



ABERDEEN

10:35 am - September 05, 2012 — Updated: 10:35 am - September 05, 2012

Judges say without more money they'll close juvenile facility

By Steven Friederich

The Daily World

The Grays Harbor Superior Court judges put the county commissioners on notice this week that they plan to shut down the Juvenile Detention Center on Nov. 16 unless commissioners provide an extra \$225,000 cash infusion. Such an action would force the county to house dozens of juvenile offenders elsewhere or simply release them back into the community.

The move is similar to the notice provided earlier this summer that the judges plan to shut down Superior Court in mid-November unless the county provides more money for the judicial budget.

The judges are in the midst of suing the county commissioners in Thurston County Superior Court, alleging that budget cuts imposed by the commissioners for the 2012 budget year are untenable and a violation of the Separation of Powers doctrine, guaranteed by the Constitution. The commissioners say they have the right to cut the court's budget and have filed a countersuit against the state, saying the state has failed in its duty to provide adequate funding for the counties. The state has denied the allegations.

Special Attorney General Scott Missall, representing the judges, filed a motion in Thurston County Superior Court on Tuesday seeking a judge to force the county to provide the funding for the detention center. At the same time, the judges also filed a supplemental budget request with the county commissioners seeking \$225,000 to cover the remainder of their expected expenses through the end of the year. The detention center has been operating on a budget of about \$2 million and has continually been overbudget since the beginning of the year.

Grays Harbor Superior Court Judge Dave Edwards says he and his fellow judges are basically giving the commissioners a choice: Either approve the funding through the legislative process or they'll ask a judge to force them to do so.

“Failure of the Board to approve our supplemental request for funding or for the Thurston County Superior Court to grant the requested injunction if the Board fails to act, will result in issuance of an order closing Juvenile Court from Nov. 16, 2012 until Jan. 2, 2013,” Edwards wrote in a declaration in Thurston Superior Court. “ ... Our Juvenile Court, including the detention center, cannot operate without any staff.”

On Tuesday, the county commissioners conducted a two-hour executive session with the office doors closed and locked. The commissioners met with Deputy Prosecutor Tom Fitzpatrick and their budget director and human resources manager to talk about the judges’ latest proposal. After the executive session, they opened the doors and convened in public session and took no action.

Judge weighs in

In the afternoon, Thurston County Superior Court Judge Chris Wickham conducted a hearing. Wickham told both parties he is considering using a judicial rule allowing him to appoint a special expert to investigate Grays Harbor’s court funding situation.

Fitzpatrick asked the judge to hold off on that request because he was optimistic that the judge would not need to be involved and that the commissioners could approve the funding on their own. Based on public notice laws, the earliest the commissioners could consider the financing request is on Sept. 24, Fitzpatrick said.

But the first litmus test will be this upcoming Monday at 2 p.m., when the commissioners have set a public hearing to approve an emergency appropriation of \$100,000 to give to the Superior Court to cover unforeseen retirement costs and expenses resulting from the attack on the courthouse in March. Public comment is being taken on the action. If the commissioners approve the amount, Missall said it could be taken as a sign that they’re moving in the right direction.

Judge Edwards said the \$100,000 is really a down payment on what the judges need to run the court. The judges filed a supplemental budget request for a full \$148,020, which covers the other operating expenses cut from the judges’ budget. Without the extra \$48,020, Edwards said that the court would still need to shut down.

Fitzpatrick told Judge Wickham he’s still confused on the exact amount of money the judges need to run their court, noting conflicting requests for funding over the past few weeks. There was an initial request for \$75,000. Then a verbal request last week for \$59,000, he said. Now there’s the request for \$48,020 beyond the \$100,000 emergency budget the commissioners were set to approve next week.

With both Judge Edwards and County Commissioner Terry Willis in the court room, Judge Wickham motioned to both of them and urged them to figure out the unresolved questions themselves and get things done.

“There’s certainly nothing to prevent all or some of you from having a conversation this afternoon outside the courtroom and I really encourage discussion,” Wickham said.

Wickham will conduct yet another hearing at the end of the month to consider his “back-up plan” of appointing an expert to look into the case should the commissioners not fund the courts to the judges’ satisfaction.

“I have to proceed as though there wasn’t going to be a resolution,” Wickham told the parties.

Asked after the hearing if Willis would support the judges’ requests for extra funding to the Superior Court budget and the Juvenile Detention Center, she told *The Daily World*, “I simply don’t know. A request has been made and another hearing will be set, but I don’t know what I’ll do yet. ... I have questions on the details behind their budget requests and still believe there’s an opportunity for them to do more cuts.”