



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

To: Civil Legal Aid Oversight Committee

From: Jim Bamberger

Re: Quarterly Report From the OCLA Director

Date: March 12, 2020

The following is my quarterly report to the Civil Legal Aid Oversight Committee for the period January 1, 2020 through the present. Areas of discussion will include:

- The 2020 Legislative Session
- FY 2022-23 Biennial Budget Planning
- Agency Operations and Protocols During the COVID-19 Coronavirus Public Health Emergency
- Adding Additional Executive Leadership Capacity
- Other Matters and New Initiatives

1. The 2020 Legislative Session.

The 2020 legislative session ends today. OCLA's focus was on the supplemental budget. We requested funding as follows:

- a. \$126,000 to cover a caseload driven FY 2019 overspend in our Children's Representation Program (CRP) and the ongoing CRP study that we covered with FY 2020 funding.
- b. \$139,000 in FY 2021 for an Assistant Agency Director to address present and prospective critical agency staffing challenges.
- c. \$418,000 to wind down the CRP study over FY 2020 and 2021
- d. \$165,000 in reappropriated unspent FY 2019 funding for the automated family law forms document assembly project.

In addition, and on behalf of the Statewide Reentry Council, we submitted a \$492,000 budget request for FY 2021 to establish a statewide reentry legal aid program. Efforts to secure this funding were managed by leadership of the Statewide Reentry Council, not OCLA staff.

During the session itself we were alerted to the need for and requested \$25,000 in additional funding for the Eviction Defense Study funded by the Legislature in the FY 2020-21 operating budget and which is being conducted by the Evans School of Public Policy and Governance at the University of Washington.

The final conference report for the supplemental operating budget was released on March 11, 2020. It provided funding at the levels requested for each item with one exception -- the \$139,000 request for the Assistant Agency Director. It also provided an additional \$25,000 in FY 2021 to be used to update a kinship legal services guide in light of recent changes in the law and practices, and to develop training for kinship caregivers on the new minor guardianship law passed last session and amended during this session.

Senator Rivers sought but was unsuccessful in securing approval for a floor amendment to add funding for the Assistant Director position to the Senate budget. I thank her for that effort and the other legislative members of the Oversight Committee who worked behind the scenes in support of this request.

In addition to the budget-related items discussed above, and as previously reported to the Oversight Committee (in accordance with OC requiring prior consultation before promoting or opposing policy legislation before the Legislature), OCLA went on record in both the House Civil Rights and Judiciary and Senate Law and Justice Committees in support of [SHB 2567](#) – the bill that protected courthouse users from warrantless civil immigration arrests at or near courthouses. The amended bill passed both houses on partisan votes and awaits the Governor's signature.

2. FY 2022-23 Budget Development

As the Legislature neared the end of its work during this session, OCLA began the process of consulting with stakeholders regarding the substance, focus, and magnitude of the agency's FY 2022-23 biennial budget request. We initiated the effort with a January 28th memo (Attachment 1) outlining the likely core elements of any request – (a) securing a vendor rate adjustment for Northwest Justice Project (NJP) to protect continuity of current client service operations both at NJP and at the pro bono and specialty legal aid programs that receive state funding through the OCLA-approved subcontract between NJP and the Legal Foundation of Washington (LFW), (b) completion of our Civil Justice Reinvestment Plan effort to achieve minimum access client service staffing; and (c) a small increase in funding for the automated document assembly project to ensure adequate staffing and translate the online interviews and forms into Spanish.

We held a listening session on March 5, 2020 during which we received questions, comments, and suggestions from sixteen representatives of Alliance programs and supporters. We sent out a memorandum capturing the essence of the discussion (Attachment 2) on March 9th. You will note that this memo foreshadows the very likelihood that the state's budget environment will take a marked turn toward the negative due to the direct and indirect consequences of the public health emergency, and that this will likely force us to temper our expectations for the coming biennium; conditions reflected in the Legislature's final supplemental operating proposal which was significantly reduced from the proposals passed before the declaration of the current public

health emergency. As outlined in our March 9th memo, the balance of the budget development process will be as follows:

- a) Receive written input from stakeholders (closes March 15, 2020)
- b) Monitor the budget environment and continue consultations with the EJC, NJP, LFW, PBC, tribes and tribal organizations, and others (late March through mid-April)
- c) Develop and publish an outline of draft budget proposals to individuals who participated in the March 5, 2020 meeting and others on request (on or before April 15)
- d) Receive comments on draft budget proposals (through April 30)
- e) Submit initial decision packages to Supreme Court Budget Committee (May 15)
- f) Present initial decision packages to the Civil Legal Aid Oversight Committee (June 19, 2020)
- g) Revise and submit final decision packages in light of anticipated changes in the budget environment and input received (August 2020)
- h) Final submission to OFM (October 2020)

3. Agency Operations and Protocols During the COVID-19 Coronavirus Public Health Emergency

During the past few months, OCLA has been in the process of completing work on its Continuity of Operations Plan (COOP) (Attachment 3), and staff have been working to define their respective priority functions, procedures, and timelines in the event of extended disruption to their individual or our collective capability.

While the COOP is not yet final, it offers sufficient direction in times of challenges like those of the COVID-19 Coronavirus public health emergency. Consequently, on March 10th I formally invoked the COOP and issued directives to staff regarding work environment, meeting attendance, and other related matters. The directive reads:

As agency Director, I am (a) invoking the draft continuity of operations plan (attached), (b) requiring that each of you avoid in-person meetings of any type unless critical to your core duties; and (c) directing that, except for required attendance at your respective places of employment, that you work from home or some other health-secure location. I am also asking that you take appropriate social distancing steps to protect your health, that of your families and friends, and that of others. Remember, it takes but one or two unintended transmissions to set off another line of exponential transmission.

We have also issued guidance and advice to our Children's Representation Program attorney contractors, encouraging them to take necessary precautions in the manner in which they conduct their client representational work

4. Adding Additional Executive Leadership Capacity

The lack of supplemental funding for the Assistant Agency Director position was disappointing, but does not deter our intention to move forward with plans to add an additional executive level position in the agency for the reasons outlined in the attached letter I received from our independent management consultants, Marcella Fleming Reed and Dr. Lori Homer. As explained in their letter (Attachment 4),

“Over all 14 years of its existence and under your leadership, OCLA has expanded its impact and operations to the current scope of administering and overseeing more than 100 contracts and \$46 million per biennium in state funding **without** proportional increases in administrative expense.”

“While OCLA’s outsize impact is admirable, our expertise working with organizations also lead us to conclude that the current ratio of workload to permanent staff is not sustainable. As an organization, OCLA is facing a high risk of failure, with no redundant responsibilities among staff, and staff feeling stretched to (or beyond) their limits.”

Ms. Reed and Dr. Homer conclude unequivocally that:

“[O]ur opinion [is] that the OCLA should be supported through the addition of an Associate Director role, someone who can take on daily operations and general staff management. This person will focus on making OCLA run in a sustainable way, such as creating some redundancy for critical services and deliverables to mitigate the high risk of staff burnout. The new executive-level operational role will help reduce current bottlenecks and ensure OCLA’s processes and policies are robust and scalable.”

This past fall, we learned all too well how understaffed we are when one of our program managers became seriously ill and unavailable for the better part of four months. I ended up covering essential work for this individual throughout the period of her unavailability. The level of risk we encountered to critical agency operations during that time is unsustainable and helped establish the urgency for additional agency capacity.

Consequently, we will continue working with our consultants to define the role of and specific job description for an agency Deputy Director. We anticipate issuing a notice of position vacancy sometime in the late spring with the goal of hiring someone to begin on or shortly after July 1, 2020. Recognizing that the Legislature did not fund this additional position, we will have to identify sources within existing agency appropriations. We are committed to minimizing the impact on client service funding, but recognize there is very little unobligated funding to which we can turn.

