

HOUSE BILL REPORT

SHB 1663

As Passed Legislature

Title: An act relating to court operations.

Brief Description: Creating a unified family court.

Sponsors: By House Committee on Judiciary (Originally sponsored by 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].

Floor Activity:

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

Senate Amended.

Passed Senate: 4/21/99, 44-0.

House Concurred.

Passed Legislature.

Brief Summary of Substitute Bill

- Creates a unified family court pilot program in no more than three judicial districts to hear domestic relations and juvenile cases.
- Increases the fee for requesting a six-person jury in a civil action in superior court from \$50 to \$125.
- Increases the fee for requesting a 12-person jury in a civil action in superior court from \$100 to \$250.
- Requires counties to impose a fee, not to exceed \$250, for filing a request for a trial de novo of an arbitration award.

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).

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).

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.

Currently a party making a demand for a jury of six persons in a civil action in superior court must pay a fee of \$50. If the demand is for a jury of 12, the fee is set at \$100. If, after a party demands a jury of six and pays the required fee, any other party to the action subsequently requests a jury of 12, the requesting party must pay an additional fee of \$50. In a criminal action, the court has the option of imposing such fees.

At the present time no fee is collected for a request for trial de novo of an arbitration award.

Summary of Bill:

A unified family court pilot program is established to be conducted by the Office of the Administrator for the Courts (OAC). This site for the pilot program must be selected using a request for proposal process. The site must 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. 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 publish a state-approved listing of nonadversarial methods of dispute resolution.

OAC must also 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 programs that provide for record confidentiality.

The OAC must study and evaluate the pilot program, and 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.

The fee for requesting a six-person jury in a civil action is increased from \$50 to \$125, and the fee for a 12-person jury is increased from \$100 to \$250.

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

Appropriation: None.

Fiscal Note: Requested on February 2, 1999.

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

Testimony For: (Judiciary) 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.

(Appropriations) None.

Testimony Against: (Judiciary) None.

(Appropriations) None.

Testified: (Judiciary) 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.

(Appropriations) No testimony.