

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, JUNE 15, 2012  
9:00 A.M.**

**AOC SEATAC OFFICE  
18000 INTERNATIONAL BOULEVARD, SUITE 1106  
SEATAC, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Barbara Madsen**, Chair  
Supreme Court

**Judge Chris Wickham**, Member Chair  
Superior Court Judges' Association  
Thurston County Superior Court

**Judge Marlin J. Appelwick**  
Court of Appeals, Division I

**Judge Deborah Fleck**  
Superior Court Judges' Association  
King County Superior Court

**Judge Janet Garrow**  
District and Municipal Court Judges'  
Association  
King County District Court

**Judge Jill Johanson**  
Court of Appeals, Division II

**Judge Kevin Korsmo**  
Court of Appeals, Division III

**Judge Linda Krese**  
Superior Court Judges' Association  
Snohomish County Superior Court

**Judge Michael Lambo**  
District and Municipal Court Judges'  
Association  
Kirkland Municipal Court

**Judge Craig Matheson**, President-Elect  
Superior Court Judges' Association  
Benton and Franklin Superior Courts

**Judge Jack Nevin**  
District and Municipal Court Judges'  
Association  
Pierce County District Court

**Justice Susan Owens**  
Supreme Court

**Judge Kevin Ringus**  
District and Municipal Court Judges'  
Association  
Fife Municipal Court

**Judge Scott Sparks**  
Superior Court Judges' Association  
Kittitas County Superior Court

**Judge Sara Derr**, President  
District and Municipal Court Judges'  
Association  
Spokane County District Court

## NON-VOTING MEMBERS:

**Mr. Stephen Crossland**, President  
Washington State Bar Association

**Mr. Jeff Hall**  
State Court Administrator

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Judge Christine Quinn-Brintnall**  
Presiding Chief Judge  
Court of Appeals, Division II

**Ms. Michele Radosevich**, President-Elect  
Washington State Bar Association

**Judge Charles Snyder**, President-Elect  
Superior Court Judges' Association  
Whatcom County Superior Court

**Judge David Svaren**, President-Elect  
District and Municipal Court Judges'  
Association  
Skagit County District Court



## Board for Judicial Administration (BJA)

Friday, June 15, 2012 (9:00 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

### AGENDA

<b>1. Call to Order</b>	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
<b>2. Welcome and Introductions</b>	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
<b>Action Items</b>		
<b>3. May 18, 2012 Meeting Minutes</b> Action: Motion to approve the minutes of the May 18, 2012 meeting	Chief Justice Barbara Madsen Judge Chris Wickham	9:05 a.m.  Tab 1
<b>4. Budget</b> Action: Members will prioritize the budget requests	Chief Justice Barbara Madsen Judge Chris Wickham	9:10 a.m.  Tab 2
<b>Break</b>		9:35 a.m.
<b>5. Resolution in Support of the Guardian Accountability and Senior Protection Act</b> Action: Motion to approve the BJA resolution in support of the Guardian Accountability and Senior Protection Act	Ms. Mellani McAleenan	9:50 a.m.  Tab 3
<b>6. Resolution Urging Congress to Respect the Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody</b> Action: Motion to approve the BJA resolution urging Congress to respect the separation of powers and principles of federalism with regard to enacting legislation to address child custody	Mr. Jeff Hall	10:00 a.m.  Tab 4

<b>Action Items (continued)</b>		
<b>7. Washington State Medal of Valor Nomination</b> Action: Motion to approve the Washington State Medal of Valor nomination	Chief Justice Barbara Madsen	10:10 a.m.  Tab 5
<b>8. Interpreter Resolution</b> Motion to approve the interpreter resolution.	Justice Susan Owens	10:20 a.m.  Tab 6
<b>9. Problem-Solving Courts Workgroup Charter</b> Action: Motion to approve the Problem-Solving Courts Workgroup Charter	Ms. Mellani McAleenan	10:40 a.m.  Tab 7
<b>Break</b>		10:50 a.m.
<b>Reports and Information</b>		
<b>10. Timeliness of Dependency Case Processing in Washington</b>	Dr. Carl McCurley Mr. Matt Orme Ms. Christine Liebsack Ms. Janet Skreen	11:00 a.m.
<b>11. Reporting on Racial Disproportionality</b>	Dr. Carl McCurley	11:30 a.m.
<b>12. Other Business</b>  Next meeting: July 20 Beginning at 9:00 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Chris Wickham	11:45 a.m.
<b>13. Budget</b> Action: Motion to forward the BJA prioritization recommendations to the Supreme Court.	Chief Justice Barbara Madsen Judge Chris Wickham	11:50 a.m.
<b>14. Adjourn</b>		12:00 p.m.
Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or <a href="mailto:beth.flynn@courts.wa.gov">beth.flynn@courts.wa.gov</a> to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		





## Board for Judicial Administration (BJA)

Friday, May 18, 2012 (9:00 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

### MEETING MINUTES

#### Members Present:

Chief Justice Barbara Madsen, Chair  
Judge Chris Wickham, Member Chair  
Judge Marlin Appelwick  
Mr. Stephen Crossland  
Judge Deborah Fleck  
Judge Janet Garrow  
Mr. Jeff Hall  
Judge Jill Johanson  
Judge Kevin Korsmo (by phone)  
Judge Michael Lambo  
Ms. Paula Littlewood  
Judge Craig Matheson (by phone)  
Judge Jack Nevin  
Justice Susan Owens  
Judge Kevin Ringus  
Judge Charles Snyder (by phone)  
Judge Scott Sparks  
Judge Gregory Tripp

#### Guests Present:

Mr. Jeff Amram (by phone)  
Mr. Jim Bamberger  
Ms. Bonnie Bush  
Judge Harold Clarke  
Ms. Ishbel Dickens  
Ms. Joanne Moore

#### Public Present:

Mr. Christopher Hupy  
Mr. Mark Mahnkey

#### AOC Staff Present:

Ms. Beth Flynn  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Mr. Ramsey Radwan

The meeting was called to order by Judge Chris Wickham.

Mr. Hall reported that he has accepted a position as Administrator of the Deschutes County Circuit Court in Bend, Oregon and he will leave the Administrative Office of the Courts (AOC) at the end of June. He has heard that a few people are speculating that there may be a problem with the Superior Court Case Management System (SC-CMS) project and that is why he is leaving. The SC-CMS project is well positioned and moving forward to RFP release. The right people are in place to move the project forward, with leadership coming from Ms. Vonnie Diseth and Mr. Marler as project sponsors and Justice Mary Fairhurst as the Executive Sponsor. Mr. Hall related that his family has spent years vacationing in Bend and he and his wife have long intended to retire there. This was an unexpected opportunity to move to Bend earlier in life and return to working at the trial court level.

Chief Justice Madsen stated that this is an opportunity to think long-term about who the Supreme Court wants to see in the State Court Administrator position. It is best to have an interim person come in so there is some breathing room. The Supreme Court wants the interim to take stock of the agency and evaluate its strengths and weaknesses. The process to find an interim has begun. Chief Justice Madsen plans to include input from agency stakeholders in the State Court Administrator recruitment process.

April 20, 2012 Meeting Minutes

**It was moved by Justice Owens and seconded by Judge Lambo to approve the minutes of the April 20, 2012 BJA meeting. The motion carried.**

Appointment to the BJA Public Trust and Confidence Committee

The Washington State Bar Association nominated Mr. Andrew Sachs for appointment to the BJA Public Trust and Confidence Committee.