5. Other Matters and New Initiatives

- a. In the fall of 2019, we became aware of a number of legal, ethical, and operational issues that threatened our ability to continue to subgrant VOCA funding to the YWCA of King and Snohomish Counties to support operations of its Sexual Violence Legal Services (SVLS) program. We brought these issues to the YWCA leadership and suggested a number of ways in which they could address them. After extended conversations, the YWCA determined that it was not the best entity to host a law firm component like SVLS and that it would end its host relationship with that program. OCLA worked with stakeholders to identify a suitable home for SVLS staff. In October, Seattle-based Legal Voice offered to enter into a VOCA-funded subgrant to host and manage this program. A Transition Agreement was entered into between Legal Voice and the YWCA pursuant to which all existing cases, client files, and necessary data were transferred. Former SVLS staff wishing to continue were hired by Legal Voice, and services were commenced effective January 1, 2020, resulting in a seamless transfer of functions without significant client service disruption. OCLA appreciates the willingness of Legal Voice to step up and ensure continuity of services for victims of sexual violence, and the YWCA for its cooperation throughout the transition effort.
- b. The Children's Representation Study funded by the Legislature starting in 2017 continues. Over the past few months we have been working with Michelle Cole with Gallatin Public Affairs to document stories of the amazing work our CRP study attorneys are doing for their clients in both study counties (Lewis and Grant counties). An initial report to the Legislature issued by the research team (the Washington State Center for Court Research at the Administrative Office of the Courts and the University of Washington School of Social Work) is attached (Attachment 5). The report confirms statistically significant reductions in the time to permanency for children who are appointed attorneys at the time of their first shelter care hearings, and offers promising indications of significant reductions in the number of incidents where children run away from their foster placements as well as the number of days those children are on the run. More information will be forthcoming as data share agreements are executed with the Office of the Superintendent of Public Instruction and the researchers cross-tab educational data with court data and data from the Department of Children, Youth, and Families. A final report is due in December.
- c. In late 2019, the Superior Court Judges Association (SCJA) decided to address the sharp increase in the number of unrepresented litigants in our courts. The SCJA established an inclusive work group to develop a range of strategies to address the problems experienced by both courts and litigants as a result. I was asked to serve on this work group, which includes judges, clerks, legal aid staff, representatives from the Supreme Court commissions, and others. Kitsap County Superior Court Judge Jennifer Forbes was appointed as chair. Staff support is provided by the Administrative Office of the Courts. I have been asked and agreed to take a leadership role with this work group.

Under Judge Forbes's able leadership, the work group has hit the ground running. It is my sense that, with judicial leadership on this issue, we will finally have a chance to make significant strides in developing effective consumer-centered strategies designed to increase the chance that individuals without legal representation can more fairly participate in their court cases and achieve outcomes that are fair and appropriate under the facts of their cases and applicable law.

ATTACHMENT 1



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James A. Bamberger, Director
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To: ATJ Board, Delivery Systems Committee, Equal Justice Coalition, Alliance Stakeholders

From: Jim Bamberger

Re: FY 2021-23 Biennial Budget Proposals

Date: January 28, 2020

While the 2020 legislative session is just a few weeks old, I write to inform you that planning for the 2021-23 biennial budget request is already under way. OCLA has not received specific instructions yet from the Supreme Court's Budget and Funding Committee. Relying on recent experience, we anticipate that initial decision packages will need to be submitted by April 1st. This memorandum commences the stakeholder information and consultation process that will lead to the development of our biennial budget proposals.

Since 2015, our biennial budget effort has focused on two principal objectives: (1) maintaining Northwest Justice Project's (NJP's) client service capacity in the face of increased costs of operation through a biennial vendor rate adjustment (VRA); and (2) implementing the 2016 Civil Justice Reinvestment Plan (CJRP). Last biennial session we also sought dedicated funding to address critical and independently-documented compensation disparities experienced by our state's volunteer attorney programs. The VRA and CJRP components generally make up over 80% of our budget asks.

In the 2019 biennial session, the Legislature funded \$3M in a VRA and an additional \$3M in CJRP funding to phase in an additional 20 FTE's over the biennium.¹ The Legislature also provided \$300,000 in funding to close the VLP compensation gap. A July 2019 status report on progress relating to CJRP implementation is attached for your convenience.

Looking to FY 2021-23, and in keeping with our general approach, we have identified the following core areas of budget need:

1. Funding for a VRA to enable NJP to maintain continuity of services despite increased costs of operation. (Est. cost being determined)

¹ Because the FTE's were phased starting January 1, 2020, the carryforward expense will increase to over \$6M in the FY 2021-23 biennium.

2. Complete the road to “Minimum Access” by seeking funding to phase in an additional 36 FTE’s in increments of 20 FTE’s per fiscal year. (Est. cost in FY 2021-23: \$5.76M; in FY 23-25: \$11.52M)
3. Secure funding to translate the interviews, instructions, and forms in Washington Forms Online into Spanish. WAFormsOnline is the automated family law document assembly system funded by the Legislature in 2018 as part of its initial investment in the CRJP. For those who have not tried out the new system, you can access the forms that have been automated [here](#). (Est. cost being determined)

In addition, we anticipate the need to seek a small FY 2021 supplemental budget request to maintain staffing for WAFormsOnline.

In the NJP VRA, we intend to include a request for an adjustment in the baseline level of funding subcontracted by NJP to the Legal Foundation of Washington to support the operations of four specialty programs and the sixteen volunteer attorney programs. This baseline level of funding was set at \$1.9M per year in 2009. There have been no adjustments to that level since then. All other state funding subcontracted to the Legal Foundation has been the result of specific legislative budget provisos directing funding for (a) CJRP positions, (b) the CJRP Pro Bono Enhancement Initiative, and (c) pro bono compensation equity.

OCLA has asked NJP to include in its VRA budget projections a 10% increase in the baseline level of funding subcontracted to the Legal Foundation for each year in the FY 2021-23 biennium. If funded, this would provide an additional \$190,000 in FY 2022 and an increase of \$209,000 in FY 2023 (bringing the baseline level to \$2.399M – a 21% increase over the historical level). This additional funding would be included in the pool of funds used by the Legal Foundation to underwrite the operations of the pro bono and specialty legal aid programs that currently receive state funding. It would not be used to expand funding to other organizations engaged in state-eligible activities that may be current recipients of Legal Foundation support but not current recipients of state pass-through dollars. By undertaking this approach, we avoid the need for discrete and potentially competing budget proposals requiring the Legislature to pick and choose. It also serves the goal of having a consistent unified message generally in support of the OCLA budget request.

REQUEST FOR COMMENT:

OCLA respectfully requests comments on the broad outline of the approach to FY 2021-23 budget development outlined above, including suggestions, rationales, and estimated costs of proposed investments beyond those listed above. Consistent with prior biennial budget development processes we will work with EJC and WSBA staff to convene a stakeholder conversation in Seattle (with on-line participation available for those elsewhere) sometime in late February, with the goal of concluding development of the principal contours of the FY 2021-23 budget request no later than March 15, 2020.

