Judge Corbit and Ms. Singleton to provide an update on activities at the ATJ Board.

Judge Corbit provided an update on ATJ activities. He explained that the ATJ Board is focused on four main areas:

- a. Implementation of the State Plan
- b. Responding to a proposal to expand the authority of Limited License Legal Technicians to deliver services in the area of consumer law and debt related matters. He noted that the Board submitted comments raising serious concerns about the proposed expansion and that it expressly opposed allowing LLLT's to provide legal assistance to debt collectors.
- c. The Board's annual meeting with the Justices of the Supreme Court. He noted that the meeting occurred the week before during which the Board provided the justices with an update on the its activities and provided them with the recently published Annual Report. He also noted that the Board strongly recommended that public members continue to be part of the WSBA Board of Governors
- d. Activities in progress include (i) planning for ATJ Conference in Spokane next June; (ii) evaluation and submission of recommended changes in the LFW's Funding Protocols; and (c) recent Board leadership changes including the change in the Chair from Geoff Revelle to Sal Mungia and the addition of new members Esperanza Borboa and Terry Price.

Ms. Singleton handed out copies of the ATJ Board's Annual Report. Ms. Singleton advised members that the ATJ Board is updating the Technology Principles first adopted in 2004 and that they presented the set of suggested changes to the Supreme Court at their meeting last week. She reported that the Justices suggested that the revised Technology Principles be proposed as a set of court rules rather than an updated order. She explained that the Justices felt that there would be greater compliance with the Technology Principles if they were established by Supreme Court rule as opposed to a standing order of the Court.

Ms. Singleton also noted the recent changes in the definition of the Alliance for Equal Justice and organizations eligible to join the Alliance. She explained that the goal was to break down the distinctions between funders, supports, and others and to be more inclusive of all who care about the work of the Alliance. She noted that the changed definitions are posted the ATJ Board website.

There being no further business, the meeting adjourned at 1:32 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 2018)

Position 1 (BJA 1):

Name: Hon. Rebecca Pennell
Address: Court of Appeals, Div. 3
500 N Cedar St
Spokane, WA 99201-1905
Phone: 509-456-3920
E-mail: j_r.pennell@courts.wa.gov
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2021; eligible for reappointment

Position 2 (BJA 2):

Name: Hon. Greg Tripp, Ret.
Address: PO Box 8668
Spokane, WA 99203
Phone: 509-838-8850
E-mail: Gregory.tripp@earthlink.net
Appointing Entity: Board for Judicial Administration
Term Expires: June 30, 2019; not eligible for reappointment

Position 3 (Supreme Court 1):

Name: Hon. G. Helen Whitener
Address: Pierce County Superior Court
930 Tacoma Ave., S.
Tacoma, WA 98402
Phone: 253-798-3654
E-mail: hwhiten@co.pierce.wa.us
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2020; eligible for reappointment

Position 4 (Supreme Court 2):

Name: Sarah Augustine
Address: 132 North 1st Ave.
Yakima, WA 98902
Phone: 509-453-8949
E-mail: director@drcyakima.org
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2020; eligible for reappointment

Position 5 (Supreme Court 3 – Client Eligible):

Name: Theodore Grammount
Address: 2345 Beach Street
Longview, WA 98632
Phone: 360-355-4628
E-mail: theodoregrammount@rocketmail.com;
grammount@gmail.com
Appointing Entity: Supreme Court (on recommendation of the Access to Justice Board)
Term Expires: June 30, 2019; eligible for reappointment

Position 6 (Senate Republican Caucus):

Name: Senator Ann Rivers
Address: 204 Newhouse Legislative Building
Olympia, WA 98504
Phone: 360-786-7634
E-mail: ann.rivers@leg.wa.gov
Appointing Entity: Senate Republican Caucus
Term Expires: June 30, 2020; eligible for reappointment

Position 7 (Senate Democratic Caucus):

Name: Senator David Frockt
Address: 227 John Cherberg Building
PO Box 40433
Olympia, WA 98504-0443
Phone: 360-786-7628
E-mail: david.frockt@leg.wa.gov
Appointing Entity: Senate Democratic Caucus
Term Expires: June 30, 2021; eligible for reappointment

Position 8 (House Republican Caucus):

Name: Representative Drew Stokesbary
Address: 426 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 360-786-7846
E-mail: drew.stokesbary@leg.wa.gov
Appointing Entity: House Republican Caucus
Term Expires: June 30, 2019; eligible for reappointment

Position 9 (House Democratic Caucus):

Name: Representative Laurie Jinkins
Address: 311 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600
Phone: 360-786-7930
E-mail: laurie.jinkins@leg.wa.gov
Appointing Entity: House Democratic Caucus
Term Expires: June 30, 2020; not eligible for reappointment

Position 10 (Office of the Governor):

Name: Taylor (“Tip”) Wonhoff
Address: Office of the Governor
PO Box 40002
Olympia, WA 98504-0002
Phone: 360-902-4132
E-mail: taylor.wonhoff@gov.wa.gov
Appointing Entity: Office of the Governor
Term Expires: June 30, 2021; not eligible for reappointment

Position 11 (Washington State Bar Association):

Name: Chalia Stallings-Ala’ilima
Address: Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Phone: 206-326-5480
E-mail: chalia.stallingsalailima@atg.wa.gov
Appointing Entity: Washington State Bar Association
Term Expires: June 30, 2021; eligible for reappointment

TAB 5

CIVIL LEGAL AID OVERSIGHT COMMITTEE OPERATING RULES AND PROCEDURES

(Revised 4-23-07)

I. Name

The name of this body shall be the Civil Legal Aid Oversight Committee (hereafter Oversight Committee)

II. Membership

The membership of the Committee is established by RCW 2.53.010 and includes:

- (a) Three persons appointed by the supreme court from a list of nominees submitted by the access to justice board, one of whom at the time of appointment is income eligible to receive state-funded civil legal aid;
- (b) Two persons appointed by the board for judicial administration;
- (c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (d) One person appointed by the Washington state bar association; and
- (e) One person appointed by the governor.

III. Terms of Membership

Pursuant to RCW 2.53.010, the terms of membership of the Oversight Committee shall be staggered so that, after the first three years of the committee's existence, the terms of one-third of the members expire each year. To this end, a term of membership shall be allocated to each position as follows:

A. Judicial Branch

BJA 1	Initial term -- 1 year, expiring June 30, 2006 Eligible for two full additional terms (through June 30, 2012)
BJA 2	Initial term -- 2 years, expiring June 30, 2007 Eligible for one full additional term (through June 30, 2010)
Supreme Court 1 (attorney)	Initial term -- 3 years, expiring June 30, 2008 Eligible for one full additional term (through June 30, 2011)

Supreme Court 2 (attorney) Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

Supreme Court 3 (client eligible) Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

B. Legislative Branch

Senate Republican Caucus Initial term -- 3 years, expiring June 30, 2008
Eligible for one full additional term (through June 30, 2011)

Senate Democratic Caucus Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

House Republican Caucus Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

House Democratic Caucus Initial term -- 3 years, expiring June 30, 2008
Eligible for one full additional term (through June 30, 2011)

C. Other

WSBA Initial term -- 1 year, expiring June 30, 2006
Eligible for two full additional terms (through June 30, 2012)

Office of the Governor Initial term -- 2 years, expiring June 30, 2007
Eligible for one full additional term (through June 30, 2010)

IV. Officers

There shall be a Chair and a Vice-Chair/Chair-Elect. The Chair and Vice-Chair/Chair-Elect shall be selected by the full membership of the oversight committee.

A. Term

The term of the Chair and Vice-Chair/Chair-Elect shall run commensurate with the state fiscal calendar, commencing on July 1st of the odd numbered year and ending on June 30th of the succeeding odd numbered year. The Chair and Vice-Chair/Chair-Elect shall not be eligible to serve more than one biennial term, *provided that*, the initial Chair and Vice-Chair/Chair Elect may serve up to one additional biennial term.

B. Authority/Responsibility of Officers

1. Chair

The Chair shall preside over all meetings of the Civil Legal Aid Oversight Committee. The Chair shall also serve as the spokesperson for the Oversight Committee, execute official documents (including, but not limited to, statutorily required reports) and represent the Oversight Committee on matters relevant to the Oversight Committee's work as circumstances require. The Chair shall be the primary point of contact for the Director of the Office of Civil Legal Aid. The Chair shall serve as the chair of the Executive Committee.

2. Vice-Chair/Chair-Elect

In the event of the Chair's absence or unavailability, the Vice-Chair/Chair-Elect shall perform all functions of the chair on an as-needed basis. The Vice-Chair/Chair-Elect shall serve as a member of the Executive Committee.

V. Committees

There shall be an Executive Committee. The Executive Committee shall consist of three members, the Chair, the Vice-Chair/Chair-Elect and one of the Oversight Committee's legislative members.

A. Appointment of Legislative Member; Succession

The legislative member of the Executive Committee shall be selected by the four legislative members of the Oversight Committee. The first legislative member shall serve from the date of the first meeting through June 30, 2007. In the event that a legislative member is no longer eligible to serve on the Civil Legal Aid Oversight Committee by reason that he or she no longer serves as an elected state senator or representative, such legislator shall submit his or her resignation to the Chair of the

Oversight Committee and the legislative caucus that appointed him or her to the Oversight Committee. Upon appointment of a successor by the appropriate legislative caucus, the legislative members shall meet and select a member to serve on the Executive Committee.

B. Responsibilities

The Executive Committee shall develop procedures and criteria to review the performance of the Director of the Office of Civil Legal Aid and perform such other responsibilities as the Oversight Committee deems appropriate.

The Oversight Committee may establish such other committees as it determines appropriate to perform its statutory functions.

VI. Staffing

The Oversight Committee, the Executive Committee and any other committees established by the Oversight Committee shall be staffed by the Director of the Office of Civil Legal Aid.

VII. Regular and Special Meetings, Notice, Committee Member Attendance

The Oversight Committee shall meet not less than quarterly at dates and times determined in advance by the Committee. Notice of regular meetings of the Oversight Committee shall be provided to the Supreme Court, the Access to Justice Board, the Chairs of the judiciary committees of the Washington State Legislature, the Office of the Governor and the Washington State Bar Association, and shall also be published in the State Register in manner that substantially conforms to the requirements of RCW 42.30.075.

A special meeting may be called at any time by the Chair or by a majority of the members of the Oversight Committee by delivering personally or by mail written notice to each member of the Oversight Committee. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. Notice of a special meeting may be supplemented by an electronic notice transmitted via e-mail to all members of the Oversight Committee. Such notice shall not be deemed a substitute for the personal notice or mailed notice otherwise required by this section. The call and notice shall specify the time and place of the special meeting and the business to be transacted. The Oversight Committee shall limit its business in any special meeting to those matters included in the call and notice.

Regular meetings of the Oversight Committee shall be open and public and all persons shall be permitted to attend any meeting of the Oversight Committee. The Oversight Committee may adjourn to executive session for the following purposes:

- A. To receive and evaluate complaints or charges brought against the Director of the Office of Civil Legal Aid. However, upon the request of the Director of the Office of

- Civil Legal Aid, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- B. To review the performance of the Director of the Office of Civil Legal Aid; or
 - C. To review the status of investigations carried out by the Director of the Office of Civil Legal Aid which involve matters protected by the attorney-client privilege and where public disclosure could substantially prejudice the interests of client(s) being represented by a legal aid provider that receives funding from the Office of Civil Legal Aid; and
 - D. To discuss with legal counsel representing the Oversight Committee or the Office of Civil Legal Aid matters relating to litigation or potential litigation to which the Oversight Committee or the Office of Civil Legal Aid or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Oversight Committee or the Office of Civil Legal Aid.

All members are expected to attend regular meetings of the Civil Legal Aid Oversight Committee unless they have good cause not to attend and have been excused from attendance by the Chair. In the event that a member misses two consecutive meetings without sufficient cause, the Chair shall discuss the member's lack of attendance directly with the member. If the Chair determines that the member is not likely to meaningfully and regularly participate in the work of the Oversight Committee, the Chair may notify the appointing entity of the member's lack of attendance and request the appointment of a replacement member.

VIII. Quorum

The presence of six (6) voting members of the Oversight Committee shall constitute a quorum for the purpose of enabling the Oversight Committee to take official action. Upon establishment of a quorum, the Oversight Committee shall have full power to conduct the scheduled business of the meeting even if a member whose presence was necessary to establish the quorum in the first instance subsequently becomes unavailable.

IX. Voting

Each member of the Oversight Committee shall have one vote. All decisions of the Oversight Committee shall be made by majority vote of those present and voting. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

X. Amendment or Repeal

Amendments and/or repeal of any or all of these Operating Rules and Procedures shall be made by majority vote at a regular or special meeting of the Oversight Committee. The notice of the meeting shall include a statement of proposed action to amend or repeal these Operating Rules and Procedures and shall include an interlineated version of the full text of any section subject to proposed amendment or repeal.

TAB 6

CIVIL LEGAL AID OVERSIGHT COMMITTEE RESOLUTIONS

Number	Date	Subject Matter	Status	Further Action Required
2008-01	18-Jan-08	Regarding Recommendations Relating to the Provision of State Funded Civil Legal Aid	approved	
2008-02	21-Feb-08	Acceptance of Tull Report and Related Recommendations	approved	
2009-01	27-Mar-09	Endorsing Temporary Surcharge on Attorney License Fees	approved	
2009-02	11-Dec-09	Endorsing ATJ Board Performance Standards	approved	
2009-03	11-Dec-09	Endorsing JusticeNet	approved	
2010-01	10-May-10	Endorsing Judicial Branch Whistleblower Policy	approved	
2010-02	3-Dec-10	Relating to Oversight Committee Meeting Expenditures	approved	
2010-03	3-Dec-10	Resolution Urging Adequate Funding of the Judicial Branch	approved	
2010-04	10-Dec-10	Regarding the Importance of the Office of Civil Legal Aid and Funding for Essential Civil Legal Aid Services in Washington State	approved	
2011-01	7-Sep-11	Regarding Funding for the Federal Legal Services Corporation	approved	
2011-02	7-Oct-11	Affirming the Authority of the Director of the Office of Civil Legal Aid to Engage in Travel Necessary or Appropriate to the Discharge of the Director's Official Responsibilities	approved	Annual Report to the Oversight Committee detailing destination, costs, and purpose of each trip taken in the prior fiscal year the total cost of which exceeded \$100 and which was incurred at agency expense.
2015-01	12-Jun-15	Regarding Funding for the Federal Legal Services Corporation	approved	
2016-01	25-Mar-16	Resolution Re: OCLA Director's Travel -- Revising Resolution 2011-02	approved	Increased threshold for reporting from \$100 per travel event to \$500 per travel event
2016-02	30-Sep-16	Endorsing the Civil Justice Reinvestment Plan and Recommending Legislative Funding of the Same	approved	Encourages Legislature to establish tax or surcharge to generate dedicated funding for civil legal aid
2016-03	28-Dec-16	Endorsing the Civil Justice Reinvestment Plan and Recommending Legislative Funding of the Same -- Revised	approved	Encourages Legislature to fund the Civil Justice Reinvestment Plan, recommends state general fund, proposes alternative of tax or surcharge if general funds not available.
2017-01	5-Apr-17	Opposing Elimination of federal Legal Services Corporation and asking Congress to maintain funding	approved	Requests state congressional delegation to oppose administration's proposal to eliminate LSC effective FFY 2018
Policy Directions and Statements				
	8-Jun-12	Policy Regarding OCLA Involvement in Promoting or Opposing Bills Before the Washington State Legislature	approved	Notice to OC before taking positions on policy bills not directly affecting OCLA or judicial branch budgets or statutes
	18-Apr-13	Endorsing Policy on Use of State Owned Mobile Telecommunications Devices	endorsed via e-mail	
	15-Dec-17	Embracing the Race Equity and Justice Initiative Acknowledgments and Commitments and directing that race equity discussions be a standing agenda item in future meetings	Approved by motion in open meeting	Requires a standard agenda item for discussion and/or training

TAB 7

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger, Director

Re: December 2018 Quarterly Report

Date: December 1, 2018

Happy Holidays to all, and best wishes for the coming year.

This memo provides you with an update on agency activities during two months since the September 28, 2018 meeting. Agency activities have focused on:

- Completion and submission of final FY 2019-21 budget decision packages
- Briefings with key legislative members and staff regarding OCLA's budget submissions
- Site visit to Northwest Justice Project Spokane regional office and follow-up from that visit
- Attendance at the Statewide Legal Advocates Training (SLAT) in Wenatchee
- Negotiation and execution of the Project Phase contract with Pro Bono Net for the automated document assembly system
- Negotiation and execution of necessary contracts and subcontracts for the legislatively mandated Children's Representation Study
- Preparation for and participation in a state audit of OCLA expenditure of federal Victims of Crime Act (VOCA) funds

1. Completion and Submission of Final Decision Packages

Following the Oversight Committee's endorsement of the proposed FY 2019-21 decision packages, OCLA finalized and submitted them to the Office of Financial Management (OFM) for inclusion in the Governor's budget. OCLA's budget requests were submitted as part of the joint judicial branch submission, forwarded under cover letter from Chief Justice Fairhurst (Attachment 1). By law the Governor must include all judicial branch budget requests in the budget he presents to the Legislature in mid-December; and he must do so without revising them. Thus, the decision packages we submitted will be fully funded in the Governor's budget and will serve as the starting point for our conversations with budget writers in the Legislature.

2. Emergency Supplemental Budget Request for the Children’s Representation Program

Since late 2017, we have been observing increases in the number of children for whom attorneys are required to be appointed by RCW 13.34.100(6). These are children who remain in care six months following the termination of their parents’ legal rights. After substantial research and analysis, we concluded that the increase we are experiencing is an echo of increases in recent years in both dependency filings and the filing of petitions to terminate parental rights.

We were able to manage the increased expenditures associated with increasing caseloads in FY 2018. However, after reviewing FY 2019 first quarter expenditure levels, we noted that we were spending nearly \$45,000 above appropriated levels on a quarterly basis; projecting a shortfall of about \$175,000 in the fiscal year. Because attorneys must be appointed by law and OCLA must contract with and pay for these attorneys, we concluded that we had to request additional funding from the Legislature to cover the projected FY 2019 shortfall. A supplemental budget decision package (Attachment 2) was filed with OFM, funding of which will also be included in the Governor’s FY 2019 supplemental operating budget when it is released mid-month.

3. Statewide Legal Advocates Training

In October more than 200 civil legal aid attorneys and advocates convened in Wenatchee for three days of substantive law, skills, and ethics training. The Statewide Legal Advocates Training (SLAT) is held every two years, with the goal of building relationships, providing relevant training, and fostering the growth of a statewide “community of legal aid practice”. The training was principally funded by the Office of Civil Legal Aid. OCLA support came from Civil Justice Reinvestment Plan funds appropriated by the Legislature for infrastructure, training, and state support activities.

This year’s training theme was “The Urgency of Now: Tools for Adaptive Lawyering.” Sessions were designed to help advocates develop and expand competencies to effectively represent clients consistent with the core goals and strategies outlined in the Access to Justice Board’s [2018-2020 State Plan for the Delivery of Civil Legal Aid in Washington State](#). The training program and related materials can be found at <http://advocatetraining.org/workshop-materials-2018/>. As indicated by both numerical and narrative reviews, the training was very well received, with the vast majority of participants finding it responsive and helpful to their practice.

4. Spokane Regional Office Site Visit (October 16-17, 2018)

Part of OCLA’s oversight functions are carried out through site visits to NJP regional and satellite offices. These visits provide OCLA with a more direct sense of who is doing the work, how the work is being done, where and how the office is engaged with key stakeholders and client communities, what judicial officers and others think about the scope, focus, and quality of the regional office’s work, and related issues. The site visit is conducted consistent with a written protocol agreed to in advance between OCLA and NJP (Attachment 3).

This year OCLA staff (Jim Bamberger, Jill Malat, and Dana Boales) visited the Spokane regional office. We spent the morning of October 16th with regional office staff. During this meeting we received a general overview of the work of the office, principal substantive areas of client service focus, and a description of the office's community engagement efforts. Each attorney offered a more detailed explanation of the scope and focus of their work, partners with which they were engaged, and outcomes that they sought to achieve. During the balance of the day and the entire day following (October 17th) OCLA staff met with judicial officers, community based legal aid partners, social and human service providers, representatives of the African American and Latinx communities, and many others. We either met or spoke by phone with 36 individuals in addition to our conversation with regional office staff.

A draft Site Visit Report was presented to NJP for its review and comment on November 20th. NJP's response is due December 5th, after which OCLA will revise and issue a final report shortly thereafter, a copy of which will be made available to the Oversight Committee.

5. Family Law Forms Automation Project – Execution of Contract With Pro Bono Net

At its September 28, 2018 meeting, the Oversight Committee received a report from Laurie Garber, project manager for the Technology Assisted Forms (TAF) project. Ms. Garber provided members with an overview of the project goals, development plan, and relevant timelines. As described in the [Plan Summary](#), the goal is to provide free, accessible, online tools for people without lawyers to find and complete the forms they need to succeed in court. The Plan contemplates staged logical bundling, sequenced programming, testing, and posting on-line automated document assembly packages that will help unrepresented family law litigants identify and complete the forms they need in their family law cases.

As reported earlier, after a national search, OCLA engaged New York-based Pro Bono Net as the developer and host for the document assembly system. Working with Ms. Garber, Pro Bono Net and its subcontractor Capstone Practice Systems completed the planning phase of the effort in early October. OCLA gave authority to proceed to the project phase shortly thereafter and final contract documents were executed between OCLA and Pro Bono Net in November. (Copies of the contract documents are available for those wishing to view them.) The project is moving forward as contemplated, and the first bundle of forms is expected to be up and available as early as February.

6. Children's Legal Representation Study

Two years ago, the Legislature funded and directed OCLA to manage a study comparing the experiences of dependent children who receive attorney representation commencing at the initial shelter care hearing with that of children who do not receive legal representation in their dependency cases. Effective September 2017, children in Grant and Lewis Counties received attorney appointments at their initial shelter care hearings. Their experience will be compared with similarly situation children in Whatcom and Douglas Counties who do not receive attorney representation.

