

Washington State Judicial Branch

2025-2027 Biennial Budget

Vendor Rate Adjustment for Contract Social Workers

Agency: Office of Public Defense

Decision Package Code/Title: 1C – SW Vendor Rate Adjustment

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests funding to adjust vendor rates for contracted defense social workers and social service workers who assist OPD attorneys to represent indigent clients in child welfare cases and forensic civil commitment cases. The rate adjustment provides OPD contractors with total annual compensation comparable to similarly situated social work employees at other state agencies. The rate adjustment is needed to help OPD recruit and retain qualified social work professionals for statewide contracts, and is a critical step to achieve updated public defense standards.

Fiscal Summary: Funding is requested to adjust vendor rates for 66.6 FTE OPD-contracted social workers and social service workers.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$2,036,000	\$2,036,000	\$4,072,000	\$2,036,000	\$2,036,000	\$4,072,000
4E Federal Reimbursement .1984	(\$341,000)	(\$341,000)	(\$682,000)	(\$341,000)	(\$341,000)	(\$682,000)
Total Expenditures						
	\$1,695,000	\$1,695,000	\$3,390,000	\$1,695,000	\$1,695,000	\$3,390,000

OPD is a subrecipient (DCYF) of federal Title IV-E funding. Certain child welfare-related expenditures, including legal services and training, are eligible for partial federal reimbursement. State funding appropriated to implement this decision package is projected to generate federal Title IV-E reimbursement as noted above and reduces the state portion to fully fund this request.

Package Description:

Background:

The Office of Public Defense (OPD) contracts with social work professionals to assist OPD-contracted attorneys representing indigent clients in forensic civil commitment and child welfare cases throughout the state.¹ OPD defense attorneys and social workers / social service workers collaborate as multidisciplinary legal teams.² As part of the legal team, defense social workers have an ethical obligation to consider social welfare as a whole³ and they promote community safety through client support.⁴

¹ RCW [2.70.020](#)

² National Organization of Forensic Social Work Transdisciplinary Partnerships
https://www.nofsw.org/_files/ugd/f468b9_20e60b0830ed4a51808154902b7e9f20.pdf

³ National Association of Social Workers Code of Ethics <https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English/Social-Workers-Ethical-Responsibilities-to-the-Broader-Society>

⁴ Improving Community Safety Through Social Work <https://online.maryville.edu/blog/community-safety/>

Forensic Civil Commitment

OPD contracts with eight social workers statewide to support public defense attorneys representing persons facing civil commitment under Chapter 71.09 RCW and persons who have been found not guilty by reason of insanity (NGRI) and civilly committed under Chapter 10.77 RCW. OPD refers to these public defense practices collectively as the Forensic Civil Commitment program.

Forensic Civil Commitment clients experience significant mental health issues, intellectual disabilities, and prolonged periods of incarceration that can hamper their ability to progress in treatment and engage meaningfully in their legal case. Defense social workers identify and mitigate these barriers to help the assigned attorney provide effective legal representation. OPD defense social workers are tasked with building client rapport and securing resources in the community to sustain long-term success. They act as community liaisons, locating and vetting appropriate housing, mental health treatment, substance use services, and financial assistance. Many resources that are available to the general population are not readily available for civil commitment clients, which underscores the need for defense social work expertise in these cases.

OPD requires its Forensic Civil Commitment defense social workers to obtain a base-level master of social work (MSW) degree. The educational standards, historical knowledge, and practice experience of an MSW-credentialed social worker are necessary to effectively support defense attorneys and their clients involved in civil commitment cases.⁵ The Department of Social and Health Services (DSHS) also requires an MSW degree for its similarly situated social workers employed at the state psychiatric hospitals and the Special Commitment Center (SCC) on McNeil Island.

Due in part to the expertise of OPD’s social workers assisting clients detained or committed under Chapter 71.09 RCW, the SCC inpatient population declined 41 percent between 2018-2022 – the most significant inpatient decline reported by 16 states participating in a national Sex Offender Civil Commitment Programs Network survey.⁶ Of the 16 participating states, three provide no defense social worker in these types of cases, and two have only limited defense social work services. It’s significant that Washington has a robust defense social work team and reported the greatest percentage reduction of institutionalized individuals.

OPD began providing public defense representation to civilly committed NGRI patients in summer 2023, as the Legislature directed in SB 5415. Through August 2024, OPD-contracted defense social workers assisted approximately 124 NGRI clients engaged in various stages of preparations to release from state psychiatric hospitals, other institutions, or community placements.

Parents Representation

OPD contracts with 57.6 FTE defense social workers and social service workers to support public defense attorneys representing indigent parents involved in dependency and termination of parental rights cases as well as some parents with pre-petition child welfare involvement. OPD has included social work professionals in the Parents Representation Program since the program’s inception in the early 2000s.

OPD’s multidisciplinary approach to representing parents in child welfare cases is recognized nationwide for demonstrating better outcomes for children⁷, including increased family reunifications,⁸ fewer case continuances, improved case participation by parents, and better access to services, among other benefits.