**It was moved by Judge Garrow and seconded by Judge Tripp to appoint Mr. Andrew Sachs to the BJA Public Trust and Confidence Committee. The motion carried.**

Interpreter Resolution

Justice Owens presented a resolution on behalf of the Interpreter Commission to provide interpreters in all case types and at court expense. The US Department of Justice takes the position that any court receiving federal funds is required to meet Title VI requirements for ensuring language access, including providing and paying for interpreters in all cases.

The Interpreter Commission was going to submit this as a budget request but they decided this was not the right time.

Ms. McAleenan stated that the resolution was sent to the BJA Executive Committee.

Mr. Hall said that the Department of Justice has been very aggressive in going after a number of states and they told some states that if they don't comply with their interpretation of this requirement they will take back their federal funding. If the current administration is reelected the focus on this issue will remain for the next four years. Even Washington will be at risk at some point if there is an individual who will be denied access to the courts.

Mr. Hall also stated that if the resolution is adopted, the BJA should seek legislation changing Washington law to provide interpreters in all cases.

There was discussion about corporations bearing the cost of interpreters when they are involved in court cases. If this resolution is supported, the state should be funding interpreters a lot more than they do now. There is no question that people need interpreters but the question is who is going to pay for them. It was suggested that with the collective melting pot that many of our communities are becoming, the courts need to explore different ways to provide interpreters.

Mr. Hall said there is a budget proposal for video remote interpreting. It is an area of growth on a national level and courts will continue to see that area grow as the technology improves.

Chief Justice Madsen stated that she has been involved in this because of the ABA Best Practices. There are some ways out there that can be explored for funding. Most counties are already doing this so there is already a fair amount of compliance. The BJA should go after

state funding and also address if there are other delivery methods that take advantage of technology.

Ms. Littlewood said the Washington State Bar Association (WSBA) Civil Legal Needs Work Group might be able to explore this issue. They should have a report coming out in June. Ms. Littlewood will check and see where it might dovetail.

This will go back to the Interpreter Commission and will be placed on a future BJA agenda.

### Budget

**Overview, History and Context:** Mr. Radwan stated that this is an important new step in the budget process and it will provide input from the BJA into the priorities of the AOC budget.

The prioritization process will be a little bit cumbersome this first time. Mr. Radwan knows the information was sent out late and there was not a lot of detail in the materials, but the information is very similar to the information that was distributed in April. The BJA needs to discuss the budget requests and prioritize them as a preliminary step.

The BJA cannot prohibit proposals from being brought forward to the Supreme Court but the BJA will make recommendations to the Supreme Court.

It is critical that the BJA get through the process of deciding which requests will be supported by the BJA. There will be five to six Supreme Court Budget Committee meetings that will be held between May 30 and September 24.

Chief Justice Madsen reminded everyone that they are not sitting on the BJA as a representative of their judicial associations, but to pursue the best interests of the judiciary at large. This is really about each BJA member's wisdom as a judge over the years and the vote comes from that wisdom and experience.

Mr. Radwan explained that the 2013-15 judicial branch budget could start out with a \$20 million funding issue because of the sunset of the Judicial Stabilization Trust Account surcharges and previously enacted fund swaps this budget cycle. In addition, the state overall could be looking at a \$1.5 billion deficit for the 2013-15 biennium which could add a \$10 million hole to the judicial branch budget. In a worst-case scenario, the judicial branch could be facing \$30 million in cuts for 2013-15 biennium.

Chief Justice Madsen stated that the last couple of years have been very trying for the judicial branch. The value of this exercise is, from the beginning, to be on the same page.

Mr. Hall said that the odds of any of the requests getting through the Supreme Court, much less the Legislature, are very low. The value of going through this exercise is that it indicates which funding requests are important. The prioritization process could lead to reprioritizing projects within existing resources.

**Trial Court Operations Funding Committee Budget Requests:** Judge Clarke said the Trial Court Operations Funding Committee (TCOFC) would like to go forward and make the state a

partner in trial court funding. The TCOFC was constrained by reality and did not take on any large requests and they spent a lot of time discussing interpreter services. They prioritized in the following order:

1. *Interpreter Restoration*: This request is simply asking the Legislature to restore the funding that has been cut from the interpreter funding. Supporting this item means supporting restoration—it still does not fully fund the state's share of interpreter costs. **The BJA unanimously supported this request to go forward.**
2. *Expand Interpreter Program*: This request is to provide a 50% state reimbursement to courts for in-court services (there is a mistake in first line in the materials regarding this request). This request does not put courts in compliance with federal interpreter requirements because it is not Judge Clarke's understanding that this request includes civil cases. In 2008 HB 2176 passed and it contains language stating "... up to half of the cost of the interpreter. . ." so legislation would not need to be created if this funding request moves forward. **The BJA supported this request to go forward with Judge Appelwick abstaining.**
3. *CASA Restoration*: This is just to replace the funding that was lost in the last few years. **The BJA unanimously supported this request to go forward.**
4. *Family and Juvenile Court Improvement Project Restoration*: This is just to replace the funding that was lost in the last few years. **The BJA unanimously supported this request to go forward.**
5. *Interpreter Services*: This request would provide 50% reimbursement to courts for interpreter services occurring prior and subsequent to in-court visits. **The BJA supported this request to go forward with Judge Appelwick abstaining.**
6. *Video Remote Interpretation*: This request is to pilot video remote interpretation in a few courts. It is an innovative way to supply interpreters at a lower cost. **The BJA supported this request to go forward with Judge Appelwick abstaining.**
7. *CLJ Salaries*: This request is for funding to increase the state contribution to district court and qualifying municipal court judges' salaries to 50% over three years. **The BJA unanimously supported this request to go forward.**

#### **Quality Assurance Transfer and Spokane Water Rights Adjudication Budget Requests:**

- *Quality Assurance Transfer*: Ms. Bush spoke about the Quality Assurance Transfer. The Washington Association of Juvenile Court Administrators (WAJCA) would like to transfer funding of three Quality Assurance positions that are currently funded by the Department of Social and Health Services to the AOC. The positions are located in Snohomish County, at the Administrative Office of the Courts and at the Juvenile Rehabilitation Administration. They anticipate that consolidating the resources at the AOC will allow more consistent work with the Washington State Center for Court Research (WSCCR). They would like to dig deeper into the data that they have been generating. The next level would include pilot projects to study what is going on in the juvenile courts and it makes sense to have all the

resources under one entity. These are existing positions and the WAJCA is only asking to transfer the funding to the AOC.

**The BJA supported this request to go forward with Judge Lambo opposed and Judge Appelwick abstaining.**

- *Spokane Water Rights Adjudication:* Mr. Radwan said that in 2010 Governor Chris Gregoire and the Washington State Department of Ecology began initiation of adjudicating water rights in the Spokane area. At the time, the judicial branch stance was that it was more of an executive branch project because the choice to pursue the adjudication does not involve the judicial branch, but that the funding for the court should be supported.

It was suggested that if this issue moves forward that it should be requested that there is a direct appropriation to Spokane.

**It was moved by Judge Garrow and seconded by Justice Owens that the BJA support a direct appropriation to the county involved, but not go through the AOC budget, if and when the Department of Ecology states a water rights adjudication is going forward. The motion carried with Judge Appelwick abstaining.**

**Administrative Office of the Courts Budget Requests:** Mr. Hall stated that a total of five requests were generated by AOC staff.

