
HOUSE BILL 1663

State of Washington

56th Legislature

1999 Regular Session

By Representatives Lambert, Constantine, McDonald, Kagi, Carrell,
Edwards, Kastama and Santos

Read first time 02/02/1999. Referred to Committee on Judiciary.

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:

5 (a) Established in at least three superior court judicial
6 districts; and

7 (b) Located in superior court judicial districts with a statutorily
8 authorized judicial complement of at least five judges.

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

11 (a) All case types under Title 13 RCW, chapters 26.09, 26.10,
12 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

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

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

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

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

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

33 (4) The office of the administrator for the courts shall provide to
34 the judicial districts selected for the pilot program the computer
35 resources needed by each judicial district to implement the unified
36 family court pilot program.

37 NEW SECTION. **Sec. 3.** The judges of the superior court judicial
38 districts with unified family court pilot programs shall adopt local

1 court rules directing the program. The local court rules shall comply
2 with the criteria established by the administrator for the courts and
3 shall include:

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

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

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

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

14 (3) An emphasis on coordinating or consolidating, to the extent
15 possible, all cases before the unified family court relating to a
16 family;

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

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

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

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

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

1 Any order available under this chapter may be issued in actions
2 under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available
3 under this chapter that is issued under those chapters shall be fully
4 enforceable and shall be enforced pursuant to the provisions of this
5 chapter.

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

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

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

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

31 (~~((1))~~) Each superior court shall exercise the jurisdiction
32 conferred by this chapter and while sitting in the exercise of such
33 jurisdiction shall be known and referred to as the "family court." A
34 family (~~(law)~~) court proceeding under this chapter is: (1) Any
35 proceeding under this title or any proceeding in which the family court
36 is requested to adjudicate or enforce the rights of the parties or
37 their children regarding the determination or modification of parenting

1 plans, child custody, visitation, or support, or the distribution of
2 property or obligations, or (2) concurrent with the juvenile court, any
3 proceeding under Title 13 or chapter 28A.225 RCW.

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

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

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

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