⁵ See <https://socialwork.uw.edu/msw/traineeships>

⁶ SOCCPN Survey of Sex Offender Civil Commitment Programs 2022

⁷ Mark Courtney and Jennifer Hook, [Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care - ScienceDirect](#), Children and Youth Services Review, July 2012.

⁸ [2011 Follow up to Parents Representation Program Case Resolution Study \(wa.gov\)](#), Office of Public Defense.

OPD's Parents Representation Program contracts with social workers who have MSW credentials, and also contracts with social service workers who do not have MSWs but bring other educational credentials, skills, and uniquely valuable lived experience to the legal team. The Department of Children Youth and Families (DCYF) similarly employs a mix of social workers and social service workers in their Child Protective Services division.

Parents Representation Program-contracted defense social workers / social service workers work under the direction of OPD-contracted attorneys to provide specialized case management to families involved in child welfare proceedings. Social workers / social service workers help parents engage meaningfully in their dependency case, and their support can maximize an attorney's ability to provide effective legal representation. In dependency cases, OPD-contracted social workers are responsible for assessment of necessary services, client engagement, and support with the goal of safely reunifying families.

Problem

OPD currently faces a shortage of qualified defense social workers and social service specialists for its statewide public defense programs, largely due to inadequate contract compensation.

For example, out of 30 responses to an RFQ for Forensic Civil Commitment defense social work positions, seven applicants did not possess the baseline educational requirement (MSW), 10 qualified applicants declined to proceed, either after the initial introduction to the position or after an interview, due to inadequate compensation, and eight applicants either never responded to an invitation to interview, turned down the contract for compensation-related reasons, or were otherwise not selected for a contract. Four defense social workers left OPD Forensic Civil Commitment contracts since 2019, with three of those leaving in Fiscal Year 2024. One position remained vacant for approximately six months, which delayed case progress for a number of clients.

In the Parents Representation Program, 34 social work professionals left OPD contracts since 2019, with 23 citing compensation as a factor, and 10 leaving for other reasons, including two who retired and one who died.

OPD social work contracts provide significantly less total compensation than comparable state employee positions at DSHS and DCYF. State employee social workers / social service workers are compensated according to progressive salary schedules with routine cost-of-living increases, retirement pensions, paid holidays, significant other paid time off, and robust health insurance and other employer-provided benefits. Many also are represented by employee bargaining units. *DSHS and DCYF social workers / social service workers earn an annual salary ranging from \$80,112 to \$110,940 depending on experience and credentials,⁹ plus a benefits package valued at approximately 25 percent of annual salary, for an estimated total compensation package worth \$100,140 to \$138,675.*

By contrast, OPD-contracted defense social workers and social service workers receive an annual contract fee from which they must cover their full salaries and all business expenses, including office space, equipment, retirement contributions, vacations and sick leave, health and other insurance, and all applicable taxes and licenses. *Total annual compensation for a full-time OPD contracted defense social worker / social service worker ranges from \$87,600 to \$99,324.*

Proposed Solution

OPD requests a vendor rate adjustment to align OPD social work contract compensation with total compensation for comparable state employee social work positions. OPD requests funding to cover an annual contract fee of up to

⁹See <https://www.governmentjobs.com/careers/washington?keywords=social%20worker%20>

\$134,703 for a full-time contracted social worker with an MSW, and an annual contract fee between \$110,000 and \$122,000 for a full-time social service worker without an MSW.

Fully describe and quantify expected impacts on state residents.

This decision package provides fair compensation for more than 66 FTE contracted defense social workers / social service workers, comparable to similarly situated state employees. OPD-contracted social workers / social service workers help reunify families involved in the child welfare system, and help civilly committed persons access treatment, demonstrate progress, and gradually re-enter the community. OPD-contracted defense social work professionals assist indigent residents throughout the state.

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

OPD considered the following alternatives and rejected each for the reasons noted:

- *Doing nothing.* Rejected because it would further disadvantage OPD's social work contractors, who already receive total compensation less than their counterparts employed at DSHS and DCYF.
- *Converting OPD contractors to state employees.* Rejected because the Legislature has previously declined opportunities to provide mandatory defense services with employees instead of contractors. Most recently the Legislature chose a contract model for defense providers in 2023 when it directed OPD to provide public defense for persons found not guilty by reason of insanity (NGRI) and civilly committed under Chapter 10.77 RCW.

What are the consequences of not funding this request?

Not funding this decision package economically disadvantages OPD-contracted defense social workers / social service workers compared to their professional counterparts employed by DSHS and DCYF. Not funding this decision package could impact OPD's ability to recruit qualified social work professionals, which in turn could negatively impact defense services for parents involved in a dependency case or persons who are preparing to release from civil commitment.

Is this an expansion or alteration of a current program or service?

This decision package adjusts vendor rates for social work contractors in multiple OPD programs.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
No FTEs					

Use Standard Costs?

