



**King County**

**Metropolitan King County Council**

**Committee of the Whole**

**Staff Report**

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Agenda item No: **8**                      Date: **November 16, 2009**  
Motion No: **2009-0329**              Prepared by: **Wendy Soo Hoo & Kendall Moore**

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**SUBJECT**

A MOTION accepting the superior court targeted juvenile and family law facilities master plan.

**SUMMARY**

This Proposed Motion transmits a Superior Court Targeted Facilities Master Plan (FMP) for juvenile and family justice facilities. This Superior Court Targeted FMP describes a series of seven scenarios for a new King County Youth Services Center (YSC) facility at 12<sup>th</sup> Avenue and East Alder Street in downtown Seattle.

While the plan provides extensive information related to proposed options for building and financing a new facility, the report does not make any recommendations about (1) which option to select, (2) how to finance the construction, (3) what method to use for construction, or (4) whether it should be considered with other criminal or justice capital construction needs.

Since July, the Committee has had six briefings on the FMP. Council staff was asked in early November to review and analyze the options identified in the FMP and highlight any issues identified during our review of materials provided by the Executive and Superior Court. Today's briefing summarizes the results of this limited review and analysis.

**BACKGROUND**

The FMP is part of a long term planning effort that began with a Targeted Operational Master Plan (Targeted OMP) for Superior Court family law practice. The Targeted OMP was completed and adopted by the Council on September 25, 2006. The Proposed Motion accepts the Superior Court Targeted FMP in accordance with King County Code requirements found in section 4.04.200.

Following extensive meetings during 2005 and 2006, with stakeholders both within the county and users of the systems, the Targeted OMP steering committee recommended that the county focus on a unified "full-service" children and family court model. The

oversight group felt that the needs of families and others using the system would be best served by having a single facility for family law-related matters. In addition, the group recognized that the consolidation of court and other related services would yield significant efficiencies and savings. The Targeted OMP recommended co-location of juvenile and family law functions in either one or two new courthouses in King County. From this recommendation, Phase I of the SC Targeted FMP effort was completed in 2008 and resulted in an initial series of courthouse facility options.

After subsequent work with stakeholders and consultants, the county evaluated several options for the provision of services and the replacement of the obsolete family court facilities. The initial review included the consolidation option, which was later dropped because of concerns related to construction costs. The final report, with multiple options, but no recommendation, is transmitted as part of this legislation.

**ANALYSIS**

Council staff analysis focused on those options the Council has previously identified for further consideration: Options 2, 5, 5.5 and 6. Table 1 below summarizes which types of cases are heard at the King County Courthouse (KCCH) and at Alder for these four options.

**Table 1  
Summary of Options and Case Types**

	<b>Juvenile Offender</b>	<b>North End Becca</b>	<b>North End Dependency</b>	<b>North End Family Law With Children</b>	<b>North End Family Law No Children</b>
<b>Current</b>	<i>Alder</i>	<i>Alder</i>	<i>Mostly Alder, some KCCH</i>	<i>KCCH</i>	<i>KCCH</i>
<b>Option 2</b>	Alder	Alder	Alder, limited KCCH	KCCH	KCCH
<b>Option 5</b>	Alder	Alder	Alder	KCCH	KCCH
<b>Option 5.5</b>	Alder	Alder	Alder	Alder	KCCH
<b>Option 6</b>	Alder	Alder	Alder	Alder	Alder

In all four options, all juvenile offender and North King County “Becca” cases<sup>1</sup> would be heard at Alder, which is the current practice. However, other types of cases would be split amongst the Alder facility and the KCCH. Each successive option yields great consolidation of Superior Court’s juvenile and family law operations.

- **Option 2 would replace the Youth Services Center and accommodate limited growth.** Option 2 allows for some consolidation by shifting most north county dependency cases to Alder, but potentially still sending some cases to

<sup>1</sup> “Becca” cases are those involving habitual truants.

be heard at KCCH. North county family law would continue to be heard at KCCH under this option.

- **Option 5 would replace the Youth Services Center, allow for some Growth and unify north end dependency cases.** North end family law cases would remain at KCCH.
- **Option 5.5 would replace the Youth Services Center, allow for significant growth, unify north end dependency cases and family law cases with children.** This option allows for consolidation of all functions at Alder, except for north end family law cases that do not involve children.
- **Option 6 would replace Youth Services Center with significant growth and unifying north end dependency and all north end family law.** Note that only Option 6 meets all the recommendations of the OMP.

