

HOUSE BILL REPORT

HB 1734

As Reported by House Committee On: Judiciary

Title: An act relating to creation of the one family one team public-private court innovation demonstration.

Brief Description: Creating the one family one team public-private innovation demonstration.

Sponsors: Representatives Kagi, Walsh, Rodne, Fey, Jinkins, Pettigrew, Carlyle and McBride.

Brief History:

Committee Activity:

Judiciary: 2/10/15, 2/19/15 [DPS].

Brief Summary of Substitute Bill

- Directs the Administrative Office of the Courts and the Family and Juvenile Court Improvement Program (FJCIP) Advisory Committee to participate in a One Family One Team Public-Private Partnership (Partnership) that supports innovation in dependency court proceedings.
- Provides that the Partnership must design and administer a court demonstration program, as Phase II of the FJCIP, to provide grants to superior courts that commit to implementing an early resolution intervention model and multi-disciplinary team-based approach for resolving child welfare cases.
- Establishes the One Family One Team Public-Private Partnership Account to receive funds appropriated by the Legislature and provided by private sources to support the Partnership, and makes public funding of the grant program contingent on private matching funds.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Member; Hansen, Kirby, Muri, Orwall, Stokesbary and Walkinshaw.

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.

Minority Report: Do not pass. Signed by 4 members: Representatives Shea, Assistant Ranking Minority Member; Goodman, Haler and Klippert.

Staff: Edie Adams (786-7180).

Background:

The state's superior courts handle a variety of family and juvenile cases. Family court cases include proceedings involving dissolution, parenting plans, child custody and support, paternity, and adoption. Juvenile court is a division of superior court that handles cases involving juveniles including juvenile offenses, dependencies, termination of parental rights, at risk youth and children in need of services out-of-home placements, and emancipation of minors.

The Family and Juvenile Court Improvement Program (FJCIP) was established in 2008 to provide grants to superior courts to implement plans for improving the handling of family and juvenile court cases, especially child dependency cases, consistent with Unified Family Court (UFC) principles. Unified Family Court is a model for handling cases involving children and families based on the following principles: the assignment of one judicial team to one family; centralized case management; specialized education for judicial officers; judicial assignments for longer terms to provide continuity; and mandatory mediation in certain cases.

The Administrative Office of the Courts (AOC) administers the FJCIP. A court wishing to receive FJCIP grant money must submit a plan that meets criteria consistent with UFC principles and that: (1) commits to a chief judge assignment to the family and juvenile court for a minimum of two years; (2) implements the principal of one judicial team hearing all proceedings in a case involving one family, especially in dependency cases; and (3) requires family and juvenile court commissioners and judges to receive a minimum of 30 hours of specialized training in family and juvenile matters within six months of assuming family and juvenile court duties.

Thirteen superior courts currently receive FJCIP funding to improve their family and juvenile court programs: Asotin, Columbia, and Garfield; Clallam and Jefferson; King; Pierce; Snohomish; Chelan; Island; Kitsap; Spokane; and Thurston.

Summary of Substitute Bill:

The AOC and the advisory committee of the FJCIP are directed to participate in the One Family One Team Public-Private Partnership (Partnership). The Partnership is a non-governmental public-private partnership that supports innovation in dependency court proceedings that provide well-trained and committed judicial leaders, an early resolution intervention, and a multidisciplinary team.

The Partnership must identify private funding that will be matched with public funding for a court demonstration program which is to be Phase II of the FJCIP. The Partnership may

receive staff support and meeting space from a private nonprofit organization dedicated to reforming the juvenile justice and child welfare systems in the state.

The Partnership must spend the first year designing and planning the FCJIP Phase II court demonstration program to provide grants to superior courts wishing to implement an early resolution intervention model for resolving child welfare cases. The Partnership must convene a planning and design committee, co-chaired by a superior court representative and a member of the private partners, to identify an early resolution intervention model by December 1, 2015. The Partnership must provide to the Legislature by January 1, 2016, a statement of the public and private funding required in order to provide demonstration grants to four counties.