No.

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Contracts	\$1,690,261	\$1,690,261	\$1,690,261	\$1,690,261	Agency-wide vendor rate increase for OPD-contracted social workers and social service workers (with Title IV-E reimbursement for Parents Representation social workers / social service workers).

Office of Public Defense
Policy Level – 1C – SW Vendor Rate Adjustment

OPD Agency-side Social Worker Vendor Rate Increase Projections									
PRP SW	23-25 Bi		Proposed VR+ Base						
XT FTEs	Curr Rate	Annual	VR+ Base	FY26	FY27	25-27 Bi	FY28	FY29	27-29 Bi
9	\$87,600	\$788,400	\$134,703	\$1,212,327	\$1,212,327	\$2,424,654	\$1,212,327	\$1,212,327	\$2,424,654
10.7	\$87,600	\$937,320	\$122,000	\$1,305,400	\$1,305,400	\$2,610,800	\$1,305,400	\$1,305,400	\$2,610,800
15.35	\$87,600	\$1,344,660	\$115,000	\$1,765,250	\$1,765,250	\$3,530,500	\$1,765,250	\$1,765,250	\$3,530,500
21.8	\$87,600	\$1,909,680	\$110,000	\$2,398,000	\$2,398,000	\$4,796,000	\$2,398,000	\$2,398,000	\$4,796,000
0.75	\$87,600	\$65,700	\$110,000	\$82,500	\$82,500	\$165,000	\$82,500	\$82,500	\$165,000
57.6	TOTAL	\$5,045,760		\$6,763,477	\$6,763,477	\$13,526,954	\$6,763,477	\$6,763,477	\$13,526,954
	Bi Base	\$10,091,520							
				\$1,717,717	\$1,717,717	\$3,435,434	\$1,717,717	\$1,717,717	\$3,435,434
71.09									
4	\$99,324	\$397,296	\$134,703	\$538,812	\$538,812	\$1,077,624	\$538,812	\$538,812	\$1,077,624
	Bi Base	\$794,592							
				\$141,516	\$141,516	\$283,032	\$141,516	\$141,516	\$283,032
NGRI									
5	\$99,324	\$496,620	\$134,703	\$673,515	\$673,515	\$1,347,030	\$673,515	\$673,515	\$1,347,030
	Bi Base	\$993,240							
				\$176,895	\$176,895	\$353,790	\$176,895	\$176,895	\$353,790
66.6	TOTAL	\$5,939,676							
		\$11,879,352		\$7,975,804	\$7,975,804	\$15,951,608	\$7,975,804	\$7,975,804	\$15,951,608
		\$11,879,352	Total Increase/Request	\$2,036,128	\$2,036,128	\$4,072,256	\$2,036,128	\$2,036,128	\$4,072,256
			4E Reimbursement	(\$340,795)	(\$340,795)	(\$681,590)	(\$340,795)	(\$340,795)	(\$681,590)
			0.1984						
			Total Request	\$1,695,333	\$1,695,333	\$3,390,666	\$1,695,333	\$1,695,333	\$3,390,666

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

Fair and Effective Administration of Justice

As a part of fair and effective administration of justice, OPD seeks to have contractors who reflect clients and their communities. Low compensation impedes OPD's ability to recruit and retain a diverse contractor base.

Accessibility

Forensic Civil Commitment clients have mental health disabilities and OPD's defense social workers help ensure meaningful access to court-ordered services as well as to court proceedings.

Access to Necessary Representation

This decision package ensures that OPD can recruit and retain adequate numbers of qualified social work contractors to effectively serve indigent persons who have a right to public defense services.

Commitment to Effective Court Management

This decision package ensures that OPD can contract with qualified defense social workers / social service workers, who can help keep clients engaged in their court case and reduce the potential for continuances.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

OPD's Forensic Civil Commitment and Parents Representation clients are from every geographic area of Washington State, but they are more likely to be from poor neighborhoods, to be people of color, and have physical, mental health, and/or cognitive disabilities than the general population. This decision package helps reunify families from marginalized communities, and ensures those indefinitely committed to our state hospitals and psychiatric institutions can safely reenter their communities.

Describe how the agency conducted community outreach and engagement.

N/A

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.

This decision package does not create disproportionate impacts. The requested vendor rate adjustment will mitigate existing disproportionate compensation between OPD-contracted social work professionals and their counterparts employed at DSHS and DCYF.

Are there impacts to other governmental entities?

Well-funded, skilled defense social workers / social service workers are prepared and provide excellent services, which can result in indirect positive impacts for courts as well as opposing counsel representing DSHS and DCYF.

Stakeholder response:

At its September 12, 2024 meeting, the OPD Advisory Committee voted to approve this decision package. OPD-contracted defense social workers and social service workers are asking OPD to increase their contract compensation.

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

No.

Does current law need to be changed to successfully implement this package?

No.

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

Are there information technology impacts?

No.

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