- *Risk Assessment and Law Table Support:* Funds were appropriated from the JIS account to develop the Adult Static Risk Assessment tool. However, no resources were provided for the ongoing support needed for maintenance. One of the things that is needed with the tool is to assign a severity code for each state criminal law. In addition, local laws also need severity codes and they are not currently maintained at the state level. This budget request would allow AOC to maintain the local law tables which would ensure that similar local laws around the state would have the same severity code.

Discussion focused on the need to have AOC staff input this data and the benefit that would be gained by having the local law severity codes entered in one location. Some judges did not see the value of this because judges usually have a pretty good handle on what a defendant's risk is.

**The BJA did not support this request to go forward. Two were in favor, six were opposed and Judge Appelwick and Judge Wickham abstained.**

- *Criminal Justice Research Associate:* This request is also related to the risk assessment tool. It is a WSCCR position and there is no overlap between the two requests related to the risk assessment tool. The position would interpret and validate the data. It could also develop additional assessment modules to address specific criminal behavior. **The BJA did not support this request to go forward. Three were in favor, four were opposed and Judge Appelwick and Judge Wickham abstained.**

- *AOC Court Access Forms*: This request would allow the development, assembly and translation of court forms. **The BJA did not support this request to go forward. No one was in favor and Judge Appelwick abstained.**
- *Therapeutic Courts Coordinator*: This request would add a staff person to work with existing therapeutic courts, committees and associations to develop and strengthen evaluation and reporting standards and policies. **The BJA supported this request to go forward with four in favor; three opposed; and Judge Appelwick, Judge Wickham, and Judge Matheson abstaining.**
- *Guardianship Service Expansion*: This request would expand guardianship services to three to five additional counties. **The BJA did not support this request to go forward. No one was in favor and Judge Appelwick abstained.**

It was stated that these are promising ideas but in the context that the state is still in a deficit situation asking for anything other than restoration is not wise.

During the June 15 meeting the items that have been recommended to move forward will be prioritized.

There being no time for further business, the meeting was adjourned.

**Recap of Motions from May 18, 2012 meeting**

<b>Motion Summary</b>	<b>Status</b>
April 20 BJA Meeting Minutes	Passed
Appointment of Mr. Andrew Sachs to the BJA Public Trust and Confidence Committee.	Passed
The BJA will support a direct appropriation to the county involved, but not go through the AOC budget, if and when the Department of Ecology states a water rights adjudication is going forward.	Passed

**Action Items updated for April 20, 2012 meeting**

<b>Action Item</b>	<b>Status</b>
<u>April 20, 2012 Meeting Minutes</u>	
• Send the approved minutes to Camilla Faulk for the En Banc binders	Done
• Post the approved minutes online	Done
<u>Appointment of Mr. Andrew Sachs to the BJA Public Trust and Confidence Committee</u>	
• Send appointment letter to Mr. Sachs	In progress
<u>Budget Recommendations</u>	
• Add budget request prioritization to June agenda.	Done



**Board for Judicial Administration**  
**2013-2015 Preliminary Budget Request Priority Setting**  
**June 22, 2011**  
**Preliminary Budget Requests Supported by BJA**

Priority	Title	FTE	Amount Requested
	<b>Interpreter Restoration</b>	<b>FTE 0.0</b>	<b>\$679,000</b>
	<p>Funding is requested to restore program reductions implemented during the last two biennia. In 2007 the legislature provided \$1.9 million (approximately 25% of the original \$7.8 million request) to the AOC for a program to reimburse participating courts 50% of their eligible interpreter costs. This amount was subsequently reduced to \$1.2 million for the 2011-2013 biennium. Participating courts submitted eligible reimbursement requests totaling more than \$1.2 million for fiscal year 2010 alone. RCW 2.43.030 requires courts to use language interpreters who have been certified by the AOC. In addition the U.S. Dept. of Justice has taken the position that courts receiving federal funding are required to take reasonable steps to meet Title VI requirements ensuring language access. Without additional funding many courts may not meet the US DOJ requirements and courts may drop from the program because reimbursement amounts do not offset the costs of hiring certified interpreters.</p>		
	<b>Expand Interpreter Program</b>	<b>FTE 0.5</b>	<b>\$3,829,000</b>
	<p>Funding is requested to provide 50% reimbursement to courts for in-court interpreter services. Reimbursement would be made for interpreter services performed at information counters, cashier counters and for other pre and post court interactions. In 2007 the legislature provided \$1.9 million (approximately 25% of the original \$7.8 million request) to the AOC for a program to reimburse participating courts 50% of their eligible interpreter costs. This amount was subsequently reduced to \$1.2 million for the 2011-2013 biennium. Participating courts submitted eligible reimbursement requests totaling more than \$1.2 million for fiscal year 2010 alone. RCW 2.43.030 requires courts to use language interpreters who have been certified by the AOC. In addition the U.S. Dept. of Justice has taken the position that courts receiving federal funding are required to take reasonable steps to meet Title VI requirements ensuring language access. Without additional funding many courts may not meet the US DOJ requirements and courts may drop from the program because reimbursement amounts do not offset the costs of hiring certified interpreters. This request would fully fund the state contribution for interpreter services.</p>		
	<b>CASA Restoration</b>	<b>FTE 0.0</b>	<b>\$1,242,000</b>
	<p>Funding is requested to restore program reductions implemented during the last two biennia. Chapter 13.34 RCW requires the superior court to appoint a guardian ad litem to represent the best interest of dependent children in state child welfare cases. CASA volunteers are an inexpensive way to provide guardian ad litem services that are based upon case management advocacy techniques rather than legal advocacy techniques. If funding is restored an additional 1,100 additional children may be represented each year.</p>		

**Board for Judicial Administration**  
**2013-2015 Preliminary Budget Request Priority Setting**  
**June 22, 2011**

Priority	Title	FTE	Amount Requested
	<b>FJCIP Restoration</b>	<b>FTE 0.0</b>	<b>\$234,000</b>
	<p>Funding is requested to restore program reductions implemented during the last two biennia. The Family and Juvenile Court Improvement Plan (FJCIP), as authorized by RCW 2.56.030, promotes coordination between Superior and Juvenile courts when implementing the principles of the Unified Family Court. There are currently 13 FJCIP sites. These sites, which represent 65% of dependency case filings have shown better compliance with six (6) timeliness objectives than non-FJCIP sites.</p>		
	<b>Interpreter Services</b>	<b>FTE 0.0</b>	<b>\$1,231,000</b>
	<p>Funding is requested to provide 50% reimbursement to courts for interpreter services occurring prior to in-court visits. Reimbursement would be made for interpreter services performed at information counters, cashiers, file room, etc. Interpreter services at information counters, cashiers, or other court managed operations are not consistently provided. Persons with limited English proficiency cannot participate fully in the process of their case without the ability to understand all facets of it, including those outside the courtroom. Funding would be used to reimburse 50% of the costs of contracted telephonic interpreting services for the courts.</p>		
	<b>Video Remote Interpretation</b>	<b>FTE 1.0</b>	<b>\$370,000</b>
	<p>Funding is requested for a video remote interpretation (VRI) pilot project that will allow the selected court to access interpreters in any language. Full VRI implementation would allow any court in the state to access interpreters. Funds would be used to hire a full-time bilingual staff to coordinate with interpreters, to provide back-up telephonic and video interpreting services and to install VRI equipment and software in courts that have difficulty scheduling interpreters due to distance and language requirements.</p>		
	<b>CLJ Judges' Salaries</b>	<b>FTE 0.0</b>	<b>\$6,269,000</b>
	<p>Funding is requested to increase the state contribution to district court and qualifying municipal court judges' salaries to 50% over three years. In Chapter 457, Laws of 2005, the Legislature recognized that "trial courts are critical to maintaining the rule of law in a free society and that they are essential to the protection of the rights and enforcement of obligations for all" and began contributing toward the salaries of district and eligible elected municipal court judges as a step toward meeting a state commitment to improving trial courts in the state. This proposal fulfills that commitment for the state to contribute equally to the salaries of district and elected municipal court judges. The savings realized by the local jurisdictions are to accrue to Trial Court Improvement Accounts used to improve local court processes.</p>		

