

# SENATE BILL REPORT

## 2SHB 2822

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As Reported By Senate Committee On:  
Human Services & Corrections, February 28, 2008  
Ways & Means, March 03, 2008

**Title:** An act relating to the family and juvenile court improvement program.

**Brief Description:** Concerning the family and juvenile court improvement program.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Lantz, Dickerson, Haler, Sullivan, Seaquist and Kenney).

**Brief History:** Passed House: 2/19/08, 95-0.

**Committee Activity:** Human Services & Corrections: 2/26/08, 2/28/08 [DPA-WM].  
Ways & Means: 3/3/08 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

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

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

**Staff:** Jennifer Strus (786-7316)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

**Staff:** Paula Moore (786-7449)

**Background:** Superior courts have jurisdiction over family law proceedings, such as dissolutions, parenting plans, child custody, child support orders, paternity, and adoption. In counties with more than one superior court judge, the court designates one or more of the judges to hear all family law proceedings. Each superior court sets the terms of rotation for its family law judges.

Juvenile court, which is a statutorily created division of the superior court, hears cases involving juvenile offenses and infractions, dependencies, terminations of parental rights, at-

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

risk youth and child in need of supervision petitions, interstate compact on juveniles, and emancipation of minors.

Unified Family Court (UFC) is a model for handling cases involving children and families. The five principles of the UFC are: (1) the assignment of one judicial team to one family; (2) centralized case management; (3) specialized education for judicial officers; (4) longer-term judicial assignments to provide continuity for families; and (5) mandatory mediation in certain cases.

The Superior Court Judges' Association and the Board for Judicial Administration (BJA) have adopted the UFC principles as best practices. In 1999 the Legislature created a pilot program for three counties to implement the UFC, and other counties have, on their own, implemented the UFC principles.

In 2007 the BJA created a Family and Juvenile Court Improvement Workgroup (workgroup). The workgroup developed a plan that recommended the creation of a grant program to encourage and fund improvements to local family and juvenile court operations.

RCW 26.12.260 pertains to the initial first point of contact program for marriage dissolutions and legal separations. The provisions go into effect July 1, 2009 and states that counties may create a first point of contact program for parties filing petitions for dissolution or legal separation, and if state funding is provided, counties must create such a program. A party is required to meet and confer with the program prior to filing. The program will provide information about facilitation programs, orientations, alternatives to petitions for dissolution, alternatives to litigation, and screen for referral for services in the areas of domestic violence, child abuse, substance abuse, and mental health. To fund the liaison program, a county may impose user fees, impose a surcharge of up to \$20 on the superior court family law cases, or both.

**Summary of Bill (Recommended Amendments):** Subject to appropriation, the Family and Juvenile Court Improvement Grant Program is created, to be administered by the Administrative Office of the Courts (AOC). A superior court may apply for grants from the program by submitting a local improvement plan to the AOC.

To be eligible for grant money, the court's plan must meet criteria developed by the AOC and approved by the BJA. The AOC criteria must be consistent with the UFC principles. In addition, the court's plan must: (1) commit to a chief judge assignment to the family and juvenile court for a minimum of two years; (2) implement the principal of one judicial team hearing all of the proceedings in a case involving one family, especially in dependency cases; (3) require court commissioners and judges assigned to family and juvenile court to receive a minimum of 30 hours specialized training in topics related to family and juvenile law within six months of assuming duties on the family and juvenile court; and (4) submit a spending proposal.

Topics for training must include: (1) parentage; (2) adoption; (3) domestic relations; (4) dependencies and terminations; (5) child development; (6) the impact of child abuse and neglect; (7) domestic violence; (8) substance abuse; (9) mental health; (10) juvenile status offenses; (11) juvenile offenders; (12) self-representation issues; (13) cultural competency; and (14) roles of judges and commissioners.

Courts must use grant funds to pay for: required training; increasing staff, such as case coordinators; improving court facilities to meet the needs of children and families; enhancing court facilitator programs; and expanding access to social services for families.

The AOC must allocate available grant monies based upon the needs of the court as expressed in the local improvement plan it submits to the AOC. At the end of the fiscal year, grant recipients must submit a financial report comparing the spending plan to actual expenditures. AOC must compile the reports and submit them to the appropriate committees of the Legislature.

After July 1, 2009, grant money received by a court is deemed to be state money under RCW 26.12.260 obligating the court to create a point of initial contact program. The obligation remains in effect only for the duration of the family and juvenile court program grant.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments):** The family and juvenile court program is subject to appropriation.

Adds additional financial reporting responsibilities as part of the grant application and as a requirement of receiving the grant. AOC is responsible for reporting the information to the Legislature.

Removes the Washington State Institute for Public Policy study.

Clarifies that only after July 1, 2009, are courts receiving grant money required to create a first point of contact program pursuant to RCW 26.12.260. The obligation for the Superior court to operate a point of first contact program remains in effect only for the duration of the family and juvenile court program grant.

Removes all provisions related to establishing a family and juvenile court improvement grant account.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments):** The provision requiring the AOC to establish a funding formula is removed and replaced with an allocation scheme based upon the needs of the court. A provision is added that a court who received money under the grant program is deemed to have received state money under RCW 26.12.260 obligating the court to create a point of initial contact program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Second Substitute Bill (Human Services & Corrections):** PRO: Legislators, court personnel, and others have been working on this bill for several years. The Superior Court Judge's Association disapproved of a bill that was introduced last year but the group continued working on the bill and agreed on a strategy that is incentive-based and permits courts to apply for grants if they agree to certain

requirements. The bill is the result of months of dedicated work by legislators and judges to improve court processes and outcomes for children and their families. The purpose of the grant program is to create a stable court system which recognizes that there are 39 counties and each manages its dockets differently. In the end, courts need to be held accountable for improving the system and that is why the WSIPP study is included in the bill. A lot of what occurs in the courtroom is critical to children and their families, especially in dependency matters, and this bill will help improve that process.

**Persons Testifying (Human Services & Corrections):** PRO: Representative Kagi, prime sponsor; Judge Leonard Costello, Superior Court Judge's Association; Laurie Lippold, Children's Home Society.

**Staff Summary of Public Testimony on HSC Recommended Amendments (Ways & Means):** PRO: Often the talk of reform focuses on the Department or community-based service providers. This focuses on the Courts' processes to increase positive outcomes, particularly in dependency cases.

**Persons Testifying (Ways & Means):** PRO: Lauri Lippold, Children's Home Society of Washington.