

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1663

56th Legislature
1999 Regular Session

Passed by the House April 23, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 21, 1999
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1663** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1663

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos)

Read first time 03/08/1999.

1 AN ACT Relating to court operations; amending RCW 10.14.200,
2 13.04.021, 26.12.010, 26.12.060, and 36.18.016; and creating new
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes the increasing
6 incidence of concurrent involvement of family members in multiple areas
7 of the justice system. Analysis shows significant case overlap in the
8 case types of juvenile offender, juvenile dependency, at-risk youth,
9 child in need of services, truancy, domestic violence, and domestic
10 relations. Also recognized is the increased complexity of the problems
11 facing family members and the increased complexity of the laws
12 affecting families. It is believed that in such situations, an
13 efficient and effective response is through the creation of a unified
14 court system centered around the family that: Provides a dedicated,
15 trained, and informed judiciary; incorporates case management practices
16 based on a family's judicial system needs; enables multiple case type
17 resolution by one judicial officer or judicial team; provides
18 coordinated legal and social services; and considers and evaluates the
19 needs of the family as a whole.

1 NEW SECTION. **Sec. 2.** The administrator for the courts shall
2 conduct a unified family court pilot program.

3 (1) Pilot program sites shall be selected through a request for
4 proposal process, and shall be established in no more than three
5 superior court judicial districts.

6 (2) To be eligible for consideration as a pilot project site,
7 judicial districts must have a statutorily authorized judicial
8 complement of at least five judges.

9 (3) The administrator for the courts shall develop criteria for the
10 unified family court pilot program. The pilot program shall include:

11 (a) All case types under Title 13 RCW, chapters 26.09, 26.10,
12 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

13 (b) Unified family court judicial officers, who volunteer for the
14 program, and meet training requirements established by local court
15 rule;

16 (c) Case management practices that provide a flexible response to
17 the diverse court-related needs of families involved in multiple areas
18 of the justice system. Case management practices should result in a
19 reduction in process redundancies and an efficient use of time and
20 resources, and create a system enabling multiple case type resolution
21 by one judicial officer or judicial team;

22 (d) A court facilitator to provide assistance to parties with
23 matters before the unified family court; and

24 (e) An emphasis on providing nonadversarial methods of dispute
25 resolution such as a settlement conference, evaluative mediation by
26 attorney mediators, and facilitative mediation by nonattorney
27 mediators.

28 (4) The office of the administrator for the courts shall publish
29 and disseminate a state-approved listing of definitions of
30 nonadversarial methods of dispute resolution so that court officials,
31 practitioners, and users can choose the most appropriate process for
32 the matter at hand.

33 (5) The office of the administrator for the courts shall provide to
34 the judicial districts selected for the pilot program the computer
35 resources needed by each judicial district to implement the unified
36 family court pilot program.

37 (6) The office of the administrator for the courts shall conduct a
38 study of the pilot program measuring improvements in the judicial
39 system's response to family involvement in the judicial system. The

1 administrator for the courts shall report preliminary findings and
2 final results of the study to the governor, the chief justice of the
3 supreme court, and the legislature on a biennial basis. The initial
4 report is due by July 1, 2000, and the final report is due by December
5 1, 2004.

6 NEW SECTION. **Sec. 3.** The judges of the superior court judicial
7 districts with unified family court pilot programs shall adopt local
8 court rules directing the program. The local court rules shall comply
9 with the criteria established by the administrator for the courts and
10 shall include:

11 (1) A requirement that all judicial officers hearing cases in
12 unified family court:

13 (a) Complete an initial training program including the topic areas
14 of childhood development, domestic violence, cultural awareness, child
15 abuse and neglect, chemical dependency, and mental illness; and

16 (b) Subsequent to the training in (a) of this subsection, annually
17 attend a minimum of eight hours of continuing education of pertinence
18 to the unified family court;

19 (2) Case management that is based on the practice of one judge or
20 judicial team handling all matters relating to a family;

21 (3) An emphasis on coordinating or consolidating, to the extent
22 possible, all cases before the unified family court relating to a
23 family; and

24 (4) Programs that provide for record confidentiality to protect the
25 confidentiality of court records in accordance with the law. However
26 law enforcement agencies shall have access to the records to the extent
27 permissible under the law.