In the legislation,¹ OCLA was directed to contract with the Washington State Center for Court Research at the Administrative Office of the Courts (AOC/WSCCR) to conduct the study and report on differences in time to permanency as well as a range of relevant child welfare indicators. The legislation authorized AOC/WSCCR to engage an appropriate research institution to assist with the effort. After consultation and with OCLA's permission, AOC/WSCCR engaged Dr. Joseph Mienko at the University of Washington School of Social Work to be the lead researcher on the project. The scope and research methodology for this endeavor are outlined in Dr. Mienko's filing with the University of Washington's Institutional Review Board (IRB) (Attachment 4).

In developing the research methodology, Dr. Mienko predicted that the study period set forth in current law was insufficient to generate the number of cases required to produce statistically significant results. He recommended that the study be extended an additional year. Pursuant to his recommendation, OCLA submitted a request to reauthorize unexpended FY 2018 study funding to allow the appointment of attorneys to continue through December 2019 and the initial study report be filed with the Legislature in December 2020. Jill Malat will be working to ensure that these funds are appropriated and that legislative authorization to push the initial report date is obtained.

7. State Audit of Federal VOCA Funding

The State Auditor's Office is conducting a mandatory audit of the Department of Commerce's federal grants and contracts. This year they selected the federal Crime Victims Assistance grant that is managed by Commerce's Office of Crime Victims Advocacy (OCVA). As part of the audit, they are auditing OCLA's activities under our Interagency Grant Agreement with Commerce/OCVA pursuant to which federal Victims of Crime Act (VOCA) funding is made available for civil legal aid services to crime victims. As of the time of this report, SAO staff are working with OCLA and our fiscal team at the Administrative Office of the Courts on the audit. It is expected that the audit will be completed by year-end. A copy of the relevant parts of the audit will be made available to the Oversight Committee upon our receipt.

¹ Ch. 20, Laws of 2017, sec. 28

ATTACHMENT 1

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

October 12, 2018

David Schumacher
Director, Office of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113

Dear Mr. Schumacher:

With this letter I am pleased to transmit copies of the 2019-2021 biennial budget request on behalf of the Washington Supreme Court, Administrative Office of the Courts, and the State Law Library. Also included are the 2019-2021 biennial budget requests for the Washington State Court of Appeals, Office of Public Defense, and Office of Civil Legal Aid.

The Supreme Court, Board for Judicial Administration, and Judicial Information System Committee continues to rigorously review all requests for new or increased funding. However, the budget requests for the Office of Public Defense and the Office of Civil Legal Aid are being transmitted as submitted. Both organizations are independent judicial branch agencies that report to advisory or oversight governing committees.

The remaining requests were vetted through a recently enhanced branch wide review and prioritization process that included a wide variety of stakeholders, the Supreme Court Budget Committee, and the Washington Supreme Court.

With the exception of the requests submitted by the independent judicial branch agencies, the requests contained in the attached documents represent, in the view of the Court, the highest priorities of the state judicial branch.

If you should have any questions regarding our process or the budget submittal, please do not hesitate to contact me at (360) 357-2029. You may also contact Ramsey

Mr. David Schumacher
October 12, 2018
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Radwan, Director of Management Services, Administrative Office of the Courts at (360) 357-2406 or ramsey.radwan@courts.wa.gov.

Very truly yours,

A handwritten signature in cursive script that reads "Mary E. Fairhurst" followed by a horizontal line.

Mary E. Fairhurst
Chief Justice

cc Ms. Callie Dietz
Mr. Ramsey Radwan
Presiding Chief Judge Laurel Siddoway
Mr. Rob Mead
Ms. Joanne Moore
Mr. Jim Bamberger

INTRODUCTION

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency established by the Legislature in 2005 to administer and oversee the delivery of state-funded civil legal aid services to eligible low-income people in Washington State. OCLA contracts with a statewide “qualified legal aid program,” the Northwest Justice Project (NJP), to provide direct and sub-contracted civil legal aid services to eligible low income clients on matters falling within the areas of authorized practice set forth in RCW 2.53.030(2). OCLA is required, among other things, to ensure that state-funded legal aid services are delivered “in a manner that maximizes geographic access throughout the state.” RCW 2.53.030(3).

In addition to basic civil legal aid services authorized by RCW 2.53.030, OCLA administers federal Victim of Crime Act Funding to underwrite civil legal assistance to victims of crime throughout Washington State, pursuant to an interagency agreement with the Office of Crime Victims Advocacy in the state’s Department of Commerce.

OCLA also contracts with attorneys and defender agencies to represent children who remain in foster care and subject to dependency proceedings six months following the termination of their parents’ legal rights. OCLA provides support and oversight to ensure the provision of standards-based, culturally competent legal representation to promote and protect these children’s stated and legal interests.

The Office of Civil Legal Aid is overseen by a bipartisan Civil Legal Aid Oversight Committee. RCW 2.53.010. The Oversight Committee includes members appointed by both caucuses of the House and Senate, three representatives appointed by the Supreme Court (including a client-eligible member), two representatives appointed by the Board for Judicial Administration, a representative appointed by the Governor, and a representative appointed by the Washington State Bar Association. The Oversight Committee is chaired by Judge Greg Tripp (Ret.) from Spokane.

OCLA is staffed by an agency Director, a Children’s Representation Program Manager, a Civil Legal Aid to Crime Victims Program Manager and a full-time Senior Administrative Assistant.

1. Basic Civil Legal Aid Program

OCLA published the 2015 Civil Legal Needs Study (2015 CLNS), which defined the scale of our state's challenge in real terms - more than seven in 10 low-income people experienced an important civil legal problem each year.¹ Yet, 76% of these people had no professional legal help to solve their problems.² Problems affect access to basic health and human services, family safety, access to and the ability to retain affordable housing, economic security, employment and freedom from economic exploitation, and a range of other issues that affect basic liberties and implicate core property rights. The study outlined a "snowball effect" of how low-income people who experience one civil legal problem on average experience nine such problems, most of which arise from a single problem or set of problems. Victims of domestic violence and sexual assault experience more problems across the entire spectrum problem areas and average about 18 problems per capita per year, most of which flow from their victimization.

The 2015 CLNS documented significant racial and other differentials in the experience of low-income people by race, immigration status, status as victims of domestic violence or sexual assault, youth, and disability. People who identify as African American or Native American experience substantial levels of discrimination and differential treatment due to their prior involvement in the juvenile or criminal justice systems and their credit history.

More than 50% of those who experience problems with a legal dimension do not understand that they could benefit from legal advice or assistance, and do not seek legal help to solve these problems. Even for those who do understand the need for legal help, most cannot obtain it because they do not have the funds, do not know where to go, and/or cannot get through to overwhelmed civil legal aid hotlines and community based legal aid providers. In the end, only 24% of those who experience one or more civil legal problems get any help at all.

Low-income people have little confidence in their ability to solve problems fairly through the courts or the civil justice system. More than two-thirds of respondents in the 2015 CLNS Update said that they did not believe that people like them can effectively use the courts to protect themselves, their families, or to enforce their legal rights.

Responding to the 2015 CLNS findings, the bipartisan Civil Legal Aid Oversight Committee adopted the 2016 Civil Justice Reinvestment Plan (2016 CJRP). The 2016 CJRP outlined a multi-biennial budget and policy agenda to increase the ability of low-income people to understand their legal problems, secure access to legal help, and develop tools to help them solve problems before they spiral out of control. The 2016

¹ Washington State Supreme Court Civil Legal Needs Study Update Committee, [Civil Legal Needs Study Update, Final Report](#) (October 2015).

² Discussion of the substance and prevalence of civil legal problems experienced by low-income people in this section is based on the findings of the 2015 Civil Legal Needs Study Update and related technical papers produced by Washington State University's Social and Economic Sciences Research Center (SESRC). Information relating to the 2015 CLNS Update is available at: <http://ocla.wa.gov/reports/>

CJRP also established a baseline level of client service capacity that the state should attain to achieve equity of access for low-income people with significant legal problems. This “minimum access”³ baseline standard is 1 FTE attorney (or the equivalent of pro bono service) for every 5,000 people living at or below 125% of the federal poverty level (FPL).

OCLA funding supports a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 50,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.⁴ At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 25 FTE civil legal aid attorneys.

The balance of the civil legal aid delivery system consists of staff attorneys employed by the statewide Northwest Justice Project and four state-funded specialized providers of civil legal aid services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.⁵

The Legislature endorsed the 2016 CJRP commitment to minimum access in both the FY 2017-19 operating budget and FY 2019 supplemental operating budgets. It appropriated funding for 20 additional FTE attorneys, an automated document assembly system for unrepresented family law litigants, and expansion of investment in pro bono service capacity. As of January 1, 2019, the state-supported civil legal aid footprint will include 143 full-time, state-supported attorneys.

According to the 2017 American Community Survey (ACS), nearly 1.05 million Washingtonians live at or below 125% of the federal poverty level.⁶ Combining the staff and volunteer legal aid capacity, the ratio of FTE basic field legal aid attorneys to persons living at or below 125% of FPL is 1:7,342. When considered against the number of people living at or below 200% of FPL (1.86 million), this ratio declines to 1:13,006. Thankfully, service capacity has increased as a result of the combined VOCA and state investment, though there remains more to do before low-income Washingtonians will have meaningful access to the help they need to solve critical legal problems.

2. Crime Victims Legal Representation

³ Minimum access was first embraced by the Board of Directors of the federal Legal Services Corporation (LSC) in 1975 to serve as the floor for federal investment in the newly created LSC. This figure was used to guide congressional appropriations from 1975-1980 (from \$75 million to \$300 million) by which time minimum access had been achieved. See, Erlich, *Giving Low-Income Americans Minimum Access to Legal Services*, 64 A.B.A.J. 696 (1978).

⁴ Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#) as it was amended in 2018 by Ch. 21, Laws of 2018.

⁵ These are TeamChild, the Seattle Community Law Center, the Unemployment Law Project and the Family Advocacy Program at Solid Ground.

⁶https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_S1701&prodType=table

Beginning in FY 2017, OCLA assumed administration of a federally funded Integrated Civil Legal Aid to Crime Victims Program. Funding for this program originates from the federal Crime Victims Fund and is made available from the US Department of Justice in accordance with the federal [Victims of Crime Act \(VOCA\)](#). The Department of Commerce's Office of Crime Victims Advocacy (OCVA) is the lead agency assigned to administer VOCA funding. Pursuant to its 2015-19 Victims of Crime Act State Plan,⁷ OCVA has entered into an interagency agreement with OCLA to manage and oversee that portion of VOCA funding that is dedicated to providing civil legal aid to victims of crime.

OCLA has produced a Statewide Civil Legal Aid to Crime Victims Plan⁸ which defines the core purpose and principal guidelines and expectations of the program. The Legal Aid to Crime Victims Plan identifies the participating legal aid programs and the VOCA-funded staff positions and activities throughout the state. Under applicable federal guidelines, VOCA funding is limited to providing limited legal assistance to address the emergent civil legal problems faced by crime victims. Unlike eligibility for basic civil legal aid, eligibility for VOCA-funded services is not determined by income.

3. Children's Legal Representation

At any given time, about 850 children remain in the dependency system six months following the termination of their parents' legal rights. Prior to establishment of the Children's Representation Program, these children were legally voiceless and unable to effectively promote their own interests in legal proceedings that could dictate every aspect of their future lives. The Legislature, in the enacted Laws of 2014, chapter 108, created a right to counsel at public expense for these children. Representation was to be provided consistent with legislatively endorsed practice, training, and caseload standards. RCW 13.34.100(6)(c)(i). Administration of this program was assigned to OCLA. *Id.*; RCW 2.53.045.

The mission of the Children's Representation Program is to underwrite and oversee the delivery of [standards based](#), meaningful, effective and culturally competent attorney representation for legally free children who remain in the foster care system six months following termination of their parents' legal rights, with the goal of achieving early permanent placements consistent with the children's stated interests and relevant child well-being indicators.

Children's Representation Program attorneys will, among other things:

1. Ensure the child's voice is considered in judicial proceedings;
2. Engage the child in his or her legal proceedings;
3. Explain to the child his or her legal rights;
4. Assist the child, through the attorney's counseling role, to consider the consequences of different decisions; and

⁷ OCVA's State Plan can be found at <http://www.commerce.wa.gov/Documents/OCVA-VOCA-2015-2019-VOCA-State-Plan-FINAL.pdf>

⁸ OCLA's Statewide Civil Legal Aid to Crime Victims Plan is found at: <http://ocla.wa.gov/wp-content/uploads/2016/07/Civil-Legal-Needs-for-Crime-Victims-Plan-July-2016.pdf>.

5. Encourage accountability, when appropriate, among the different systems that provide services to children.

The object of the program is to facilitate timely and appropriate placements that are consistent with the children's stated interests and their long-term well-being and that accelerate permanency for them and their families.

STRATEGIC PLAN⁹

AGENCY MISSION

The provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of justice. RCW 2.53.005. The Office of Civil Legal Aid will secure, invest, and oversee sufficient funding for the statewide civil legal aid delivery system, and will effectively administer the Children's Representation Program consistent with applicable standards of practice. The Office of Civil Legal Aid will ensure the highest level of accountability to taxpayers and beneficiaries for services delivered with public funds entrusted to the agency.

STATUTORY AUTHORITY

RCW 2.53.030 outlines the substantive areas and related guidelines for operation of the basic state-funded civil legal aid program. Pursuant to RCW 2.53.020(3), the OCLA Director is to:

- (a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW [2.53.030](#);
- (b) Monitor and oversee the use of state funding to ensure compliance with this chapter;
- (c) Report quarterly to the civil legal aid oversight committee established in RCW [2.53.010](#) and the supreme court's access to justice board on the use of state funds for legal aid; and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and
- (d) Submit a biennial budget request.

RCW 13.34.100(6) establishes the right to counsel at public expense for children who remain in a dependency proceeding six months following the termination of their parents' legal rights. RCW 13.34.100(6)(c)(i) and RCW 2.53.045 assign administration of the Children's Representation Program to OCLA.

GOALS

OCLA works to achieve results in service of the following eight goals:

1. Funding: Secure funding necessary to address the most important civil legal needs of low-income people as documented by the 2015 CLNS; secure sufficient funding to ensure ongoing, effective legal representation of legally free children.

⁹ The Office of Civil Legal Aid adopted an agency Strategic Plan in 2008. The plan is under review and will be revised to reflect expanded agency responsibilities and increased public investment.

2. Accountability: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements and is responsive to the most significant civil legal problems experienced by eligible low-income people within Washington State.
3. Equity: Ensure that eligible low-income people have equitable access to the type and quality of civil legal aid services they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based, or other characteristics.
4. State Support: Support efforts to establish and maintain statewide support infrastructure so that the state-funded civil legal aid system is best positioned to provide effective and economical client services over time.
5. Integration Within the Judicial Branch: Ensure that the effective and economical delivery of civil legal aid is institutionalized as an enduring responsibility and high priority of the Washington State judicial branch.
6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid and the state-funded civil legal aid system, consistent with best practices and relevant professional standards for civil legal aid delivery.
7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of eligible low-income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.
8. Effective, Standards-Based Representation of Legally Free Children: Develop and manage systems to monitor, oversee and effectively support the provision of legal representation of legally free children consistent with the directives set forth in RCW 13.34.100(2)(6) and the standards referenced in that statute.
9. Effective Legal Assistance to Victims of Crime: Implement the Statewide Civil Legal Aid to Crime Victims Plan in a manner that ensures timely, responsive legal services delivered in consultation and coordination with community-based providers of related professional services to victims of crime.

MAJOR STRATEGIES

To achieve its mission and goals the Office of Civil Legal Aid employs the following strategies:

- Establish concrete client service expectations with appropriate accountability benchmarks in its contract with the Northwest Justice Project.

- Coordinate closely with the Supreme Court's Access to Justice Board and other key institutions to ensure the effective, efficient, and coordinated delivery of civil legal aid services in authorized areas of representation, consistent with the requirements of RCW 2.53, the ATJ Board's 2018-2020 *State Plan for the Delivery of Civil Legal Aid*, Washington State's Civil Equal Justice Performance Standards and other recognized national standards for delivery of civil legal aid.
- Conduct reviews of state-funded legal aid programs to ensure compliance with statutory, contractual, fiscal and service delivery expectations, requirements and limitations.
- Provide effective staff support for the bipartisan Civil Legal Aid Oversight Committee.
- Ensure that sufficient resources are invested in critical statewide capacities needed to achieve effective, efficient and consistent client service delivery, including professional skills and substantive law training, interpreter services, leadership development initiatives, regional delivery planning and coordination, case management, GIS, and other technology-based systems, etc.
- Work to ensure that the unmet civil legal needs of low-income people are considered and, where appropriate, incorporated into judicial and executive branch initiatives.
- Monitor and report periodically on changes in the substance and frequency of civil legal problems experienced by low-income people in Washington State.
- Provide effective support and training for, and effective oversight of, attorneys appointed to represent legally free children, pursuant to RCW 13.34.100(2)(6).
- Develop and oversee an integrated system that delivers effective civil legal aid services in concert with other community-based professional service providers, to address problems that arise from criminal victimization and that will help victims of crime move beyond their victimization in ways that are consistent with their individual and family safety and well-being.

MEASURES

For the general civil legal aid program, OCLA conducts a biennial fiscal and regulatory review of NJP's operations, and conducts annual site visits to selected NJP regional field service offices. OCLA staff also participates in site visits of staff and volunteer legal aid providers that receive state-funded via subcontracts. These oversight activities are undertaken to ensure:

- Compliance with all statutory requirements set forth in RCW 2.53.030
- Effective and efficient delivery of state-funded civil legal aid services in authorized areas of legal representation that are responsive to the needs of eligible clients
- Effective coordination of the delivery of civil legal aid services with other relevant legal, social and human services in communities throughout Washington State
- Provision of services consistent with national and state-based professional standards and best practices.¹⁰

¹⁰ The State Auditor's Office conducted an audit of OCLA's contract management and oversight activities and found them to be appropriate to the task. [SAO Report No. 1016878](#), June 9, 2016. No exceptions were noted.

The Office of Civil Legal Aid uses the following tools in evaluating the efficiency and effectiveness of state-funded civil legal aid service delivery:

- The requirements of RCW 2.53.030
- The ATJ Board's *State Plan for the Delivery of Civil Legal Aid Services*
- Regional client service delivery plans
- The ATJ Board's *Standards for Civil Legal Aid in Washington State* (2009)
- The federal Legal Services Corporation's *Performance Criteria* (May 2007)
- The ABA's *Standards for the Delivery of Civil Legal Services to the Poor* (rev. August 2006)
- Relevant standards for accounting and fiscal administration

In the area of children's legal representation in dependency cases, the OCLA has:

- Developed, and requires state-funded children's attorneys use, a web-based Case Activity, Reporting and Oversight System (CAROS) to monitor the performance of state-funded attorneys representing legally free children.
- Engaged the Court Improvement Training Academy at the University of Washington School of Law to develop and deliver training designed to enhance the ability of state-funded attorneys to represent children consistent with the standards referenced in RCW 13.34.100(2)(6).
- Regularly provides other training, ongoing technical assistance and support, peer mentoring and other resources designed to ensure effective, standards-based legal representation.
- Conducts periodic performance reviews of contract attorneys.

EXTERNAL ENVIRONMENT

Between 2008 and 2015, Washington State experienced a deep economic contraction and a slow, unequal recovery. Poverty rates have stabilized, but continue well above historic norms. According to the 2017 ACS, 14.4% of people in Washington State lived at or below 125% of FPL and 25.6% lived at or below 200% of FPL in 2017. There are deep and widening differentials in poverty rates between white and non-white populations. In 2017, 27% of African Americans, 19.0% of people who identify as Hispanic/Latino, and 25.2% of people who identify as Native American lived below 100% of FPL. The poverty rate for people who identify as White was 9.7%.

Cuts in local and state services coupled with significant changes in public policies directly affecting the poor, disabled, and vulnerable have led to increased homelessness, a systematic lack of critical services for children, the mentally ill, and other vulnerable populations, and other signs of social decay.

After significant capacity reductions between 2009 and 2015, new resources were invested in the statewide legal aid system following publication of the 2015 CLNS. An additional 23 VOCA-funded attorneys were added in 2017, 20 Civil Justice Reinvestment Plan FTE's were funded in the current bi-ennium by the Legislature,

along with increased investment in volunteer legal aid service capacity. Today the combined state-supported client service capacity is 143 full-service legal aid attorneys.

TRENDS

Even though the worst of the economic crisis is behind us and much of the state's economy is as robust as ever, many were left behind; and many of these are forced to face complex problems that arise from, or are associated with, poverty, economic insecurity, housing insecurity, discrimination/disparate treatment, and the lack of an effective social safety net. For these people one problem often leads to a cascade of many. For example, a hospital bill becomes a debt collection problem that, once collateralized, becomes a mortgage foreclosure. Family social and economic stress is increased as life-long wage earners find themselves without jobs or the ability to secure new employment, as bills and legal obligations pile up. These dynamics were compounded by the loss of extended unemployment insurance benefits for the long-term unemployed. The loss of health, child care and other support services creates additional stresses on family incomes, causing them to make choices between paying rent, utilities, child care, credit card debt, or other essential services. The epidemic of domestic violence continues to fester in every part of the state.

STRATEGIES

To address the crisis documented in the 2015 CLNS, the bipartisan Civil Legal Aid Oversight Committee worked with OCLA to develop the 2016 Civil Justice Reinvestment Plan. The 2016 CRJP has been embraced by the Legislature, with initial down payments made toward achieving minimum access capacity, expanding volunteer involvement in civil legal aid, and developing new systems to help unrepresented family law litigants successfully navigate the court system.

In addition, OCLA sought and successfully secured federal funding to develop and deploy a statewide legal assistance program for victims of crime. Initiated in the winter of 2016-17, the program provides a range of civil legal aid services to victims of crime throughout the state. The initial report on the crime victims program is available on OCLA's [website](#).

FINANCIAL PLAN

Over the course of the FY 2019-21 and FY 2021-23 biennia, OCLA will continue to seek graduated increases in funding for the basic civil legal aid program. These increases will be designed to ensure prudent and manageable expansion of the program consistent with the goals of the Civil Justice Reinvestment Plan, and maintain client service capacity in light of known and measurable cost increases incurred by OCLA's civil legal aid service providers. The goal is to achieve minimum access client service capacity by the end of FY 2023 and move the state's investment over to a maintenance level focus rather than the current expansion focus.