Please forward electronic comments to ocla@ocla.wa.gov

ATTACHMENT 2



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James A. Bamberger, Director
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To: Alliance Stakeholders

From: Jim Bamberger

Re: OCLA FY 2022-23 Budget Development Process

Date: 3-9-2020

On Thursday, March 5th, OCLA convened a listening session at the WSBA offices and by conference call to entertain suggestions, ideas, and questions relating to the process by which we will develop and submit the agency's FY 2022-23 biennial budget request. The following people participated in the conversation:

John Tirpak (Unemployment Law Project)
Juliana Repp (Unemployment Law Project/Native American interests)
Jerry Kroon (Eastside Legal Assistance Program)
Will Livesley-O'Neill (Legal Foundation of Washington/Equal Justice Coalition)
Caitlin Davis (Legal Foundation of Washington)
Elizabeth Fitzgerald (Clark County Volunteer Lawyers Program)
César Torres (Northwest Justice Project)
Michael Heatherly (LAW Advocates of Whatcom County)
Eloise Barshes (Chelan-Douglas County Volunteer Attorney Services)
Laurie Davenport (Tacoma Pro Bono)
Linda Inagawa (International Families Justice Coalition)
Annie Lee (TeamChild)
Reyna Rollolazo (TeamChild)
Merf Ehman (Columbia Legal Services)
Grete Schultz (Solid Ground)
Chach Duarte White (Legal Counsel for Youth and Children)
Randy Pepple (OCLA communications consultant)
Hope Hough (OCLA)
Jim Bamberger (OCLA)

We reviewed the recent history of state funding efforts, progress made to date toward implementation of the Civil Justice Reinvestment Plan (CJRP), and the pros and cons associated with different approaches to seeking funding for specific components of the budget request (e.g., line-item requests for pro bono salary comparability). We also reviewed the rough framework of budget thinking set forth in OCLA's January 28, 2020 memo that was sent to the Alliance community listserv.

Many questions were asked, most of which focused on the process that OCLA will use to finalize its budget request; the number of additional FTE's required to achieve the CJRP's goal of minimum access; the process, if any, by which decisions will be made about the geographic and programmatic location of additional CJRP FTE's; and the amount of pass-through funding that might be included in the request for a Vendor Rate Adjustment for the Northwest Justice Project.

There were some questions about whether OCLA had determined the overall size of its budget request. We responded that the size and composition of our budget request will ultimately be determined by our sense of the budget environment at the time preliminary and final decisions must be made (May 15, 2020 and September 30, 2020 respectively). As of the writing of this follow-up memo, it is hard not to approach FY 2022-23 budget development with more sobered expectations in light of likelihood of a significant economic slowdown resulting from the COVID-19 pandemic and the corresponding significant demand on state-funded resources to mitigate direct and indirect responses (including economic impact mitigation for renters, workers, businesses, etc.). The crisis is most surely going to have some impact on our ability to protect current client service operations, much less expand funding in the coming biennium. What that will be is hard to predict at this point; but we would be naïve were we not to incorporate this into our budget development thinking.

During the conversation we outlined OCLA's budget development steps as follows:

- a) Issue initial communication to Alliance stakeholders along with supporting documents sent out (Jan. 28th)
- b) Convene stakeholder listening session (March 5, 2020)
- c) Receive written input from stakeholders (closes March 15, 2020)
- d) Monitor budget environment and continue consultations with the EJC, NJP, LFW, PBC, tribes and tribal organizations, and others (late March through mid-April)
- e) Develop and publish outline of draft budget proposals to individuals who participated in the March 5, 2020 meeting and others on request (on or before April 15)
- f) Receive comments on draft budget proposals (through April 30)
- g) Submit initial decision packages to Supreme Court Budget Committee (May 15)
- h) Present initial decision packages to the Civil Legal Aid Oversight Committee (June 19, 2020)
- i) Revise and submit final decision packages (August 2020)
- j) Final submission to OFM (October 2020)

Of the questions presented during the conversation, a number stand out in particular:

1. Is NJP's Vendor Rate Adjustment (VRA) the proper vehicle to increase the amount of state funding targeted to address needs experienced by pro bono and specialty provider organizations that receive state funding as part of their grants from the Legal Foundation of Washington (made possible by the subcontract between NJP and LFW)?
2. If so, how much might be requested and for what priority areas of investment? (We have asked for specific guidance from the EJC)
3. Assuming that we are successful in securing new funding through a VRA to increase the amount passed through to the Legal Foundation, how will decisions be made regarding the use of such funds?
4. Assuming that we are successful in securing funding for additional CJRP positions, how will decisions be made as to where and to what organizations those positions will be allocated?
5. Related to questions 3 and 4 is the question of whether existing and possible expanded funding is limited to the four specialty legal aid providers that have historically received partnership grants from the Legal Foundation of Washington. If so, why? If not, what process (if any) and what criteria (if any) are used to determine the programs that should benefit from such funding?
6. When considering progress made toward minimum access since 2016 and in light of the specific findings of the 2015 Civil Legal Needs Study, has there been any consideration of using CJRP funding to target the needs of on and near-reservation Native people?

As this was a listening session, OCLA did not attempt to provide specific answers to any substantive questions other than those relating to the timeline for development of the budget request.

During the meeting, Will Livesley-O'Neill shared written comments developed by the Equal Justice Coalition which have subsequently been shared with those who attended the listening session.

We continue to look forward to written comments that are due on March 15th.

ATTACHMENT 3



Washington State Office of Civil Legal Aid

CONTINUITY OF OPERATIONS PLAN

Update: March 2, 2020

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I. MISSION STATEMENT / PURPOSE OF COOP

The Mission of the Washington State Office of Civil Legal Aid (OCLA)

Secure, invest and oversee the use of public funding for civil legal aid to low-income people in Washington State and representation of children and youth in dependency cases, and to ensure accountability for public funds dedicated to these purposes.

The Purpose of the OCLA Continuity of Operations Plan (COOP)

The COOP provides a framework for continuing essential OCLA operations and the eventual recovery of full operations following a disaster or other significant disruption of varying degree and duration. The COOP will help OCLA continue to fulfill the most critical components of its core mission while also working with other appropriate parties to eventually complete a full recovery of all operations that support the full mission of OCLA.

II. EXECUTIVE SUMMARY

By identifying risks and developing a plan to address the risks that threaten the greatest exposure, OCLA can protect its ability to ensure client services, meet its financial obligations to contractors and government partners, and maintain its statewide leadership capabilities.

A Continuity of Operations Plan typically contains components such as disaster planning and preparedness planning, disaster response, partial recovery/resumption, and complete recovery/resumption of full operations. OCLA is a small agency with limited resources to develop and exercise a risk management plan, thus has chosen to focus its plan on selected areas of risk to the organization with the intent to employ a broader strategic perspective over time.

This COOP is intended to guide response and recovery for a variety of disasters and other disruptions that could range in both degree and duration. This plan identifies OCLA's critical functions and possible approaches that may be necessary to maintain critical functions when a disruption is limited to the OCLA office, or includes the local geographic area, or extends to a regional or more widespread impact.

This COOP applies to all OCLA employees, and its implementation may impact other Washington state agencies, state and local courts, counties and municipalities, and OCLA's contractors and other third-party service providers.

III. APPLICABILITY AND SCOPE

The applicability and scope of the Office of Civil Legal Aid (OCLA) Continuity of Operations Plan (COOP) is limited to OCLA as an entity, its physical office and its employees. It does not attempt to direct activities of other entities, offices or employees within Washington state government. It does not apply to organizations or individuals that contract with OCLA to provide client services, except to the extent it may guide them in engaging with OCLA to maintain client services.

OCLA maintains offices at the following locations:

- 1112 Quince St SE, Olympia, WA 98501
- 110 Prefontaine Pl S, Ste 610, Seattle, WA 98104
- 717 Tacoma Ave S, Tacoma, WA 98402

IV. PLANNING ASSUMPTIONS

The following assumptions informed development of this COOP:

- Initial emergency response will focus first on the safety and security of OCLA personnel. Activities to maintain or re-establish critical functions will follow actions to ensure safety.
- Potentially significant disruptions of OCLA operations may occur at any time with or without warning.
- The cause of a disruption can be natural (e.g., earthquake, flood, pandemic), or human-caused (e.g., violence, arson, power outage, lack of a state budget).
- The degree of a disruption can be minimal (e.g., one OCLA work station) or extensive (all IT, communications, financial programs within state government).
- The duration of a disruption can be short (e.g., one hour) or lengthy (e.g., one month or more).
- A disruption may encompass a single site (e.g., a building where an OCLA office is located), a local geographic area (e.g., Thurston County), a regional expanse (e.g., Puget Sound area), or may be a widespread infectious health emergency (e.g., pandemic).
- A disruption may render some or all of the OCLA office facilities and systems damaged or unavailable. Alternative physical work locations for some employees and alternative staff tasks/ operations may be necessary for a period of time.

