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Columbia Legal Services advocates for people who face injustice and poverty. We seek to achieve social and economic justice for all, using policy reform, litigation, and innovative partnerships to reveal and end actions that harm the communities we serve.

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November 24, 2015

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Re: *Braam v. Washington*: 2016 Supplemental Budget

Dear Governor Inslee,

Columbia Legal Services (CLS) serves as attorneys for the State's foster children in *Braam v. Washington*, a case requiring reforms in Washington's foster care system. We are writing to urge you to fully include the items identified by Children's Administration as related to *Braam* in the biennial budget that you will propose to the Legislature later next month. While the State has made significant progress in achieving the reforms required under *Braam*, we are concerned about recent backsliding on the caseworker caseload measure, and that increases in caseloads may put at risk gains made in the past.

In 2014, the Whatcom County Superior Court ordered the State to finish the reforms it promised to make in the *Braam* Revised Settlement Agreement, to improve the conditions of foster care, including adequate caseloads, monthly caseworker visits to children, reducing runaways, and adequate information, training and support for foster parents.

Last year, CA identified the need for 63 FTEs to address compliance. Only 21 of these 63 FTEs were funded. CA has proposed hiring the remaining 42 additional FTEs. CA identifies these to "***assist in maintaining or achieving compliance*** with the remaining measures including monthly health and safety checks for children in out of home care and ensuring foster parents have adequate information, training and support" (emphasis added). CA identifies also that additional workers will "assist with placement stability, especially for youth at high risk for running away from care."

To support its request for these additional 42 FTEs, CA in its decision package has asked for an additional \$3.729 million (GF-S) for *Braam*-related items (\$3.805m in Total Funds) for the 2016 supplemental budget for the 2015-2017 biennium. These amounts were decreased to \$3.137m

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(GF-S)/\$3.201m (Total) in the DSHS final decision package. We urge you to fully fund at the \$3.805m level requested by CA.

In *Braam v. Washington*, the Washington Supreme Court held that children in foster care “have a substantive due process right to be free from unreasonable risk of harm, including a risk flowering from the lack of basic services, and a right to reasonable safety,” and “the State, as a custodian and caretaker of foster children must provide conditions free of unreasonable risk of danger, harm, or pain, and must include adequate services to meet the basic needs of the child.” *Braam v. Washington*, 150 Wn.2d 689, 699-700, 81 P.3d 851 (2003).

Given that a constitutional duty is implicated, and given the court’s order requiring full compliance with the *Braam* reforms, adequate services to foster children must be provided to prevent a violation. On behalf of the 10,000 children in foster care in Washington, we thank you for your time and consideration.

Sincerely,



Mary Van Cleve
Plaintiffs’ Counsel

cc: Andi Smith, Senior Policy Advisor to the Governor

Sen. Andy Hill

Sen. Steve O’Ban

Sen. James Hargrove

Rep. Bruce Chandler

Rep. Hans Dunshee

Rep. Ruth Kagi

David Schumaker, Director, Office of Financial Management

Rich Pannkuk, Senior Budget Assistant, Office of Financial Management

Carrie Hoon Wayno, Assistant Attorney General for the State of Washington