While caseloads continue to grow, OCLA expects to operate the Children's Representation Program within the FY 2017-19 appropriation level.

STAFFING (4.0 FTE)

The Office of Civil Legal Aid is staffed by the agency Director, a Children's Representation Program Manager, a Civil Legal Aid to Crime Victims Program Manager, and a full-time Senior Administrative Assistant. To maximize operational efficiency and minimize administrative expenses, OCLA contracts with the Administrative Office of the Courts for essential fiscal, budget and related support.

Recommendation Summary

Agency: 057 Office of Civil Legal Aid

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	3.0	33,434	1,887	35,321
2017-19 Current Biennium Total	3.0	33,434	1,887	35,321
CL 92K DES Central Services	0.0	(1)	0	(1)
CL AB Vendor Rate Adjustment - COLA	0.0	94	0	94
CL ACLV Lease Adjustments	0.0	1	0	1
CL AD Civil Justice Reinvestment	(0.5)	1,525	0	1,525
CL AE Civil Justice Reinvestment Plan	0.0	1,014	0	1,014
CL AF Automated Family Law Documents	0.0	75	0	75
CL FCA 2ESSB 5890 Foster Care/Adoption	0.0	(1,371)	0	(1,371)
CL GL9 Non-Rep General Wage Increase	0.0	15	0	15
CL JAM1 Int'l Families Justice Coalition	0.0	(125)	0	(125)
CL JSTA Judicial Stabilization Trust Acct	0.0	(1)	1	0
Total Carry Forward Level	2.5	34,660	1,888	36,548
Percent Change from Current Biennium	(16.7)%	3.7%	.1%	3.5%
	0.0	0	0	0
Total Maintenance Level	2.5	34,660	1,888	36,548
Percent Change from Current Biennium	(16.7)%	3.7%	.1%	3.5%
Policy – Other Changes				
PL C1 Children's Rep Study Completion	0.0	38	0	38
PL C2 Civil Justice Reinvestment-Phase 2	0.0	7,737	0	7,737
PL C3 Vendor Rate Adjustment - Pro Bono	0.0	600	0	600
PL C4 Vendor Rate Adj - Maintain Current	0.0	3,078	0	3,078
PL C6 Childrens Representation Study Ext	0.0	467	0	467
Policy – Other Total	0.0	11,920	0	11,920
Subtotal - Policy Level Changes	0.0	11,920	0	11,920
2019-21 Total Proposed Budget	2.5	46,580	1,888	48,468
Percent Change from Current Biennium	(16.7)%	39.3%	.1%	37.2%

Recommendation Summary**Agency: 057 Office of Civil Legal Aid****Version: 20192021 19-21 Biennial Budget***Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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CL 92K DES Central Services

CFL Adjustment for DES Services

PL C1 Children's Rep Study Completion

Reauthorization of unexpended funds from FY 2019 is requested to complete the study on the effectiveness of early appointment of attorneys for children in dependency cases, the report from which is due December 2019.

PL C2 Civil Justice Reinvestment-Phase 2

Funding is requested to underwrite Phase 2 of the Civil Justice Reinvestment Plan. Requested funding will allow for the graduated addition of 40 FTE legal aid attorneys statewide. This will improve equity of access to civil legal aid for low-income people in Washington and represent a significant step toward achieving the "minimum access" goals of the legislatively approved Civil Justice Reinvestment Plan.

PL C3 Vendor Rate Adjustment - Pro Bono

Funding is requested to address significant compensation equity problems experienced by subcontracted volunteer (pro bono) civil legal aid programs throughout Washington State. These problems contribute to difficulty in recruiting and retaining staff and high rates of staff turnover which, in turn, disrupts consistency of volunteer attorney involvement in the delivery of civil legal aid services.

PL C4 Vendor Rate Adj - Maintain Current

Funding is requested to address known and measureable increases in personnel expenses resulting from execution of a Collective Bargaining Agreement between Northwest Justice Project and its staff union. The vendor rate adjustment is needed to protect existing legislatively authorized levels of client service capacity including the twenty (20) FTE's funded by the Legislature in the FY 2017-19 biennium to begin implementation of the Civil Justice Reinvestment Plan.

PL C6 Childrens Representation Study Ext

OCLA requests reauthorization and reappropriation of unspent FY 2018 funds appropriated for the children's legal representation study funded in section 28 of 2ESSB 5890 (Ch. 20, Laws of 2017, 3rd Special Session) to carry said study forward through FY 2020 and to extend the period of time for filing the study report from December 2019 to December 2020.

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Civil Justice Reinvestment – Phase 2

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to underwrite Phase 2 of the Civil Justice Reinvestment Plan. Requested funding will allow for the graduated addition of 40 FTE legal aid attorneys statewide. This will improve equity of access to civil legal aid for low-income people in Washington and represent a significant step toward achieving the “minimum access” goals of the legislatively approved Civil Justice Reinvestment Plan.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000
Total Cost	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000
Total	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000

Package Description:

OCLA requests funding to implement Phase 2 of the Civil Justice Reinvestment Plan endorsed by the Legislature in the FY 2018-19 operating (ESSB 5883, sec. 116(2)) and supplemental (ESSB 6032, sec. 115(2)). Funding requested will allow the addition of 40 FTE attorneys over the course of the FY 2019-21 biennium. The first twenty will be hired effective October 1, 2019, with ten more hired effective July 1, 2020 and the final ten hired effective January 1, 2021. As with the Phase 1 increase of 20 FTE’s, these attorneys will be deployed throughout Washington State to ensure equity of access to legal aid services for low-income residents as required by RCW 2.53.030(4).

Coupled with the twenty FTE’s authorized by the Legislature as part of the Phase 1 investment, hiring of these forty FTE’s will result in closing the 90 FTE minimum access client service capacity gap documented in the 2016 Civil Justice Reinvestment Plan by two-thirds.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.

The 2016 Civil Justice Reinvestment Plan endorsed by the bipartisan Civil Legal Aid Oversight Committee and the Supreme Court’s Access to Justice Board established a “minimum access to civil legal aid” (“minimum access”) standard of 1 FTE attorney (or pro bono service equivalent) for every 5,000 individuals living at or below 125% of the federal poverty level. At the time of its adoption in September 2016, publicly funded legal aid capacity fell 90 FTE short of the minimum access level.

In its FY 2017-19 budget submission, OCLA requested funding for an additional 55 FTE attorneys with the stated objective of closing the minimum access gap over two biennia. The Legislature provided funding to “implement the civil legal aid [*sic*] reinvestment plan” in both the biennial and supplemental operating budgets, funding an additional 20 FTE attorneys to be hired during the FY 2017-19 biennium. This leaves a gap of 70 FTE’s between current authorized staffing levels and “minimum access.”

This decision package outlines a funding request for an additional 40 FTE attorneys to be phased in over the course of the biennium. If funded, the remaining “minimum access” client service capacity gap will be reduced to 30 FTE’s by the end of the biennium.

FTE’s are calculated at the Northwest Justice Project’s FY 2019-21 average fully loaded cost of \$151,700 per mid-level experienced attorney FTE (see attached). This fully loaded figure includes all direct, indirect and overhead costs.

Allocation and deployment of these additional FTE’s will be informed by a OCLA’s comprehensive [Client Demographics/Client Service Capacity Matrix](#) and extended consultation with civil legal aid system leaders, to ensure that equity of access to state-funded legal aid client services is available to all regardless of where they live, barriers they experience in accessing services, the availability of alternative legal resources, and the substance of their presenting civil legal problems.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Expenses associated with this decision package are driven by the fully loaded per FTE cost for mid-level experience attorneys (\$151,700) and the timing of hiring over the course of the biennium as outlined in the table below.

Four Year Projection Phase 2 Civil Justice Reinvestment

Date of Hiring	Number	Average Fully Loaded Cost/FTE	FY 2020	FY 2021	FY 2019-21 Total	FY 2022	FY 2023	FY 2021-23
1-Oct-19	20	\$151,700	\$2,275,500	\$3,034,000	\$5,309,500	\$3,034,000	\$3,034,000	\$6,068,000

1-Jul-20	10	\$151,700	\$0	\$1,517,000	\$1,517,000	\$1,517,000	\$1,517,000	\$3,034,000
1-Jan-21	10	\$151,700	\$0	\$910,200	\$910,200	\$1,517,000	\$1,517,000	\$3,034,000
Totals			\$2,275,500	\$5,461,200	\$7,736,700	\$6,068,000	\$6,068,000	\$12,136,000

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Access to timely, competent and effective civil legal assistance is essential to the ability of litigants to effectively assert and defend important legal rights within the justice system. Such access is also essential for the courts to deliver on their constitutional duty to administer justice in all cases openly and without unnecessary delay. Wash. Const. art. 1, sec. 10. Civil legal aid provides meaningful assistance to low income people who lack any other means of participating in legal proceedings in which they are involved. In so doing, it is the vehicle through which the justice system offers both fairness and the appearance of fairness.

Accessibility.

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 CLNS, experience a much higher rate of civil legal problems. The availability of civil legal aid services helps ensure that these people are able to assert their rights to reasonable accommodation and otherwise overcome access barriers that limit their ability to meaningfully participate in legal proceedings in which they are parties. The same is true for individuals who are limited English proficient (LEP) and who are also disproportionately poor. Legal aid helps them assert their language access rights and to effectively participate in civil legal proceedings in which they are involved. Recent amendments to RCW 2.53.030 expressly expand authority for state funded legal aid providers to address issues relating to disability rights.

Access to Necessary Representation.

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. The 2015 CLNS documents that only 24% of low-income people who experience one or more civil legal problems get any help at all. Many of the problems experienced by low-income people must be or are addressed through the courts and adjudicative administrative proceedings. In cases where the stakes are important, the issues complex and the other side is represented, an unrepresented individual is at a distinct disadvantage. Within available resource limits, civil legal aid -- whether offered through a staffed legal aid program or a pro bono attorney -- levels the playing field and ensures that evidence and arguments of those with important interests at stake will be heard and considered on their merits.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

Civil legal aid - whether provided by a staffed legal aid attorney or a cooperating volunteer attorney -- solves problems that if left unaddressed often result in greater demand for state services or the expenditure of other scarce governmental resources. Increased investment in civil legal aid is expected to help reduce caseload costs for other state funded programs and may also help leverage more federal dollars into the state. Studies in New York State, Illinois, Maryland, Alabama, Massachusetts and other states document that investment in civil legal aid returns substantial benefit to states and local communities well in excess of the cost of providing such services and substantially reduces public expenses that would otherwise be incurred in the absence of timely and effective legal aid.

For example, legal assistance to secure protection from a domestically violent relationship can reduce demand on law enforcement and court services; legal assistance that protects a displaced worker's claim for unemployment insurance protects that worker's family security, housing and income stability while the worker seeks new employment; legal assistance that preserves a family's housing reduces demands on local and state homeless assistance; legal assistance that helps a returning veteran secure access to essential mental health services through the Veteran's Administration reduces demand on state services; legal assistance that secures appropriate special educational services for a failing student could help avoid that student's potential involvement in the juvenile justice system; legal help that results in securing a low income individual's eligibility for federal income and medical assistance programs brings new dollars into the state, results in less demand for scarce state-funded services and, in the case of those who were homeless at the time, saves local government on average \$50,000 per person per year (King County est.) in shelter, transportation and other costs.

What is the impact to the Capital Budget?

N/A.

Is change required to existing statutes, Court rules or contracts?

No.

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

The crisis documented in the 2015 Civil Legal Needs Study requires a substantial infusion of additional funding to achieve minimum access and sustainability. There is general agreement that, as a core function of government, principal support for civil legal aid should come from general state revenues.

That said, OCLA has been aggressive in identifying other sources of funding to help close the capacity gap documented in the 2016 Reinvestment Plan. One successful initiative involved the allocation of \$4.8 million per year in federal Victims of Crime Act (VOCA) funds to address the civil legal problems that crime victims experience incidental to their criminal victimization. Funding is allocated to OCLA through an interagency agreement with the Department of Commerce's Office of Crime Victims Advocacy. VOCA funds have resulted in the addition of 25 FTE attorneys engaged in legal assistance to victims of crime in areas authorized under RCW 2.53.030. These 25 FTE's are included in the calculation of the current "minimum access" client service capacity gap.

What are the consequences of not funding this request?

If the justice system is to be open and available to all who need it, and fairness to be achieved for those involved in it, there is no meaningful alternative to an increase in state investment in civil legal aid. Failure to expand on the Legislature's commitment to implementing the Civil Justice Reinvestment Plan will allow the problem to grow beyond our capacity to prudently address it; and will result in ever large numbers of low-income people being effectively written out of the civil justice system. For these people, the laws enacted by the Legislature will bear no meaning and carry no force. Failure to continue this effort virtually assures that the picture presented in the next Civil Legal Needs Study Update a decade from now will remain as dire as that presented in the 2015 CLNS.

How has or can the agency address the issue or need in its current appropriation level?

It is not possible to address the capacity gap within the current appropriation level.

Other supporting materials:

Fully loaded FTE calculation attached.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Vendor Rate Adjustment – Maintain Current Client Service Capacity

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to address known and measureable increases in personnel expenses resulting from execution of a Collective Bargaining Agreement between Northwest Justice Project and its staff union. The vendor rate adjustment is needed to protect existing legislatively authorized levels of client service capacity including the twenty (20) FTE’s funded by the Legislature in the FY 2017-19 biennium to begin implementation of the Civil Justice Reinvestment Plan.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200
Total Cost	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200
Total	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200

Package Description:

The principal statewide provider of state-funded civil legal aid services, Northwest Justice Project (NJP), will experience significant increases in personnel expenses in FY 2020-21 due to implementation of its first collective bargaining agreement (CBA). The anticipated three-year CBA will legally obligate NJP to:

1. Implement an across-the-board compensation increase that is projected to add an average of \$2,500 per FTE to the annual salary scales.
2. Require NJP to provide annual cost-of-living adjustments of about 2.5% per employee per year.
3. Provide annual experience-based step increases in salaries for all employees in the bargaining unit.

4. Require NJP to continue underwriting medical and dental insurance for employees and share costs for the same for dependents of employees.

In August 2016, an independent consulting firm, Compensation Connections, completed and submitted a salary compensation analysis for NJP attorney staff. The report (attached to this decision package) found that:

“Staff attorneys at Northwest Justice Project are the lowest paid in Washington State. Comparing actual pay for the Northwest Justice Project Attorneys to the market data midpoint, we found that Staff Attorneys at Northwest Justice Project are currently being paid an average of 44% less than attorneys in all other organizations, at all experience levels. The compensation disparity between Staff Attorneys at Northwest Justice Project and those working in public agencies is also apparent.”
Compensation Connections, Executive Summary (August 18, 2016) at 7.

Compounding the compensation equity issue is the fact that NJP is an independent contractor of state funded legal aid services. Because it is not a state agency, NJP staff are not eligible to participate in PERS. While NJP encourages and provides a small annual contribution to staff 403(b) retirement accounts, staff retirement investment is principally funded through the diversion of pre-tax dollars from salaries that are well-below comparability.

In its 2017-19 operating budget, the Legislature appropriated funds to underwrite the state's share of 2%, 2%, and 2% COLA's. It also provided funding to underwrite the state's share of step-increases on NJP's Board-approved salary scales. These increases allowed NJP staff to keep pace with existing compensation levels, but made no progress toward closing the compensation equity gap documented in the August 2016 report.

NJP staff unionized in 2017 in large part due to continuing concerns about the compensation equity gap. A three-year collective bargaining agreement (CBA) is expected to be executed by November 1, 2018 with the economic provisions of the contract effective January 1, 2019.

Because bargaining is ongoing and an agreement has not been concluded, the final figures are not yet available. However, the scope of the changes to NJP's compensation and benefit structure under discussion provide the basis for a reasonably reliable and realistic projection of the anticipated state share of personnel cost increases and corresponding revenue shortfalls that will need to be addressed in the FY 2019-21 biennium if current levels of client services are to be maintained. Specifically, these will include:

1. An initial upward scale adjustment the state's aggregate share of which will be about \$337,150.
2. Annual COLA increases in the range of 2% to 3% annually. This decision package assumes an average 2.5% per year COLA adjustment effective January 1, 2019, 2020, and 2021.
3. A right for all bargained employees to receive a step-increase for each year of experience.
4. Underwriting of health care and related benefits for all bargaining unit members and shared cost of dependent coverage, including responsibility for paying annual premium increases.

The state's total share (70%) of anticipated increased personnel costs associated with the CBA will be \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021. A spreadsheet outlining the expenditure increases is attached to this decision package. Final numbers will be provided immediately upon execution of the CBA.

Effective January 1, 2019, NJP will be legally required to meet its obligations under the CBA. Failure to secure funding to underwrite the incremental personnel costs resulting from the CBA will result in a need to immediately reduce NJP's client service capacity. At an anticipated average fully loaded cost¹ of \$151,700 per mid-level (7 year) FTE attorney, failure to fund this request may result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE's that the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.

This decision package is designed to protect current client service capacity, including the majority of the capacity increases resulting from the Legislature's Phase I Civil Justice Reinvestment Plan (CRJP) appropriation. It protects at least 13 of the 20 CJRP attorney positions funded in the FY 2017-19 biennial and supplemental budgets from being lost in the FY 2019 – 21 biennium due to increased personnel expenses resulting from the CBA. Funding of this decision package will not result in expanded services.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Please see the attached spreadsheet that sets out the projected cost analysis underlying this request.

¹ "Fully loaded" costs for an attorney FTE include salary, fringe, and an allocation of program expenses, staff support, and administrative overhead (@10%). A breakdown of these costs is attached to this decision package.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?

Accessibility.

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 Civil Legal Needs Study (CLNS), disproportionately experience civil legal problems. Protecting existing levels of client service capacity from further erosion ensures continuity of client services for these people.

Access to Necessary Representation.

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. The 2015 CLNS Update documented that only 24% of low-income people who experience one or more civil legal problems get any help at all. OCLA will continue to seek funding to address the crisis documented in the 2015 study consistent with the Civil Justice Reinvestment Plan approved by the Legislature in the FY 2017-19 biennial and supplemental operating budgets. At the same time, it must protect existing (including expanded) client service capacity from immediate erosion.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

This vendor rate adjustment is designed to protect the gains realized by the Legislature when it endorsed and funded the Civil Justice Reinvestment Plan in the FY 2017-19 biennial and supplemental operating budgets. Erosion of client service capacity will inevitably have negative impacts on other state programs in situations where clients who might otherwise have gotten the help they needed to protect themselves from eviction or homelessness, secure federal disability benefits or other critical services were unable to do so.

What is the impact to the Capital Budget?

N/A.

Is change required to existing statutes, Court rules or contracts?

No.

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

NJP is the largest non-profit law firm in Washington State. It is the "qualified legal aid program" with which OCLA contracts pursuant to RCW 2.53.030(2). State appropriated

funds support nearly 122 FTE attorneys (and related overhead) who provide services in every corner of the state.

Upon certification by the National Labor Relations Board, NJP was legally obligated to negotiate with the staff union to address, among other things, compensation issues. NJP will be legally bound to comply with the terms of the final CBA.

While a large non-profit organization, Northwest Justice Project is subject to federal restrictions that limit its ability to maintain sufficient reserves to address increased costs of operation over time. See 45 C.F.R. Part 1628. This is compounded by the cost-reimbursable nature of its state contract, which requires full exhaustion of contract funding each biennium without any carryforward.

NJP has no source of funding to which to turn to mitigate the fiscal impact of the anticipated CBA. In light of these circumstances, OCLA has no alternative but to seek a vendor rate adjustment for NJP.

What are the consequences of not funding this request?

Failure to fund will require NJP to reduce operating expenses by \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021, for a total of \$3,078,000 for the FY 2019-21 biennium. At an average fully loaded cost of \$151,700 per mid-level (7 year) FTE attorney, this would result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE's that the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

How has or can the agency address the issue or need in its current appropriation level?

There are no alternatives than seeking a vendor rate adjustment to protect against attrition in NJP's client service staffing due to increased personnel costs resulting from the CBA.

Other supporting materials:

See attached worksheet

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Vendor Rate Adjustment – Pro Bono

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to address significant compensation equity problems experienced by subcontracted volunteer (pro bono) civil legal aid programs throughout Washington State. These problems contribute to difficulty in recruiting and retaining staff and high rates of staff turnover which, in turn, disrupts consistency of volunteer attorney involvement in the delivery of civil legal aid services.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$300,000	\$300,000	\$300,000	\$300,000
Total Cost	\$300,000	\$300,000	\$300,000	\$300,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$300,000	\$300,000	\$300,000	\$300,000
Total	\$300,000	\$300,000	\$300,000	\$300,000

Package Description

Funding is requested to underwrite a portion of costs to close a significant compensation equity gap between the Northwest Justice Project (NJP) and staff employed by the seventeen (17) independent volunteer attorney programs that, through an OCLA-approved subcontract with NJP, are funded to recruit, train, support and refer eligible clients for legal assistance from volunteer attorneys.

Volunteer attorney programs (VLP's) have long been critical private sector partners in the effort to meet the civil justice needs of low income people. In nearly every corner of the state staff in these programs work with local volunteer attorneys to provide legal aid services to clients in community based clinics and through the direct assignment of clients for representation by these volunteer attorneys. In 2017, the seventeen volunteer attorney programs engaged over two thousand volunteer attorneys who provided 69,000 hours of assistance to clients with problems in state-authorized areas

of law. At an average value of \$250/hr., these programs leveraged more than \$17 million in civil legal aid services.

Expanding the volunteer role in civil legal aid delivery is a core component of the Civil Justice Reinvestment Plan. In the FY 2017-19 operating budget, the Legislature embraced this objective and appropriated \$875,000 to stimulate expanded pro bono involvement in the delivery of civil legal aid. Following a competitive process, Pro Bono Enhancement Grants were issued to 11 VLP's in an effort to expand pro bono efforts.

The 17 VLP's range in size from one professional staff person (Yakima County Volunteer Attorney Services) to sixteen (King County Bar Association). A list of the programs by location is attached. Some have in-house attorney staff while others do not. Professional and paraprofessional staff in these programs manage every aspect of the organization, from basic non-profit and employer related functions through and including interviewing and referring eligible clients for legal assistance in state-eligible matters from trained volunteer attorneys.