**Board for Judicial Administration**  
**2013-2015 Preliminary Budget Request Priority Setting**  
**June 22, 2011**

Priority	Title	FTE	Amount Requested
	<p><b>Quality Assurance Consolidation</b></p> <p>Transfer existing quality assurance funding and staff from the Dept. of Social and Health Services to AOC. The existing program would be redefined by implementing consistent standards and practices used to evaluate assessment delivery and evidence based programs. Consolidating and redefining the quality assurance functions will provide an organized, streamlined, and professional system of quality assurance housed at AOC within the Washington State Center for Court Research. The redefined quality assurance system will be based on standard principles to evaluate assessment delivery and evidence based practices. Resources will be dedicated to improving and expanding the role of quality assurance to meet the increasing demands for reporting and program evaluation.</p>	FTE 5.0	\$1,337,000
	<p><b>Therapeutic Court Coordinator</b></p> <p>Funding is requested for an additional staff position that will work with existing therapeutic courts, committees and associations to develop and strengthen evaluation and reporting standards and policies. There are more than 70 therapeutic courts in 26 counties. There are 8 different types of therapeutic courts. There are currently no standards, measures or centralized repository of information. The current haphazard approach does not foster best practices, outcome or performance measurement or common implementation strategies. The coordinator will provide a central point of contact and be the statewide lead in developing best practices and policies, providing technical assistance and developing training curriculum.</p>	FTE 1.0	\$170,000
	<p><b>Total Requests Supported by BJA-General Fund</b></p>	FTE 7.5	\$15,361,000

**Board for Judicial Administration  
2013-2015 Preliminary Budget Request Priority Setting  
June 22, 2011**

**Preliminary Budget Requests Not Supported by BJA-General Fund  
Do Not Prioritize**

Title	FTE	Amount Requested
<p><b>Risk Assessment and Law Table Support</b></p> <p>Funding is requested for an additional staff position that will ensure risk assessment and other data is properly reflected in local and statewide law tables.</p> <p>There are three (3) statewide law tables and over 180 local law tables. Law tables are used by the courts to file charges and law enforcement to cite offenders. Data in the tables is used by a number of "systems" including SECTOR, the adult static risk assessment and positive achievement change tool (PACT) used by juvenile departments. Data integrity and accuracy is essential for the assessment tools, revenue allocation and information sharing among local, state and federal justice agencies. Recent quality assurance reviews have revealed severe data quality issues, thereby necessitating this request.</p>	<p>FTE 1.0</p>	<p><b>\$169,000</b></p>
<p><b>Criminal Justice Research Associate</b></p> <p>Funding is requested for an additional staff position that will support existing adult and juvenile assessments, maintain legislatively mandated evaluation and reporting requirements and work with the court community to develop new or alter existing funding and alternative disposition programs.</p> <p>Information produced by the juvenile and adult assessment applications requires analysis, interpretation and validation in order to help courts better understand offender population risk levels. Further additional assessment modules may be developed to address specific criminal behavior related to domestic violence, mental health and substance abuse. Research staff is necessary to ensure that these tools are validated and that data produced is not only accurate but provides court leadership specific outcome feedback regarding reoffending behavior (juvenile) or pre-trial risk levels (adult).</p>	<p>FTE 1.0</p>	<p><b>\$196,000</b></p>
<p><b>AOC Court Access Forms</b></p> <p>Funding is requested for additional staff and resources to develop, assemble and, translate documents containing information that is critical for obtaining court services including program information and outreach materials.</p> <p>Federal Executive Order 13166 requires recipients of federal funds to develop and implement a system to provide services to those with limited English proficiency (LEP). State statute requires translation of forms into the languages spoken by the five most significant LEP populations in the state. The proposed solution would develop, assemble and translate forms as well as create multi-media resources to assist the public in efficiently accessing and utilizing court services.</p>	<p>FTE 5.0</p>	<p><b>\$1,046,000</b></p>

**Board for Judicial Administration  
2013-2015 Preliminary Budget Request Priority Setting  
June 22, 2011**

Title	FTE	Amount Requested
<b>Guardianship Service Expansion</b>  Funding is requested for an additional staff position and resources to expand services in three to five additional counties and to begin development of a statewide funding and implementation strategy.  Services are currently provided in 10 counties, additional funding will allow expansion in three to five additional counties. Incapacitated persons in the counties not currently being served face significant risk of personal or financial harm because they are unable to adequately provide for nutrition, health, and housing or physical safety. The Washington Institute for Public Policy recently completed legislatively mandated reports identifying the costs and benefits of providing public guardianship services. The study found residential costs decreased over a 30 month period; personal care decreased by an average of 29 hours; 20% of public guardianship clients showed improvements in self sufficiency.	<b>FTE 1.0</b>	<b>\$708,000</b>
<b>Total Requests Not Supported by BJA-General Fund</b>	<b>FTE 8.0</b>	<b>\$2,119,000</b>
<b>Total General Fund Requests</b>	<b>FTE 15.5</b>	<b>\$17,480,000</b>







CONFERENCE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT ADMINISTRATORS

**Summary of Resolutions Adopted at  
CCJ Midyear Meeting on February 1, 2012  
COSCA Board of Directors on February 10, 2012**

**Resolution 3 – In Support of the Guardian Accountability and Senior Protection Act**

Summary: The number of elderly persons will increase over the next 20 years and this demographic trend is likely to result in a substantial increase in court cases regarding the protection of vulnerable elderly persons, including guardianship, conservatorship, and elder abuse proceedings. There are currently no federal government grant programs to assist state courts. The proposed Guardian Accountability and senior Protection Act would establish a Guardianship Court Improvement Program and pilot programs to test effective methods for conducting background checks on individuals before they are appointed as a guardian or conservator and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

Resolved: Urge congress to enact the Guardian Accountability and Senior Protection Act and appropriate sufficient funds to fully carry out the provisions of the Act.

Additional Information: The COSCA membership approved a similar resolution. The CCJ Resolutions Committee edited the COSCA resolution. The changes that were made were in the nature of language/grammar corrections, not substantive changes.



mellani.mcaleenan@courts.wa.gov Log Out



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CONGRESS BILLS S. 1744

# S. 1744: Guardian Accountability and Senior Protection Act

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112th Congress, 2011–2012

A bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

Sponsor: Sen. Amy Klobuchar [D-MN]

Status: Introduced

## TRACK THIS BILL

Will it pass the Senate? The community prediction is 2%.