V. PLAN ACTIVATION DECISION

The decision to activate (and terminate) any element of this COOP rests with the OCLA Director or designee as identified in the line of succession (Section VI). This decision may occur very soon after a disaster/disruption or over time as the magnitude and duration of the disruption become more apparent. The Director or designee may implement and alter plans as deemed appropriate under the circumstances at the time.

In evaluating whether and when to activate, terminate or alter any element of this plan, the OCLA Director or designee may consult and coordinate with the Chief Justice, the State Court Administrator, the Governor, the state Emergency Management Division, and other parties as appropriate.

OCLA participates in a judicial branch emergency mass communication system (MCS) managed by the Administrative Office of the Courts. This system ensures timely electronic communication in case of an emergency that affects state government, AOC physical and technology infrastructure, or systems on which the judicial branch relies in order to perform basic functions. All OCLA staff should be enrolled in the system.

VI. DELEGATION OF AUTHORITY

The OCLA Director has designated in succeeding order a list of OCLA employees with authority to conduct OCLA business in the event of an emergency when the director cannot be contacted. The list as of the date of adoption of this COOP is:

1. Jill Malat
2. Dana Boales
3. Hope Hough

In the event of an emergency, the most senior OCLA employee as designated on the list, shall have authority to act until such time as the Director can be contacted or until a more senior employee as designated on the list is present at the OCLA office or is able to communicate directly with the OCLA office and employees.

VII. RESPONDING TO AN EMERGENCY

The Director may implement the agency emergency plan when conditions exist which require action to ensure employee safety.

A. Reporting an Emergency

In case of a medical or other potentially life-threatening emergency at an OCLA office, call 911 immediately and report the nature of the emergency. *Follow the 911 call-taker's instructions.*

B. Office Evacuation

When the fire alarm sounds or in the event of a hazardous spill, bomb threat, or other emergency that requires evacuation of an OCLA office, all OCLA employees and guests present in the office should evacuate via the nearest safe exit and report to your scheduled assembly area or as directed by emergency personnel. Staff on-site at the office located within the Administrative Office of the Courts shall adhere to AOC protocols for the prompt evacuation of the buildings, outside line-up and accounting, and eventual discharge.

Employees/guests on site at the time of the evacuation should remain as a group until everyone who was in the office can be accounted for. Staff shall report to the appropriate AOC (for evacuations of AOC facilities) or building personnel the names of any OCLA employees/guests who cannot be accounted for so they can contact first responders. No one is to leave the area or enter the building(s) until word is received from the emergency leadership team that the emergency or drill is over.

C. Sheltering in Place

There may be situations, depending on the circumstances and the nature of the disaster, when it's simply best to shelter in place and avoid any uncertainty outside.

The length of time required to shelter may be short, such as during an earthquake, or long, such as during a winter storm or pandemic. It is important that OCLA employees and guests stay in shelter until local authorities say it is safe to leave.

During extended periods of sheltering, water and food supplies will need to be managed to ensure staff have the required supplies and quantities.

VIII. RESPONDING TO DISRUPTION OF OCLA OPERATIONS

A. Identifying Critical Functions

'Critical functions' are limited organizational functions that OCLA must maintain, or be able to quickly resume, in the event of an emergency/disaster that disrupts normal agency activities. Many critical functions reflect OCLA's duties as established by statute, case law, and contract.

The grid below identifies OCLA critical functions, the responsible OCLA staff position(s), and the equipment/systems and records necessary to perform the function. (Some functions, equipment/systems, and records may be outside OCLA control; e.g., under the control of AOC, OFM, DES, etc.)

Vital Service or Program	Critical Functions	Primary and Alternate Staff	Necessary Equipment and Systems	Necessary Records and Databases
Agency Management	<ol style="list-style-type: none"> 1. Set OCLA policy 2. Communicate with OCLA staff 3. Coordinate with other agencies 	<ol style="list-style-type: none"> 1. OCLA Director 2. CRP Manager 3. Designee, per Designation of Authority 	Landline/Cell Phone; Laptop; Appropriate Chargers; Internet Connection; Software: Box, Microsoft Outlook, Word, Excel	Staff contact information; outside contact information
Budget/Accounting	<ol style="list-style-type: none"> 1. Pay invoices for OCLA contractors and other client services 	<ol style="list-style-type: none"> 1. Sr. Financial Services Analyst (contractor invoices) 2. Financial Services Analyst (travel reimbursements) 	Landline/Cell Phone; Computer/Laptop; Appropriate Chargers; Internet Connection; Email or USPS; Software: Microsoft Outlook, Word, Excel; JCTS; AFRS	Invoices; manager authorization
Children's Representation Program (CRP)	<ol style="list-style-type: none"> 1. Communicate with contractors 2. Prepare invoices for approval 3. Approve invoices for payment 4. Terminate contracts, if necessary 5. Maintain contact with AOC fiscal staff (Devon Dieckman, Kim Walton) 	<ol style="list-style-type: none"> 1. CRP Manager (critical functions 1, 3, 4) (backup to Sr Admin Asst) 2. Sr Admin Asst (critical function 2) 3. Director (backup to CRP Mgr) 4. CRP Mgr backup to Sr Admin Asst (critical function 2) 	Landline/Cell Phone; Laptop; Appropriate Chargers; Internet Connection; Email or USPS; Software: Box; Microsoft Outlook, Word, Excel; JCTS	Invoices
VOCA Program	<ol style="list-style-type: none"> 1. Communicate with contractors 2. Prepare 	<ol style="list-style-type: none"> 1. VOCA Program Manager (critical functions 1, 3, 4) 	Landline/Cell Phone; Laptop; Appropriate	Invoices

	<p>invoices for approval</p> <p>3. Approve invoices for payment</p> <p>4. Terminate contracts, if necessary</p> <p>5. Maintain contact with AOC fiscal staff (Helen Swenson, Devon Dieckman) and OCVA staff (Nicky Gleason)</p>	<p>(backup to Sr Admin Asst)</p> <p>2. Sr Admin Asst (critical function 2)</p> <p>3. Director (backup to VOCA Mgr for critical functions 1, 3, 4)</p> <p>4. VOCA Program Manager backup to Sr Admin Asst (critical function 2)</p>	<p>Chargers; Internet Connection; Email or USPS; Software: Box; Microsoft Outlook, Word, Excel</p>	
Eviction Study	<p>1. Communicate with contractors</p> <p>2. Prepare invoices for approval</p> <p>3. Approve invoices for payment</p> <p>4. Terminate contracts, if necessary</p> <p>5. Maintain contact with AOC fiscal staff (Helen Swenson, Devon Dieckman)</p>	<p>1. OCLA Director (critical functions 1, 3, 4)</p> <p>2. Sr Admin Asst (critical function 2, 5)</p> <p>3. CRP Manager or designee (backup to OCLA Director for critical functions 1, 3, 4, 5)</p> <p>4. OCLA Director or designee backup to Sr Admin Asst (critical function 2, 5)</p>	<p>Landline/Cell Phone; Laptop; Appropriate Chargers; Internet Connection; Email or USPS; Software: Box; Microsoft Outlook, Word, Excel; JCTS</p>	Invoices

B. Identifying Ways to Effectively Maintain Critical Functions

Whether OCLA would experience significant or lengthy disruption severe enough to impair the agency’s critical functions likely depends on the degree and duration of a particular emergency/disaster.