For nearly 20 years, a portion of state-appropriated funds has been subcontracted to the Legal Foundation of Washington to help underwrite a substantial portion of VLP operations. In the aggregate, state funding represents about 50% of total VLP operations.

In recent years these programs have experienced substantial turnover in their professional and paraprofessional staff as well as difficulties in hiring replacement staff. According to a recent analysis, the VLP's experienced a 39% staff turnover rate in the previous two years. Much of this turnover is attributed to compensation that falls far short in both salary and benefits of that paid to employees at the state-funded NJP and other similarly situated non-profit organizations.

During 2018, OCLA worked with the statewide Pro Bono Council and the Legal Foundation to assess the magnitude of the compensation equity gap. Seattle-based Compensation Connections, a Seattle-based employer compensation consulting firm, was retained to assess the scope of the comparability problem and make recommendations regarding how to address it. Initial reports documenting the salary and benefits comparability between the VLP's and regional market comparisons were received on April 3, 2018. Following further consultations, additional research was conducted and supplemental report produced documenting the salary equity gap between VLP staff and functionally similar staff positions at the Northwest Justice Project.

The assessment (attached) concluded that 54% of VLP staff (45 of 83) are paid below the anticipated 2019 NJP pay scale for their position. Closing the total annual salary gap would require an additional \$648,963.

Also troubling is the substantial disparity when it comes to benefits. Nearly 30% of the programs (N=5) offer no healthcare benefits. Three programs provide a stipend for

each employee to purchase health care. Seven programs offer employer-sponsored health care benefits to full-time employees only, while only two (2) programs offer health care benefits to all employees.

This request seeks \$600,000 in FY 2019-21 to underwrite a portion of the cost of taking a first step toward compensation comparability for VLP staff. Additional contributions toward VLP compensation will be provided by the Legal Foundation of Washington and public and private funding sources available to the volunteer attorney programs.

OCLA continues to work with the Compensation Connections, the Legal Foundation of Washington and the Pro Bono Council to develop program-specific investment strategies for these funds.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.

These are sub-contracted services. The purpose of the vendor rate adjustment is to move toward equity of compensation within state-funded legal aid system and protect against staff turnover, which has been a recurrent experience in recent years.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

The funding will be pooled with other resources to take initial steps toward compensation equity within the state-funded civil legal aid system. OCLA and the Legal Foundation of Washington will coordinate investment to allow programs to move toward compensation equity relative to one another as well as to the state-funded Northwest Justice Project.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?

Accessibility.

Volunteer attorneys often provide legal assistance and representation to persons who, because of disabilities, language access or other barriers, would be unable to meaningfully participate in legal proceedings. Language access services provided with support in part from state-appropriated funds ensure that LEP clients are effectively served and represented.

Access to Necessary Representation.

Volunteer (pro bono) legal aid services play a critical role in ensuring that unrepresented low-income individuals have the ability to meaningfully participate in legal proceedings in which they are involved. Pro bono attorneys augment the capacity of the core professional civil legal aid system, and expand the pool of attorney resources available to assist clients in matters ranging from family law and domestic violence to debt collection, bankruptcy, housing, guardianship, wills and estate protection.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

N/A.

What is the impact to the Capital Budget?

N/A.

Is change required to existing statutes, Court rules or contracts?

No.

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

As co-funders of the VLP's, OCLA and the Legal Foundation of Washington have been concerned for years about the increase in staff turnover experienced by these programs. While this decision package requests a portion of the funding needed to take initial steps toward compensation equity, additional funding will be required from LFW and other public and private organizations that support these volunteer attorney programs.

What are the consequences of not funding this request?

Volunteer engagement is a "high touch" relations-based endeavor. Staff continuity is critical to developing and maintaining relations with and trust and confidence of volunteer attorneys. High rates of staff turnover create substantial disruption in these relationships which dampens the level and consistency of volunteer attorney involvement in the delivery of civil legal aid services. Failure to fund this request will result in continued high rates of staff turnover due to the lack of compensation equity and resulting disruptions in client service capacity.

How has or can the agency address the issue or need in its current appropriation level?

There is no funding within the current appropriation to address the compensation equity issues identified in the reports from Compensation Connections.

Other supporting materials:

April 5, 2018 Report from Compensation Connections to the Pro Bono Council
August 28, 2018 Report from Compensation Connections to OCLA
List of Volunteer Attorney Programs

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: 2ESSB 5890 Children’s Representation Study Extension

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

OCLA requests reauthorization and reappropriation of unspent FY 2018 funds appropriated for the children’s legal representation study funded in section 28 of 2ESSB 5890 (Ch. 20, Laws of 2017, 3rd Special Session) to carry said study forward through FY 2020 and to extend the period of time for filing the study report from December 2019 to December 2020.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$400,000	\$67,000	\$0	\$0
Total Cost	\$400,000	\$67,000	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
	\$400,000	\$67,000	\$0	\$0
Total	\$400,000	\$67,000	\$0	\$0

Package Description:

Section 28 of 2ESSB 5890 directed the Office of Civil Legal Aid (OCLA) to contract with the Administrative Office of the Courts’ Washington State Center for Court Research (AOC/WSCCR) to conduct a study on the impact of early appointment of attorneys to represent children in dependency cases. The study was to be conducted comparing two “treatment” counties (Grant and Lewis) with two “control” counties (Whatcom and Douglas).

The Legislature appropriated \$648,000 for FY 2018 and \$648,000 for FY 2019 to cover the costs of attorney contracts to represent children in Grant and Lewis Counties. The Legislature appropriated \$75,000 for OCLA to contract with AOC/WSCCR to conduct the study. The legislation authorized AOC/WSCCR to work with additional qualified research organizations to conduct the study. A report is due to the Legislature in December 2019.

The \$648,000 per year appropriation was derived from a review of dependency caseloads in the two treatment counties. In developing the fiscal note, OCLA did not consider the time necessary to ramp up to full caseloads in both counties and the corresponding lower expenditure rate in year one of the study.

A year in, there are 124 open cases in Grant County and 92 open cases in Lewis County. Because the caseloads are higher than projected, OCLA has added attorney capacity above that projected at the time of the fiscal note. Even so, because of the slow ramp-up period, OCLA underspent the FY 2018 appropriation by \$467,000. OCLA expects to manage FY 2019 contract obligations within the FY 2019 appropriation level.

After consultation with OCLA, AOC/WSCCR engaged Joseph Mienko, a senior researcher at the University of Washington School of Social Work, to conduct the study. In a filing with the University of Washington's Institutional Review Board, Mr. Mienko advises that the short study duration contemplated in 2 ESSB 5890 will not be sufficient to achieve necessary power numbers to ensure statistical reliability of the results. Mr. Mienko writes:

Using standard parameters for the probability of Type I and Type II errors (.05 and .20 respectively), Schoenfeld (1983) provides formulas for the calculation of required sample sizes in the context of event history modeling. Specifically, given the aforementioned effect size, we would require 374 observed permanency events in order to have confidence in our analysis from the standpoint of statistical power. By the time the December 2019 report is due to the legislature, however, we estimate that we will have only observed 233 permanency events and a target survey sample of approximately 102 children. *In other words, as designed by the legislature, the current study is under powered.*

Expected Exits in Pilot Sites, as Predicted with Additional Resources

If additional funds are appropriated for this project during the 2019 legislative session, it is likely that we will observe enough permanency events to achieve the statistical power of 374 events. Specifically, with another year of funding, we would expect that the pilot could continue assigning attorneys through January of 2020. Assuming a similar reporting timeline to the current proviso, we could reasonably expect to have observed 478 permanency events by December of 2020.

Mienko IRB Submission at 13-14 (October 2018) (Italics added for emphasis). (Attachment 1)

In this decision package, OCLA requests that the Legislature reauthorize and reappropriate the unspent FY 2018 funds and extend the period of the study through FY 2020, with the initial report due to the Legislature pushed from December 2019 to December 2020. Appointments will continue through the end of 2019. This will ensure that there is a sufficient number of cases in the two treatment counties that will have

achieved permanency to allow the researchers to generate statistically reliable results to guide future legislative policy consideration on whether and, if so, under what circumstances to require the appointment of attorneys for children in dependency cases. The proposal includes moving a small amount of the unspent FY 2018 funds into FY 2021 to ensure timely wind-down of the study for cases in progress.

In addition to the IRB submission, OCLA also includes a letter from AOC/WSCCR Manager Dr. Carl McCurley sharing his professional opinion on the benefits of extending the study period. (Attachment 2)

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.

This request seeks reauthorization and reappropriation of unspent FY 2018 funds to complete the legislatively directed study in ways that ensure statistical reliability of the results.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

The funding will be used to extend the study through FY 2020 and submission of the AOC/WSCCR report to the Legislature on December 31, 2020.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

N/A.

What is the impact to the Capital Budget?

N/A.

Is change required to existing statutes, Court rules or contracts?

Change is required to extend the period for the study authorized by 2ESSB 5890. Suggested budget proviso language will be provided to staff and members.

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

This is the best option for completing and delivering a study that provides statistically reliable information upon which the Legislature may rely in making future policy decisions regarding the right to attorneys for children in dependency cases.

What are the consequences of not funding this request?

The study will be completed without sufficient numbers to ensure statistical reliability of the results.

How has or can the agency address the issue or need in its current appropriation level?

N/A.

Other supporting materials:

See attached IRB Report and Letter from Dr. Carl McCurley.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Children’s Representation Study Completion

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Reauthorization of unexpended funds from FY 2019 is requested to complete the study on the effectiveness of early appointment of attorneys for children in dependency cases, the report from which is due December 2019.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$37,500	\$0	\$0	\$0
Total Cost	\$37,500	\$0	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$37,500	\$0	\$0	\$0
Total Cost	\$37,500	\$0	\$0	\$0

Package Description:

OCLA asks that \$37,500 in unexpended funds from FY 2019 be reauthorized to allow completion of the study funded by Sec. 28 of 2 ESSB 5890 (Ch. 20, Laws of 201), the report from which is due to the Legislature on December 31, 2019.

Section 28 of 2 ESSB 5890 funded a study on the effectiveness of early appointment of counsel in dependency cases. Section 28(2)(c) appropriated \$75,000 for the study and directed the Office of Civil Legal Aid to contract with the Washington State Center for Court Research at the Administrative Office of the Courts to perform the study. An initial report to the Legislature is due in December 2019 – which occurs outside of the current FY 2017-19 biennium -- in FY 2020.

OCLA contracted with WSCCR to do the study. OCLA will receive deliverables and incur about \$37,500 in expenditures prior to June 30, 2019. The remaining funds will be paid upon completion of the report for the Legislature in December 2019. This will

occur in FY 2020. OCLA will require expenditure authority to pay for the study in the next biennium.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Funding requested reflects funding previously appropriated but unspent because the final deliverable (the December 31, 2019 report to the Legislature) will occur outside the FY 2017-19 biennium.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

Is change required to existing statutes, Court rules or contracts?

No.

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

None, this is a technical request to allow the legislative study to be completed.

What are the consequences of not funding this request?

The study will not be completed and the report required by the Legislature will not be delivered.

How has or can the agency address the issue or need in its current appropriation level?

N/A.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

ATTACHMENT 2

Washington State Judicial Branch
2019 Supplemental Budget
Decision Package

Agency: Office of Civil Legal Aid (OCLA)
Decision Package Title: Children’s Representation Caseload Adjustment
Budget Period: 2019 Supplemental Budget
Budget Level: ML

Agency Recommendation Summary Text: Funding is requested to ensure OCLA has the ability to pay for mandatory representation of children in dependency cases as required by RCW 13.34.100(6), the costs of which have increased as caseloads have risen.

Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001	\$0	\$175,000	\$175,000	\$175,000
Total Cost	\$Click here to enter text.	\$175,000	\$175,000	\$175,000
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	\$Click here to enter text.	\$175,000	\$175,000	\$175,000

Package Description

RCW 13.34.100(6) requires judges to appoint attorneys to represent children in dependency cases six months following the termination of their parents’ legal rights (legally free children). Contracting responsibility was assigned to the Office of Civil Legal Aid per RCW 2.53.045.

In recent months increased caseloads of legally free children have driven expenses above historical norms. The Children’s Representation Program has historically operated at a budget of \$1.35 million per year, with \$1.15 million dedicated to attorney contracts.

Like the Office of Public Defense’s Parents Representation attorneys, OCLA-contracted children’s attorneys are on fixed fee contracts (either per case or percentage FTE). This ensures both efficiency and quality of representation. For attorneys contracted on a case-by-case basis, OCLA pays \$1,500 per case. Attorneys engaged on a full FTE basis are contracted to represent 80 children. Siblings of represented children are considered as one-half of a case for determining compliance with caseload standards. RCW 13.34.100(6)(c)(ii). The annual cost for a full caseload is \$120,000

per FTE. Contracts with attorneys at less than full time are pro-rated on the basis of the average number of cases they are carrying.

While contract attorney costs started increasing in FY 2018 (contract attorney expenses exceeded budget by \$36,500), OCLA was able to manage the increased expenses within the existing appropriation and budget. However, first quarter FY 2019 contract attorney expenses came in \$36,500 above budgeted levels. This is due to increases in the average number of cases being handled by OCLA children's representation attorneys. Assuming caseloads continue at existing levels, annualized, the increased costs are expected to be about \$175,000 above baseline.

OCLA's actual and weighted caseloads have steadily increased from 708 and 585 respectively in July 2016 to 1007 and 891 in June 2018. This trend is consistent with trends termination of parental rights (TPR) filings documented by The Washington State Center for Court Research at the Administrative Office of the Courts. See: Washington State Center for Court Research, *Dependent Children in Washington State: Case Timelines and Outcomes (2017 Annual Report)* at 3. The increased number of cases involving legally free children are an echo of such increased TPR filings.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

OCLA assumes that first quarter FY 2019 experience will continue through the end of the fiscal year. Increased costs are expected to be ongoing in ensuing biennia.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal Policy Objectives identified below?

Accessibility.

N/A

Access to Necessary Representation.

Under RCW 13.34.100(6) judicial officers are required to appoint attorneys to represent children in dependency cases six months following the termination of their parents' legal rights. This is a non-discretionary duty. Under RCW 2.53.045, OCLA has responsibility to contract and pay for representation required by RCW 13.34.100(6).

Commitment to Effective Court Management.

N/A

Appropriate Staffing and Support.

N/A

What is the impact on other state agencies?

None

What is the impact to the Capital Budget?

None

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

There are no alternatives. OCLA is under a mandatory duty to contract and pay for legal representation for this class of children in dependency cases. Caseload driven increases in costs cannot be underwritten within existing resources.

What are the consequences of not funding this request?

Non-compliance with both RCW 13.34.100(6) and RCW 2.53.045, and a corresponding suspension of the Children's Representation Program.

How has or can the agency address the issue or need in its current appropriation level?

There are no available resources.

Other supporting materials:

See attached caseload tracking spreadsheet

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

ATTACHMENT 3

SPOKANE REGIONAL OFFICE SITE VISIT PROTOCOL OCTOBER 16-17, 2018

The Office of Civil Legal Aid (OCLA) will conduct a site visit to the Northwest Justice Project's (NJP's) Spokane client service office on October 16, 2018. The site visit will focus on activities of NJP's Spokane and Northeast Washington legal aid staff, including the staff operating out of NJP's Colville office. Please make sure Colville-assigned staff members are available to participate either in person or by videoconference.

OCLA's team will consist of the OCLA Director, James Bamberger, OCLA Children's Representation Program Manager Jill Malat and OCLA Crime Victims Legal Aid Program Manager Dana Boales. OCLA's approach to these site visits is informed by its statutory oversight responsibility, general contractual requirements, the ATJ Board's 2018-2020 State Plan for Legal Aid Delivery, and relevant state and national standards relating to the effective delivery of high quality civil legal aid services.

The on-site meeting with NJP Spokane staff will commence at 9:00 a.m. and end no later than 1:00 p.m. on October 16th. As part of the engagement, Ms. Boales will meet separately with VOCA-funded advocates from 11:00 to 1:00. The OCLA team will meet with local community based stakeholders during the afternoon of October 16th and most of the day on October 17th.

The October 16th staff meeting will be structured as follows:

- Introductions, orientation and overview of the regional client service office, priorities, intake protocols, projects and client service engagement activities (including review of the office's community engagement plan).
- Discussion of regional office client service highlights and successes.
- Discussion of local and regional client community demographics and trends.
- Discussion of regional office staff work in relation to NJP's current Strategic Advocacy Focus
- Discussion of regional office staff work in relation to the five goal areas outlined in the ATJ Board's State Plan for the Delivery of Civil Legal Aid Services (2018-2020)

- Overviews of relevant legal and community based client service work.
- Discussion of the office's efforts to identify local and regional systems, structures and practices that negatively affect low-income people, including systems and practices that disproportionately affect low-income people of color and other minorities.
- Relationships and protocols with local, regional and statewide client service delivery partners.

Understanding that interim Senior Attorney Jefferson Coulter is not available during the afternoon of October 16th, the OCLA team reserves the prerogative to follow up directly with him to gain further information in any or all of the areas of site visit focus outlined above and below.

MATERIALS REQUESTED IN ADVANCE: To facilitate meaningful conversations within the allotted time frame, OCLA recommends that regional office staff members be provided copies of this protocol in advance of the site visits.

OCLA requests that NJP provide the following materials no later than October 5, 2018:

- The regional office's Community Engagement Plan
- 2017-18 regional planning meeting minutes or memoranda
- Other documents highlighting significant advocacy initiatives undertaken by the regional office
- A list of and contact information for key community-based organizational partners
- A list of judicial officers who have observed the work of NJP advocacy staff

OCLA will direct requests for additional documents identified prior to or during the course of the visit to NJP's Director of Advocacy before or subsequent to the visit.

Prior to, during and following the site visit, the OCLA team will meet (in-person, by phone and through electronic communication) with representatives of organizations and associations that have an interest in the quality, effectiveness and responsiveness of civil legal aid services provided by NJP staff to clients. These will generally include representatives from the local court and court administration staff (*e.g.*, judges, commissioners, and clerks), client service delivery partners (*e.g.*, pro bono program staff and advisory board members, specialty provider and law school clinical staff), community based organizations with which NJP staff work, and other organizations with which the NJP staff may work.

The OCLA team will conduct this visit in a manner that attempts to minimize unnecessary disruption of client service activities and fully respects Northwest Justice Project's ethical duties to protect client confidentiality and client-related attorney work product. In the event that questions or concerns arise with respect to any aspect of the site visits, the OCLA representatives will work with NJP's Director of Advocacy to resolve the question or concern.

It is understood that this is not a “compliance visit”. Nevertheless, should compliance issues be identified, OCLA will note these and communicate them to NJP’s Executive Director. OCLA reserves the right and responsibility to investigate any compliance issues that are identified.

Within 45 days following the site visit, OCLA will schedule a call with program leadership to share initial observations and clarify outstanding questions. NJP will designate the appropriate persons to participate in this follow up call. OCLA will then prepare a draft written report to program leadership outlining overall impressions, general and specific observations, and suggestions, if any, relative to the areas of inquiry focus. NJP leadership will have 30 days to comment on the draft. OCLA will then issue a final report to NJP within 30 days following receipt of NJP’s comments.

GOALS AND AREAS OF CONVERSATION FOCUS

The questions posed in the “relevant inquiry focus” following each objective are areas of interest which may be the subject of discussion with staff, community members and agency representatives during and following this visit. We may not have the time to explore all of these questions (and may deviate markedly from them depending on the trajectory of the conversation), but they serve as a guide that informs program staff about the areas of principal interest to the OCLA team. We encourage regional office team members to be thinking about these in advance so that we use our limited time as efficiently as possible.

Objective 1. Achieve a better understanding of the services NJP provides to low-income clients and communities through the regional client service offices, including (a) methods NJP uses to determine and respond to client needs, (b) strategies to identify and reach populations that experience access barriers, (c) how NJP provides equitable access to client services for clients and client communities residing in remote parts of the regional office service areas (including the Tri-County region), (d) methods for identifying and addressing systemic problems and (e) how NJP works to ensure relevant and effective client service and appropriate levels of coordination with regional delivery partners.

Relevant Inquiry Focus:

- (a) Methods to determine and respond to client needs:
 - How does the office assess individual client and client community needs?
 - Has the office adjusted its service delivery focus, resource commitments and strategies in light of recent demographic changes and the findings of the 2015 Civil Legal Needs Study Update? The 2018-2020 State Plan?
 - How does the office assess the responsiveness of its client work to client needs?

- (b) Strategies to reach particularly vulnerable populations:
 - How are regional staff members made aware of isolated and vulnerable populations in the service region? What communities has the office identified as either being underserved or experiencing barriers to accessing services from the office? From

where does the office get information on client socio-economic and demographic trends? How is this information used?

- What strategies does the office use to provide services to members of vulnerable populations in its service area (*i.e.*, those experiencing geographic isolation, racial and ethnic barriers, language barriers, cultural barriers, and needs for assistive technology for effective access to services)? How does the office assess the effectiveness of its outreach, access, and accommodation strategies?
- How does the office consider race equity issues in assessing client needs, engaging in outreach, identifying areas of strategic client service focus, setting client service priorities, and evaluating cases for acceptance?
- How does the office conduct client outreach and community education?

(c) Methods for identifying and addressing systemic problems (see also (a)):

- How does the office identify and pursue systemic advocacy objectives?
- Describe how the office participates in efforts undertaken within NJP's Strategic Advocacy Focus.
- Provide examples of systemic advocacy that has been conducted by the office over the past 24 months.
- How does the office assess the effectiveness of its systemic advocacy work?
- What are the greatest challenges or barriers (other than statutory restrictions on use of funds) to addressing systemic issues that the regional office has identified for the clients and communities it serves?

(d) Regional planning and coordination:

- What is the current status of regional planning efforts? What roles, if any, has the office played in this effort?
- How does the office coordinate client services with its regional delivery partners?
- To what degree, if any, has the office adjusted client service strategies and approaches in light of its involvement in regional planning and coordination activities?

Objective 2. Understand steps the regional office has taken to implement the ATJ Board's five goals set forth in the State Plan for Civil Legal Aid Delivery (2018-20)

Relevant Inquiry Focus:

- What efforts has the regional office taken to incorporate race equity considerations into its internal operations?
- What efforts has the regional office taken to incorporate race equity into its external community engagement and client service efforts?
- What efforts have regional office staff developed or undertaken to assess community based educational activities and develop changes in strategies to community legal education and client legal literacy?

