
SUBSTITUTE HOUSE BILL 1663

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos)

Read first time 03/08/1999.

1 AN ACT Relating to the creation of a unified family court; amending
2 RCW 10.14.200, 13.04.021, 26.12.010, and 26.12.060; and creating new
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes the increasing
6 incidence of concurrent involvement of family members in multiple areas
7 of the justice system. Analysis shows significant case overlap in the
8 case types of juvenile offender, juvenile dependency, at-risk youth,
9 child in need of services, truancy, domestic violence, and domestic
10 relations. Also recognized is the increased complexity of the problems
11 facing family members and the increased complexity of the laws
12 affecting families. It is believed that in such situations, an
13 efficient and effective response is through the creation of a unified
14 court system centered around the family that: Provides a dedicated,
15 trained, and informed judiciary; incorporates case management practices
16 based on a family's judicial system needs; enables multiple case type
17 resolution by one judicial officer or judicial team; provides
18 coordinated legal and social services; and considers and evaluates the
19 needs of the family as a whole.

1 NEW SECTION. **Sec. 2.** The administrator for the courts shall
2 conduct a unified family court pilot program.

3 (1) Pilot program sites shall be selected through a request for
4 proposal process, and shall be established in a superior court judicial
5 district with a statutorily authorized judicial complement of at least
6 five judges.

7 (2) The administrator for the courts shall develop criteria for the
8 unified family court pilot program. The pilot program shall include:

9 (a) All case types under Title 13 RCW, chapters 26.09, 26.10,
10 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

11 (b) Unified family court judicial officers, who volunteer for the
12 program, and meet training requirements established by local court
13 rule;

14 (c) Case management practices that provide a flexible response to
15 the diverse court-related needs of families involved in multiple areas
16 of the justice system. Case management practices should result in a
17 reduction in process redundancies and an efficient use of time and
18 resources, and create a system enabling multiple case type resolution
19 by one judicial officer or judicial team;

20 (d) A court facilitator to provide assistance to parties with
21 matters before the unified family court; and

22 (e) An emphasis on providing nonadversarial methods of dispute
23 resolution such as a settlement conference, evaluative mediation by
24 attorney mediators, and facilitative mediation by nonattorney
25 mediators.

26 (3) The office of the administrator for the courts shall publish
27 and disseminate a state-approved listing of definitions of
28 nonadversarial methods of dispute resolution so that court officials,
29 practitioners, and users can choose the most appropriate process for
30 the matter at hand.

31 (4) The office of the administrator for the courts shall provide to
32 the judicial district selected for the pilot program the computer
33 resources needed to implement the unified family court pilot program.

34 NEW SECTION. **Sec. 3.** The judges of the superior court judicial
35 district with the unified family court pilot program shall adopt local
36 court rules directing the program. The local court rules shall comply
37 with the criteria established by the administrator for the courts and
38 shall include:

1 (1) A requirement that all judicial officers hearing cases in
2 unified family court:

3 (a) Complete an initial training program including the topic areas
4 of childhood development, domestic violence, cultural awareness, child
5 abuse and neglect, chemical dependency, and mental illness; and

6 (b) Subsequent to the training in (a) of this subsection, annually
7 attend a minimum of eight hours of continuing education of pertinence
8 to the unified family court;

9 (2) Case management that is based on the practice of one judge or
10 judicial team handling all matters relating to a family;

11 (3) An emphasis on coordinating or consolidating, to the extent
12 possible, all cases before the unified family court relating to a
13 family;

14 (4) Programs that collect and report to the Washington state
15 institute for public policy all information specified by the
16 administrator for the courts or the institute for public policy; and

17 (5) Programs that provide for record confidentiality to protect the
18 confidentiality of court records in accordance with the law. However
19 law enforcement agencies shall have access to the records to the extent
20 permissible under the law.

21 NEW SECTION. **Sec. 4.** (1) The legislature finds that it is
22 critical to evaluate the effectiveness of the pilot project for
23 purposes of measuring improvements in the judicial system's response to
24 family involvement in the judicial system. To accomplish this
25 evaluation, the Washington state institute for public policy shall
26 conduct a study of the pilot program in accordance with guidelines and
27 criteria established by the office of the administrator for the courts.