28 **Sec. 4.** RCW 10.14.200 and 1995 c 246 s 35 are each amended to read
29 as follows:

30 Any order available under this chapter may be issued in actions
31 under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available
32 under this chapter that is issued under those chapters shall be fully
33 enforceable and shall be enforced pursuant to the provisions of this
34 chapter.

35 **Sec. 5.** RCW 13.04.021 and 1994 sp.s. c 7 s 538 are each amended to
36 read as follows:

1 (1) The juvenile court shall be a division of the superior court.
2 In judicial districts having more than one judge of the superior court,
3 the judges of such court shall annually assign one or more of their
4 number to the juvenile court division. In any judicial district having
5 a court commissioner, the court commissioner shall have the power,
6 authority, and jurisdiction, concurrent with a juvenile court judge, to
7 hear all cases under this chapter and to enter judgment and make orders
8 with the same power, force, and effect as any judge of the juvenile
9 court, subject to motion or demand by any party within ten days from
10 the entry of the order or judgment by the court commissioner as
11 provided in RCW 2.24.050. In any judicial district having a family law
12 commissioner appointed pursuant to chapter 26.12 RCW, the family law
13 commissioner shall have the power, authority, and jurisdiction,
14 concurrent with a juvenile court judge, to hear cases (~~under chapter~~
15 ~~13.34 RCW or any other case~~) under Title 13 RCW and chapter 28A.225
16 RCW as provided in RCW 26.12.010, and to enter judgment and make orders
17 with the same power, force, and effect as any judge of the juvenile
18 court, subject to motion or demand by any party within ten days from
19 the entry of the order or judgment by the court commissioner as
20 provided in RCW 2.24.050.

21 (2) Cases in the juvenile court shall be tried without a jury.

22 **Sec. 6.** RCW 26.12.010 and 1994 sp.s. c 7 s 537 are each amended to
23 read as follows:

24 (~~(1)~~) Each superior court shall exercise the jurisdiction
25 conferred by this chapter and while sitting in the exercise of such
26 jurisdiction shall be known and referred to as the "family court." A
27 family (~~law~~) court proceeding under this chapter is: (1) Any
28 proceeding under this title or any proceeding in which the family court
29 is requested to adjudicate or enforce the rights of the parties or
30 their children regarding the determination or modification of parenting
31 plans, child custody, visitation, or support, or the distribution of
32 property or obligations, or (2) concurrent with the juvenile court, any
33 proceeding under Title 13 or chapter 28A.225 RCW.

34 (~~(2) Superior court judges of a county may by majority vote, grant~~
35 ~~to the family court the power, authority, and jurisdiction, concurrent~~
36 ~~with the juvenile court, to hear and decide cases under Title 13 RCW.))~~

1 **Sec. 7.** RCW 26.12.060 and 1993 c 289 s 3 are each amended to read
2 as follows:

3 The court commissioners shall: (1) Make appropriate referrals to
4 county family court services program if the county has a family court
5 services program or appoint a guardian ad litem pursuant to RCW
6 26.12.175; (2) order investigation and reporting of the facts upon
7 which to base warrants, subpoenas, orders or directions in actions or
8 proceedings under this chapter; (3) exercise all the powers and perform
9 all the duties of court commissioners; (4) make written reports of all
10 proceedings had which shall become a part of the record of the family
11 court; (5) provide supervision over the exercise of its jurisdiction as
12 the judge of the family court may order; (6) cause the orders and
13 findings of the family court to be entered in the same manner as orders
14 and findings are entered in cases in the superior court; (7) cause
15 other reports to be made and records kept as will indicate the value
16 and extent of reconciliation, mediation, investigation, and treatment
17 services; and (8) conduct hearings under (~~chapter 13.34 RCW~~) Title 13
18 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

19 **Sec. 8.** RCW 36.18.016 and 1996 c 56 s 5 are each amended to read
20 as follows:

21 (1) Revenue collected under this section is not subject to division
22 under RCW 36.18.025 or 27.24.070.