Table 2 below summarizes the schedule and cost of each of these options.

**Table 2**  
**Projected Schedule and Cost for Options 2, 5, 5.5 and 6**

	<b>Phase 1 and Phase 2 Capital Costs (\$2009)</b>	<b>Schedule Assumptions</b>
Option 2	\$96.2 million	Phase 1 Begin Design: Mid-2009 Phase 1 End Construction: Late 2013  Phase 2 Begin Design: Early 2020 Phase 2 End Construction: Late 2021
Option 5	\$103.0 million	Phase 1 Begin Design: Mid-2009 Phase 1 End Construction: Late 2013  Phase 2 Begin Design: Early 2020 Phase 2 End Construction: Late 2021
Option 5.5	\$140.0 million	Phase 1 Begin Design: Mid-2009 Phase 1 End Construction: Late 2015  Phase 2 Begin Design: Early 2020 Phase 2 End Construction: Late 2021
Option 6	\$160.4 million	Phase 1 Begin Design: Mid-2009 Phase 1 End Construction: Late 2015  Phase 2 Begin Design: Early 2020 Phase 2 End Construction: Late 2021

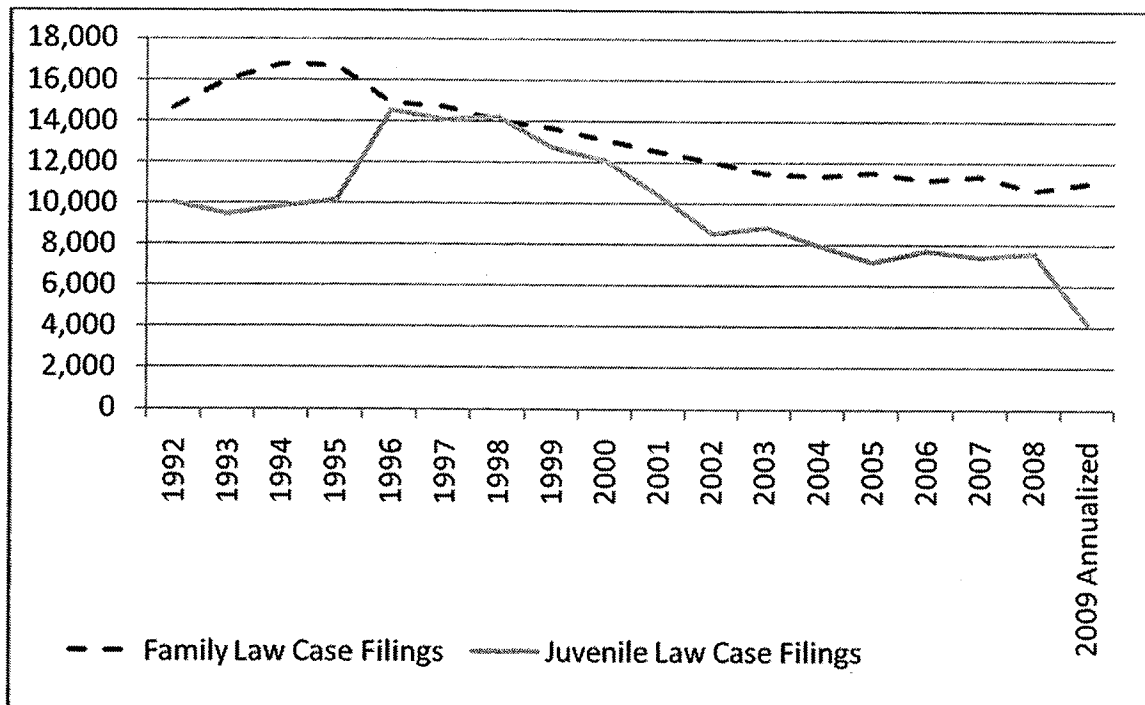
**Key Assumptions and Issues**

Council staff review identified several key issues. These issues are described below.

### 1. Assumptions of Projected Workload Growth

The options identified in the FMP assume that workload will grow based on projected population growth for King County. This is in contrast to historical trends in case filings. Figure 1 displays the case filings for family and juvenile law from 1992 through 2009 (annualized).

**Figure 1**  
**Family Law and Juvenile Law Case Filings, 1992 to 2009 (Annualized)**



Although case filings have decreased over time, Superior Court indicates that the complexity of cases is increasing, based on the number of proceedings per case. As shown in Table 3 below, the ratio of proceedings per case has increased steadily from 1.805 in 1998 to 2.094 in 2006.

