

2 **SHB 1663** - S COMM AMD  
3 By Committee on Judiciary

4 ADOPTED 4/21/99

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

32 (a) All case types under Title 13 RCW, chapters 26.09, 26.10,  
33 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

1 (b) Unified family court judicial officers, who volunteer for the  
2 program, and meet training requirements established by local court  
3 rule;

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

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

12 (e) An emphasis on providing nonadversarial methods of dispute  
13 resolution such as a settlement conference, evaluative mediation by  
14 attorney mediators, and facilitative mediation by nonattorney  
15 mediators.

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

21 (5) The office of the administrator for the courts shall provide to  
22 the judicial districts selected for the pilot program the computer  
23 resources needed by each judicial district to implement the unified  
24 family court pilot program.

25 (6) The office of the administrator for the courts shall conduct a  
26 study of the pilot program measuring improvements in the judicial  
27 system's response to family involvement in the judicial system. The  
28 administrator for the courts shall report preliminary findings and  
29 final results of the study to the governor, the chief justice of the  
30 supreme court, and the legislature on a biennial basis. The initial  
31 report is due by July 1, 2000, and the final report is due by December  
32 1, 2004.

33 NEW SECTION. **Sec. 3.** The judges of the superior court judicial  
34 districts with unified family court pilot programs shall adopt local  
35 court rules directing the program. The local court rules shall comply  
36 with the criteria established by the administrator for the courts and  
37 shall include:

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

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

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

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

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

14 (4) Programs that provide for record confidentiality to protect the  
15 confidentiality of court records in accordance with the law. However  
16 law enforcement agencies shall have access to the records to the extent  
17 permissible under the law.

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

20 Any order available under this chapter may be issued in actions  
21 under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available  
22 under this chapter that is issued under those chapters shall be fully  
23 enforceable and shall be enforced pursuant to the provisions of this  
24 chapter.

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

27 (1) The juvenile court shall be a division of the superior court.  
28 In judicial districts having more than one judge of the superior court,  
29 the judges of such court shall annually assign one or more of their  
30 number to the juvenile court division. In any judicial district having  
31 a court commissioner, the court commissioner shall have the power,  
32 authority, and jurisdiction, concurrent with a juvenile court judge, to  
33 hear all cases under this chapter and to enter judgment and make orders  
34 with the same power, force, and effect as any judge of the juvenile  
35 court, subject to motion or demand by any party within ten days from  
36 the entry of the order or judgment by the court commissioner as  
37 provided in RCW 2.24.050. In any judicial district having a family law

1 commissioner appointed pursuant to chapter 26.12 RCW, the family law  
2 commissioner shall have the power, authority, and jurisdiction,  
3 concurrent with a juvenile court judge, to hear cases (~~(under chapter~~  
4 ~~13.34 RCW or any other case))~~ under Title 13 RCW and chapter 28A.225  
5 RCW as provided in RCW 26.12.010, and to enter judgment and make orders  
6 with the same power, force, and effect as any judge of the juvenile  
7 court, subject to motion or demand by any party within ten days from  
8 the entry of the order or judgment by the court commissioner as  
9 provided in RCW 2.24.050.

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

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

13 (~~((1))~~) Each superior court shall exercise the jurisdiction  
14 conferred by this chapter and while sitting in the exercise of such  
15 jurisdiction shall be known and referred to as the "family court." A  
16 family (~~(law)~~) court proceeding under this chapter is: (1) Any  
17 proceeding under this title or any proceeding in which the family court  
18 is requested to adjudicate or enforce the rights of the parties or  
19 their children regarding the determination or modification of parenting  
20 plans, child custody, visitation, or support, or the distribution of  
21 property or obligations, or (2) concurrent with the juvenile court, any  
22 proceeding under Title 13 or chapter 28A.225 RCW.

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

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

28 The court commissioners shall: (1) Make appropriate referrals to  
29 county family court services program if the county has a family court  
30 services program or appoint a guardian ad litem pursuant to RCW  
31 26.12.175; (2) order investigation and reporting of the facts upon  
32 which to base warrants, subpoenas, orders or directions in actions or  
33 proceedings under this chapter; (3) exercise all the powers and perform  
34 all the duties of court commissioners; (4) make written reports of all  
35 proceedings had which shall become a part of the record of the family  
36 court; (5) provide supervision over the exercise of its jurisdiction as  
37 the judge of the family court may order; (6) cause the orders and

1 findings of the family court to be entered in the same manner as orders  
2 and findings are entered in cases in the superior court; (7) cause  
3 other reports to be made and records kept as will indicate the value  
4 and extent of reconciliation, mediation, investigation, and treatment  
5 services; and (8) conduct hearings under (~~chapter 13.34 RCW~~) Title 13  
6 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

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

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

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

14 (3)(a) The party making a demand for a jury of six in a civil  
15 action shall pay, at the time, a fee of (~~fifty~~) one hundred twenty-  
16 five dollars; if the demand is for a jury of twelve, a fee of (~~one~~)  
17 two hundred fifty dollars. If, after the party demands a jury of six  
18 and pays the required fee, any other party to the action requests a  
19 jury of twelve, an additional (~~fifty-dollar~~) one hundred twenty-five  
20 dollar fee will be required of the party demanding the increased number  
21 of jurors.

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

25 (4) For preparing, transcribing, or certifying an instrument on  
26 file or of record in the clerk's office, with or without seal, for the  
27 first page or portion of the first page, a fee of two dollars, and for  
28 each additional page or portion of a page, a fee of one dollar must be  
29 charged. For authenticating or exemplifying an instrument, a fee of  
30 one dollar for each additional seal affixed must be charged.

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

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

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

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

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

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

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

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

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

18 (14) For registration of land titles, Torrens Act, under RCW  
19 65.12.780, a fee of five dollars must be charged.

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

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

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

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

30 (19) A service fee of three dollars for the first page and one  
31 dollar for each additional page must be charged for receiving faxed  
32 documents, pursuant to Washington state rules of court, general rule  
33 17.

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

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

1 (22) Investment service charge and earnings under RCW 36.48.090  
2 must be charged.

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

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

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11 On page 1, line 1 of the title, after "Relating to" strike the  
12 remainder of the title and insert "court operations; amending RCW  
13 10.14.200, 13.04.021, 26.12.010, 26.12.060, and 36.18.016; and creating  
14 new sections."

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