The Partnership must design grant guidelines and selection criteria based on a contractual agreement with the AOC, and if public funding is made available, administer a competitive grant program open to superior courts in the state. Grant applications must meet the following criteria:

- agreement that all involved entities will fully participate in the demonstration;
- commitment to provide judicial officers with ongoing training in issues unique to child welfare court;
- assignment of judicial officers to family or juvenile court matters for a minimum of two years with the option to stay longer, consistent with court rules;
- creation of a team-based approach in child welfare cases and provision of cross-system training to the team;
- implementation of an early resolution component; and
- participation in an evaluation conducted by an entity with expertise in child welfare systems research.

The One Family One Team Public-Private Partnership Account is created. All funds appropriated by the Legislature and provided by other sources to support the Partnership must be deposited in the account. The AOC may authorize expenditures from the account. Beginning August 1, 2015, the AOC must only use funds in the account to contract with the Partnership to design and administer planning grants. Expenditures may be made only after private funds are committed.

Substitute Bill Compared to Original Bill:

Legislative intent is stated to provide structure, support, and funding to advance superior court operations consistent with UFC principles, and to implement demonstration courts that will further advance court practices to improve outcomes for well-being and timeliness. The One Family One Team court demonstration program is designated as Phase II of the FJCIP. The advisory committee for the FJCIP must also participate in the Partnership. Assignment of judicial officers to courts responsible for handling family and juvenile matters for terms of two years or more must be consistent with General Rule 29 of the Washington Court Rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The foster care system and the dependency court process are complicated and challenging systems with many players. The FJCIP provides some resources and has helped improve timeliness but additional improvements are needed. The private sector is willing to partner with the state to develop a new approach to child welfare cases. The Partnership opens the door for community involvement with what is happening to our kids. It doesn't privatize the court. Rather it provides more resources to allow courts to collaborate and improve outcomes for children and families.

The bill builds on innovations coming from the FJCIP by developing and evaluating a court model to improve outcomes for children and families who come into contact with the court, especially in child dependencies. The goal is to have fewer kids enter care for a shorter period of time. The key components are research-based and include multi-disciplinary training, a team approach, and two new components: an evaluation to measure effectiveness and efficiency; and an early resolution component that has shown promise in other states. The components interrelate so they must be implemented in a comprehensive manner.

Many children experience the detrimental effects of a lengthy stay in the foster system. This legislation can help change lives, and help prevent kids from becoming another statistic, another drug addict, another teen parent, or another teen runaway. Many states have had success with early resolution programs that intervene at the beginning to shorten the time it takes to get to permanency for the child. The Office of the Attorney General has 11 regional offices that handle dependency cases and we have made an effort to embrace a teaming model in most of the offices. The Spokane program exemplifies this teaming model.

(With concerns) The Children's Administration has the responsibility to perform many duties directed by Legislature. The agency is woefully under resourced to do what the Legislature has already required us to do. Our intakes have risen dramatically and our caseloads have skyrocketed. We are unable to meet the requirements of the Braam settlement. Until the Children's Administration is provided with sufficient resources, we will be hard pressed to participate in the new obligations imposed by this bill.

(Opposed) The goal of this legislation is commendable but we are wary of creating a public-private model, especially after the battle over privatization of child welfare services. It is inappropriate to have private funds influencing our court process. Courts are currently able to initiate these changes without this legislation. The Spokane family court system has implemented a similar model that is having good outcomes for children and families.

The bill directly impacts agency employees, but they were excluded from the stakeholder meetings involved in developing this legislation. An advisory group should be formed to make recommendations before settling on this one model. There should be a more inclusive approach that considers all models and the best interests of children and families they serve.

Persons Testifying: (In support) Representative Kagi, prime sponsor; John Morse, Amara; Mikhail Stewart; Bobbe Bridge, Center for Children and Youth Justice; Allyson Bazan, Office of the Attorney General; Benjamin de Haan, Partners for Our Children; and Patricia Clark.

(With concerns) Jennifer Strus, Department of Social and Health Services.

(Opposed) Alia Griffing and Jeanine Livingston, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.