28 (2) The Washington institute for public policy shall report
29 preliminary findings and final results of the study to the governor,
30 the chief justice of the supreme court, and the legislature on a
31 biennial basis. The initial report is due by July 1, 2000, and the
32 final report is due by December 1, 2004.

33 **Sec. 5.** RCW 10.14.200 and 1995 c 246 s 35 are each amended to read
34 as follows:

35 Any order available under this chapter may be issued in actions
36 under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available
37 under this chapter that is issued under those chapters shall be fully

1 enforceable and shall be enforced pursuant to the provisions of this
2 chapter.

3 **Sec. 6.** RCW 13.04.021 and 1994 sp.s. c 7 s 538 are each amended to
4 read as follows:

5 (1) The juvenile court shall be a division of the superior court.
6 In judicial districts having more than one judge of the superior court,
7 the judges of such court shall annually assign one or more of their
8 number to the juvenile court division. In any judicial district having
9 a court commissioner, the court commissioner shall have the power,
10 authority, and jurisdiction, concurrent with a juvenile court judge, to
11 hear all cases under this chapter and to enter judgment and make orders
12 with the same power, force, and effect as any judge of the juvenile
13 court, subject to motion or demand by any party within ten days from
14 the entry of the order or judgment by the court commissioner as
15 provided in RCW 2.24.050. In any judicial district having a family law
16 commissioner appointed pursuant to chapter 26.12 RCW, the family law
17 commissioner shall have the power, authority, and jurisdiction,
18 concurrent with a juvenile court judge, to hear cases (~~under chapter~~
19 ~~13.34 RCW or any other case~~) under Title 13 RCW and chapter 28A.225
20 RCW as provided in RCW 26.12.010, and to enter judgment and make orders
21 with the same power, force, and effect as any judge of the juvenile
22 court, subject to motion or demand by any party within ten days from
23 the entry of the order or judgment by the court commissioner as
24 provided in RCW 2.24.050.

25 (2) Cases in the juvenile court shall be tried without a jury.

26 **Sec. 7.** RCW 26.12.010 and 1994 sp.s. c 7 s 537 are each amended to
27 read as follows:

28 (~~(1)~~) Each superior court shall exercise the jurisdiction
29 conferred by this chapter and while sitting in the exercise of such
30 jurisdiction shall be known and referred to as the "family court." A
31 family (~~law~~) court proceeding under this chapter is: (1) Any
32 proceeding under this title or any proceeding in which the family court
33 is requested to adjudicate or enforce the rights of the parties or
34 their children regarding the determination or modification of parenting
35 plans, child custody, visitation, or support, or the distribution of
36 property or obligations, or (2) concurrent with the juvenile court, any
37 proceeding under Title 13 or chapter 28A.225 RCW.

1 ((~~(2) Superior court judges of a county may by majority vote, grant~~
2 ~~to the family court the power, authority, and jurisdiction, concurrent~~
3 ~~with the juvenile court, to hear and decide cases under Title 13 RCW.~~))

4 **Sec. 8.** RCW 26.12.060 and 1993 c 289 s 3 are each amended to read
5 as follows:

6 The court commissioners shall: (1) Make appropriate referrals to
7 county family court services program if the county has a family court
8 services program or appoint a guardian ad litem pursuant to RCW
9 26.12.175; (2) order investigation and reporting of the facts upon
10 which to base warrants, subpoenas, orders or directions in actions or
11 proceedings under this chapter; (3) exercise all the powers and perform
12 all the duties of court commissioners; (4) make written reports of all
13 proceedings had which shall become a part of the record of the family
14 court; (5) provide supervision over the exercise of its jurisdiction as
15 the judge of the family court may order; (6) cause the orders and
16 findings of the family court to be entered in the same manner as orders
17 and findings are entered in cases in the superior court; (7) cause
18 other reports to be made and records kept as will indicate the value
19 and extent of reconciliation, mediation, investigation, and treatment
20 services; and (8) conduct hearings under (~~chapter 13.34 RCW~~) Title 13
21 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

22 NEW SECTION. **Sec. 9.** If specific funding for the purposes of this
23 act, referencing this act by bill or chapter number, is not provided by
24 June 30, 1999, in the omnibus appropriations act, this act is null and
25 void.

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