

HOUSE BILL REPORT

ESHB 2155

*As Passed House
March 18, 1991*

Title: An act relating to expanding family courts and family court services.

Brief Description: Expanding family courts and family court services.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives Scott, Appelwick, R. King and Miller).

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DPS;
Passed House, March 18, 1991, 98-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 2155 be substituted therefor, and the substitute bill do pass.*
Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: Under an existing chapter in the law, the superior courts in the various counties must create a "family court" to hear all matters involving family law issues such as actions for divorce, custody, and support. The family court may offer various family court services to assist the court and the parties in making decisions. The counties may contract with other counties to offer the services. The counties may fund the family courts through a fee not to exceed \$8 on the issuance of a marriage license. The parties must pay for the services unless the county legislative authority funds the services.

Invoking the jurisdiction of the family court requires a party to file a petition in addition to filing the action in the superior court. Following filing the petition in the

superior court, the case may be transferred to the family court and an additional procedure for conciliation is provided in the statute.

The actual creation of family courts, the petitioning process, and implementation of family court services varies county by county. The domestic relations task force of the Washington State Bar Association has recommended that family court services be implemented statewide.

Summary of Bill: The chapter on family courts and family court services is restructured. All cases that involve a family law issue shall be under the jurisdiction of the family court. No separate petitioning process is necessary. The family courts must provide for family court services which include reconciliation, mediation, investigation, and treatment services, including providing for drug and alcohol abuse evaluations and monitoring of the parties. The parties must bear the cost of the family court services according to their ability to pay for the services. The legislative authority may establish fees for the services on a sliding scale.

Family court commissioners do not have authority to enter permanent parenting plans. Child support is not subject to mediation.

Family court services may hire their own professional staff or contract for services, or both.

The family court must give preference to cases involving children. The court may appoint a guardian ad litem for the child when the court believes that a guardian ad litem is in the best interests of the child. The parties must bear the cost of the guardian ad litem unless both are indigent, in which case the county will pay for the cost of the guardian subject to appropriation by the legislative authority.

Subject to funding in the budget, the counties that implement a family court and family court services may apply to the office of the administrator for the courts for state funding. The funds will be distributed according to a percentage formula based upon the number of domestic relations cases filed in the county divided by the total number of domestic relations cases filed by the eligible counties. The counties must continue to match the state appropriation and must continue the family court and family court services for one year following the award. The office of the administrator for the courts must develop rules to implement the section.

Fiscal Note: Requested February 27, 1991.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Creation of family court and expanding family court services are needed, but the bill needs clarification that child support cannot be mediated.

Testimony Against: None.

Witnesses: Deborah Senn, Northwestern Women's Law Center (pro, with concern about clarifying that child support is not subject to mediation).