- What efforts have regional office staff undertaken to ensure equity of access for communities of low-income people who do not speak English as a primary language at home?
- How do regional office staff inform members of low-income and minority communities of how to access civil legal aid services?
- How does the regional office integrate concepts of holistic advocacy (as the term is used in the State Plan) into its client service delivery mix?

Objective 3. Understand the scope, focus and priorities for VOCA-funded work, and VOCA-funded staff attorney relationships with regional first responding and supporting organizations.

Relevant Inquiry Focus:

- With what organizations and entities do VOCA-funded advocates work?
- How do VOCA-funded advocates identify and prioritize work on behalf of crime victims?
- How do VOCA-funded advocates target services to crime victims of color, sexual minorities, and others who experience barriers within the juvenile, criminal, and civil justice systems?
- How does VOCA-funded work differ from other priority work carried out by the regional office?

Objective 4. Obtain perspectives from external partners and other stakeholders (e.g., judges, delivery partners, community leaders, client community representatives) regarding NJP's role and effectiveness in meeting the high priority needs of clients in the region.

Relevant Inquiry Focus:

- Is NJP visible in the community?
- How has the NJP office worked to address important issues affecting the low-income community?
- Does program work seem tailored to addressing pressing community and client needs?
- Do NJP case handlers demonstrate preparation and competency in hearings and court proceedings? Do they take on difficult or complex cases and legal advocacy initiatives?
- Do external partners and stakeholders understand NJP's the substance and rationale underlying the regional office's client service priorities?
- Are external stakeholders confident that NJP staff will be responsive to requests for assistance?
- Do NJP staff demonstrate necessary skills to communicate effectively with prospective clients and community members?

ATTACHMENT 4



Washington State Institutional Review Board (WSIRB)

Application for WSIRB Review

WSIRB USE ONLY

1. Project Identification

1.1 Project Title **Dependent Child Legal Representation Evaluation**

1.2 Principal Investigator

NAME Joseph A. Mienko		HIGHEST DEGREE(S) EARNED PhD	
AGENCY OR ORGANIZATION NAME (AGENCY, UNIVERSITY, PROFESSIONAL ORGANIZATION, COMMERCIAL RESEARCH FIRM, ETC.) University of Washington School of Social Work			
COMPLETE MAILING ADDRESS UW Mailbox 359476			
CITY Seattle		STATE WA	ZIP CODE 98195
OFFICE PHONE NUMBER 253-514-3632	ALTERNATE PHONE NUMBER	EMAIL ADDRESS mienko@uw.edu	

- 1.3 **Research Abstract.** Provide a brief summary of the research **purpose and methods**. Please limit to **this page**. Attached a protocol, if one exists, for your study in Appendix L.

Based on a combination of administrative data and participant interviews of children involved in juvenile dependency courts, the current study examines the impact of the Dependent Child Legal Representation (DCLR) project. DCLR is a pilot program in select Washington Counties that provides automatic legal representation to all children subject to a dependency proceeding. A unique characteristic of this program is that all of the attorneys providing representation have been certified under Washington’s standards-based legal representation framework (SBLRF). Prior studies in Washington and throughout the country have shown beneficial effects of child legal representation on permanency timelines. Furthermore, programs similar to SBLRF have been shown to speed permanency exits relative to representation from untrained attorneys. The study is the first of its kind to examine the impact of SBLRF-certified attorneys relative to no representation. It is also the first study to examine the impact of representation on well-being. Findings from our analysis will be discussed in the context of court policy and practice.

- 1.4 **Anticipated Start Date: 12/1/2018** **Anticipated End Date: TBD**

1.5 **Training**

Principal investigators, co-investigators, and all research staff who will have contact with human subjects and/or access to identifiable personal records must complete training in human subject protections. A certificate of completion should be attached to each CV. HIPAA, Good Clinical Practice, or Responsible Conduct of Research training is *not* accepted in lieu of human subject protections training.

Name of most recent human subjects protection training:

Date completed: **August 30, 2018**

Social/Behavioral - Basic Course

As **Principal Investigator**, I acknowledge that I am responsible for the submission of this application. I have fully reviewed the application forms and instructions and believe this application is complete and accurate. I affirm that, if approved, this research will be conducted in compliance with WSIRB-approved procedures and requirements.

SIGNATURE	DATE
-----------	------

1.6 **Supervisor of Principal Investigator**

NAME Edwina S. Uehara	TITLE Dean	
AGENCY OR ORGANIZATION NAME (AGENCY, UNIVERSITY, PROFESSIONAL ORGANIZATION, COMMERCIAL RESEARCH FIRM, ETC.) University of Washington School of Social Work		
SIGNATURE	DATE	EMAIL ADDRESS sswdean@uw.edu

- 1.7 **Other Research Staff:** List all other research staff who will have contact with human subjects or access to identifiable personal records in Appendix A. Attach CVs or resumes for all research staff, including the PI and Co-PI, along with a certificate of completion of human subjects training and financial conflicts of interest training, as applicable, to Appendix A. CVs or resumes should not exceed five (5) pages per person.

1.8 **Student Research.** Applications submitted by students must also be approved by their academic advisor or chair of their committee.

NAME OF CHAIR OR ACADEMIC ADVISOR		HIGHEST DEGREE(S) EARNED
COLLEGE OR UNIVERSITY		
COMPLETE MAILING ADDRESS		
CITY	STATE	ZIP CODE
OFFICE PHONE NUMBER	ALTERNATE PHONE NUMBER	EMAIL ADDRESS
As Academic Advisor/Committee Chair to the Student Investigator, I will provide oversight for this research. I have read and approved the research design and methods.		
SIGNATURE OF ADVISOR/COMMITTEE CHAIR		DATE

1.9 **Concurrent Review**

Are you obligated to also use your organization's IRB for this project? Yes No

Has another IRB reviewed this study? Include a detailed explanation of the previous (review(s)) by other IRB(s) in Appendix L.

Has another IRB declined to review, tabled, deferred, disapproved, suspended, or terminated this study? If yes, please include a brief explanation:

No

Please include a detailed explanation of the previous review(s) by other IRB(s):

NA

1.10 **Person preparing this document** (if other than PI)

NAME	HIGHEST DEGREE(S) EARNED	EMAIL ADDRESS
ROLE IN PROJECT	PHONE NUMBER	

2. Funding

2.1 **Is this research funded by a grant, contract, cooperative agreement, or other award?**

No. Explain how costs of the proposed research will be supported:

Yes. Identify the agency or organization that received the award:

University of Washington School of Social Work

TYPE OF FUNDING SOURCE(S) <input type="checkbox"/> Federal – HHS <input type="checkbox"/> Federal – other <input checked="" type="checkbox"/> State, local government <input type="checkbox"/> Private foundation <input type="checkbox"/> Other (describe):	
FUNDING AGENCY(S) NAME Administrative Office of the Courts	CONTACT NAME Carl McCurley
COMPLETE MAILING ADDRESS 1112 Quince St SE	

CITY Olympia	STATE WA	ZIP CODE 98501
PHONE NUMBER 360-753-3365	EMAIL ADDRESS Carl.McCurley@courts.wa.gov	

If this project is funded by a federal agency, attach an electronic copy of the entire application or proposal (exclusive of appendices) with Appendix M.

2.2 **Research budget total: \$112,384 Start Date 2018-07-01 End Date 2019-12-31**

2.3 **List the major budget categories and dollar totals for each category.** If this is a multi-site study, include only the amount of the budget allocated to the study site described in this application.

UW/SSW Deliverable	Sub-Totals
Site Visits 1 & 2	1,792
Project Database Setup	5,600
Live Survey, Hosted by UW/SSW	5,600
Site Visit 3	896
Site Visit 4	896
Written Progress Report/Preliminary Results Presentation	11,200
Interim Manuscript	14,000
Draft Manuscript	8,400
Final Manuscript	14,000
Expenses (Not to Exceed)	
Travel	5,000
Survey Incentives for Youth & Guardians Wave 1 @ \$50 per Respondent/Guardian or Caretaker	15,000
Survey Incentives for Youth & Guardians Wave 2 @ \$50 per Respondent/Guardian or Caretaker	15,000
Survey Incentives for Youth & Guardians Wave 3 @ \$50 per Respondent/Guardian or Caretaker	15,000
TOTAL	112,384

3. Conflict of Interest

Conflicts of interest can include financial and non-financial interests. **All individuals involved in the research who have responsibilities in the design, conduct, or reporting of the research (including consultants and student research staff) must complete and submit a copy of Appendix N: Conflict of Interest Reporting.**

4. Requests for State Agency Records Information and/or Staff Resources

If the research requires record information or resource contributions from DSHS, DOH, DCYF, DOC, HCA, L&I, or OFM, **you must discuss your plans with the data manager or administrator responsible for the records or resources requested before preparing this application.** Complete and submit **Appendix G** and/or **Appendix H** to each data manager or administrator and obtain his/her signature(s) on the form to document their support for the research request. If identifiable records will be used or disclosed in electronic form, complete and submit **Appendix J** with your application.

4.1 **Does the research require use and/or disclosure of identifiable records or Protected Health Information (PHI) from DSHS, DCYF, DOC, DOH, HCA, L&I, or OFM?**

- No; if no, skip to item 4.3.
 Yes; complete **Appendix G: Requests for Use or Disclosure of Records.** However, if the research is funded or conducted by the agency from which records are requested, Appendix G is not necessary.

4.2 **Will the identifiable records from DSHS, DCYF, DOC, DOH, HCA, L&I, and/or OFM be accessed or disclosed in electronic form?**

- No
 Yes; complete **Appendix J: Electronic Data Security Plan only if any of the research will be conducted outside of the State agency secure network.**

4.3 **Does the research require other resources from DSHS, DCYF, DOC, DOH, HCA, L&I, or OFM (e.g., professional consultation, clerical services, facilities/equipment, and assistance in identifying /contacting subjects)?**

- No
 Yes; complete **Appendix H: Resource Requests.** However, if the research is funded or conducted by the agency from which records are requested, Appendix H is not necessary.

5. Study Description

Use lay language that can be understood by a person who is not familiar with your area of expertise. Do not refer to, or copy and paste from, a grant application or from the Research Abstract in Section 1.3 of this application.

5.1 **Purpose and Conceptual Rationale**

Describe the background and significance of this research.

For over half a century, juvenile *delinquency* courts in the United States (US) have recognized a child’s right to due process within the juvenile justice system. Beginning with *In re Gault* (1967), the US Supreme Court ruled that children within the juvenile justice system have many of the same rights as adults, including a right to counsel. Federal guidance related to children’s due process rights within *dependency* proceedings is somewhat less clear. Although federal statute requires that states develop procedures for the appointment of a Guardian ad Litem (GAL) in dependency cases, there is no requirement that the GAL be an attorney (in many jurisdictions, this requirement is frequently met with a volunteer non-attorney Court Appointed Special Advocate (CASA)). Furthermore, GALs are appointed to represent the *best interests* of the child as compared to delinquency cases where counsel typically represents the child’s *stated interest* ([42 U.S.C. §5106a\(b\)\(2\)\(A\)\(xiii\)](#)).

In response to continuing concerns over whether the legal voice of children should be more fully heard in dependency cases in Washington State and whether the appointment of attorneys to represent the stated and legal interest of children will markedly affect the trajectory of the lives of dependent children, the 2017 Washington State Legislature enacted [2nd Engrossed Substitute Bill 5890](#). Among other things, this law appropriated funds...

...to the office of civil legal aid [OCLA]...for the office to provide legal representation for foster children in two counties at the initial shelter care hearing in dependency proceedings...

In other words, the legislature required OCLA to pilot universal legal representation for dependent children in two counties. In addition to authorizing the pilot, the legislature also appropriated funds to support an evaluation of the pilot focused on the experiences of children in these two counties who are represented by trained attorneys representing their stated and legal interests, and those in two other counties who are not. The law requires that the pilot specifically focus on

...[t]he time to achieve permanency and permanency outcomes;...[e]ducational, social, or other relevant child welfare indicators as determined relevant by the center including, but not limited to, relevant child welfare indicators identified through consultation with foster children, youth, and other stakeholders involved in the research assessment. The assessment must also identify and project cost savings to the state, if any, as a result of providing legal representation for children at the shelter care hearing.

Thus, this project is part of a deliberate effort by the legislature to consider whether to expand the right of dependent children to legal representation by assessing and quantifying the impact that such an expansion might have across multiple domains.

Specify the questions this research will attempt to address.

Similar to the QIC-ChildRep intervention described by Orlebeke et al. (2016), the underlying hypothesis underlying the Dependent Child Legal Representation (DCLR) pilot is that dependent children who receive timely legal representation from trained and effective attorneys will obtain permanency sooner than those who do not and will experience more positive outcomes along a range of relevant indicators than those who do not. As described below, the QIC-ChildRep pilot has previously assessed the efficacy of the type of standards-based legal representation involved in the DCLR pilot relative to other forms of legal representation. Unlike the QIC-ChildRep study, this pilot is not focused on whether or not the type of legal representation provided in the pilot is preferable to another model of representation. Rather, the overarching research question under consideration in this study is whether or not the presence of DCLR is beneficial to dependent children, as compared to no legal representation whatsoever.

As outlined in Figures 1 below, the study will proceed by measuring two categories of dependent measures which exist in the theoretical model under consideration. These measures include process measures (*P*), and child outcomes (*O*). The logic of the DCLR pilot is that measures in both categories are impacted, directly or indirectly, by the assignment of a trained attorney (*T*). Thus, the two overarching research questions in this study are

- 1. What effect does the provision of trained, standards-based attorneys to dependent youth have on the timeline of the dependency processes?, and**
- 2. What effect does the provision of trained, standards-based attorneys to dependent youth have on child outcomes?**

The specific process measures identified for inclusion in this study are as follows:

- Trust in Attorney Process**
- Perceived Information Sharing Process**
- Perceived Voice in Court Hearings Process**

The specific outcome measures identified for inclusion in this study are as follows:

- Suspension/Expulsion Rate**
- Grade Point Average**

- **Truancy Rate**
- **Status Offense Rate**
- **Grade & Subject-Specific Proficiency Rate (3-11)**
- **Kindergarten Readiness Rate**
- **12 Month Permanency Rate**
- **24 Month Permanency Rate**
- **Continuity Rate**
- **Turnover Rate**
- **Student Flow**
- **Placement Move Rate**
- **Institutional Placement Rate**
- **Relative Placement Rate**
- **Hope Bed Placement Rate**
- **Runaway Rate**
- **Average Runaway Days**
- **Medical Home Rate**
- **Early-Intervention Service Rate**
- **Child Reported Parent Visit Rate**
- **Child Reported Sibling Visit Rate**
- **Child Reported Timing of First Visit**
- **Child Reported Visit Frequency**

Include a brief summary of the pertinent literature with full citations, if applicable.

There is a paucity of peer-reviewed literature examining the legal representation of dependent children, and until recently, the field lacked consensus regarding legal practice standards for child representation in dependency proceedings. In 2009, in an effort to establish such standards, Children’s Bureau (CB) established a National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep). Housed at the University of Michigan Law School, QIC-ChildRep formalized a best-practice model for stated-interest legal representation in dependency proceedings. This model was evaluated using randomized controlled trials in Washington State and Georgia. Results of the Washington evaluation suggest that, relative to children who were represented by lawyers with no specialized training, children receiving representation under the best-practice model had a higher rate of early exits from foster care. Additionally, best-practice attorneys were found to have more contact with foster parents and other substitute caregivers. Cases in which best-practice attorneys were assigned were also more likely to have utilized non-adversarial case resolution options, including family team decision-making meetings (FTDMs) (Orlebeke et al. 2016). The American Bar Association (ABA) has since adopted this model as the recommended standard in juvenile dependency proceedings (Lehrmann 2010).

While Orlebeke et al. (2016) demonstrated some benefits from the use of the best-practice attorneys as compared to untrained attorneys, the QIC-ChildRep evaluation did not answer a more basic question: does the presence of stated-interest attorneys benefit children compared to the

counterfactual condition of no attorney? While the literature is similarly silent on this question, Zinn and Peters (2015) recently published findings of the Foster Children’s Project (FCP) of the Legal Aid Society of Palm Beach County, Florida; a project in which children placed in foster care from July 2001 to December of 2004 were provided stated-interest counsel for the duration of their dependency cases. While this study predates the establishment of the QIC-ChildRep model (i.e. there was no specific practice model utilized by attorneys in the FCP pilot), the findings of the study suggest that children with stated-interest legal representation achieve permanency more quickly than children without representation.

As should be obvious based on the outcome measures listed above, the current study has a much broader outcome focus than previous studies. From a research perspective, a more expansive focus is valuable given the underdeveloped nature of this domain of child welfare research. Exploratory analyses which describe the relationship between DCLR and a wide range of outcomes will be helpful to future, more targeted research endeavors. The expansive list of process and outcome measures is also important for policy makers who have to contend with multiple constituents who care about more than the traditional child welfare metrics which tend to pervade child welfare literature (e.g. risk of referral, timing of permanency outcomes). Finally, traditional benefit-cost analysis (BCA) (a requirement of the statute appropriating funds for this project) requires the amortization of benefits and costs across a wide range of outcomes. While such calculations are often made by inferring the likelihood of outcomes based on population-based data or other sources, gathering this data from an actuarial perspective (i.e. using administrative data with actual outcomes), will allow us to conduct BCA calculations with much more precision than what is typically possible in the BCA literature.

If this is evaluation research, briefly describe the program or intervention being evaluated.

As can be inferred from the above, Washington currently has no universal requirements for the appointment of attorneys prior to terminating the parent-child relationship. Some Washington jurisdictions voluntarily appoint counsel at public expense to children once they reach a particular age. This flexibility is allowed under [13.34.100 RCW](#), which also allows a child in *any* jurisdiction to request appointment of counsel and requires that dependent children be regularly notified of their right to request counsel after the age of 12.

Starting in 2014, [13.34.100 RCW](#) also requires the appointment of counsel to *all* dependent children who remain in care with “...no remaining parent with parental rights for six months or longer...” Since 2014, the provision of post-termination legal counsel has been implemented by the Office of Civil Legal Aid (OCLA). All attorneys appointed under this program are also trained under Washington’s standards-based legal representation framework (SBLRF), which is based on the QIC-ChildRep model.

The DCLR pilot can be seen as an expansion of Washington’s due-process protections for dependent youth. While the DCLR pilot is not permanent and not universal, it does represent a clear effort by the state legislature to explore changes in legal process that will facilitate better outcomes for children involved in Washington’s dependency courts. As with the post-termination legal counsel program described above, OCLA is also utilizing the SBLRF within the DCLR pilot. In other words, all attorneys hired to represent youth in the DCLR pilot will be trained and required to operate within the SBLRF. The general logic model for the SBLRF is outlined in Figure 1; a simplified version of the logic model described by Orlebeke et al. (2016).

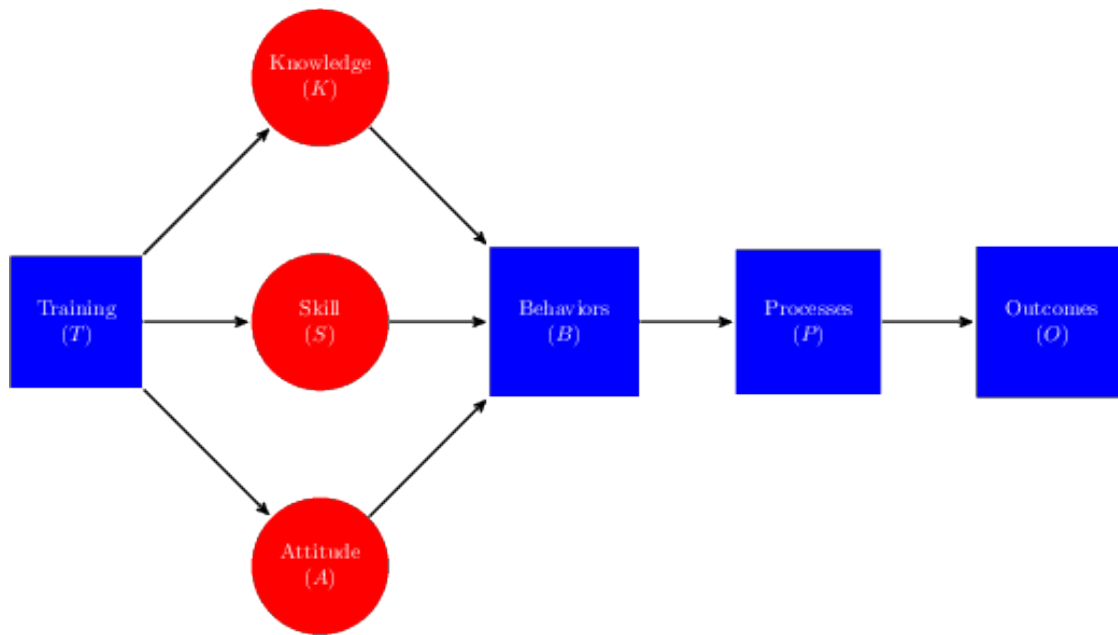


Figure 1. Washington Standards-Based Legal Representation Logic Model

Figure 1 follows the tradition of structural equation modeling literature in which manifest variables (i.e. things we directly observe) are drawn as squares, and latent variables (i.e. things we observe indirectly) are drawn as circles. Of particular importance to the current discussion is the learning that takes place as the result of the SBLRF training (i.e. changes to an attorney’s knowledge, skill, and attitude). As outlined by Orlebeke et al. (2016), learning that takes place across these constructs is hypothesized to change attorney behaviors. Further down the “causal” chain, we see that these behaviors are also believed to impact court processes, which in turn impact child outcomes.

References (from whole application, not just this section)

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5.2 Study Design

State the primary hypotheses or objectives of this research.

Conceptual Model

As of the date of this writing, we do not have plans to perform any assessment of how SBLRF attorney knowledge, skill, or attitude may have been impacted by the standards-based legal training utilized in Washington. As described above, much of the training has been previously evaluated via the QIC-ChildRep program. Our focus in the current project will be on the impact of standards-based legal representation on attorney behaviors, case processes, and child outcomes. While we recognize that knowledge, skill, and attitude (KSA) still play a role in our program model (and a role in the types of questions we can reasonably ask in this study), we will not be engaged in data collection efforts regarding these constructs. Figure 2 collapses these constructs into a single latent variable as shown below in the condensed logic model (i.e. directed acyclic graph (DAG)). Similarly, although we will be collecting information on attorney behaviors (B) in this study for the purpose of control measures, we will not be examining these behaviors as a primary predictor of interest.

