

HOUSE BILL REPORT

2SHB 2822

As Amended by the Senate

Title: An act relating to the family and juvenile court improvement program.

Brief Description: Concerning the family and juvenile court improvement program.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Lantz, Dickerson, Haler, Sullivan, Seaquist and Kenney).

Brief History:

Committee Activity:

Judiciary: 1/25/08, 2/1/08 [DPS];

Appropriations: 2/11/08 [DP2S(w/o sub JUDI)].

Floor Activity:

Passed House: 2/19/08, 95-0.

Senate Amended.

Passed Senate: 3/7/08, 48-0.

House Refused to Concur.

Senate Amended.

Passed Senate: 3/11/08, 49-0.

Brief Summary of Second Substitute Bill

- Creates a grant program for the improvement of family and juvenile courts.
- Requires courts, in order to be eligible for grants, to meet certain criteria, including: (a) the assignment of a chief judge to the family and juvenile court for at least two years; (b) implementation of one judicial team hearing all proceedings in a case involving one family; and (c) requiring specialized training of judicial officers.
- Requires the Washington State Institute for Public Policy to evaluate the grant program.

HOUSE COMMITTEE ON JUDICIARY

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by 32 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hinkle, Hunt, Kagi, Kenney, Kessler, Kretz, Linville, McIntire, Morrell, Pettigrew, Priest, Ross, Schmick, Schual-Berke, Seaquist, Sullivan and Walsh.

Staff: Alex MacBain (786-7288).

Background:

Superior courts have jurisdiction over family law proceedings, such as dissolutions, parenting plans, child custody, child support orders, paternity, and adoption. In counties with more than one superior court judge, the court designates one or more of the judges to hear all family law proceedings. Each superior court sets the terms of rotation for its family law judges.

Juvenile court, which is a statutorily created division of superior court, hears cases involving juvenile offenses and infractions, dependencies, termination of parental rights, family reconciliation (such as at-risk youth petitions), out-of-home placements, interstate compact on juveniles, and emancipation of minors.

Unified Family Court (UFC) is a model for handling cases involving children and families. The five principles of the UFC are: (1) the assignment of one judicial team to one family; (2) centralized case management; (3) specialized education for judicial officers; (4) longer-term judicial assignments to provide continuity for families; and (5) mandatory mediation in certain cases.

The Superior Court Judges' Association and the Board for Judicial Administration (BJA) have adopted the UFC principles as best practices. In 1999 the Legislature created a pilot program for three counties to implement the UFC, and other counties have, on their own, implemented the UFC principles.

In 2007 the BJA created a Family and Juvenile Court Improvement Workgroup (workgroup). The workgroup developed a plan that suggests the creation of a grant program to encourage and fund improvements to local family and juvenile court operations.

Summary of Second Substitute Bill:

A Family and Juvenile Court Improvement Grant Program is created, to be administered by the Administrative Office of the Courts (AOC). A superior court may apply for grants from the program by submitting a local improvement plan to the AOC.

To be eligible for grant money, the court's plan must meet criteria developed by the AOC and approved by the BJA. The AOC criteria must be consistent with the UFC principles. In addition, the court's plan must: (1) commit to a chief judge assignment to the family and juvenile court for a minimum of two years; (2) implement the principal of one judicial team hearing all of the proceedings in a case involving one family, especially in dependency cases; and (3) require court commissioners and judges assigned to family and juvenile court to receive a minimum of 30 hours specialized training in topics related to family and juvenile law within six months of assuming duties on the family and juvenile court. Courts should try to utilize local, statewide, and national training forums. A judicial officer's educational history may be applied toward the 30-hour requirement.

Topics for training must include: (1) parentage; (2) adoption; (3) domestic relations; (4) dependencies and terminations; (5) child development; (6) the impact of child abuse and neglect; (7) domestic violence; (8) substance abuse; (9) mental health; (10) juvenile status offenses; (11) juvenile offenders; (12) self-representation issues; (13) cultural competency; and (14) roles of judges and commissioners.

Courts must use grant funds to improve and support family and juvenile court operations based on standards developed by the AOC and approved by the BJA. Allowable uses include: paying for required training; increasing staff, such as case coordinators; improving court facilities to meet the needs of children and families; enhancing court facilitator programs; and expanding access to social services for families.

The AOC must establish a funding formula for allocating grant funds to ensure that eligible courts in small, medium, and large counties receive grant moneys.

The Washington State Institute for Public Policy (WSIPP) must evaluate the implementation of the Family and Juvenile Court Improvement Grant Program. The WSIPP must examine each court's program and consider whether the court is: implementing the principal of one judicial team hearing all the proceedings in a case involving one family, especially in dependency cases; working towards resolving multiple case types through centralized case management; and implementing practices consistent with the grant program criteria. The WSIPP must report back to the Legislature by December 31, 2009.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removed the provision requiring any courts receiving grants to implement RCW 26.12.260 (the statute requiring courts to create an initial point of contact for all parties filing dissolution petitions).

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 7, which takes effect July 1, 2008, and section 8, which takes effect July 1, 2009, both of which relate to the interest earned for the Family and Juvenile Court Improvement Grant Account. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony: (Judiciary)

(In support) Family law makes up 40 percent of the superior court's caseload. When families are in trouble, it is critical for judges to be knowledgeable and well-trained. The focus of the bill is the quality of the judicial system serving families. It focuses on providing intense training for judges and commissioners. The Family and Juvenile Court Improvement Grant Program will allow courts to hire case load workers, fund family treatment, and improve their family court operations. The bill requires accountability and the WSIPP will evaluate each court's progress. This bill is a product of a lot of work from the judicial branch. Each court has different needs and ways of doing business, and this bill allows courts to create their own local plan, allowing courts to identify improvements that fit their particular local situation.

(Opposed) None.

Staff Summary of Public Testimony: (Appropriations)

(In support) Funding for this legislation is already included in the budget for the Administrative Office of the Courts (AOC) that was approved by the Supreme Court and that is contained in the Governor's budget. The funded amount would implement improvements to family and juvenile courts in 50 percent of the courts statewide. Grants will be awarded using objective standards and criteria developed by the AOC to evaluate local court implementation plans. Over 40 percent of the cases filed in superior court involve children and families, and this legislation will improve court processes and therefore outcomes for children in the court system.

(Opposed) None.

Persons Testifying: (Judiciary) Representative Kagi, prime sponsor; and Judge Leonard Costello and Judge Deborah Flech, Superior Court Judges' Association.

Persons Testifying: (Appropriations) Deborah Fleck, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: (Judiciary) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.