The grid below identifies some alternatives that may allow OCLA to maintain critical agency functions following an emergency/disaster.

Degree of Emergency / Disaster	Duration of Emergency/Disaster			
	< 24 hours	1 day to 1 week	1 week to 1 month	> 1 month
OCLA suite or building uninhabitable; e.g., no utilities, burst pipes, fire, etc.	No critical tasks.	Employees work remotely.	Secure short-term temporary office space and equipment.	Secure temporary office space & equipment. Work with AOC or DES leasing office.
City of Olympia or state agency infrastructure damaged; e.g., utilities and services interrupted, transportation affected, local courts impacted. Communications among staff difficult or impossible.	No critical tasks.	<p>With services interrupted and transportation difficult, it will be important to conserve resources and restrict travel. Only essential staff will be asked to work until the situation is stabilized. Essential staff can work from home, elsewhere outside the damaged area, or another temporary office space.</p> <p>In consultation with the State Court Administrator and the Chief Justice, the Director or designee will assess the recovery effort and initiate the return to normal business operations as appropriate.</p>		
Regional infrastructure damaged; e.g., utilities and services interrupted, transportation affected, many courts impacted. Communications among staff difficult or impossible.	No critical tasks.	<p>With services interrupted and transportation difficult, it will be important to conserve resources and restrict travel. Only essential staff will be asked to work until the situation is stabilized. If able to resume some activities from home, OCLA staff may work as directed.</p> <p>In consultation with the State Court Administrator and the Chief Justice, the Executive Director or designee will assess the recovery effort and initiate the return to normal business operations as appropriate.</p>		
Widespread Health Crisis	Employees may work from home to minimize the risk of contagion among employees. Employees who need to care for ill family members may also work from home.			

Note: Staff will be notified of outage via MCS. The Executive Director or designee will stay in touch with AOC Management Services Division (MSD) Director (Ramsey Radwan), and communicate with staff by a phone call or text.

Preparation Needed:

- Determine who needs VPN and be sure it is set up and training given.
- Determine how staff is contacted by Mass Communication System.
- Provide staff contact list to everyone.
- Determine who needs access to JCTS offsite and ensure it is set up
- Employees should engage in cross-training to be able to perform agency critical functions if colleagues are unavailable for an extended period.
- Access to detailed step-by-step procedures for performing critical tasks can help backup staff recover and resume normal operations.

Information to be included for the individual functional area components:

- Vital service identification and prioritization (this is included under VIII A. Identifying Critical Functions)
- Essential functions identification and prioritization (this is included under VIII A. Identifying Critical Functions) Essential systems, databases, records, and documents inventory/identification and prioritization (this is included under VIII A. Identifying Critical Functions)
- Essential staffing and resources (this is included under VIII A. Identifying Critical Functions)
- Emergency contact information, and procedures for alert and notification (beyond MCS) (contact information is included as an attachment; and procedures for alert and notification are included under VIII B. Identifying Ways to Effectively Maintain Critical Functions and X. Overall Communication Synopsis)
- Alternate work facilities – requirements, options, transition to new facility, criteria for decision to transition, procedures for alternate facility operations (to extent different than current operations) (this is included under VIII B. Identifying Ways to Effectively Maintain Critical Functions)
- Operations Tactical Outline/Continuation - procedures, work plan, and accountabilities/responsibilities for continuation of or restoration of vital services and essential functions, at existing or new facility. This may be brief or more complex, depending upon the functions/services to be restored (this is included under VIII B. Identifying Ways to Effectively Maintain Critical Functions)
- Contents/placement of Go-Kit (or ‘Drive-Away’ kit) necessary for functional areas to have as an immediate resource to accomplish the above, as necessary. (this is included under VIII. A. Necessary Equipment and Systems)Operations Tactical Outline/Restoration – if complexity requires, reconstitution of vital services and essential functions at regular facility (and termination of alternate operations) (this is included under VIII B. Identifying Ways to Effectively Maintain Critical Functions)

- **(Health crises only)** – Strategies for limitation of personal contact; strategies for operating/prioritizing work with a 40% reduction in staffing, sustained over six to nine months period of time. (this is covered under VIII B. Identifying Ways to Effectively Maintain Critical Functions; Widespread Health Crisis)

IX. ORDERS (LINES) OF SUCCESSION / DELEGATIONS OF AUTHORITY

Emergency Situations

The ‘VII. Responding to an Emergency’ section of this Continuity of Operations Plan (COOP) serves as a guideline for preparing and responding to emergency situations and, as such, can be considered a stand-alone document. It is contained in the COOP because it is the groundwork of our initial response to virtually all emergency situations, at least when employees are in the office building. The COOP will direct and govern the initial response by OCLA to an emergency/crisis situation, whether that emergency is caused by an earthquake, flood, fire, or other natural disaster; or an emergency situation that is of a nature other than a natural disaster.

Even though it does not address continuity of operations/disaster recovery, in most emergency situations, it will fully cover OCLA’s necessary response, and the COOP may never need to be officially invoked. However, it is also contained in the COOP in order to provide a smooth transition from the initial emergency response completion to the longer-term approach of the remainder of the COOP, if that needs to be invoked. While it concentrates efforts on OCLA employee safety and security during the initial response to an emergency/crisis, the remainder of the COOP addresses the challenge of the OCLA’s functions getting back up and running, and continuing to run.

Once the initial immediate crisis has stabilized, a post-crisis debriefing will take place. The OCLA Director or designee will determine if any continuing disaster recovery/continuity efforts are necessary. If so, the Director or designee will invoke usage of the COOP in these efforts. At that point in time, any appropriate Designation of Authority will be utilized, as needed. Also see section ‘V. Plan Activation Decision’ of this COOP.

X. OVERALL COMMUNICATIONS SYNOPSIS

Basic support and utility services such as police, fire, medical, and power are assumed to be available. If these services are not available, employees are to listen to the emergency broadcast station for their area (KGY 95.3 FM, KAYO 96.9 FM or KAOS 89.3 FM in Olympia) and call into the Administrative Office of the Courts (AOC) Notification Hotline (360-664-0616).

Mass Communication System (MCS)

The Mass Communication System (MCS) will be the primary communication tool for emergencies, evacuations, and drills. Messages distributed will provide instructions and information for the Executive Director and OCLA employees. This communication system will be used during prolonged situations to bring employees up-to-date information.

AOC Notification Hotline

Following an emergency situation, employees working in an AOC building may call 360-664-0616 for important information.

Emergency Alerts

In addition to employees tuning into the emergency broadcast station for their area, Thurston County residents can also sign up to receive emergency alerts from [Thurston County](#). Tacoma residents can subscribe to the [City of Tacoma Emergency Notification System](#) and/or [Pierce County Alert](#), Seattle residents can sign up for [Alert Seattle](#) and/or [Alert King County](#) to receive free emergency alerts and notifications.

XI. TRAINING / TESTING / EXERCISE PLAN

Upon completion of the Continuity of Operations Plan (COOP), the following will be performed related to training, testing, and exercises:

- One hard copy of the Office of Civil Legal Aid (OCLA) COOP will be kept in the OCLA office. One or two hard copies will be kept at other locations, to be determined by the Executive Director (e.g., AOC office, Executive Director's automobile or home and/or each employee's automobile or home), so a copy is available if the OCLA office is not accessible in an emergency situation. A digital copy will be posted on the OCLA shared computer drive. OCLA will consider posting a copy (with redactions performed, as appropriate) on the Inside Courts web site (under Court Resources/Continuity of Operations).
- Upon completion of the COOP, agency management will review with all employees. This will be done chiefly for the purpose of informing and updating employees of the COOP work that has been accomplished; how that work affects them, their job, and their function; where they can obtain more information; and how they can be of assistance to this important OCLA initiative.