Figure 1 also constructs a series of dashed lines representing direct effects between constructs (in addition to the mediation effects implied by Figure 1). In this way we are proposing a more plausible partial mediation model; one in which direct and indirect effects exist (see Baron and Kenny 1986 for a seminal treatment of this and related topics). Figure 2 also adds a generic confounding variable (C) to make clear that several demographic factors and identity characteristic (e.g. age at entry, race, gender) likely exist which are related to attorney behaviors, process activities, and child outcomes.

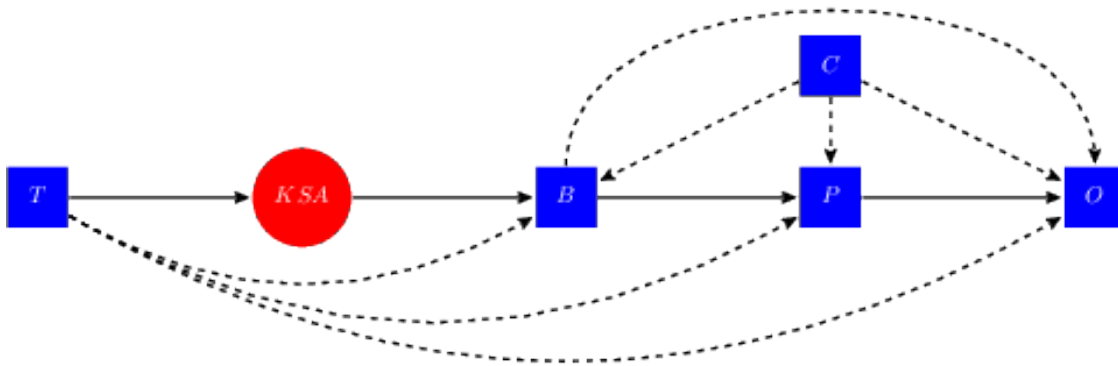


Figure 2. Condensed Logic Model

Using Figure 2 as a foundation, we next follow Pearl (1988) to determine which “effects” in our model will be “identified” in subsequent statistical analyses. Specifically, we follow Pearl’s *d*-separation criterion as implemented in Textor and van der Zander (2016). In brief, *d*-separation is a process through which a researcher can locate conditionally independent sets in diagrams such as the one outlined in Figure 2. This foundational step is important as it allows us to determine which relationships have a meaningful interpretation given our theoretical understanding represented in Figures 1 and 2. The results of this analysis are outlined in Table 1 and Figure 3. The table below shows each identifiable effect and the control variables required to estimate the effect. Figure 3 highlights these effects with solid black paths. The effects along dashed paths have been determined to be unidentifiable (e.g. $C \rightarrow B$), not of substantive interest (e.g. $C \rightarrow B$), or not measured (e.g. $KSA \rightarrow B$) in the current project.

Identifiable Effect	Required Control Variables
$P \rightarrow O$	B, C, T
$T \rightarrow O$	B, C, P
$T \rightarrow P$	B, C

Table 1. Identifiable Effects

The theoretical graphs presented so far are purposely general to articulate our overall approach to determining which effects are identifiable in planned statistical analyses. Individual statistical models will require further refinement, particularly with respect to the inclusion of one or more confounding variables. For any given model, further graphical tests will be conducted to ensure that estimated effects are not influenced by spurious paths in the underlying theoretical model in a Simpson’s paradox (see Blyth (1972) for a discussion of the paradox).

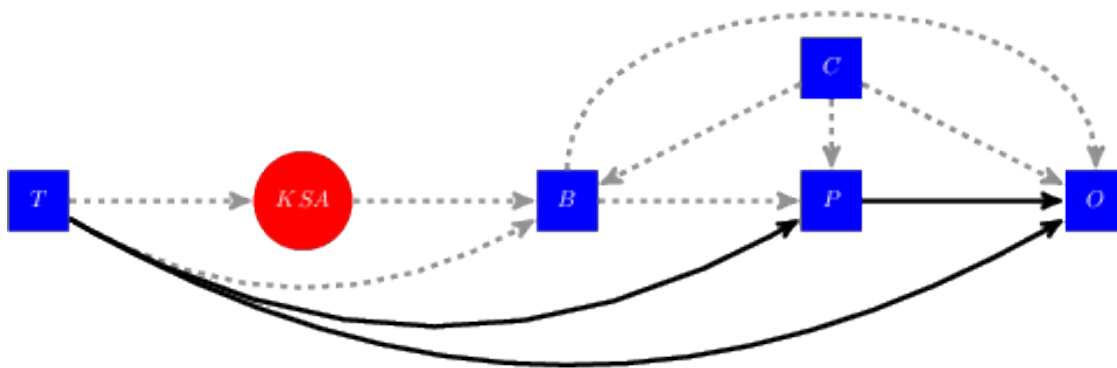


Figure 3. Condensed Logic Model

Regardless of the theoretically identifiable effects, from a legal perspective, the primary objectives of the study are outlined in the statute enabling this study. Specifically, the researchers are directed to examine

[t]he time to achieve permanency and permanency outcomes;...[e]ducational, social, or other relevant child welfare indicators as determined relevant by the center including, but not limited to, relevant child welfare indicators identified through consultation with foster children, youth, and other stakeholders involved in the research assessment. The assessment must also identify and project cost savings to the state, if any, as a result of providing legal representation for children at the shelter care hearing.

Indicate whether the design will involve randomization, and/or whether comparison or control groups will be used.

The primary approach for selecting a comparison group will be through the use of propensity score matching between the treatment and control counties identified previously. Time and resources permitting, the propensity score matching approach will be supplemented through the use of regression discontinuity approaches, and other quasi-experimental approaches which exploit natural variation in the state’s assignment of attorneys to juveniles in dependency proceedings. The most obvious starting point for such analyses is the universal assignment of attorneys for some youth at various ages. Since the children just below such age thresholds experience the dependency system similarly to children just above the thresholds, we can compare the observations on either side of the threshold and estimate an average treatment effect of the intervention - the assignment of attorneys (Imbens and Lemieux 2008).

Describe the sampling plan, the size of the sample or study group(s), and the power of the planned statistical tests, if applicable.

As it has been largely designed within the aforementioned proviso, the sampling plan in this study is ostensibly simple - compare the outcomes of dependent children in Grant and Lewis with the dependent children in Whatcom and Douglas. However, this sampling plan is complicated by at least two interrelated factors:

1. the amount of resources devoted to this project, and
2. the number of dependent children we can reasonably expect to observe in the pilot counties.

Study Resources

Although the pilot has adequate funding to sustain legal representation (in terms of SBLRF-attorney salaries) within Grant and Lewis counties, it is unlikely that the pilot has enough funds to maintain

representation for these children through the end of their dependencies. This issue is described some in the following app which simulates dependency caseloads within Lewis and Grant: Pilot Simulation Tool. As stated within the app, and in the aforementioned legislation, the total budget of the pilot is currently \$1,296,000; \$648,000 for each half of the current biennium. By the end of the current month, we estimate that as much as \$330,000 will have been expended. As of this writing, the OCLA team has not made a firm decision as to when the pilot SBLRF-attorneys should stop taking new cases. However, with the following assumptions:

1. SBLRF-attorneys will not exceed 60 cases per attorney,
2. Annual SBLRF-attorney salaries will remain at \$120,000 per 60 cases,
3. SBLRF-attorneys will remain assigned to dependent children until their dependencies close, or they become legally free,
4. That children enter to and exit from dependency at roughly the same rate that they have since 2010, and
5. That OCLA will continue to assign SBLRF-attorneys to new children until projected funds are expended,

we estimate that OCLA will need to stop taking new cases in January of 2019, or risk an overspend. While OCLA is actively seeking reauthorization and reappropriation of \$400,000 in unspent FY 2018 funds to allow the appointment period to extend through June 30, 2019, the research team cannot at this point be certain that such an appropriation will take place. As such, our sampling plan is written from a “worst case” data collection scenario; assuming that no new funds will be appropriated.

Expected Exits in Pilot Sites, as Planned

Although we have plans to estimate treatment effects across a wide array of outcomes, we have focused power calculations on permanency outcomes. This focus has been chosen because permanency outcomes have been the focus of the limited number of studies which have been conducted in this domain. Furthermore, in terms of potential effects resulting from attorney assignment, permanency outcomes are one of the most direct mechanisms through which other outcomes (e.g. costs) will be impacted as the result of the pilot. If we don’t have sufficient power to observe permanency effects, it is unlikely that we will be able to draw inference related to other more distal outcomes. The details of the following calculations are provided in Appendix L (02-569l_spend_down_analysis.pdf).

Using effect sizes from Orlebeke et al. (2016) and Zinn and Peters (2015), we first estimated “meta-effects” as outlined by Follmann and Proschan (1999), and as implemented by Viechtbauer (2010) in the metafor package in R. The results of this analysis give us reason to expect that dependent children with trained legal representatives will achieve permanency more quickly than children with no legal representation at all (Zinn and Peters 2015). The average “hazard ratio” across both of these studies (HR = 1.34) suggests that there is a 57.3% chance that represented children will achieve permanency before unrepresented children. To be clear, the effect of the Orlebeke study is qualitatively different than the effect observed by Zinn & Peters. Nonetheless, both studies give us a sense of the magnitude and direction we can expect to see in this type of study and can be considered an improvement on making an “educated guess” as to the expected effect – the typical approach in power analyses of this sort.

Using standard parameters for the probability of Type I and Type II errors (.05 and .20 respectively), Schoenfeld (1983) provides formulas for the calculation of required sample sizes in the context of event history modeling. Specifically, given the aforementioned effect size, we would require 374 observed permanency events in order to have confidence in our analysis from the standpoint of statistical power. By the time the December 2019 report is due to the legislature,

however, we estimate that we will have only observed 233 permanency events and a target survey sample of approximately 102 children. In other words, as designed by the legislature, the current study is under powered.

Expected Exits in Pilot Sites, as Predicted with Additional Resources

If additional funds are appropriated for this project during the 2019 legislative session, it is likely that we will observe enough permanency events to achieve the statistical power of 374 events. Specifically, with another year of funding, we would expect that the pilot could continue assigning attorneys through December of 2019. Assuming a similar reporting timeline to the current proviso, we could reasonably expect to have observed 478 permanency events by December of 2020. With two additional years of funding, we could continue assigning attorneys through June of 2020, with 591 permanency events by April of 2021.

This would also allow us to continue to collect responses to our youth experience survey. With one more year of funding (and a commensurate period of follow-up), we could reach a target sample of approximately 200 children. With two more years of funding, we could reach a target sample of approximately 242.

Plans to Accommodate Low Statistical Power

Ideally, this project will receive continued funding and we can continue data collection into 2020 or even 2021. In the meantime, however, we intend to be responsive to the larger evaluative question of the legislature using a larger sample of SBLRF-represented and non-represented children in the Washington dependency population. Specifically, we define four populations of interest for the current project:

The Pilot Cohort

The pilot cohort is defined as all children for whom dependency petitions are filed between September of 2017 and January of 2019. The pilot cohort is limited to children who fall within the jurisdiction of Douglas, Whatcom, Lewis, and Grant counties. In the event that the pilot is extended, the collection period will also be extended to align with the new stop date of the pilot. Within current study parameters, we estimate that 510 children will enter the pilot cohort.

The Pilot Cohort - Survey

A subset of the pilot cohort, children ages eight and above at removal, will also be sampled for three waves of interviews. Youth survey data will be collected through November of 2019. Similar to the larger pilot cohort, the survey collection period will also be extended in the event that new funds are appropriated. Within current study parameters, we estimate that 102 children will be eligible for participation in the survey. As stated above, with additional funding, this amount will likely be doubled.

The Pilot Cohort - Plus

While our intention is to limit initial analyses of the Pilot Cohort to Douglas, Whatcom, Lewis, and Grant, we intend to conduct this analysis through the use of a propensity score model. Historically, Douglas has had extremely low rates of dependency filings and all four counties have variable trends in their dependency data. As such, it is possible that we may not gain enough matches from a propensity score model limited to these four counties. Although we intend to restrict Pilot Cohort analyses to Lewis and Grant in terms of “treatment” cases, we will also conduct sensitivity analyses which attempt to find control cases from all counties in the state. Thus, the Pilot Cohort - Plus sample is identical to the Pilot Cohort, except that it is not limited to children for whom no attorney

is appointed outside the jurisdiction of Douglas and Whatcom counties. Rather, we will look to all counties in the state for potential control-group matches to the treatment participants in Grant and Lewis counties.

The State Cohort

The Pilot-Cohort - Plus seeks to expand the universe of potential control-group participants. The goal here is to attempt to maximize our chances of finding “statistical twins” of treatment group participants.

Time-permitting, we will also seek to expand the treatment group by examining the impact of SBLRF-representation in jurisdictions beyond Lewis and Grant counties.

While there is only one formal pilot in operation right now, children currently receive legal representation in a variety of ways outside of the formal pilot.

For example, in 2010, the legislature passed a requirement that dependent children 12 years and older be informed of their right to request counsel. While this law does not guarantee a right to counsel for these children, it has expanded the practice by giving the right to request such counsel.

In addition to a child’s right to request counsel at the age of 12, some jurisdictions routinely appoint counsel for children in dependency proceedings. For example, since October of 2005, King County appoints attorneys for all children starting at age 12 (King County LJuCR 2.4(a)). More recently, in 2016, Benton/Franklin County has begun appointing attorneys for all children starting at age 8. This was an expansion of Benton/Franklin’s 2015 policy which appointed attorneys at the age of 9 (Benton County LJuCR 9.2(A)(1)).

As can be seen, there is variation throughout the state in how children are assigned attorneys in dependency proceedings. Our goal with the state cohort is to (time-permitting) exploit this variation through one or more quasi-experimental studies as described in more detail below.

The State Cohort will focus on cases for whom dependency petitions were filed between July of 2015 and January of 2019. As described above, some of the assignment policies were started prior to July of 2015. However, the current version of the SBLRF training was not fully in place until July of 2015. In order to maintain homogeneity amongst our exposure condition, we will start the cohort at the beginning of the full implementation of SBLRF – again, July of 2015. Data from FamLink suggest that the State Cohort will include around 20,000 distinct children.

Earlier administrative data (as early as 2005) to help calculate historical control variables for both treatment and control groups (e.g. placement history). However, the population of interest will start no earlier than July of 2015 for any of study analyses.

Most of these children will not have any identifiable legal representative, much less a SBLRF-attorney. Nonetheless, the sample should provide more than enough statistical power given our expected effect size.

Using multiple quasi-experimental approaches, State Cohort analyses will be used in conjunction with the Pilot Cohort analyses in order to make use of all available information. Assuming analyses from the State Cohort are consistent with analyses from the Pilot Cohort in terms of direction and magnitude, the analyses from all cohorts can be used to provide legislators with all available information regarding the effects of legal representation.

Specify the major independent, dependent, and extraneous variables, and discuss possible threats to internal and/or external validity.

The following table provides a summary of the variables identified in previous sections. Here, we also state operational definitions for each variable. Where possible, definitions will mirror national or state definitions of the same underlying construct. More detail is provided to the reader at the following [here](#). Validity threats will be handled through the use of quasi-experimental statistical techniques described elsewhere.

Plain Language Indicator	Operational Definition
Suspension/Expulsion Rate	Rate of students experiencing Expulsion, Short-Term Suspension, and Long Term Suspension
Grade Point Average	GPA of 11th and 12th graders with at least 2 credits of coursework applicable for graduation credit in a given content area
Truancy Rate	Rate of students missing 5 or more unexcused days in a month or 10 or more unexcused days in a year.
Status Offense Rate	Rate of delinquency petitions for noncriminal acts committed by where the acts are considered a law violation only because the youth is a minor
Grade & Subject-Specific Proficiency Rate (3-11)	Rate of children who meet achievement levels in reading & math, among children entering care prior to the administration of the test
12 Month Permanency Rate	Rate of permanency in 12 months for children entering dependency
24 Month Permanency Rate	Rate of permanency in 12 months for children in dependency 12 to 23 months
Continuity Rate	Rate of students who were enrolled at the start of the year, but who do not stay enrolled for the full year
Turnover Rate	Rate of students who are not enrolled the full year
Student Flow	The flow of students throughout the year
Placement Move Rate	Of all children who enter shelter care in a 12-month period, what is the rate of placement moves per day of foster care?
Institutional Placement Rate	Of all children who enter shelter care in a 12-month period, what is the rate of placement moves to institutional settings per day of foster care?

Relative Placement Rate	Of all children who enter shelter care in a 12-month period, what is the rate of placement moves to relative/suitable other settings per day of foster care?
Hope Bed Placement Rate	Of all children who enter shelter care in a 12-month period, what is the rate of placement moves to Hope Beds from other settings per day of foster care?
Runaway Rate	Of all children who enter shelter care in a 12-month period, what is the rate of “runaway” days per day of foster care?
Average Runaway Days	Of all dependent children who completed a “runaway” event, the mean days until the completion of that event
Kindergarten Readiness Rate	Rate of children who meet five-year-old proficiency in all six domains of the Washington Kindergarten Inventory of Developing Skills (WaKIDS), among children entering care before proficiency test
Child Reported Parent Visit Rate	YES - See Survey Instruments
Child Reported Sibling Visit Rate	YES - See Survey Instruments
Child Reported Timing of First Visit	YES - See Survey Instruments
Child Reported Visit Frequency	YES - See Survey Instruments
Trust in Attorney	YES - See Survey Instruments
Perceived Information Sharing	YES - See Survey Instruments
Perceived Voice in Court Hearings	YES - See Survey Instruments
Delinquency Rate	Rate of delinquency petitions for acts committed by juveniles that would be crimes if committed by adults.

Describe the statistical tests or analyses that will be used and explain how the expected results will address the hypotheses or research objectives.

In general, our analyses will proceed with variations on the generalized linear model (GLM). The specific error distributions and link functions are identified in the table below. While these distributional assumptions are viewed as reasonable starting points for our analyses, these assumptions will be strengthened or relaxed depending on the patterns observed in our actual data.

Subsequent to these analyses, we will also undertake an actuarial benefit-cost analysis (Boardman et al. 2017) following a process similar to that outlined by the Washington State Institute for Public Policy (WSIPP) (e.g. Aos et al. 2001). Instead, however, of amortizing costs over the lifetime of study

participants, we will take care to conduct a more conservative actuarial cost benefit analysis in which we project costs savings based on the actual costs observed during the study as opposed to hypothetical costs saved throughout a child’s lifetime.

Plain Language Indicator	Theoretical Distribution of Data	Theoretical Link	Process or Outcome	Level of Analysis	Potential Random Effects
Suspension Rate	Poisson	Log	Outcome	Child	Jurisdiction, School, District, Age
Grade Point Average	Normal	Identity	Outcome	Child	Jurisdiction, School, District, Age
Truancy Rate	Poisson	Log	Outcome	Child	Jurisdiction, School, District, Age
Status Offense Rate	Poisson	Log	Outcome	Child	Jurisdiction, Age
Grade & Subject-Specific Proficiency Rate (3-11)	Normal	Identity	Outcome	Child	Jurisdiction
12 Month Permanency Rate	Poisson	Log	Outcome	Child	Jurisdiction, Age
24 Month Permanency Rate	Poisson	Log	Outcome	Child	Jurisdiction, Age
Continuity Rate	Poisson	Log	Outcome	Child	Jurisdiction, School, District, Age
Turnover Rate	Poisson	Log	Outcome	Child	Jurisdiction, School, District, Age

Student Flow	Normal	Identity	Outcome	School	Jurisdiction, District
Placement Move Rate	Binomial	Logit	Outcome	Care Day	Child, Jurisdiction, Age
Institutional Placement Rate	Binomial	Logit	Outcome	Care Day	Child, Jurisdiction, Age
Relative Placement Rate	Binomial	Logit	Outcome	Care Day	Child, Jurisdiction, Age
Hope Bed Placement Rate	Binomial	Logit	Outcome	Care Day	Child, Jurisdiction, Age
Runaway Rate	Binomial	Logit	Outcome	Care Day	Child, Jurisdiction, Age
Average Runaway Days	Normal	Identity	Outcome	Child	Jurisdiction, Age
Kindergarten Readiness Rate	Normal	Identity	Outcome	Child	Jurisdiction
Child Reported Parent Visit Rate	Multinomial	Logit	Outcome	Child	Age
Child Reported Sibling Visit Rate	Multinomial	Logit	Outcome	Child	Age
Child Reported Timing of First Visit	Multinomial	Logit	Outcome	Child	Age
Child Reported Visit Frequency	Multinomial	Logit	Outcome	Child	Age

Trust in Attorney	Multinomial	Logit	Process	Child	Age
Perceived Information Sharing	Multinomial	Logit	Process	Child	Age
Perceived Voice in Court Hearings	Multinomial	Logit	Process	Child	Age
Delinquency Rate	Binomial	Logit	Outcome	Child	Jurisdiction, Age

5.3 Data Collection Procedures

a. Does the research involve contact with human subjects?

No **Go to item 5.3b.**

Yes Explain all of the following:

- what subjects will be asked to do:

Child respondents will be asked to complete the Youth Experience Survey (YES) online. A working sample of the survey is available [here](#), and is also included in Appendix K. This survey is hosted by the SSW on a REDCap server.

Prior to completing the YES, the permanent caregiver of the child will be contacted using contact information contained within SCOMIS.

The legal custodian will differ depending on whether the child is being recruited for a Wave 1 and 2, or Wave 3. In the case of the first two waves, the child’s social worker will serve as the legal custodian. In the case of Wave 3, the child’s permanent guardian will be contacted, unless the child is either a. Still dependent, but legally free, or b. Emancipated/reached the age of majority. In the case of a legally free child who is still dependent, the child will be contacted through the process outlined below. In the case of a child who has emancipated/reached the age of majority, the child will be contacted directly.

