
SENATE BILL 5764

State of Washington

63rd Legislature

2013 Regular Session

By Senator Roach

Read first time 02/14/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the right to jury trial in termination actions;
2 and amending RCW 13.04.021 and 13.34.090.

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

4 **Sec. 1.** RCW 13.04.021 and 1999 c 397 s 5 are each amended to read
5 as follows:

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

1 RCW and chapter 28A.225 RCW as provided in RCW 26.12.010, and to enter
2 judgment and make orders with the same power, force, and effect as any
3 judge of the juvenile court, subject to motion or demand by any party
4 within ten days from the entry of the order or judgment by the court
5 commissioner as provided in RCW 2.24.050.

6 (2) Cases in the juvenile court shall be tried without a jury,
7 except for termination of parental rights cases under chapter 13.34
8 RCW.

9 **Sec. 2.** RCW 13.34.090 and 2000 c 122 s 10 are each amended to read
10 as follows:

11 (1) Any party has a right to be represented by an attorney in all
12 proceedings under this chapter, to introduce evidence, to be heard in
13 his or her own behalf, to examine witnesses, to receive a decision
14 based solely on the evidence adduced at the hearing, and to an unbiased
15 fact finder.

16 (2) At all stages of a proceeding in which a child is alleged to be
17 dependent, the child's parent, guardian, or legal custodian has the
18 right to be represented by counsel, and if indigent, to have counsel
19 appointed for him or her by the court. Unless waived in court, counsel
20 shall be provided to the child's parent, guardian, or legal custodian,
21 if such person (a) has appeared in the proceeding or requested the
22 court to appoint counsel and (b) is financially unable to obtain
23 counsel because of indigency.

24 (3) If a party to an action under this chapter is represented by
25 counsel, no order shall be provided to that party for his or her
26 signature without prior notice and provision of the order to counsel.

27 (4) Copies of department of social and health services or
28 supervising agency records to which parents have legal access pursuant
29 to chapter 13.50 RCW shall be given to the child's parent, guardian,
30 legal custodian, or his or her legal counsel, prior to any shelter care
31 hearing and within fifteen days after the department or supervising
32 agency receives a written request for such records from the parent,
33 guardian, legal custodian, or his or her legal counsel. These records
34 shall be provided to the child's parents, guardian, legal custodian, or
35 legal counsel a reasonable period of time prior to the shelter care
36 hearing in order to allow an opportunity to review the records prior to
37 the hearing. These records shall be legible and shall be provided at

1 no expense to the parents, guardian, legal custodian, or his or her
2 counsel. When the records are served on legal counsel, legal counsel
3 shall have the opportunity to review the records with the parents and
4 shall review the records with the parents prior to the shelter care
5 hearing.

6 (5) The right to trial by jury shall apply to all termination
7 actions. The rules of evidence shall apply, and shall not be relaxed
8 in all jury trials in termination actions.

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