

# FINAL BILL REPORT

## SHB 1663

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Synopsis as Enacted

**Brief Description:** Creating a unified family court.

**Sponsors:** By House Committee on Judiciary (Originally sponsored by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos).

**House Committee on Judiciary**  
**House Committee on Appropriations**  
**Senate Committee on Judiciary**  
**Senate Committee on Ways & Means**

**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 juvenile court hears cases involving juvenile offenses and infractions, dependencies, termination of parental rights, family reconciliation (such as at-risk youth petitions) interstate compact on juveniles, and emancipation.

The family court hears domestic relations proceedings, including dissolutions, parenting plans, child custody, establishment and modification of child support, paternity, adoption, and domestic violence protection orders. If a majority of the superior court judges of the county authorize it, the family court may have concurrent jurisdiction with the juvenile court over proceedings that the juvenile court may hear.

A party making a demand for a jury of six persons in a civil action in superior court must pay a fee of \$50. If the demand is for a jury of 12, the fee is set at \$100. If, after a party demands a jury of six and pays the required fee, any other party to the action who subsequently requests a jury of 12 must pay an additional fee of \$50. In a criminal action, the court has the option of imposing such fees.

Arbitration is a non-judicial method for resolving disputes in which a neutral party is given authority to decide the case. An award by an arbitrator may be appealed to the superior court. The superior court hears the "de novo;" that is, the court will conduct a trial on all issues of fact and law as though the arbitration had not occurred. In certain counties, arbitration is mandatory for certain civil cases where the sole relief sought is less than a specified dollar amount.

There is no fee required for requesting a trial de novo of an arbitration award.

**Summary:**

A unified family court pilot program is established to be conducted by the Office of the Administrator for the Courts (OAC). The site for the pilot program must be selected using a request for proposal process. The site must be established in no more than three superior court judicial districts that each have statutory authority for at least five judges.

The OAC must develop criteria for the pilot program. The pilot program must include:

- cases involving (1) juvenile offenses; (2) child dependency and termination; (3) family reconciliation, such as at-risk youth petitions and children in need of services petitions; (4) interstate compact on juveniles; (5) emancipation; (6) dissolution of marriages; (7) establishment and modification of parenting plans; (8) third-party child custody; (9) child support; (10) paternity; (11) adoption; (12) domestic violence prevention; and (13) truancy;
- judges and judicial officers who volunteer for the program and who meet certain training requirements established by local court rule;
- case management that provides a flexible response to diverse needs and helps reduce redundancies;
- a court facilitator to provide assistance; and
- an emphasis on nonadversarial methods of dispute resolution.

The OAC must publish a state-approved listing of nonadversarial methods of dispute resolution. The OAC must also provide the selected districts with the computer resources necessary to implement the program.

Judges of the superior court districts selected for the program must adopt local court rules to direct the program. The court rules must include a training program requirement and a continuing education requirement, case management based on the practice of one judge or judicial team handling all matters relating to a family, and programs that provide for record confidentiality.

The OAC must study and evaluate the pilot program, and report to the Governor, chief justice of the state supreme court, and the Legislature on a biennial basis. The initial report is due by July 1, 2000, and the final report is due by December 1, 2004.

Family courts within each superior court have concurrent jurisdiction with the juvenile court over all juvenile and truancy proceedings. The requirement that a majority of the superior court judges in the county authorize such jurisdiction is removed.

The fee for requesting a six-person jury in a civil action is increased from \$50 to \$125, and the fee for a 12-person jury is increased from \$100 to \$250.

Counties are required to impose a fee, not to exceed \$250, for filing a request for a trial de novo of an arbitration award.

**Votes on Final Passage:**

House 93 0

Senate 44 0 (Senate amended)

House 96 0 (House concurred)

**Effective:** July 25, 1999