What do you think?

- 1) Worse Than 2%.
- 2) Better Than 2%.

Like

Bill titles and summaries are written by the sponsor. S. stands for Senate bill.

## BILL OVERVIEW

STATUS:	<b>Introduced</b>	Oct 20, 2011
	<b>Referred to Committee</b>	(not yet occurred)
	<b>Reported by Committee</b>	(not yet occurred)
	<b>Passed Senate</b>	(not yet occurred)
	<b>Passed House</b>	(not yet occurred)
	<b>Signed by the President</b>	(not yet occurred)

This bill is in the first stage of the legislative process. It was introduced into Congress on October 20, 2011. It will typically be considered by committee next.

PROGNOSIS: Just 3% of all Senate bills in 2009–2010 were enacted.

TEXT: Read Bill Text

COSPONSORS: show cosponsors (1)

COMMITTEES: Senate Committee on the Judiciary

The committee chair determines whether a bill will move past the committee stage.

SUBJECT AREAS: Use these subject areas to explore related legislation:

- Law
- Aging
- Criminal justice information and records
- Disability and paralysis
- Domestic violence and child abuse
- Family services
- Judicial procedure and administration
- State and local courts

PRIMARY SOURCE: THOMAS (The Library of Congress) THOMAS is updated generally one day after events occur and events since the last update may not be reflected here.

CITATION: This page can be cited in one of these formats (click for details): APA, MLA, Wikipedia Template.

### OFFICIAL SUMMARY

The following summary was written by the Congressional Research Service, a nonpartisan arm of the Library of Congress, which serves Congress. GovTrack did not write and has no control over these summaries.

10/20/2011--Introduced.

Guardian Accountability and Senior Protection Act - Amends the Older Americans Act of 1965 to authorize the Assistant Secretary of Aging to make grants to and enter into contracts with states and other specified public and private recipients for: (1) assessing the fairness, effectiveness, timeliness, and accessibility of adult guardianship and conservatorship proceedings; (2) implementing necessary changes as a result of the assessments; and (3) collecting necessary data regarding those proceedings and the impact of the necessary changes. Requires the Assistant Secretary of Aging to make grants to enable the highest court of a state to: (1) conduct its own assessments of the role, responsibilities, and effectiveness of state courts in carrying out state laws requiring proceedings with respect to guardianship and conservatorship; and (2) implement necessary changes in light of them. Directs the Attorney General to establish a pilot program to identify efficient, effective, and economical procedures for state courts to conduct background checks on prospective guardians and conservators. Authorizes the State Justice Institute to award grants to eligible highest state courts to assist in improving conservator monitoring efforts through electronic filing.

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~~CONFERENCE OF CHIEF JUSTICES~~  
~~CONFERENCE OF STATE COURT ADMINISTRATORS~~BOARD FOR JUDICIAL  
ADMINISTRATION

**Resolution ~~3~~2012-X**

**In Support of  
The Guardian Accountability and Senior Protection Act**

WHEREAS, the number of elderly persons will increase over the next 20 years and this demographic trend is likely to result in a substantial increase in court cases regarding the protection of vulnerable elderly persons, including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, state court systems and individual courts have recognized the need to improve the process for considering petitions for guardianship and/or conservatorship of adults and the monitoring of guardianship and/or conservatorship orders; and

WHEREAS, research by the National Center for State Courts has identified problems and pointed out promising practices regarding the monitoring of guardianship and conservatorship cases; and

WHEREAS, the Report of the Conference of Chief Justices and Conference of State Court Administrators Joint Task Force on Elders and the Courts recommended that each state court system: (1) collect and report the number of guardianship and conservatorship cases that are filed, pending, and concluded each year; (2) implement improved procedures for monitoring the performance of guardians and conservators and the well-being of incapacitated persons; and (3) explore ways in which technology can assist them in documenting, tracking, and monitoring guardianships; and

WHEREAS, the 2010 Conference of State Court Administrators White Paper ~~entitled *The*~~entitled *The Demographic Imperative: Guardianships and Conservatorships* called for the establishment of a Guardianship Court Improvement Program to assist courts throughout the nation to improve consideration of petitions for guardianship and/or conservatorship of adults and monitoring the performance of guardians and conservators and the well-being of incapacitated and vulnerable persons; and

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WHEREAS, the delegates from ten national organizations participating in the Third National Guardianship Summit adopted a far-reaching set of recommended standards for performance and decision-making for guardians and conservators, as well as additional recommendations for action by courts, legislatures and other entities; and

Adopted by the Board for Judicial Administration on April 20, 2012

WHEREAS, the Senate Special Committee on Aging has requested a series of reports from the Government Accountability Office over the past seven years (GAO 04-655, GAO-06-1086T, GAO-10-1046, and GAO 11-678) and held a series of hearings regarding problems in the monitoring of guardianship and conservatorship orders, the lack of cooperation and coordination by the Social Security Administration and Department of Veterans Affairs with state courts regarding conservatorships, financial exploitation, and abuse and neglect of seniors by their guardians and conservators; and

WHEREAS, these Government Accountability Office reports have recognized a substantial federal interest in guardianship, conservatorship, and elder abuse issues and the need for federal financial assistance to states to collect comparable data regarding guardianships and test and evaluate innovative procedures and practices to prevent, detect, and address abuse and exploitation; and

WHEREAS, some federal executive branch agencies have noted the need to address the exploitation and abuse of elders more effectively; and

WHEREAS, there are currently no grant programs within the federal government to assist state courts to meet the above referenced responsibilities or test innovative methods for conducting background checks, and utilizing technology for simplifying reporting procedures and facilitating the review of fiduciary performance; and

WHEREAS, the Court Improvement Program, established in 1993 for improving the consideration and outcomes of child protection cases, has been effective in reducing judicial delay in those cases; enhancing the ability of judges and attorneys to handle the complexity of these cases; and strengthening the review and monitoring of these cases, while respecting the independence of the state judiciaries; and

WHEREAS, it is anticipated that similar results would accrue from a Guardianship Court Improvement Program for guardianship and conservatorship cases; and

WHEREAS, the proposed Guardian Accountability and Senior Protection Act (S. 1744) would establish a Guardianship Court Improvement Program and pilot programs to test effective methods for conducting background checks on individuals before they are appointed as a guardian or conservator and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons;

WHEREAS, this resolution was Adopted by the Conference of Chief Justices as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2012 Midyear Meeting on February 1, 2012 and by the Board of Directors of the Conference of State Court Administrators on February 10, 2012, urging the Congress to enact the Guardian Accountability and Senior Protection Act and appropriate sufficient funds to fully carry out the provisions of that Act;

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~~NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators~~ Board for Judicial Administration urges the Congress to enact

Adopted by the Board for Judicial Administration on April 20, 2012

the Guardian Accountability and Senior Protection Act and appropriate sufficient funds to fully carry out the provisions of that Act.

