

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 2806 HB	Title: Mediation/Family Law Cases	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would:

- Require mediation in contested family law cases involving children, within 90 days of responsive pleadings being filed and served, in all but modification and relocation proceedings;
- Require that parties must engage in mediation and attempt to reach agreement with regard to parenting plans prior to setting hearing for establishment of a final parenting plan, absent good cause, a signed joinder, or agreement of the parties;
- Require each superior court to create an early case mediation program and corresponding rules. Rules would be required to address certain criteria including number and length of mediation sessions required, training and expertise of mediators, scope of mediation as it relates to parenting plans and related issues, standards for which issues should be referred to mediation, timelines for mediation completion, and processes to seek waiver of mediation such as in the case of domestic violence, cognitive impairment, behavioral health or other issues that would impact ability to participate;
- Provide that courts may create forms for parties to use in seeking a waiver of the mediation requirement;
- Elaborate on circumstances under which a domestic violence waiver may be granted, such as when a restraining order or protection order has been issued in the last 12 months, a current no-contact order is in effect, or when the court finds sufficient evidence that domestic violence has occurred and arms-length mediation is not possible;
- Provide that either party may motion the court to order the other party to engage in mandatory mediation even under the circumstances above upon a showing that both parties should be able to engage in arms-length mediation; and
- Provide that in cases of indigence and GR 34 waivers, mediation fees would be waived.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1 (2)(a) – Would provide that each superior court shall establish a program and rules to provide for early mediation of cases involving issues relating to residential time or other matters governed by a parenting plan.

Section 1(2)(a)(iii)(v) – Would specifically address a potential form that parties may use to seek excusal from mediation under certain circumstances.

Section 1(2)(d) – Would provide that either party may by motion seek a court order requiring mandatory mediation in a case otherwise exempt if the moving party believes that the parties would be able to mediate their dispute at arm's length under the particular circumstances of the case.

Section 1(3)(a) – Would provide that each superior court may make available a mediator. The court shall use the most cost-effective mediation services that are readily available unless there is good cause to access alternative providers. The mediator may be a member of the professional staff of a family court or mental health services agency, a dispute resolution center

established under RCW 7.75 or any other person or agency designated by the court. In order to provide mediation services, the court would not be required to establish a family court.

Section 1(3)(c) – Would provide that if a party is indigent or has a court order for a fee waiver pursuant to Washington state rules of court, general rule (GR) 34, the party is not required to pay any fee for the mediation.

There is no effective date for this bill, so it is assumed to be effective 90 days *sine die*.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate.

It is likely that court operations would be significantly impacted. Courts would be required to generate individualized county rules and processes. This would likely vary from county to county.

It is likely that there would be a significant reduction in family law hearings, however, requirements of court staff may increase. The bill does not delineate training and requirements of mediators, which could provide for significant variation from county to county or court to court.

In cases of indigent parties, cost of mediation would fall upon the county. There is no data available to estimate the number of parties that would qualify as indigent.

Judicial education would be required. Revision may be required to certain pattern forms. These impacts would be managed within existing resources.