

SENATE BILL REPORT

SHB 1663

As Reported By Senate Committee On:
Judiciary, April 2, 1999
Ways & Means, April 20, 1999

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

Brief Description: Creating a unified family court.

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

Brief History: Passed House 3/12/99, 93-0.

Committee Activity: Judiciary: 3/22/99, 4/2/99 [DPA-WM].

Ways & Means: 4/20/99 [DPA (JUD)].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Heavey, Chair; Costa, Goings, Haugen, Johnson, McCaslin, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Judiciary.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Staff: Bryon Moore (786-7726)

Background: Juvenile court and family court are both divisions of superior court.

The juvenile court hears cases involving juvenile offenses and infractions, dependencies, termination of parental rights, family reconciliation issues 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 the proceedings that the juvenile court may hear.

In May 1997, King County established a unified family court pilot program. One goal of the King County program is to place complex cases into the unified family court for better coordination of services. Complex cases include families that are involved in multiple domestic relations and juvenile justice proceedings.

Summary of Amended Bill: The Administrator for the Courts (OAC) is directed to conduct a unified family court pilot project. The sites for the pilot program will be selected using a request for proposal process and will be established in no more than three superior court judicial districts with statutory authority for at least five judges.

OAC must develop criteria for the pilot program and include:

- cases involving: (a) juvenile offenses; (b) child dependency and termination; (c) family reconciliation, such as at-risk youth petitions and children in need of services petitions; (d) interstate compact on juveniles; (e) emancipation; (f) dissolution of marriages; (g) establishment and modification of parenting plans; (h) third-party child custody; (i) child support; (j) paternity; (k) adoption; (l) domestic violence prevention; and (m) 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 the diverse needs of families and multiple case type resolution by one judicial officer or team;
- a court facilitator to provide assistance; and
- an emphasis on nonadversarial methods of dispute resolution.

OAC will study the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system.

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 jury of six in a civil trial in superior court is increased from \$50 to \$125. If the demand is for a jury of 12, the fee is increased from \$100 to \$250. If, after a party demands a jury of six and pays the required fee, any other party to the action requests a jury of 12 persons, the requesting party must pay an additional fee of \$125. The fees for requesting a jury in criminal cases are not changed from current law.

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

Amended Bill Compared to Substitute Bill: The substitute bill did not address the issue of jury fees or requests for trials de novo of arbitration awards. The null and void clause in the substitute bill is removed. The Institute for Public Policy was instructed to conduct a study of the unified family court pilot program in the substitute bill. The amended bill requires OAC to study the pilot program and amends the title of the substitute bill.

Appropriation: None.

Fiscal Note: Available for original bill, new fiscal note requested on March 18, 1999.

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

Testimony For: There is a unified family court in King and Thurston counties. This bill helps to expand that concept and it is supported by all levels of the court. Many people in family law represent themselves and end up coming back to the court system repeatedly. The approach of a unified family court would help to eliminate some of that return rate. We need this bill to help show that this approach is not only effective but also cost-effective. Once a family is assigned to one team and the emphasis is on non-adversarial techniques, there has been great results.

Testimony Against: None.

Testified: Rep. Lambert; Chief Justice Richard Guy; Judge Paula Casey; Judge Bobbe Bridge; Bill Harrington.