

SENATE BILL REPORT

SB 5577

As of February 13, 2009

Title: An act relating to mandatory forms for use in dependency matters.

Brief Description: Concerning standard forms for dependency matters.

Sponsors: Senators Jarrett, Rockefeller, Hargrove and Regala.

Brief History:

Committee Activity: Human Services & Corrections: 2/12/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: The Administrative Office of the Courts (AOC) is currently statutorily required to develop and revise standard court forms and format rules for the use of litigants in dissolution, non-parental custody, and uniform parentage actions. The forms are available on AOC's website to be downloaded and are also available for purchase from the county court clerk's office.

AOC has on its website numerous forms in addition to the mandatory forms required to be used in dissolution, non-parental custody, and uniform parentage actions. The additional forms available on the website include those that can be used in juvenile court, domestic violence, and guardianship actions. Some local courts may require non-statewide forms to file a case and those are created and managed by the local court.

Currently, there is no statutory requirement that AOC produce, or that litigants use, specific forms in dependency cases.

Summary of Bill: AOC must develop standard court forms and format rules for mandatory use by parties in dependency matters. The forms must be developed by October 1, 2009, and the mandatory use requirement goes into effect January 1, 2010. AOC has continuing responsibility to develop and revise the forms and format rules as appropriate.

Pursuant to rules established by AOC, a party may delete from the mandatory form unnecessary portions and may supplement the forms with additional material. If a party fails to use a mandatory form or follow the format rules, the case cannot be dismissed, a filing

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refused, or a pleading struck. However, the court may require the party to submit a corrected pleading and may impose terms.

AOC must distribute a master copy of the forms to all county court clerks. AOC and the clerks must distribute the forms upon request and may charge a fee for the cost of production and distribution of the forms. The forms may be distributed in hard copy or by electronic means.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: During the last legislative interim, a workgroup looking at permanency timelines determined that data helped to measure timeliness of permanency was not data that could be used to answer the question of how long it takes to achieve permanency. One of the reasons this data was not helpful is because each court uses different forms and there are different meanings for particular data sets. As a consequence, the group could not compare the data it had because it was not comparing the same thing. One way to get at better data is to have standard forms that would have standard definitions to be used in all dependency cases. Doing this should make it easier to compare permanency timelines across the state.

OTHER: The Board of Judicial Administration supports standardizing forms and it can do so within existing funds but would like an amendment specifically stating that this mandate is subject to available funds. The board would also like an amendment to move the date by which the forms must be developed from October 1, 2009, to November 1, 2009. This extension would allow for the committees that work with standardized forms a bit more time within which to develop the forms.

Persons Testifying: PRO: Senator Fred Jarrett, prime sponsor.

OTHER: Mellani McAleenan, Board of Judicial Administration.