~~Adopted by the Conference of Chief Justices as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2012 Midyear Meeting on February 1, 2012 and by the Board of Directors of the Conference of State Court Administrators on February 10, 2012.~~

Adopted by the Board for Judicial Administration on April 20, 2012



## BOARD FOR JUDICIAL ADMINISTRATION

### Resolution 2012-X

#### In Support of The Guardian Accountability and Senior Protection Act

WHEREAS, the number of elderly persons will increase over the next 20 years and this demographic trend is likely to result in a substantial increase in court cases regarding the protection of vulnerable elderly persons, including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, state court systems and individual courts have recognized the need to improve the process for considering petitions for guardianship and/or conservatorship of adults and the monitoring of guardianship and/or conservatorship orders; and

WHEREAS, research by the National Center for State Courts has identified problems and pointed out promising practices regarding the monitoring of guardianship and conservatorship cases; and

WHEREAS, the Report of the Conference of Chief Justices and Conference of State Court Administrators Joint Task Force on Elders and the Courts recommended that each state court system: (1) collect and report the number of guardianship and conservatorship cases that are filed, pending, and concluded each year; (2) implement improved procedures for monitoring the performance of guardians and conservators and the well-being of incapacitated persons; and (3) explore ways in which technology can assist them in documenting, tracking, and monitoring guardianships; and

WHEREAS, the 2010 Conference of State Court Administrators White Paper entitled *The Demographic Imperative: Guardianships and Conservatorships* called for the establishment of a Guardianship Court Improvement Program to assist courts throughout the nation to improve consideration of petitions for guardianship and/or conservatorship of adults and monitoring the performance of guardians and conservators and the well-being of incapacitated and vulnerable persons; and

WHEREAS, the delegates from ten national organizations participating in the Third National Guardianship Summit adopted a far-reaching set of recommended standards for performance and decision-making for guardians and conservators, as well as additional recommendations for action by courts, legislatures and other entities; and

Adopted by the Board for Judicial Administration on April 20, 2012

WHEREAS, the Senate Special Committee on Aging has requested a series of reports from the Government Accountability Office over the past seven years (GAO 04-655, GAO-06-1086T, GAO-10-1046, and GAO 11-678) and held a series of hearings regarding problems in the monitoring of guardianship and conservatorship orders, the lack of cooperation and coordination by the Social Security Administration and Department of Veterans Affairs with state courts regarding conservatorships, financial exploitation, and abuse and neglect of seniors by their guardians and conservators; and

WHEREAS, these Government Accountability Office reports have recognized a substantial federal interest in guardianship, conservatorship, and elder abuse issues and the need for federal financial assistance to states to collect comparable data regarding guardianships and test and evaluate innovative procedures and practices to prevent, detect, and address abuse and exploitation; and

WHEREAS, some federal executive branch agencies have noted the need to address the exploitation and abuse of elders more effectively; and

WHEREAS, there are currently no grant programs within the federal government to assist state courts to meet the above referenced responsibilities or test innovative methods for conducting background checks, and utilizing technology for simplifying reporting procedures and facilitating the review of fiduciary performance; and

WHEREAS, the Court Improvement Program, established in 1993 for improving the consideration and outcomes of child protection cases, has been effective in reducing judicial delay in those cases; enhancing the ability of judges and attorneys to handle the complexity of these cases; and strengthening the review and monitoring of these cases, while respecting the independence of the state judiciaries; and

WHEREAS, it is anticipated that similar results would accrue from a Guardianship Court Improvement Program for guardianship and conservatorship cases; and

WHEREAS, the proposed Guardian Accountability and Senior Protection Act (S. 1744) would establish a Guardianship Court Improvement Program and pilot programs to test effective methods for conducting background checks on individuals before they are appointed as a guardian or conservator and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons;

WHEREAS, this resolution was adopted by the Conference of Chief Justices as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2012 Midyear Meeting on February 1, 2012 and by the Board of Directors of the Conference of State Court Administrators on February 10, 2012, urging the Congress to enact the Guardian Accountability and Senior Protection Act and appropriate sufficient funds to fully carry out the provisions of that Act;

NOW, THEREFORE, BE IT RESOLVED that the Board for Judicial Administration urges the Congress to enact the Guardian Accountability and Senior Protection Act and appropriate sufficient funds to fully carry out the provisions of that Act.



CONFERENCE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT ADMINISTRATORS

**Summary of Resolutions Adopted at  
CCJ Midyear Meeting on February 1, 2012  
COSCA Board of Directors on February 10, 2012**

**Resolution 4 - Urging Congress to Respect Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody**

Summary: Historically, the federal government has deferred to state law in matters involving domestic relations, but in recent years, legislation has been introduced at the federal level to address child custody arrangements for parents in the armed forces. Federal efforts to legislate matters of child custody would preempt state family law and potentially discourage state efforts to enact broader and more helpful state laws. States are in the best position to balance the interests of deployed service members and their families. At least 30 states have already enacted state law that addresses military families.

Resolved: Urge congress to take all available and reasonable steps to obtain meaningful and timely input from appropriate state government branches and agencies with respect to the principles of federalism and separation of powers. Urge congress to include a federalism assessment of the proposed legislation in every pertinent committee and conference report. Urge congress to continue to reject legislative proposals to preempt state family law.

Additional Information: The resolution updates a resolution that CCJ/COSCA jointly approved on 2010. Legislation has been introduced in the House for several years that would preempt state law related to issuing temporary and permanent custody orders involving deployed parents and parents anticipated to be deployed. The House included the provision in the National Defense Authorization bill. The proposed provision was kept out of the final and approved version of the legislation, but it is anticipated that the proposal will be reintroduced in the House. Staff to the Senate Armed Services Committee requested an updated resolution.



~~CONFERENCE OF CHIEF JUSTICES~~  
~~CONFERENCE OF STATE COURT ADMINISTRATORS~~BOARD FOR JUDICIAL  
ADMINISTRATION

**Resolution 42012-X**

**Urging Congress to Respect Separation of Powers and Principles of  
Federalism with Regard to Enacting Legislation to Address Child Custody**

WHEREAS, the ~~Conference of Chief Justices and the Conference of State Court Administrators~~Board for Judicial Administration, in fulfilling ~~their~~its leadership role for ~~the Washington State judicial systems~~judiciary, ~~have~~has traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, historically, the federal government has deferred to state law in matters involving domestic relations; and

WHEREAS, in recent years, federal legislation has been introduced that would amend the Servicemembers Civil Relief Act (Public Law 108-189) to address child custody arrangements for parents in the Armed Forces who are deployed or anticipated to be deployed in support of a contingency operation; and

WHEREAS, in the 112<sup>th</sup> Congress, H.R. 1540 would have: (1) restricted temporary custody orders based solely on deployment or anticipated deployment; (2) excluded parental absence based on deployment or possible deployment in determining the best interests of the child in permanent orders to modify custody; (3) made clear that a federal right of action is not created; and (4) not preempted state law if the applicable state law involving a temporary order provides a higher standard of protection for the servicemember; and

WHEREAS, federal efforts to legislate matters of child custody would preempt state family law and potentially discourage state efforts to enact broader and more helpful state laws; and

WHEREAS, family law cases are complex and states are in the best position to balance the interests of deployed servicemembers and their family members within the context of their own domestic relations laws; and

Adopted by the Board for Judicial Administration on April 20, 2012

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WHEREAS, at least 30 states, including Washington, have already enacted state law that addresses the special circumstances of parents who are serving in the military; and

WHEREAS, the Department of Defense continues to work with the other states, through its State Liaison program, to enact specific child custody legislation and to redraft its Family Case Plan Instruction to emphasize the importance of child custody planning before deployment;

NOW, THEREFORE, BE IT RESOLVED that the ~~Conference of Chief Justices and Conference of State Court Administrators~~ Board for Judicial Administration urges the Congress to ensure that: (1) during its consideration of such legislation, the Congress take all available and reasonable steps to obtain meaningful and timely input from appropriate state government branches and agencies with respect to principles of federalism and separation-of-powers; and (2) a federalism assessment of the proposed legislation be included in every pertinent committee and conference report; and

BE IT FURTHER RESOLVED that the ~~Conferences~~ Board for Judicial Administration urges the Congress to continue to reject legislative proposals to preempt state family law.

