

## Substance Use and Recovery Services Plan Recommendation

**Recommendation** – *Legal Advocacy for parents and families, including kinship and foster care families, that are affected by SUD in court cases regarding custody, parenting plans, guardianship, and CPS cases.*

**Bill Requirement(s)** – 5476 Section 1.3 (a), Section 4.3(f)&(i)

### **Background & Supporting Data:**

When an individual enters the criminal legal system, there are a number of granted resources made available but when it comes to family court there are very limited resources. There are resources currently available including the Office of Public Defense Parents Representation Program, [The First Clinic](#), and [Family Treatment Court](#).

### **Dependency Cases:**

*Proposal of updating language in [RCW 13.34.030](#), definition of indigent (b) to read:*

*Individuals in need of or receiving mental health, substance use, or behavioral health services.*

Updating this language would modify [RCW 13.34.090](#), providing appointed counsel by the court for dependency and termination of parent-child relationship cases.

The Office of the Public Defenders currently serves all counties for those deemed indigent but additional services should be provided to assist therapeutic courts such as the Family Treatment Court to provide counsel and services to those families affected by SUD. Creating FTCs is possible, King County started by a federal SAMHSA grant and then scaled in size over the years with more sustainability grants and county funding. Counties without FTC could utilize this possible framework but would need to have numbers to support it, such as filing numbers, filings due to substance use disorder, etc. and scale a foundation based upon how big the FTC initially needs to be. 1/10th percent sales tax can then go towards supporting behavioral health treatment services, as well as sustaining an FTC. Family Treatment Courts are modeled after drug courts and veterans' courts, aiding parents in regaining control of their lives and promote long-term, stabilized recovery.

Currently only 19 out of the 39 counties have an FTC or juvenile/family court program of this nature. Providing legislative requirements for dependency cases with those affected by substance use disorders, mental health, and behavioral health would require counties to utilize OPD and FTCs across the state. Supplementing counties with contracts with programs such as [The First Clinic](#) to provide support until programs are established. Working with courts to providing clinics to help parents navigate how to properly navigate dependency matters.

Providing support for reunification cases to have reunification as the end goal or more access to children and visitation.

### **Family Court:**

There are no existing laws that allows for representation for parents and or guardians involved in parenting plan and dissolution cases. This recommendation calls for representation in family law cases, to those affected by substance use disorders, mental health, and behavioral health concerns.

This recommendation request asks for the Family Law Board to work in conjunction with the Office of the Public Defenders to provide legal representation for primary residential parent and nonprimary residential parents(noncustodial) in parenting plan and custodial cases. Family Law could adopt similar language and right to counsel in the Chapter 26.12 RCW series as they have in Chapter 13.34. Currently the only families provided this service in family law case are American Indian / Alaska Native parents and children under [RCW 13.38.110](#): Right to counsel.

Providing clinics to have court staff or experienced paralegals, connecting with community partners and peer navigators to include those who navigate marginalized groups, with to help parents navigate how to properly create parenting plans and to teach individuals how to navigate the family law or dependency matters. Providing support for changing to parenting or reinstatement cases to have reunification as the end goal and the children to have rights to both their parents.

**There are situations which would require further analysis, such as one parent who does have SUD and another who does not, so what would be the determining factor(s) for representation?**

**Concerns & Considerations –**

- Considerations should consider building recommendation in conjunction with housing and housing requirements. For example, there is nothing that states that a parent cannot live with their child in a car or RV, yet those facts often are used against them.
- There is a lot of system struggle with the treatment world, and it has been decimated because specialists are not given livable wages. Funding is primarily going into legal counsel and there needs to be some form of scale or rubric to determine monetary need for legal representation.
- At any given time, the OPD Parent Representation Program services roughly 9,000 parents and the program costs about \$26 million annually. Family Law would most likely be much bigger than this.
- A statement was made that further enriching courts would not help parents that need legal representation. A suggestion was made to look further into a decriminalization framework so that issues surrounding SUD do not get to become a legal issue for parents involved in FTC.
- Changing the definition of ‘indigent’ will also prove difficult and there was concern as to whether definition changes can be done via SURSAC work.
  - o There is currently another subcommittee looking at changes to the drug paraphernalia law. Additionally, the Blake Bill calls for legal advocacy and recovery support services.
- The point was made that it is crucial to be clear in the definition of ‘indigent’ and within legal language because family law and dependency involvement are different services.
  - o The recommendation will also need to expand upon the different services that would be allotted for family law and for dependency matters.
  - o The recommendation was created on the basis that there are services available to individuals who are CPS involved or who have dependency matters, however, there are no services for non-custodial parents that are not involved with these programs.
- Concern regarding the broadness of the definition of indigent, should be directed to those that demonstrate the need for representation.

**Collaboration with Existing Resources:**

- The Court Improvement Program of the state Administrative Office of the Courts was awarded a \$1.75 million grant to strengthen and expand the provision of Family Treatment Court (FTC) services in Washington. The grant was provided through the Department of Justice and integrated a coordinated effort in partnership with the state Department of Children, Youth and Families (DCYF) and the state Health Care Authority (HCA) to assist those families affected by substance use disorders.

**Approximate Financial Support & Staffing Needed:**

Dollars	FY23	FY24	FY25
<b>Legislative / State Budget Funding</b>	\$2.0 M / Expansion of FTC to all counties	\$3.75 M FTC Funding	\$3.75 M FTC Funding
<b>HCA Grant-Based Funding</b>			
<b>Total Funds</b>			
<b>Staff (FTE)</b>	0	0	0

**Feasibility Assessment/Submission to SURSA Committee: ((Y/N) & Explanation)**

*Use this space to indicate if subcommittee or HCA determines that this recommendation is ultimately NOT feasible and will not be forwarded to SURSAC, and reasons why. If forwarding to SURSAC, this section can be deleted.*

**SURSA Committee Feedback:**

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