

HOUSE BILL REPORT

HB 1663

As Reported By House Committee On:

Judiciary
Appropriations

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

Brief Description: Creating a unified family court.

Sponsors: Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos.

Brief History:

Committee Activity:

Judiciary: 2/11/99, 2/16/99 [DP];
Appropriations: 3/6/99 [DPS].

Brief Summary of Substitute Bill

- Creates a unified family court pilot program in one superior court judicial district to hear domestic relations and juvenile cases.
- Removes the requirement that a majority of the superior court judges in a county approve before the family court has jurisdiction over cases involving juvenile offenses, dependencies, termination of parental rights, and truancy.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

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 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 the 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 Bill:

A unified family court pilot program is established to be conducted by the Office of the Administrator for the Courts (OAC). Sites for the pilot program must be selected using a request for proposal process. The sites must be established in at least three superior court judicial districts, and each district must have statutory authority for at least five judges.

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

- the following types of cases: (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 diverse needs and helps reduce redundancies;
- a court facilitator to provide assistance; and

- an emphasis on nonadversarial methods of dispute resolution.

OAC must 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 comply with OAC criteria. The court rules must also 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 procedures for reporting information to the Washington State Institute for Public Policy.

The Washington State Institute for Public Policy must study and evaluate the pilot program. The institute must 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.

Appropriation: None.

Fiscal Note: Requested on February 2, 1999.

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

Testimony For: The traditional adversarial court system does not work well for family law matters. Having multiple judges doing multiple cases for one family results in conflicting orders. Having a unified family court will be more efficient and will allow judges to become more knowledgeable about the whole family. King County's unified family court program is working well.

Testimony Against: None.

Testified: Representative Lambert, prime sponsor; Representative Kastama; Chief Justice Richard Guy, Washington Supreme Court and Board for Judicial Administration; Judge Marsha Pechman, King County Superior Court; Judge Paula Casey, Superior Court Judges Association; and Bill Harrington, United States Commission on Child and Family Welfare.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Minority Report: Without recommendation. Signed by 1 member: Representative Mulliken.

Staff: Mark Matteson (786-7145).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Judiciary: The substitute bill limits the unified family court pilot program to one superior court judicial district, as opposed to three in the original bill. If funding for the bill is not provided by June 30, 1999, in the omnibus appropriations act, the bill is null and void.

Appropriation: None.

Fiscal Note: Available for the original bill.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: None.

Testified: No testimony.