Wave 1 and 2 Contact Process (see Appendix H for additional details)

- 1. The child’s social worker will be contacted using the combined the weekly report provided by AOC described above. If a child’s social worker determines that the child may be eligible and gives consent for the child to participate in the research, he/she would contact the caretaker/foster parent to inform him/her of study eligibility.**
- 2. Foster parents/caregivers will be asked for permission to disclose their identity and contact information to the researchers. The foster parent/caregiver would also be asked to discuss the study with the child to assess whether he/she may be interested in participation.**
- 3. If the foster parent/caregiver and child agree to researcher contact, the social worker will obtain an email address from the foster parent, consent to the study using the online tool. During the consent process, the social worker will enter the email address of the foster parent which will be used to complete the rest of the assent procedure.**

Wave 3 Contact Process

The permanent caregiver of the child will be contacted using contact information contained within SCOMIS. The caregiver will be asked to consent to their child's participation in the YES using the consent form submitted with this application. If the contact information is not valid or is outdated, attorneys for the caregiver (where applicable) will be contacted to obtain more recent contact information. In the case of Grant and Lewis, the child's attorney may also be contacted to determine the most recent contact information.

If the local courts are amenable, recruitment may also take place through a secondary process, using flyers or other recruitment literature displayed within the local court house. The research team is also in preliminary conversations with the parents 4 parents (P4P) program in Whatcom County. It is possible that staff from P4P may also assist in the recruitment of child respondents. If such assistance ultimately becomes feasible, relevant P4P staff will be added to the research team.

Once parental consent is obtained, the child will be asked to assent to their participation in the study using the assent form also submitted with this application. If the child appears and feels capable of completing the YES on their own, they are allowed to do so online. If they request assistance, or appear to require assistance, a member of the research team will assist them in completing the YES via phone, or in person depending on the manner in which the caregiver and child were contacted.

- who will perform the data collection procedures:

As implied above, each wave of the YES may be completed with one of three different modalities: guided completion over the telephone, guided completion in-person, or self-paced completion. The guided completion options will involve a member of the research team reading and/or clarifying the survey questions with the respondent child. Under these scenarios, the member of the research team will be personally completing the questions based on the responses of the respondent child.

- where data collection procedures will be performed:

As stated above, with permission of the local Superior Courts, some recruitment may take place within the local court houses. However, given the geographic dispersion of the pilot locations, we anticipate that most recruitment will be done over the phone, mail, and the internet. Similarly, when assistance is required for survey completion, we anticipate that most of the assistance will take place over the phone. In the event that permission is obtained to actively recruit within local court houses, the research team will file an amendment to add an Appendix L to this project, along with any additional recruitment literature which will also be submitted for review.

- when or how often data collection procedures will be conducted:

As described in more detail elsewhere, the research team will be notified via weekly report of initial dispositional orders, first permanency planning hearings, and dependency dismissals. This report will also contain contact information for all attorneys assigned to the case at dismissal, the last known contact information for the child's caregiver, and the name and email address of the assigned social worker for the child. Ideally, the child will be able to complete the survey within one week of a triggering event. During the first year of data collection, we estimate that no more than 2-4 respondents will complete any given wave each week.

- b. Does the research involve use of identifiable records?

No Go to item 5.3c.

Yes Explain all of the following:

- the agency holding each source of identifiable records or PHI:

AOC - The Administrative Office of the Courts (AOC) will be directly contributing data to Linkage Processes A and B. AOC will also provide a weekly report of dismissals from the dependency system.

OSPI -The Office of the Superintendent of Public Instruction (OSPI) will be contributing data to Linkage Process C.

OCLA - The Office of Civil Legal Aid will be directly contributing data to Linkage Process A and B.

DCYF - The Department of Children Youth and Families will be directly contributing data to Linkage Processes A, B, and D.

SSW - The School of Social Work at the University of Washington (SSW) (i.e. the "research team") will be directly contributing data to Linkage Process B.

- how each source of records will be obtained:

Subsequent to the approval of this application, data sharing agreements (DSAs) will need to be established between the research team, and each of the aforementioned agencies. All data transmissions made in support of this project shall meet or exceed the data security requirements of the aforementioned agencies. When data transmission policies between agencies conflict, the more secure transmission method will be utilized. No transmission of data will be made outside of secure shell protocol (SSH) version 2.0.

DSA for Linkage Processes A & C - An agreement between AOC, OCLA, DCYF, OSPI, and SSW. This DSA will facilitate the integration of data from Linkage Process A into the OSPI Schema described in the Appendix Gs via Linkage Process C. This DSA will also describe the process for securely transmitting data between all of the aforementioned entities, and the timeline for these transmissions.

DSA for Linkage Processes A, B, & D - An agreement between AOC, OCLA, DCYF, and SSW. This DSA will facilitate the integration of data from Linkage Process A and B into the Project DB by way of Linkage Process D. This DSA will also describe the process for securely transmitting data between all of the aforementioned entities, and the timeline for these transmissions.

- plans to link records from multiple sources and the sequence of linkage, if applicable:

Linkage Processes A

The CW Schema generated from Linkage Process A shall serve as foundational data for all aspects of this project (see schema layout in Appendix L). As can be seen in Figure 4, Linkage Process A will integrate data from OCLA's training databases, the Superior Court Management Information System (SCOMIS, managed by AOC), and Washington's Statewide Automated Child Welfare Information System (FamLink, managed by DCYF). Linkages between FamLink and SCOMIS will be made via established probabilistic methods (AOC conducts a similar linkage on a quarterly basis under a separate agreement with DCYF). In order to minimize the workload of DCYF, however, the linkage for this project will only involve integrating a small set of identified data to be used for this linkage process (and Linkage Processes B & C). Specifically, the following fields will be shared from the so-called PEOPLE_DIM table from the FamLink data warehouse:

- first name, last name, middle name, middle initial, prefix, and suffix fields for all persons identified in FamLink (i.e. NM_FIRST, NM_LAST, NM_MIDDLE, NM_MIDDLE_INTL, NM_PRFX, NM_SFX)
- non-identifying demographic fields which will be used to help refine the matches to SCOMIS data (i.e. CD_CTZN, TX_CTZN, CD_GNDR, TX_GNDR, CD_HSPNC, TX_HSPNC, CD_INDN, TX_INDN, CD_INDN2, TX_INDN2, CD_RACE, TX_RACE, CD_RACE_FIVE, TX_RACE_FIVE, CD_RACE_FOUR, TX_RACE_FOUR, CD_RACE_THREE, TX_RACE_THREE, CD_RACE_TWO, TX_RACE_TWO, CD_RLGN, TX_RLGN, CD_STATE_RSDNT, TX_STATE_RSDNT, DT_BIRTH, and DT_DEATH)
- ID_PRSN, a unique identifier for all persons within FamLink. ID_PRSN will be used as the primary person key within the survey and cw schemas in the Project DB.

In addition to the SCOMIS-FamLink linkage, AOC will also integrate attorney training records held by OCLA. These records, however, will be integrated deterministically using attorney bar numbers which are reliably available in both data sources.

Once linkages are completed, AOC will transmit the identified data (i.e. CW Schema (ID) in Figure 4) to OSPI. Separately from the transmission to OSPI, AOC will transmit de-identified data to SSW (i.e. CW Schema (no-ID) in Figure 4).

These linkages and transmissions are planned to take place three times throughout this project:

- On or before 1/11/2019, containing data on dependency cases with petition dates from 1/1/2005 through 12/31/2018.
- On or before 4/12/2019, containing data on dependency cases with petition dates from 1/1/2005 through 3/31/2019.
- On or before 12/13/2019, containing data on dependency cases with petition dates from 1/1/2005 through 11/30/2019.

Linkage Processes B

The survey schema generated from Linkage Process B shall serve as a contextual data set for those dependent children residing under the jurisdictions of Lewis, Grant, Douglas, and Whatcom Superior Courts (see schema layout in Appendix L). As can be seen in Figure 4, Linkage Process B will integrate data from the Youth Survey administered by SSW. The Youth Survey database will be seeded with weekly reports of dependency events containing last known contact information for the child, social worker, parent attorney, and the attorney of the child (if applicable). Weekly reports will be transmitted from AOC to SSW starting on 12/7/2018 (or earlier if approval is secured from the WSIRB in advance of expectations) and continuing through 11/30/2019. See a copy of the OCLA “Attorney Checklist” survey instrument in Appendix L (02-569l_attorney_checklist.pdf).

This contact information will be utilized by the SSW research team to contact the child, gain the consent of their permanent caretaker, and gain the ascent of the child. Depending on the age and stated technological sophistication of the child, the Youth Survey database will be populated either directly by the child (through an online interface), or through the assistance of a member of the research team.

Periodically, the OCLA-held attorney survey, and the newly collected youth survey will be integrated with the same FamLink identifying information referenced in Linkage Process A. After the integration has been completed, AOC will transmit de-identified data to SSW (i.e. Survey Schema (no-ID) in Figure 4).

These linkages and transmissions are planned to take place twice throughout this project:

- On or before 2/1/2019, containing the FamLink id_prsn field for all available survey respondents.
- On or before 5/17/2019, containing the FamLink id_prsn field for all available survey respondents.

Linkage Processes C

The OSPI Schema generated from Linkage Process C (see schema layout in Appendix L) exists to help us understand educational outcomes identified by the aforementioned stakeholder engagement process. Linkage Process C will specifically integrate testing data from the TIDE data system along with enrollment and disciplinary data from CEDARS. Both of these data systems are managed by OSPI. Using an established deterministic linking method, OSPI will take the identified Child Welfare schema generated and transmitted by AOC through Linkage Process A and combine the Child Welfare Schema with records from TIDE and CEDARS. In this way, the OSPI schema will contain some of the same data contained within the Child Welfare Schema. The distinction between these two schemas is that the OSPI schema will not contain the FamLink id_prsn field. Instead, persons in the OSPI schema will be identified using an OSPI-generated research ID. Once the linkage has been completed, OSPI will securely transmit a de-identified version of the OSPI schema for storage within the Project DB. A separate request has been made to OSPI to begin their independent review of this application (see 02-569l_ospi_request.pdf in Appendix L).

These linkages and transmissions are planned to take place three times throughout this project:

- On or before 1/18/2019, containing data on dependency cases with petition dates from 1/1/2005 through 12/31/2018, and educational records (where available) starting in 2000.
- On or before 4/19/2019, containing data on dependency cases with petition dates from 1/1/2005 through 3/31/2019, and educational records (where available) starting in 2000.
- On or before 12/20/2019, containing data on dependency cases with petition dates from 1/1/2005 through 11/30/2019, and educational records (where available) starting in 2000.

Linkage Processes D

Upon the receipt of the aforementioned de-identified extracts, each extract will be integrated into the appropriate database schema. The OSPI Schema will be used “as-is”. The Survey and CW schemas, however, will be combined with selected fields from the de-identified FamLink Core Data set - an extract of data shared with the SSW on a quarterly basis for a variety of research projects under a long-standing DSA the SSW and DCYF (see 02-569l_ssw_dcyf_dsa.pdf in Appendix L). The FamLink Core Data also utilize the ID_PRSN field as a person key. As such, SSW can integrate the relevant fields of data into the Project DB without the need for further assistance from DCYF. Linkage Process D will be conducted upon receipt of a given schema of Child Welfare or Survey data, according to the schedules outlined in the previous sections.

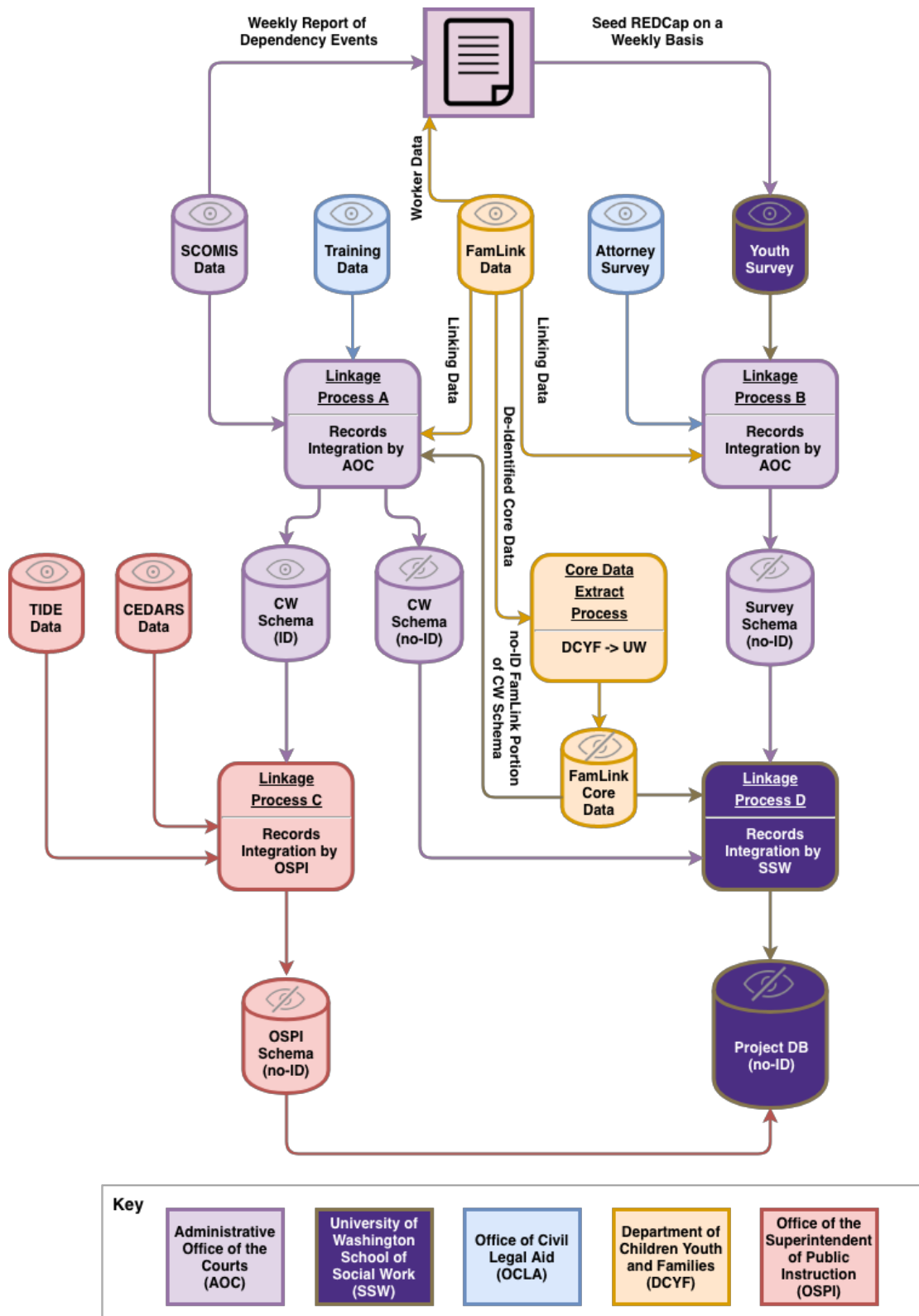


Figure 4. Data Linkage Diagram

- the identifiers to be used to link multiple records sources, if applicable:

As outlined above, within the Project DB, records will be identified using either the ID_PRSN field or the OSPI-generated research ID. Prior to inclusion in the Project DB, records will be integrated using a combination of deterministic and probabilistic techniques involving the fields of data outlined in the Linkage Process A section above.

c. **Does the research involve multiple data collection periods?**

No **Go to item 5.3d.**

Yes Explain the following:

- the number of data collection intervals: **The survey will proceed in three waves - Wave 1 will begin upon the entry of the child’s dispositional order, Wave 2 will begin upon the entry of the child’s first permanency planning order, and Wave 3 will begin upon the dismissal of a child dependency (or termination of parental rights, whichever comes first). Since the survey is beginning one year after the start of the pilot, not all children will be able to participate in each wave of data collection. This limitation will be accommodated through synthetic cohort designs during the statistical analysis phase of the project.**
- the time period between data collection intervals: **The time period will depend on the triggering event for an individual dependency case.**
- the data collection methods to be used at each interval: **The same multi-modal survey method approach described above will be used at each wave of data collection. A total of six different instruments have been developed – 1 X 3 waves for children with representation, and 1 X 3 waves for children without representation (see Appendix K for copies of these instruments).**

d. **Will the study take place in clinics, hospitals, welfare offices, jails, or other facilities?**

No **Go to item 5.4.**

This study will not take place within court houses unless we ultimately obtain permission from said courts to proceed. Once we obtain permission, an amendment will be made to this application with any new recruitment materials not already reviewed by the IRB.

Yes Attach a copy of letters of cooperation from each facility to **Appendix L.**

5.4 **Data Collection Instruments**

List all data collection instruments, including questionnaires, interview guides, assessments or tests, focus group guides, record review forms, etc. Attach copies of all data collection instruments to **Appendix K.** If none, skip to Section 6.

6. **Study Subjects**

6.1 **Expected number of subjects over the course of the research:**

As outlined above, there are four distinct populations of interest: The Pilot Cohort, The Pilot Cohort - Survey, The Pilot Cohort - Plus, and The State Cohort. As described in more detail above, summary counts for each of these populations are provided in Table 2. These estimates assume no changes to the current legislative requirements of this study. In the event that additional funds are secured, these populations would grow in proportion to the new duration of the pilot.

Expectation	Population
Pilot Cohort	510
Pilot Cohort - Survey	102
Pilot Cohort - Plus	510
State Cohort	75,000

6.2 **Specify inclusion criteria for subjects.**

State Cohort

The largest population of interest in the study is the State Cohort. Children for this study will be included if they entered care after the start of the King County judicial rule which provides legal representation to all children over the age of 12. That said, we will not restrict this population on the basis of age as children who enter care under the age of 12 may still be in care once they reach the age of 12. Thus, inclusion in the State Cohort is defined as having a removal in which the removal date is greater than or equal to October 1, 2005.

Pilot Cohort

The Pilot Cohort is a perfect subset of the State Cohort. Three additional restrictions are applied to the State Cohort in order to define the Pilot Cohort population. These additional restrictions are as follows:

- The child must have had a removal date between September of 2017 and January of 2019 as recorded in FamLink records,
- The child must have had an associated dependency petition as recorded in SCOMIS records, and
- The child's dependency case must be under the jurisdiction of Lewis, Grant, Whatcom, or Douglas.

Pilot Cohort - Plus

As stated above, although we intend to restrict Pilot Cohort analyses to Lewis and Grant in terms of “treatment” cases, we will also conduct sensitivity analyses which attempt to find control cases from a propensity score model using all counties in the state. Thus, the Pilot Cohort - Plus sample is identical to the Pilot Cohort, except that it is not limited to children who fall within the jurisdiction of Douglas, Whatcom, Lewis, and Grant counties.

Pilot Cohort - Survey

In addition to the aforementioned restrictions, the survey subset of the Pilot Cohort will be additionally restricted by age. Specifically, a child will need to be eight years of age or older on the day of discharge in order to participate in the survey.

6.3 Specify exclusion criteria for subjects.

As stated above, a child will need to be eight years of age or older on the day of discharge in order to participate in the survey subset of the Pilot Cohort. Thus, children under the age of eight are excluded from the survey portion of the study.

In addition to age, the core Pilot Cohort population does not include children who are subject to jurisdictions outside of the identified pilot counties.

Although children represented by attorneys without SBLRF certification may be included in sensitivity analyses as a control measure, these children are not considered to be a part of our exposure variable. As such, for some analyses, we will likely exclude children who are represented by an attorney who does not have SBLRF certification. For all analyses, we will also exclude any assignments (regardless of SBLRF status) which were not made at the original shelter care hearing.

6.4 Will individuals of either gender be excluded?

- No
 Yes Explain why the research focuses on one gender:

6.5 **Is the research limited to specific age group(s)?**

- No
- Yes Specify the age group(s) and explain why the research focuses on them:

As stated above, we are limiting the survey to children who are eight years of age or older on the day of discharge. This restriction is necessary to ensure that survey respondents are able to comprehend the survey.

6.6 **Will individuals be eligible for the research if they are not proficient in English?**

- Not applicable -- records-only research.
- Yes. Describe plans for translating or interpreting recruitment materials, scripts, consent forms, and data collection instruments. Identify who will translate study documents and indicate if all translators are certified. (Translations of Board-approved materials must be submitted after study approval.)
- No. Provide a methodological or scientific rationale for exclusion:

Based on prior survey work with this population, we have good reason to believe that there is a very low prevalence of non-English speaking children in the Washington child welfare system. If this assumption proves faulty throughout our data collection work, we will adjust the survey protocol through an amendment to this application.

6.7 **Vulnerable subject groups**

Vulnerable subjects may be the focus of the research or may be recruited incidentally. For example, if women of reproductive age would be eligible for the research, Appendix B should be completed.

Check all that apply:

- Pregnant women/human fetuses/neonates (complete **Appendix B**)
- Prisoners (complete **Appendix C**)
- Children (complete **Appendix D**)
- Developmentally disabled
- Dementia/cognitively impaired
- Mentally/behaviorally/emotionally impaired
- Socially/economically disadvantaged
- Low literacy/educationally disadvantaged
- Seniors, over 65
- Seriously/chronically ill
- Substance users/abusers
- Undocumented immigrants
- Other (describe):

7. Risks and Benefits

This Section must be completed for all research.

7.1 This research is (check one box):

- Minimal risk
 More than minimal risk

Explain why this research is minimal risk *or* more than minimal risk.

The study does not involve more than minimal risk as none of the questions on the survey are more invasive than a routine psychological evaluation.

In addition, there is the potential for research data to be disclosed outside of the research team through an accidental breach of confidentiality. This risk is mitigated by strong confidentiality and security procedures outlined in security appendix to this application. It is also possible that research data could be disclosed in response to a court subpoena. In this case, subjects will be protected by a Certificate of Confidentiality, which we expect to obtain from NIH.

7.2 Does the research involve any of these possible harms and/or discomforts to subjects? Check all that apply.

- Invasion of privacy or breach of confidentiality
 Psychological/emotional discomfort or distress
 Social stigmatization
 Legal repercussions
 Economic (e.g., employment, insurability)
 Physical harm or discomfort
 Withholding standard care or procedures
 Significant time or inconvenience
 Other (describe):

7.3 Describe what steps will be taken to minimize each of the possible harms and/or discomforts to subjects.

All interviews will be conducted privately – either over the phone or online at the discretion of the subject to minimize distress or discomfort and any breach of confidentiality. The use of private surveys (such as the one hosted on the SSW REDCap server, will lessen emotional discomfort and assure that affirmative responses to substance abuse and family violence items will not be known to the interviewers or the researchers.