- OCLA should hold a ‘walk through’ session of the COOP with all appropriate employees. This will involve a meeting/review session in which a representative of each functional area reviews their section of ‘XIII. Responding to Disruption of OCLA Operations.’ A discussion and question and answer session will follow each portion of XIII. This will help the various functional areas determine if further refining and modifying of the plan is appropriate, and ensure all functional areas are appropriately interrelating with each other.
- Further evaluation of training, testing, and exercise needs will be accomplished following the execution of the above activities to determine potential future activities in this area.

XII. UPDATE SCHEDULE / CONTACT INFORMATION

Update Schedule

Although OCLA has not identified specific dates for publishing new versions of the agency COOP, we will endeavor to review and make appropriate modifications at least once every 18-24 months.

Contact Information

Questions, comments, and ideas for this COOP are always welcome. They may be communicated to:

Jim Bamberger, Executive Director
Office of Civil Legal Aid
1112 Quince St SE
P.O. Box 41183
Olympia, WA 98504-1183
Office: 360-704-4135
Mobile: 360-280-1477
Fax: 360-704-4003
jim.bamberger@ocla.wa.gov

and/or

Hope Hough
(same address as above)
Office: 360-704-5564
Fax: 360-704-4003
hope.hough@ocla.wa.gov

ATTACHMENT 4



MFR LAW GROUP PLLC

February 28, 2020

VIA EMAIL: Jim.bamberger@ocla.wa.gov

James A. Bamberger, Esq.
Director
Office of Civil Legal Aid
PO Box 41183
Olympia, WA 985044321 146th PI SE

Re: OCLA Staffing and Organizational Health

Dear Mr. Bamberger:

Thank you for consulting with Marcella Fleming Reed, JD, SPHR, SHRM-SCP¹ of MFR Law Group, PLLC and Dr. Lori Homer of Lori Homer Consulting, Ltd.² regarding your three-year performance review and trusting us to assess the general organizational health and future need of the State of Washington's Office of Civil Legal Aid (OCLA). We understand from Taylor ("Tip") Wonhoff), co-chair of OCLA's Oversight Committee, that the performance review is underway and should result in a productive conversation between you and the Oversight Committee sometime in the beginning of 2020.

The purpose of this letter is to summarize our assessment of OCLA's organizational health and recommend a course of action. Given the current OCLA scope, "stretched" nature of the staff (at risk for burnout), and lack of overlap among OCLA staff's professional skills and responsibilities, we strongly recommend OCLA fund and hire an additional executive-level leader (such as, an Associate Director) to assume responsibility for daily operations and general staff management.

Over all 14 years of its existence and under your leadership, OCLA has expanded its impact and operations to the current scope of administering and overseeing more than 100 contracts and \$46 million per biennium in state funding **without** proportional increases in administrative expense. Currently, OCLA is one of the lowest overhead

¹ Ms. Reed is an employment attorney, human resources consultant, and leadership coach who has worked with non-profit, public and private employers for more than 25 years. Ms. Reed is certified as a Senior Human Resources Professional by the Human Resources Certification Institute (HRCI) and the Society of Human Resource Management (SHRM). Ms. Reed has also served as President of the King County Bar Foundation which raises funds for pro bono legal services in King County.

² Dr. Lori Homer, is an organizational development and leadership expert with a Ph.D from the University of Washington in Organizational Leadership and Human Resource Management. Dr. Homer has more than 20 years supporting leadership development and learning programs at Amazon, Microsoft and Boeing. Recently, Dr. Homer has been providing leadership development and coaching support to non-profit, public, and private employers.

Washington State agencies in terms of administrative expenses in relation to total overall agency budget (about 2%).

While OCLA's outside impact is admirable, our expertise working with organizations has led us to conclude that the current ratio of workload to permanent staff is not sustainable. As an organization, OCLA is facing a high risk of failure, with no redundant responsibilities among staff, and staff feeling stretched to (or beyond) their limits. In particular, your responsibilities as Director range from details of daily operations to longer-term strategy setting and relationship building. In the early days of setting up OCLA, the concentration of all executive and administrative functions in a single Director role likely made sense. Fourteen years on, however, the role as currently configured, taking OCLA's growth in scope into account, is too much for a single individual. Further, continuing to spread your time and attention to (or beyond) your limits also keeps the rest of the staff at risk of burnout due to their frustrations with bottlenecks or with the general chaos experienced from having your attention so diffusely distributed.

Based on these considerations, it is our opinion that the OCLA should be supported through the addition of an Associate Director role, someone who can take on daily operations and general staff management. This person will focus on making OCLA run in a sustainable way, such as creating some redundancy for critical services and deliverables to mitigate the high risk of staff burnout. The new executive-level operational role will help reduce current bottlenecks and ensure OCLA's processes and policies are robust and scalable. This will enable you, as the Director, to focus all your attention on longer-term strategies and partnerships.

Sincerely,

MFR Law Group PLLC



Marcella Fleming Reed, J.D., SPHR, SHRM-SCP

Lori Homer Consulting, Ltd.



Lori Homer, PhD

ATTACHMENT 5

Evaluation of Dependent Child Legal Representation

Interim Report

March 2020



Background

Washington State currently does not require appointment of counsel for all children in child welfare proceedings. While some Washington jurisdictions routinely appoint counsel at public expense to children once they reach a particular age, the only requirement for mandatory appointments is in RCW 13.34.100 (6). Under this statute, juvenile courts must appoint a lawyer for a child at public expense six months after the termination of both parents' legal rights if the child remains dependent.

The 2017 Washington State Legislature directed the Office of Civil Legal Aid (OCLA) to engage the Washington State Center for Court Research at the Administrative Office of the Courts (AOC/WSCCR) to conduct a comparative study assessing the impacts and potential cost savings associated with early and automatic appointment of attorneys for children in dependency cases (Laws of 2017, Ch. 20, Sec. 28).

AOC/WSCCR partnered with researchers at the University of Washington School of Social Work (UW SSW) to design and conduct the Dependent Child Legal Representation (DCLR) Study. The Legislature appropriated funds for OCLA to recruit, train, and contract with attorneys to provide standards-based legal representation (SBLR) to all new dependency cases in two pilot counties. The SBLR framework describes a program in the State of Washington in which attorneys who represent children in dependency proceedings are provided with specialized training and held to performance standards regarding caseloads, contact with children, and other legal practice considerations. Specific actions undertaken by the attorneys providing SBLR are recorded using an Attorney Checklist as a means of assessing quality implementation.

Project Description

The Legislature wanted to understand (1) whether and to what extent the provision of SBLR to dependent children affects the timeline of the dependency processes (i.e., time to permanency), (2) whether and to what extent the provision of SBLR to dependent children affects child-level outcomes in multiple domains, and (3) whether and, if so, how much savings might be achieved by providing SBLR for children in dependency cases. These questions are being examined through a mixed-methods (quantitative and qualitative) research project.

Quantitative Component. The DCLR Study was designed with two treatment counties (Grant and Lewis) in which all new dependency cases were assigned an attorney under the SBLR framework and two comparison counties (Whatcom and Douglas) in which attorneys were provided to children per usual practice. From September 2017 through August 2019 courts in Grant and Lewis Counties appointed OCLA-contracted attorneys to provide SBLR for children in all cases starting at the initial shelter care hearing (n=407). During this same period 205 youth in Whatcom and Douglas Counties began court proceedings with an initial shelter care hearing. These youth comprise the comparison group for analyses.