23 (2) For the filing of a petition for modification of a decree of
24 dissolution or paternity, within the same case as the original action,
25 a fee of twenty dollars must be paid.

26 (3)(a) The party making a demand for a jury of six in a civil
27 action shall pay, at the time, a fee of (~~fifty~~) one hundred twenty-
28 five dollars; if the demand is for a jury of twelve, a fee of (~~one~~)
29 two hundred fifty dollars. If, after the party demands a jury of six
30 and pays the required fee, any other party to the action requests a
31 jury of twelve, an additional (~~fifty-dollar~~) one hundred twenty-five
32 dollar fee will be required of the party demanding the increased number
33 of jurors.

34 (b) Upon conviction in criminal cases a jury demand charge of fifty
35 dollars for a jury of six, or one hundred dollars for a jury of twelve
36 may be imposed as costs under RCW 10.46.190.

37 (4) For preparing, transcribing, or certifying an instrument on
38 file or of record in the clerk's office, with or without seal, for the

1 first page or portion of the first page, a fee of two dollars, and for
2 each additional page or portion of a page, a fee of one dollar must be
3 charged. For authenticating or exemplifying an instrument, a fee of
4 one dollar for each additional seal affixed must be charged.

5 (5) For executing a certificate, with or without a seal, a fee of
6 two dollars must be charged.

7 (6) For a garnishee defendant named in an affidavit for garnishment
8 and for a writ of attachment, a fee of twenty dollars must be charged.

9 (7) For approving a bond, including justification on the bond, in
10 other than civil actions and probate proceedings, a fee of two dollars
11 must be charged.

12 (8) For the issuance of a certificate of qualification and a
13 certified copy of letters of administration, letters testamentary, or
14 letters of guardianship, there must be a fee of two dollars.

15 (9) For the preparation of a passport application, the clerk may
16 collect an execution fee as authorized by the federal government.

17 (10) For clerk's special services such as processing ex parte
18 orders by mail, performing historical searches, compiling statistical
19 reports, and conducting exceptional record searches, the clerk may
20 collect a fee not to exceed twenty dollars per hour or portion of an
21 hour.

22 (11) For duplicated recordings of court's proceedings there must be
23 a fee of ten dollars for each audio tape and twenty-five dollars for
24 each video tape.

25 (12) For the filing of oaths and affirmations under chapter 5.28
26 RCW, a fee of twenty dollars must be charged.

27 (13) For filing a disclaimer of interest under RCW 11.86.031(4), a
28 fee of two dollars must be charged.

29 (14) For registration of land titles, Torrens Act, under RCW
30 65.12.780, a fee of five dollars must be charged.

31 (15) For the issuance of extension of judgment under RCW 6.17.020
32 and chapter 9.94A RCW, a fee of one hundred ten dollars must be
33 charged.

34 (16) A facilitator surcharge of ten dollars must be charged as
35 authorized under RCW 26.12.240.

36 (17) For filing a water rights statement under RCW 90.03.180, a fee
37 of twenty-five dollars must be charged.

1 (18) For filing a warrant for overpayment of state retirement
2 systems benefits under chapter 41.50 RCW, a fee of five dollars shall
3 be charged pursuant to RCW 41.50.136.

4 (19) A service fee of three dollars for the first page and one
5 dollar for each additional page must be charged for receiving faxed
6 documents, pursuant to Washington state rules of court, general rule
7 17.

8 (20) For preparation of clerk's papers under RAP 9.7, a fee of
9 fifty cents per page must be charged.

10 (21) For copies and reports produced at the local level as
11 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
12 be charged.

13 (22) Investment service charge and earnings under RCW 36.48.090
14 must be charged.

15 (23) Costs for nonstatutory services rendered by clerk by authority
16 of local ordinance or policy must be charged.

17 (24) For filing a request for trial de novo of an arbitration
18 award, a fee not to exceed two hundred fifty dollars as established by
19 authority of local ordinance must be charged.

--- END ---