Adopted by the Board for Judicial Administration on April 20, 2012

Adopted by the Conference of Chief Justices as proposed by the CCJ/COSCA Government Affairs Committee at the 2012 Midyear Meeting on February 1, 2012 and by the Board of Directors of the Conference of State Court Administrators on February 10, 2012.

Adopted by the Board for Judicial Administration on April 20, 2012



## **BOARD FOR JUDICIAL ADMINISTRATION**

### **Resolution 2012-X**

#### **Urging Congress to Respect Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody**

WHEREAS, the Board for Judicial Administration, in fulfilling its leadership role for the Washington State judiciary, has traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, historically, the federal government has deferred to state law in matters involving domestic relations; and

WHEREAS, in recent years, federal legislation has been introduced that would amend the Servicemembers Civil Relief Act (Public Law 108-189) to address child custody arrangements for parents in the Armed Forces who are deployed or anticipated to be deployed in support of a contingency operation; and

WHEREAS, in the 112<sup>th</sup> Congress, H.R. 1540 would have: (1) restricted temporary custody orders based solely on deployment or anticipated deployment; (2) excluded parental absence based on deployment or possible deployment in determining the best interests of the child in permanent orders to modify custody; (3) made clear that a federal right of action is not created; and (4) not preempted state law if the applicable state law involving a temporary order provides a higher standard of protection for the servicemember; and

WHEREAS, federal efforts to legislate matters of child custody would preempt state family law and potentially discourage state efforts to enact broader and more helpful state laws; and

WHEREAS, family law cases are complex and states are in the best position to balance the interests of deployed servicemembers and their family members within the context of their own domestic relations laws; and

WHEREAS, at least 30 states, including Washington, have already enacted state law that addresses the special circumstances of parents who are serving in the military; and

WHEREAS, the Department of Defense continues to work with the other states, through its State Liaison program, to enact specific child custody legislation and to redraft its Family

Adopted by the Board for Judicial Administration on April 20, 2012

Case Plan Instruction to emphasize the importance of child custody planning before deployment;

NOW, THEREFORE, BE IT RESOLVED that the Board for Judicial Administration urges the Congress to ensure that: (1) during its consideration of such legislation, the Congress take all available and reasonable steps to obtain meaningful and timely input from appropriate state government branches and agencies with respect to principles of federalism and separation-of-powers; and (2) a federalism assessment of the proposed legislation be included in every pertinent committee and conference report; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration urges the Congress to continue to reject legislative proposals to preempt state family law.

# CONFERENCE OF STATE COURT ADMINISTRATORS

## Policy Statement

### Federalism

The Conference of Court Administrators (COSCA) has, from its establishment forty-seven years ago, been a strong and unwavering advocate of the type of federalism that views government essentially as a partnership of federal, state, and local political units acting in a coordinated manner for the benefit of all people in the United States. With respect to our court system, this type of federalism protects and fosters state judicial independence, local autonomy, and the diversity reflected in individual states. At the same time, this type of federalism also affirms and supports the need for strong federal laws and a federal court system to ensure equality, fairness, access, and due process for all residents of the nation. Finally, this type of federalism envisions and requires meaningful cooperation between Congress and state legislators and between federal and state courts in matters of law, adjudication, and the administration of justice.

Today we reaffirm the value of this type of federalism and offer for consideration the following specific policy perspectives:

**1. State Judicial Independence and Autonomy.** We believe that proposals to remove jurisdiction from state courts to federal courts threaten state judicial independence by making the federal courts the final arbiters of state laws on these subjects. In addition, they contradict the general federalist principle enunciated in several other areas of legislation by recent congresses—the principle that the best government is that which is closest to the people and that favors giving state legislatures and state courts greater control over matters of interest within their own communities. Furthermore, such proposals would impose a costly burden on the federal system.

**2. Equality, Fairness, Access, and Due Process.** We affirm and support the federal role in ensuring equality, fairness, access and due process in our court systems. Accordingly, we support federal legislation protecting civil rights with respect to all citizens and we support the current system of concurrent jurisdiction between the federal and state court systems as the most effective means of protecting such rights.

**3. Intergovernmental Programs.** We affirm and support recent efforts by the federal government to recognize the state judiciary as a co-equal branch of state government by directing funding and other programs specifically to the judiciary.

**4. Intergovernmental Communication.** We recognize the need for continuing communication and dialogue at all levels of government. Such communication is essential to the effective and efficient administration of federal intergovernmental programs. We also welcome federal encouragement and facilitation of communication and dialogue between and among the branches of state government especially in terms of the implementation of federal intergovernmental programs.

**5. Inter-branch Collaboration.** We recognize that an increasing number of federal and state programs depend upon the active participation of the state judiciary to ensure their success. The federal government should facilitate inter-branch collaboration by requiring communication with the state judiciary by executive agencies when authorizing federal funding and, as appropriate, the active participation of the state judiciary in the planning and implementation of federal programs.

Originally recommended by: Coordination Subcommittee of the Policy and Liaison Committee  
Original adoption date: December 8, 2000  
Renewal recommended by: Policy and Liaison Committee  
Renewal date: December 1, 2006  
Expiration date: December 31, 2011

# Urging the Congress to Respect Separation of Powers and Principles of Federalism with regard to....

- Enacting Legislation to Address Child Custody (CCJ 10-A-1)
- Enacting Legislation to Implement the Hague Convention on Choice of Court Agreements (CCJ 10-A-2)
- Enacting Legislation to Establish Minimum Collective Bargaining Rights for Public Safety Officers (CCJ 10-A-3)
- The Governance of State-Chartered Business Corporations (CCJ 09-A-6)
- Reforming Health Care Liability Systems (CCJ 09-A-7)





# Washington State Medal of Valor

## NOMINEE APPLICATION

The Washington State Medal of Valor is bestowed by the Governor "to any person who has saved, or attempted to save, the life of another at the risk of serious injury or death to himself or herself" (RCW 1.60.010). This medal cannot be awarded to any individual who is acting as a result of service including "law enforcement, fire fighting, rescue or other hazardous profession where the individual is employed by a government entity within the state of Washington" (RCW 1.60.050).