In addition, 261 children from the treatment counties and 243 children from the comparison counties who started a new dependency in the two years prior to the DCLR study are included in the analyses, allowing the research team to examine difference between the two groups in relation to baseline differences in outcomes and expected trends.

Through data share agreements with the Department of Children, Youth, and Families (DCYF) and the AOC, researchers obtained and matched data for all children in the study and examined differences in several outcomes between the two groups: permanency rate; placement move rate; institutional placement rate; relative placement rate; Hope bed placement rate; on-the-run event rate; and average on-the-run days. Given that the sample is comprised of children and youth who started a new dependency case at any point between September 2017 and August 2019, the follow-up period in which outcomes can be assessed varies across study participants, with a maximum follow-up period of 24 months and an average of roughly 12 months.

Permanency is a measure of whether the youth achieved permanency status through reunification, adoption, or guardianship during the study period. Placement move rate is the number of placement moves (of any type) the youth experienced during the study period per 100 days the youth was in State care. Similarly, relative placement moves, institutional placement moves, Hope bed placement moves, and on-the-run event rates all refer to the number of times the youth moved to the respective placement/event per 100 care days during the study period. Finally on-the-run days counts the number of days the youth was considered to be on-the-run from their placement. The number of youth included in analyses varies by the outcome examined; for example, only youth over the age of 10 were considered eligible for Hope bed, institutional, and on-the-run placement moves and thus, included in the analyses. Sample sizes for each model are included in the results below.

In the preliminary analyses presented in this report, researchers compared the average change from the two years pre-implementation to the two years post-implementation in the two treatment counties to the average change over the same time period in the two comparison counties for all outcomes assessed. This strategy accounts for baseline differences in the outcomes between the two groups. It is important to note that these models do not include individual-level control variables, which will likely affect results. Pending the execution of data share agreements with outside agencies, the researchers do not have access to all of the variables needed to estimate complete models. Thus, the preliminary results presented here should be interpreted as indicators of potential trends only. Complete results will be presented in the final report to the legislature in December 2020.

Table 1 shows the descriptive statistics for the four samples included in the study: treatment counties pre-implementation (n=261), treatment counties post-implementation (n=407), comparison counties pre-implementation (n=243), and comparison counties post-implementation (n=205). The four samples were very similar in terms of demographics. About half of all youth were males in both the treatment and comparison counties both pre and post-implementation, the average age across samples was between 4.8 and 6.0 years. Notably, between 46% and 51% of the youth were non-White even though people of color represent a very small percentage of the population in two of the four study counties (Whatcom and Lewis). It is important to note that the comparison counties started with a higher average number of placement moves pre-implementation (3.9 per 100 care days versus 2.0 in the treatment counties), as well as a higher average number of on-the-run events (0.5 versus 0.2). The treatment counties started with a higher average number of on-the-run days than the comparison counties pre-implementation (136 versus 115) and a lower permanency rate (31% versus 37%).

Table 1. Study Sample Descriptions Before and After Program Implementation

	Treatment Counties		Comparison Counties	
	Pre-implementation (n=261)	Post-implementation (n=407)	Pre-implementation (n=243)	Post-implementation (n=205)
	% or mean(sd)	% or mean(sd)	% or mean(sd)	% or mean(sd)
Permanency	31%	29%	37%	23%
Placement moves per 100 care days	2.0 (8.1)	2.3 (8.7)	3.9 (15.3)	3.1 (13.1)
On-the-run events per 100 care days	0.2 (3.0)	0.1 (2.1)	0.5 (5.4)	0.1 (1.2)
On-the-run days	136 (261)	55 (119)	115 (161)	136 (261)
Gender (male)	51%	48%	50%	50%
Age	4.8 (4.8)	6.0 (5.2)	5.4 (5.1)	5.1 (5.1)
Race (non-White)	46%	46%	47%	51%

Qualitative Components. The study’s research questions are also being addressed with two qualitative components. First, issues concerning the program implementation in the pilot sites were assessed with interviews with child welfare stakeholder groups. Specifically, a focus group was held in Lewis County and included: two caseworkers, two children’s attorneys, two Guardians Ad Litem, and an assistant attorney general. The group interview was held over two hours at the local library. Telephone interviews were completed with Guardian ad Litem and a children’s attorney from Grant County. Interviews were confidential and no identifiers were recorded or maintained. Notes and recordings of the interviews were analyzed for key themes.

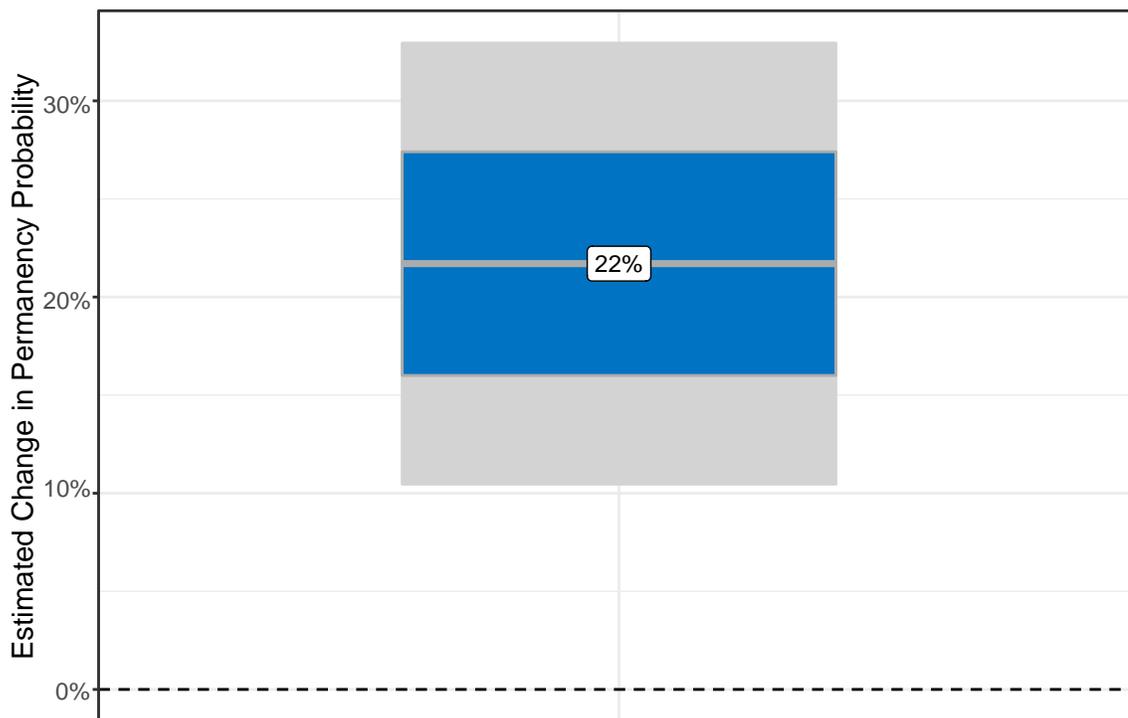
The second qualitative component involves hearing directly from the youth regarding their experiences with the pilot project. Young adults who were assigned an attorney as a result of this project and have recently aged out of the system will be recruited to participate in a focus group to share their experience. One to two focus groups will be conducted in each of the two pilot counties. A group facilitator will lead a discussion based on a semi-structured interview schedule. Broad topics covered will include contact and communication with the attorney, the youths’ perceptions of helpfulness and fairness, and the extent to which the attorneys advocated for the youths’ expressed interests. Researchers will obtain informed consent from all participants. The focus groups will be recorded, transcribed, and analyzed for themes. All information will be kept confidential. These focus groups will take place in the summer of 2020.