Despite the use of the online survey, some questions may cause discomfort or embarrassment. The study's consent protocol also makes it clear to respondents that they have the right to refuse to answer any questions that they are uncomfortable with or to terminate their involvement in the study at any point with no consequences to them or to their relationship with the state. Furthermore, the consent form clearly states that all information provided to the researchers is confidential to the research team. The only exception is if we learn of possible child abuse and neglect or if parents pose a threat to themselves or others. Procedures for reporting such instances are covered elsewhere in this application.

Subjects could feel that release of their contact information is a breach of confidentiality. Procedures to mitigate such reactions include, use of an opt out letter, clearly specified contact language and consent processes, and the ability of subjects to decline or withdraw from research participation at any point.

7.4 If this research involves interactions or interventions with human subjects, describe what steps will be taken if subjects experience serious distress, discomfort, or decompensation during study participation. Indicate whether a resource list or referrals will be available to give to subjects routinely or as needed, and attach the list to Appendix L. (If this is records research only, indicate "NA.")

The following mental health crisis resource website will be linked to on the survey website: <https://www.dshs.wa.gov/bha/division-behavioral-health-and-recovery/state-mental-health-crisis-lines> (see 02-5691_crisis_line_resources.pdf in Appendix L).

- 7.5 Describe any anticipated benefits for **individual** subjects who are participating or whose records are being used in this research. If none, indicate "None."

None

- 7.6 Describe how this research will benefit this **class** of subjects or how it will contribute to general knowledge.

There may be no direct benefit to children interviewed in this study, however future dependent children may benefit from improvements in service delivery and representation. Additionally, findings from this study will contribute to a greater understanding of the impact of SBLRF attorneys on child welfare services and on outcomes for children and families served by child welfare.

It is worth noting that studies with representative samples of dependent children are rare due to the difficulty and expense associated with locating this population. Thus, much of what we know about the needs and experiences of parents is based on administrative data, convenience samples, or the perceptions of social workers providing services to this population. A very important contribution of this study is the opportunity to generalize the findings to all dependent children in Washington – at least to counties similar the four sampled for the YES. .

- 7.7 Explain how the anticipated benefits of this research outweigh the harms and/or discomforts. The risk of harm to parents is minimal, although most will feel some discomfort given the reasons for their involvement with the child welfare system. Children may find some benefit in providing input regarding their experiences with attorneys and the child welfare system. Furthermore, the findings from this research will be used to enhance the delivery of legal representation and improve outcomes for children and families across Washington state.

8. Use and/or Disclosure of Identifiable Records or PHI

- 8.1 Does this research involve use or disclosure of State Agency records?

No
 Yes If identifiable records are requested from DSHS, DCYF, DOC, DOH, HCA, L&I, or OFM, complete **Appendix G**.

- 8.2 Does this research involve use or disclosure of identifiable records or PHI?

No **Go to Section 9.**
 Yes

- 8.3 Will signed authorization be obtained from study subjects and/or their parents/guardians for the use or disclosure of their identifiable records or PHI?

No
 Yes Explain how, when, and where signed authorization will be obtained and complete **Appendix F**.

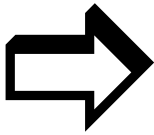
- 8.4 Are you requesting a waiver of authorization for use or disclosure of existing identifiable records or PHI?

No
 Yes Complete **Appendix I, Section 4 (all items)**.

9. Confidentiality

Direct identifiers include name, address, phone, email address, Social Security Number, client identifier, medical record numbers, account numbers, PICCODE, license numbers, etc.

- 9.1 **Will names and other direct identifiers of study subjects be accessed or obtained for any purpose (e.g., screening, recruitment, analyses)?**
- No **Go to item 9.5.**
 Yes List the direct identifiers to be collected and explain why they are needed for the research.
Direct identifiers (first name and last name) are needed in order to integrate survey data sources with administrative data sources.
- 9.2 **Will names and all direct identifiers be removed or segregated from research records and replaced with study codes as early in the process as possible?**
- NA All records are non-identified.
 Yes
 No Explain your answer.
- 9.3 **Will a link between direct identifiers and study code numbers be retained until the research is completed?**
- NA All records are non-identified.
 No Specify when the link between identifiers and code numbers will permanently destroyed. **At the conclusion of this study.**
 Yes Explain why it is necessary to retain the link between study codes and direct identifiers.
- 9.4 **Specify when all direct identifiers will be permanently separated from study records and destroyed.** (See Definitions on pg. 2 of the application.) If all records are non-identified, indicate "NA."
As stated above and in the security appendix, all direct identifiers will be destroyed at the conclusion of this study.
- 9.5 **Will identifiable research records be disclosed to anyone who is not involved with this research?**
- No
 Yes Describe the data to be disclosed, to whom, and the purpose of each disclosure.
- 9.6 **Will identifiable research records be used for a future study?**
- No
 Yes Explain your answer.
- 9.7 **Will a public-use/de-identified dataset be made available at the completion of the research?** (See Application Definitions.)
- No
 Yes **Note: a file layout of all data elements must be submitted for WSIRB review prior to release.** Explain how a public use dataset will be created.
- 9.8 **Will any identifiable research data or the study consent form be placed in a subject's medical record or case file?**
- No
 Yes Explain your answer.
- 9.9 **Will a federal Certificate of Confidentiality be requested?**
- No
 Yes, from _____ (agency/name).



**For records-only research, skip Sections 10 and 11.
Go to item 12.1 and complete all relevant Appendices.**

10. Mandatory Reporting

Washington State Agency Policy requires reporting of all suspected abuse/neglect of children and vulnerable adults, and reporting of threats of harm to self (suicidal ideation) or others. Some research involves diagnostic testing or clinical care, such that reporting of health conditions is required. **Mandatory reporting requirements must be described in study consent/assent forms as exceptions to confidentiality.**

10.1 Could interventions or interactions with subjects produce information that may lead to suspicion of abuse/neglect of a child? (RCW 26.44)

- No
 Yes Describe plans for reporting such incidents to Child Protective Services.

In the event that a child discloses child abuse or neglect at any point in the data collection process. The interview will be immediately stopped, and the alleged maltreatment will be promptly reported to the child abuse hotline for Washington State (or whatever state a child happens to be living in).

10.2 Could interventions or interactions with subjects produce information that may lead to suspicion of abuse/neglect of a vulnerable adult? (RCW 70.124, RCW 74.34)

- No
 Yes Describe plans for reporting such incidents to Adult Protective Services or, in the case of state hospital patients, to hospital staff.

10.3 Could interventions or interactions with subjects produce information that may lead to concern about threats of suicide or harm to other persons?

- No
 Yes Describe plans for reporting such incidents and plans to be implemented in the event of imminent threat of harm.

In the event that a child discloses information which presents to the interviewer as suicidal ideation, or concrete plans to hurt themselves or others, the interview will be immediately stopped, and perceived risk to self or others will be promptly reported to the local mental health professional, specific to a child's current residence.

10.4 Will study procedures involve testing or diagnosis of any disease or condition that is reportable under WAC 246-101? (Such as notifiable diseases, blood lead levels, etc.)

- No
 Yes Include a statement in the study consent form that the subject's condition will be reported to the state or local health department, as applicable.

11. Subject Recruitment

11.1 Explain how potential subjects will be identified. Explain each method to be used to identify them (e.g., agency records, databases, referrals, advertisements, etc.).

The overall process for recruitment, consent, and survey completion is outlined in Figure 5 below.

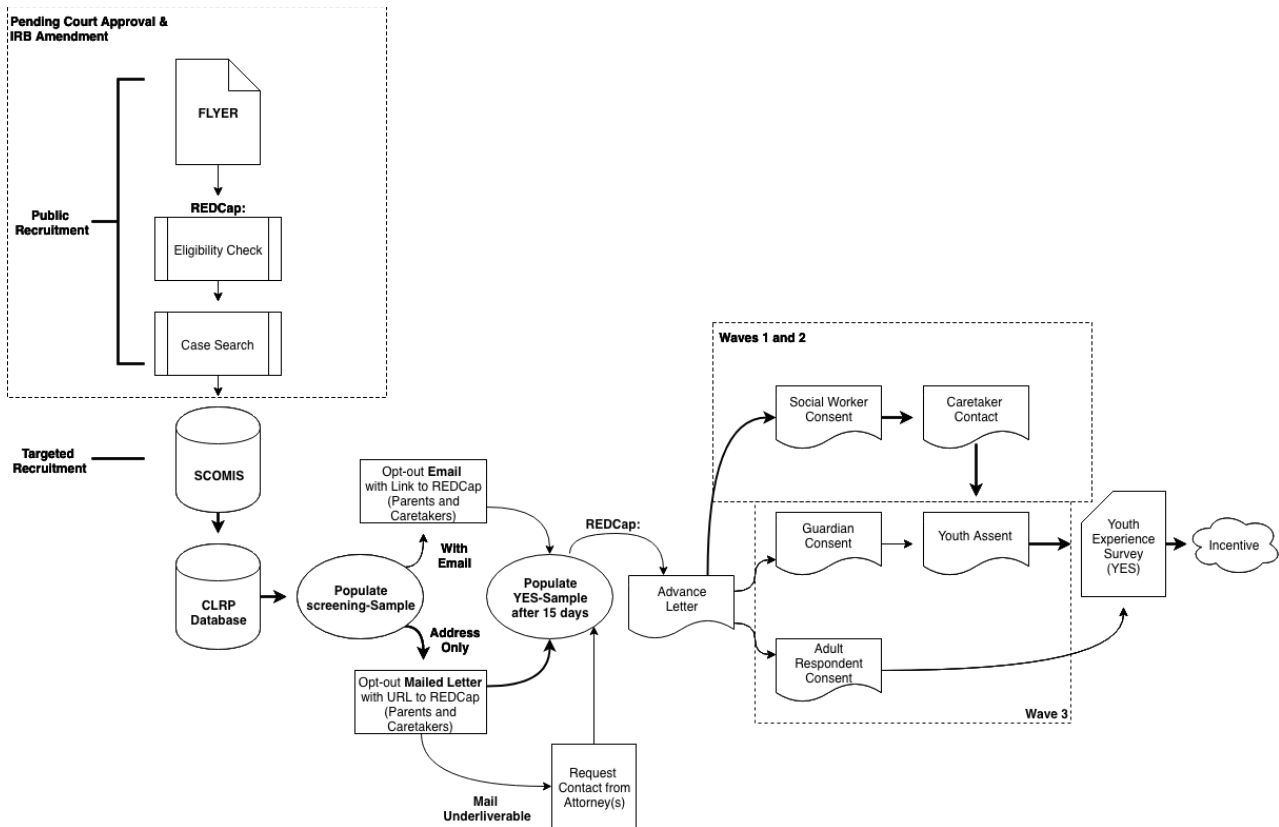


Figure 5. Survey Flow

The SCOMIS database will be used, on a weekly basis, to select the sample in accordance with the sampling plan described above. If multiple children are identified for a single caregiver, all associated children will be recruited for participation. The recruitment prioritization process will proceed as follows:

Primary Process - After confirming that a guardian’s children have not already been recruited through the secondary recruitment process outlined below. The research team member will use contact information from the report to directly attempt contact with the identified guardian for a child(ren), as outlined below.

Secondary Process - In addition to the above, with the permission of local courts, recruitment materials will be displayed on public announcement areas (e.g. bulletin boards) within the county court houses. These materials will explain the eligibility criteria, and provide contact information for the research team. If an individual contacts the research team on the basis of these recruitment materials, the team member will confirm that a guardian’s children have not already been recruited through the primary recruitment process outlined above. If permission is not gained from a given local court, no secondary recruitment process will be employed for that court (See Appendix F for potential recruitment flyer).

For each guardian recruited, the following information will be compiled in the YES database: guardian name, child name, gender, date of birth, address, phone number, and email address. The guardian name, child name, and gender will be used for the purpose of recruitment and to assist in data linkages under Linkage Process B outlined above. The secondary process will only be employed for Wave 3 responses. All recruitment for Waves 1 and 2 (while the child is dependent), will proceed through the social worker consent process.

Adult Recruitment Process - For children who have exited the dependency process due to reaching the age of majority (i.e. “aging out”) or due to their having achieved status as an emancipated minor, contact will be attempted identically to the guardian contact process.

11.2 Does this research involve recruiting subjects who are minors or dependent adults?

- No
 Yes Explain how, when, and where a parent or legal guardian will be contacted and asked for permission to recruit the minor or dependent adult. (If a waiver of parental/guardian permission will be requested, complete **Appendix I, Section 3.**)

11.3 Explain how subjects will be recruited.

Opt Out Letters - Upon receipt of the weekly SCOMIS report, AOC will send “opt out” to both parents and caregivers using certified mail, with a return receipt requested (See Appendix F for the opt out letter, see Appendix H for further details on the opt-out and consent process, and see Figure 5 for a visual description of the overall subject recruitment process).

The purpose of the opt out letter is to inform parents and caregivers of the purpose of the study, to assure them of confidentiality, and to give them the opportunity to decline participation in the study (with a unique link provided to each parent in the letter). If parents and caregivers do not opt out at this point they can still elect to leave the study at any point in the study process. Contact information for parents and caregivers who do not opt out or for whom the letters are not returned undeliverable, will be contacted with an Advance Letter as described below.

Undeliverable Opt Out Letters – For parent’s, if an opt out letter is returned undeliverable, the parent’s personal attorney will be contacted. AOC will identify the attorney using information from the SCOMIS report, in conjunction with Washington State Bar Association records, to contact the personal attorney. Upon contact with the attorney, the team member will determine if the attorney is willing to serve as a contact intermediary between AOC and the parent. If the attorney is amenable, the parent will be sent an opt-out letter as described above, but with the personal attorney making the submission to ensure confidentiality.

If the team member is unable to contact the parent’s personal attorney (or if the parent was not a party to the dependency), AOC will attempt to contact the child’s attorney (where assigned) and repeat the process outlined above.

When 15 days have elapsed between the date that a parent attorney (or child attorney) agree to attempt contact, the research team will make an additional attempt to contact the attorney to confirm that the attorney has 1. received relevant return receipts, and 2. that no contact has been made by the parent to opt out of the study. For parents who meet both of these criteria, they will be contacted with an Advance Letter as outlined below.

Advance Letter

Using information gathered/confirmed through the opt out letter process, the research team will next send an Advance Letter to the relevant guardians (see Appendix F for Advance Letter, and Figure 5 for a visual description of the overall subject recruitment process). The purpose of the advance letter is to briefly explain the study, assure confidentiality and describe the YES survey. The letter will inform the relevant party of the compensation for their (and their child’s) time and effort in responding to the survey. A telephone number and email address for the research team will be listed for any questions.

In some cases, the relevant party will have already made contact with the survey website and registered for the survey using the aforementioned unique link. In these cases, the parent will still be

provided with the content of the Advance Letter, but through a web interface. In the event that a parent makes use of the automated features of the online survey, no additional phone or mail contact will be necessary.

Primary Recruitment Process - One week after the advance letter is mailed, a research team member will begin attempting to contact guardians by phone or email to schedule an appointment for the purpose of explaining the research. This is a highly mobile population and it is likely that for some percentage of respondents the phone numbers, addresses, or email addresses will not be current. If this is the case, any attorneys involved in the recruitment process will be re-contacted for updated contact information. The research team will also search publicly available databases to update contact information.

Upon contacting guardians, the research team member will confirm that they are speaking to the parent or caretaker. They will explain the reason for their phone call and ask if it is okay to forward them more information about the survey. If the guardian agrees, the guardian's email address will be collected and the guardian will be forwarded an "opt-out" email as shown in the figure below.

Secondary Recruitment Process - For guardians who contact the research team using the secondary recruitment process, a member of the research team will schedule time for an introductory phone call with the guardian. During this call, the research team will explain the purpose of the study to the parent and ask if it is okay to forward them more information about the survey. If the guardian agrees, the guardian's email address will be collected and the guardian will be forwarded an "opt-out" email as shown in the figure below.

Again, in some cases, the guardian will have already made contact with the survey website and registered for the survey using the link available on the recruitment flyer. In these cases, the parent will still be provided with the content of the Advance Letter, but through a web interface. In the event that a parent makes use of the automated features of the online survey, no additional phone or mail contact will be necessary.

Adult Recruitment Process - For children who have exited the dependency process due to reaching the age of majority (i.e. "aging out") or due to their having achieved status as an emancipated minor, the advance letter information will be communicated identically to the process for informing guardians outlined above.

- 11.4 Explain when recruitment will occur. As stated above, the survey will proceed in three waves - Wave 1 will begin upon the entry of the child's dispositional order, Wave 2 will begin upon the entry of the child's first permanency planning order, and Wave 3 will begin upon the dismissal of a child dependency (or termination of parental rights, whichever comes first). Since the survey is beginning one year after the start of the pilot, not all children will be able to participate in each wave of data collection. This limitation will be accommodated through synthetic cohort designs during the statistical analysis phase of the project.
- 11.5 Explain where potential subjects will be recruited. As described above, the location of the recruitment will take place using a combination of public postings, email, telephone conversations, and regular US mail. No public postings will be made without a subsequent amendment to the WSIRB.
- 11.6 Explain who will make initial research contact with potential subjects. (If confidential state agency records will be used to identify potential subjects, the state agency must make initial contact.)

Carl McCurley and Tammy Cordova, the managers in charge of the SCOMIS and DCYF records used to source the survey population will be making first contact with subjects in either the physical or electronic "opt-out" letter.

- 11.7 Explain how privacy will be respected during the recruitment process. Whenever possible, recruitment for this study will not take place in public settings. Rather, recruitment will be conducted over the phone

or email. Aside from the minimum information required for future contact or consent/assent, no records of the contact between the researchers and subjects will be kept.

Additionally, The YES database will be maintained within a REDCap database managed by the research team at the SSW. The database is accessed through a web interface which is vended by a server utilizing an HTTPS/SSL standard. In other words, all communications with the YES database will be encrypted. When data are transmitted to AOC for integration, transmissions shall be made through SFTP, or a more secure protocol.

- 11.8 Explain what steps will be taken to minimize undue influence to participate. All subjects will be provided with either a physical or electronic “opt-out” letter which provides them with the opportunity to avoid contact with the research team as early as possible.

Additionally, the consent and assent forms include an explanation that “the decision on participation in this research will in no way change prior case decisions for your child, or services provided to your child in the future.” The assent document makes a similar statement.

- 11.9 Will potential subjects be offered gifts, payments, services without charge, or other incentives to participate?

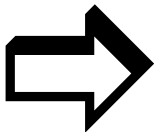
- No
 Yes Specify the type of incentive, the monetary value, and when incentive(s) will be given.

At the completion of each wave of the survey, the parent and child will each be provided with a 25-dollar gift card. The card can be delivered electronically, or by mail, at the discretion of the subject.

- 12. Informed Consent/Assent Process** Unless specific requirements are met and the WSIRB approves a waiver, signed consent/assent and signed parent/guardian permission for the participation of a child are required for studies that involve interventions or interactions with human subjects.

12.1 Are you requesting:

- A waiver of documentation of consent/assent for study participation?
 No Yes (Complete **Section 1.1 or Section 1.2 of Appendix I**).
- A waiver of consent/assent?
 No Yes (Complete **Section 2 of Appendix I**).
- A waiver of parent / guardian permission for study participation of a child?
 No Yes (Complete **Section 3 of Appendix I**).
- A waiver of authorization for use/disclosure of identifiable records or PHI?
 No Yes (Complete **all items in Section 4 of Appendix I**).



If you are not contacting subjects, skip the remainder of Section 12.

- 12.2 Identify who will obtain consent, assent, or parent/guardian permission. Provide job titles/credentials, and a description of consent training for all individuals responsible for obtaining consent:

The individual primarily responsible with making contact with respondents in this study is Jooree Ahn. Jooree is a trained social worker who has been participating in various child welfare system research projects for several years. Jooree has an MSW and an MPH degree and has participated in

multiple survey projects involving child welfare clients in the State of Washington. She is more than qualified to manage the recruitment effort of this project.

In the event that additional persons are added to the team to assist in interviewing or recruitment efforts, these interviewers will be supervised by Jooree. For the duration of the field period, the PI will weekly with Jooree (or other interviewers a needed) to debrief, answer questions, and provide feedback regarding data quality.

12.3 Describe how, when, and where consent, assent, and/or parent/guardian permission will be obtained. As described above, the specifics of how parent/guardian consent is obtained will depend on the legal status of the child.

12.4 Explain how subjects' understanding of the research procedures and the risks and benefits of study participation will be assessed.

In both modes of survey completion the respondent will be asked to confirm their understanding of study procedures, study risks, and study benefits prior to the completion of the survey.

After being prompted to confirm their understanding, if the respondent (either verbally or by response to the website prompt) indicates that they do not understand, the information will be communicated to the respondent one more time, followed by an additional prompt for understanding.

If the respondent makes a second response (either verbally or by response to the website prompt) indicating that they do not understand, they will be thanked for their time, and asked for a preference regarding compensation for their time.

12.5 Will an impartial witness be present during the consent/assent session?

- No
 Yes Identify the individual who will serve as a witness and describe his/her qualifications.

12.6 Complete Appendix F: Recruitment, Consent/Assent, and Authorization Documents. Put the document title in a footer on each document. List all documents and readability scores in Appendix F and attach them to the Appendix. Names of electronic documents should match the document titles listed in this Appendix.

Application Checklist

The following documents must be submitted with the application, when applicable.

- Appendix A: Additional Research Staff - attach CVs/resumes (limit to five pages each)
- Appendix B: Research Involving Pregnant Women, Human Fetuses, and Neonates as Subjects
- Appendix C: Research Involving Prisoners as Subjects
- Appendix D: Research Involving Children as Subjects
- Appendix F: Recruitment, Consent/Assent, and Authorization Documents
- Appendix G: Requests for Use or Disclosure of Records
- Appendix H: Resource Requests
- Appendix I: Consent/Authorization Waivers
- Appendix J: Electronic Data Security Plan
- Appendix K: Data Collection Instruments
- Appendix L: Miscellaneous Study Documents
- Appendix M: Grant Application or Proposal for Federal Funding
- Appendix N: Conflict of Interest Reporting – **Required for all applications.**

Submission of an incomplete application is a common cause for delay in the review of proposals.