Recipients of the Medal of Valor are selected by the State Medal of Valor Committee. The Committee consists of the Governor, the Lieutenant Governor (as President of the Senate), Speaker of the House of Representatives and the Chief Justice of the Supreme Court. The Secretary of State serves as a non-voting ex-officio member and secretary of the committee. Further information concerning the Medal of Valor can be found at: <http://www.sos.wa.gov/medals/>

To be considered for nomination, a person's name and qualifications must be placed before the Committee. If you wish to submit a proposed nomination, please fill out this form with additional documentation listed below by August 12, 2012 to:

**Medal of Valor Committee  
c/o Office of the Secretary of State  
PO Box 40220  
Olympia WA 98504-0220**

- One typewritten page describing the actions which distinguish the nominee as deserving of this award
- Two letters of support of the nomination, each no more than one page in length
- Two additional pages of supporting documentation such as media or police reports
- The Committee may request additional information

### NOMINEE INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Current Occupation/Position: \_\_\_\_\_

### PETITIONER INFORMATION

Nominated By: \_\_\_\_\_ Date of Nomination: \_\_\_\_\_

Address: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ E-Mail: \_\_\_\_\_



# Medals of Merit & Valor

[Home](#)[Medal of Merit](#)[Medal of Valor](#)

## Laws Regarding the Medal of Valor

Under Washington State law the Medal of Valor is described as follows:

### **RCW 1.60.010**

#### **Medal of valor.**

There is established a decoration of the state medal of valor with accompanying certificate, ribbons, and the name of the state, to any person who has saved, or attempted to save, the life of another at the risk of upon the selection of the governor's state medal of valor committee.

[2000 c 224 § 1.]

### **RCW 1.60.020**

#### **Medal of valor committee.**

There is created the state medal of valor committee for selecting honorees for the award of the state medal of valor. The committee consists of the governor, president of the senate, speaker of the house of representatives, and the chief justice. The secretary of state shall serve as a nonvoting ex officio member, and shall serve as secretary to the committee. The committee shall consider candidates for this award. Any individual may nominate any resident of this state for any act of valor. The committee shall adopt rules establishing the qualifications for the state medal of valor, the protocol governing the award, and any other rules necessary to the implementation of this chapter.

[2000 c 224 § 2.]

### **RCW 1.60.030**

#### **Award presentation.**

(1) The award will be presented by the governor of the state of Washington to the recipient only during a public ceremony.

(2) If the governor is unable to present the award due to the disability or illness of the governor, the governor may designate the president of the senate, the speaker of the house of representatives, or the chief justice of the supreme court to present the award.

[2000 c 224 § 3.]



**RCW 1.60.040****Posthumous award.**

The state medal of valor may be awarded posthumously to be presented to such representative of the decedent's family as the committee may determine.

[2000 c 224 § 4.]

**RCW 1.60.050****Hazardous professions excluded.**

The state medal of valor will not be awarded to any individual who is acting as a result of service given by the individual in a rescue, or other hazardous profession where the individual is employed by a government entity within the state.

[2000 c 224 § 5.]

**RCW 1.60.060****Appearance of medal and certificate.**

(1) The decoration of the state medal of valor shall be of .999 pure silver and shall consist of the seal of the state surrounded by a laurel wreath and suspended from a silver bar device inscribed "For Valor" which is suspended from a ribbon of silver. The reverse of the decoration within the raised laurel wreath shall be inscribed with the recipient's name and the nature of the service, given in the act of saving the life of another.

(2) The certificate accompanying the medal will prominently display: (a) The title, "Washington State Medal of Valor"; (b) the name of the recipient; and (c) the phrase, "For exceptionally valorous service, given in the act of saving the life of another." A seven-line certificate.

[2000 c 224 § 6.]

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## Board for Judicial Administration

### Charter Problem-Solving Courts Authorizing Legislation Workgroup

**Problem Statement:** The legislature has created four separate statutory frameworks for different types of problem solving courts. Legislation was proposed in the 2012 legislative session to create a fifth type of problem solving court in statute.

Do courts need statutory authorization to operate a problem solving court?

Should there be a different statutory framework for each different type of problem solving court?

See:

- RCW 2.28.170 – Counties may establish operate Drug Courts
- RCW 2.28.175 – Counties may establish and operate DUI Courts
- RCW 2.28.180 – Counties may establish and operate Mental Health Courts
- RCW 2.28.190 – A County may combine their Drug, DUI and Mental Health Courts
- Chapter 146, Laws of 2012 – Counties may establish and operate Juvenile Gang Courts
- HB 2547/SB 6404, 2012 Session – Counties and Municipalities may establish and operate Veterans Courts.

**Charge:** The Problem-Solving Courts Authorizing Legislation Workgroup is created as an *ad hoc* workgroup of the Board for Judicial Administration (BJA) to:

- Determine whether the establishment of problem solving courts in statute is necessary and advisable.
- If it is advisable to establish problem solving courts in statute, determine whether it is preferable to have a separate statute for each type of problem solving court or to have a single statutory frame work under which courts may establish different types of problem solving courts.
- Draft proposed legislation consistent with the determinations made under the two issues presented above if appropriate.

To the extent that the workgroup determines that it is advisable to create a single statutory framework authorizing problem-solving courts, the workgroup's recommendations to BJA should include a set of organizing principles and common, key elements for problem-solving courts, as well as universal performance indicators against which all types of problem-solving courts can be measured.

**Workgroup Operating Period:** June 2012 through November 2012

**Meeting Schedule and Objectives:**

Meeting Date	Location	Objectives
June 2012	SeaTac	<ul style="list-style-type: none"> <li>• Presentation of materials</li> <li>• Discussion of goals and objectives</li> <li>• Development of meeting schedule</li> </ul>
September 2012	SeaTac	<ul style="list-style-type: none"> <li>• Drafting of proposed legislation and recommendations to BJA</li> </ul>
October 2012	SeaTac	<ul style="list-style-type: none"> <li>• Finalization of proposed legislation and recommendations to BJA</li> </ul>
November, if needed	SeaTac	<ul style="list-style-type: none"> <li>• Additional meeting, as needed</li> </ul>

**Membership:**

Membership will consist of the following:

- Three judicial officers with experience in problem-solving courts
  - At least one judicial officer shall be a member of the SCJA Therapeutic Courts Committee
  - At least one judicial officer shall be a member of the DMCJA
- One problem-solving court coordinator
- The State Court Administrator or designee
- Chair of the Washington Association of Drug Court Professionals or designee who is a judicial officer
- One member nominated by the Washington Association of Prosecuting Attorneys
- One member nominated by the Washington Defender Association
- One member representing treatment providers
- One member representing the Washington State Center for Court Research Advisory Board

**AOC Staff:**

Mellani McAleenan



## **BOARD FOR JUDICIAL ADMINISTRATION**

### **PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS**

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES  
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.



BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

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BJAR  
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

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BJAR 1  
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

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BJAR 2  
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

- (1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

- (2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

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BJAR 3  
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000.]

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BJAR 4  
DUTIES

- (a) The Board shall establish a long-range plan for the judiciary;
- (b) The Board shall continually review the core missions and best practices of the courts;
- (c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

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BJAR 5  
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

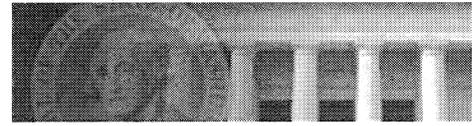
[Adopted effective January 25, 2000.]

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## **BOARD FOR JUDICIAL ADMINISTRATION BYLAWS**

### **ARTICLE I**

#### **Purpose**

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

### **ARTICLE II**

#### **Membership**

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

### **ARTICLE III**

#### **Officers and Representatives**

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

### **ARTICLE IV**

#### **Duties of Officers**

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

### **ARTICLE V**

#### **Vacancies**

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

#### **ARTICLE VI** **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

#### **ARTICLE VII** **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

#### **ARTICLE VIII** **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

#### **ARTICLE IX** **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

#### **ARTICLE X** **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

**ARTICLE XI**  
**Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

**ARTICLE XII**  
**Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

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