Preliminary Results

Quantitative Component. Preliminary descriptive results are presented here and show the change from baseline (two years prior to the study implementation) to the two years following implementation in the treatment and comparison groups. As noted above, these analyses do not control for individual-level baseline differences. Thus, these results should be interpreted as preliminary; full results will be presented in the final report to be delivered to the legislature in December 2020.

Of the outcomes assessed, permanency rates and on-the-run days both showed promising results, though likely due to the very small sample size in the on-run-run analyses (and thus, limited statistical power) only changes in the rate of permanency met the research standard for statistical significance. Specifically, there was an estimated 22 percentage point increase in the rate of permanency for treatment counties compared to comparison counties over the study period (see Figure 1; as noted above, the average follow-up period varied across the sample, with an average follow-up period of 12 months).

Figure 1. Preliminary Results: Average Treatment Effect on Likelihood of Permanency



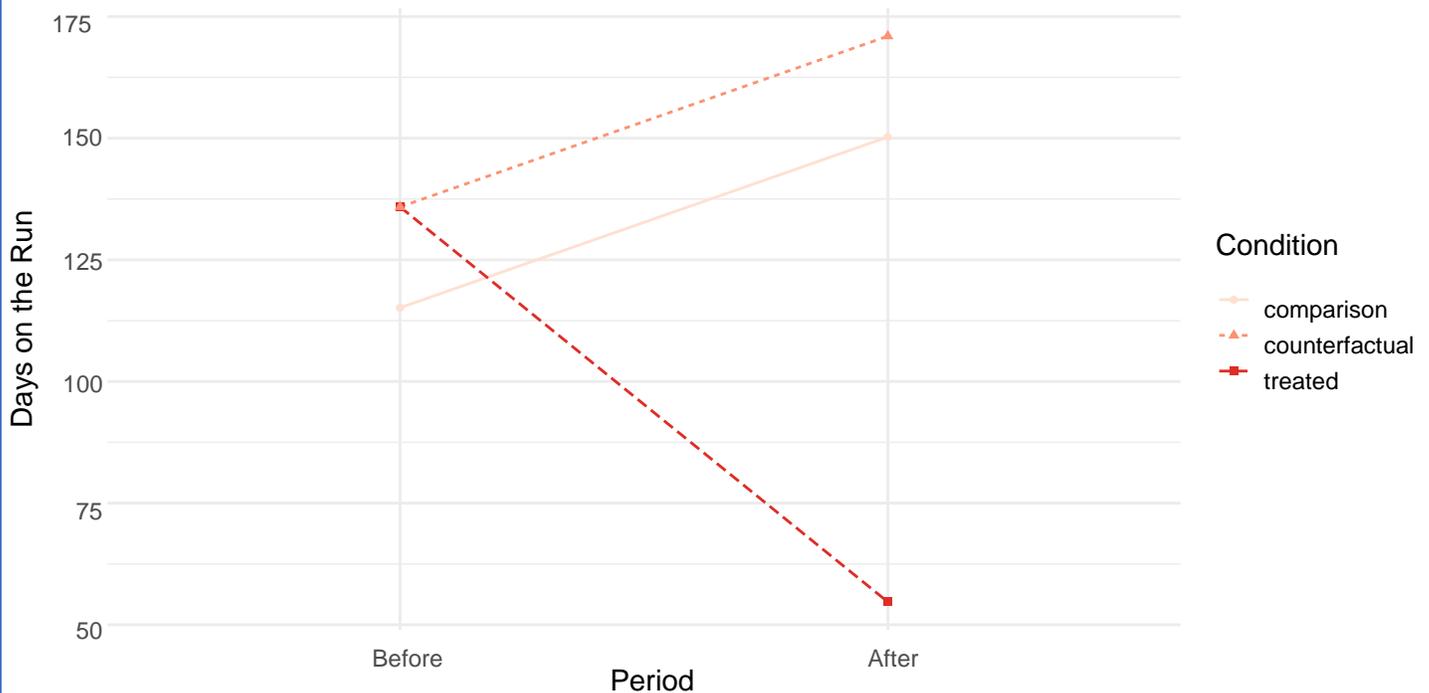
There were no statistically significant differences between the treatment and comparison groups on the total number of placement moves or any of the specific types of moves (see Table 2). Among the very small number of youth who experienced an on-the-run event, there was a substantial dip in the average number of days on the run after program implementation for the treatment group, but the difference with the comparison group was not statistically significant (see Figure 2). It is important to note that while the difference appears sizable, the sample size for these analyses is quite small, limiting statistical power to detect statistically significant differences.

Table 2. Preliminary Results: Difference in Placement Move Counts

Type of move	Sample size	Difference in move counts per 100 care days
Any placement move	1,115	+1.06
Hope bed	301	+6.63
On-the-run	301	+0.66
Relative	1,115	+0.41
Institutional	301	-0.15

* indicates significance at $p < 0.05$

Figure 2. Preliminary Results: Changes in the on-the-run Days



Note: The difference between treatment and comparison groups is not statistically significant, possibly due to a very small sample size. The “counterfactual” line represents what we would expect to see in the treatment group had they not received the intervention.

Qualitative Component. Interviews with child welfare stakeholders (with roles of caseworker, children’s attorney, Guardian ad Litem, and attorney general) in Lewis and Grant counties were held to assess the implementation and impact of SBLR for children. Participants indicated that:

- The pilot program for children’s representation was met with skepticism at first, but the children’s attorneys in both counties became valuable members of the team of professionals working on dependency cases, establishing trust and collegiality among stakeholders.
- Especially in cases involving nonverbal children, greater clarity is needed about the overlapping but distinct roles of children’s attorneys and Guardians ad Litem.
- Benefits from the use of children’s attorneys, perhaps unrelated to time to permanency, arise from the attorney’s ability to advocate for a child’s desires, increased communication among stakeholders, additional insight for the court, and the attorney’s potential mediating role.
- Some participants noted that different children’s attorneys vary in their level of involvement with cases. During the current study wind-down period, OCLA may seek further information about the extent and impact of practice differences and then consider appropriate guidance for its contract attorneys.

Challenges and Outstanding Tasks

Quantitative Component. As stated above, final analyses will be completed upon execution of data share agreements with DCYF, AOC, and the Office of the Superintendent of Public Instruction (OSPI) and receipt of the matched data. Once these additional data points are received, researchers will estimate final outcome models which include a set of covariates that control for youth-level baseline characteristics that may differ between the treatment and comparison groups and potentially affect outcomes. Researchers will also be able to examine an additional set of outcomes, including suspension/expulsion; grade point average; grade and subject-specific proficiency; kindergarten readiness; continuity; turnover; student flow; and truancy and other status offending.

Qualitative Components. The original research plan included administering a survey, the Youth Experience Survey (YES), to youth who had been through the pilot program. Contacting youths' legal guardians to obtain consent to participate in the YES proved to be extremely difficult. Despite extensive efforts on the part of the research team, only four surveys were completed. The research team decided to focus efforts on recruiting young people who have experienced the program first-hand, but are over the age of 18 and thus able to provide consent. This will increase the likelihood of obtaining an adequate sample size and provide valuable information directly from the youth. These efforts are currently ongoing, as described above. The focus groups will be completed in summer 2020 and the final report to the legislature will include the final results.

Conclusion

While there have been substantial obstacles in implementing the evaluation component of the DCLR Study, the team has adapted the research design to accommodate unforeseen challenges and continues to move forward. Preliminary analyses show some promising results for the program, and the research team is eager to explore additional child-level outcomes in other domains and to learn about the youths' experiences from the focus groups. The DCLR Study is on track to be completed by December 2020 or shortly thereafter.

Contact:

Washington State Center for Court Research
Dr. Carl McCurley
carl.mccurley@courts.wa.gov

Office of Civil Legal Aid
Jill Malat
jill.malat@ocla.wa.gov