

HOUSE BILL REPORT

HB 2686

As Reported By House Committee On:

Law & Justice

Title: An act relating to the creation of a unified court-family.

Brief Description: Creating a unified court-family.

Sponsors: Representatives Lambert, Costa, O'Brien and Wolfe.

Brief History:

Committee Activity:

Law & Justice: 2/4/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Edie Adams (786-7180).

Background: The juvenile court and the family court are both divisions of the superior court. The juvenile and family courts are established to hear specific types of related matters.

The family court has jurisdiction over all domestic relations matters, including dissolution of marriage, third-party child custody, child support, paternity, adoption, placement of children, abuse of children and dependent persons, and domestic violence protection orders.

The juvenile court has jurisdiction over all proceedings involving the following matters: juvenile justice, child dependency and termination, family reconciliation, interstate compact on juveniles, interstate compact on placement of juveniles, and emancipation. If authorized by the superior court judges of a county, the family court has concurrent jurisdiction with the juvenile court over all of these proceedings.

Summary of Bill: A unified court-family pilot program is established to be conducted by the Office of the Administrator for the Courts (OAC). Sites for the pilot program must be selected through a request for proposal process and using the following criteria:

sites shall be established in no more than three judicial districts; sites may only be located in districts with at least five judges; at least one site must be located in Eastern Washington; and at least one site must be located in a district where the number of judges is less than the number of judges authorized by statute.

The OAC must develop criteria for the pilot program which shall include the following:

- Inclusion of the following case types: juvenile issues, including juvenile justice, child dependency and termination, family reconciliation, interstate compact on juveniles, and emancipation; all domestic relations cases, including dissolution of marriage, third-party child custody, child support, paternity, adoption, placement of children, abuse of children and dependent persons, and domestic violence protection orders; truancy; and adult criminal cases of persons who have family members with matters before the unified court-family;
- Judges of the unified court-family must volunteer for the program, serve a minimum term of two years, and complete mandatory training requirements;
- Case management practices that provide a flexible response to needs, result in reduction in process redundancies, and create a system enabling multiple case type resolution by one judicial officer or judicial team;
- A court facilitator to provide assistance to persons with matters before the unified court-family; and
- An emphasis on non-adversarial methods of dispute resolution.

The judges of the superior court judicial districts that have pilot program sites must adopt local court rules directing the program. The court rules must comply with the criteria established by the OAC and, in addition, must include the following criteria: judges of the unified court-family must complete an initial training program and a minimum of eight hours of continuing education and have at least five years of experience; case management based on one judge or judicial team to handle all matters pertaining to the family; coordination and consolidation of cases; mandatory collection and reporting of information to the OAC; and record confidentiality provisions.

The Washington State Institute for Public Policy (WSIPP) must study the pilot program in accordance with guidelines and criteria established by the OAC. The WSIPP must report preliminary findings and final results on a biennial basis to the Governor, the chief justice of the Washington Supreme Court, and the Legislature. The initial report is due not later than July 1, 2000, and the final report is due no later than December 1, 2004.

Appropriation: None.

Fiscal Note: Requested on January 30, 1998.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The concept of unifying juvenile and family proceedings is an excellent idea. It has worked well in King County. It allows the court to avoid duplication of services, avoid conflicting orders, and provide greater service to families. The current system is destructive of families. It gives people the view that the court has no solutions for problems encountered by families. If a family has five different cases and they are all in front of five different judges, it is unlikely that the family will see a comprehensive and consistent resolution of its matters. When a party has to go before multiple judges, they have to reinvent the wheel, and this is very time-consuming and costly. Including adult criminal matters is not usual in existing unified family courts. Thurston County currently has a unified family court, and you should make sure that it can be included in the pilot program.

Testimony Against: None.

Testified: Representative Lambert, prime sponsor; Katherine Brown Pearson (pro); Martin Meyer, attorney (pro); Judge Bobbi Bridge, King County Superior Court and Superior Court Judges Association (pro); Judge Marsha Peckman, King County Superior Court (pro); and Judge Paula Casey, Thurston County Superior Court (pro).