**Table 3**  
**Ratio of Proceedings to Cases, 1998 to 2006<sup>2</sup>**

Year	Case Count	Proceedings	Ratio
1998	32,428	58,528	1.805
1999	31,120	57,058	1.833
2000	30,732	60,975	1.984
2001	28,940	55,198	1.907

<sup>2</sup> Information for 2007 through 2009 was not available for analysis.

2002	27,989	53,967	1.928
2003	27,220	53,491	1.965
2004	26,533	51,955	1.958
2005	24,757	49,926	2.017
2006	24,986	52,329	2.094

Based on these two offsetting factors, the National Center for State Courts (NCSC) determined that population growth was the most appropriate measure for projecting future workload demands for Superior Court. Using this basis, the NCSC projected an increased need for four additional judicial positions by 2022 and an additional 2.8 by 2032.

Council staff is unable to draw a conclusion about the reasonableness of this approach, but would point out that the projected growth is a key assumption underlying each of the facility options:

- Option 2 replaces the existing 7 courtrooms with 9 courtrooms by 2013, with 1 additional courtroom being added for growth in 2022. (Superior Court’s projected growth would also require 2 additional courtrooms in KCCH by 2013 and 1 additional courtroom in KCCH by 2022.)
- Option 5 replaces the existing 7 courtrooms with 10 courtrooms by 2013, with 1 additional courtroom being added for growth in 2022. (Superior Court’s projected growth would also require 2 additional courtrooms in KCCH by 2013 and 1 additional courtroom in KCCH by 2022.)
- Option 5.5 replaces the existing 7 courtrooms with 15 courtrooms by 2015, with 2 additional courtrooms being added for growth in 2022.
- Option 6 replaces the existing 7 courtrooms with 19 courtrooms by 2018, with 2 additional courtrooms in 2022.

## **2. Operational Costs**

One key issue raised by members is the operational costs associated with each option. Each successive option would generally yield greater operational costs, including both costs associated with increased building services needs as well as court-related operational costs (e.g., judicial staffing).

Superior Court family law and juvenile operational costs under each option are shown in Table 4 below.

**Table 4**  
**2022 Staff Positions and Costs (in 2009\$)**

	Positions That Do Not Change With Projected Filings		Positions Tied to Filing & Service Growth		Positions Supporting Building Services & Security		Total Operational Costs	
	Staff Cost	2022 FTE	Staff Cost	2022 FTE	Staff Cost	2022 FTE	Staff Cost	2022 FTE
Baseline	\$13 M	159	\$33 M	417	\$3 M	42	\$49 M	618
Option 2	\$13 M	159	\$38 M	483	\$3 M	48	\$54 M	690
Option 5	\$13 M	159	\$39 M	486	\$3 M	48	\$55 M	693
Option 5.5	\$13 M	159	\$39 M	496	\$4 M	65	\$56 M	720
Option 6	\$13 M	159	\$38 M	484	\$4 M	65	\$56 M	708

*Source: October 26, 2009 Presentation to the King County Council Committee of the Whole. For presentation purposes, this table excludes revenue-backed positions, as the table is intended to focus on staff costs that are not revenue-backed.*

Note that under Option 5.5, Family Law Information Center services (3 FTE and \$205,000) would be duplicated at both the KCCH and the Alder site.

It is important to also recognize that the options presented in the FMP assume that growth in Superior Court operations will be accommodated with increases to Superior Court's budget in order to support the higher staffing levels. However, unless the county identifies new revenue sources, it may be unlikely that increased Superior Court operational costs can be supported. In other words, selecting Options 5, 5.5 or 6 could potentially result in building to support an operational capacity that the county cannot afford in the future.

### **3. Potential Vacant Space in the King County Courthouse**

Under Options 5.5 and 6, a number of courtrooms at KCCH would be vacated and represent an additional inefficiency, not reflected in Table 4 above.

- Option 5.5 – 18,000 square feet at KCCH would be vacated, including 5 courtrooms
- Option 6 – 40,000 square feet at KCCH would be vacated, including 8 courtrooms

To give an idea of scale, the 40,000 square feet vacated under Option 6 would represent an entire floor plus about 1/5 of another floor. FMD indicates that there are few county agencies that would need additional space downtown. Council staff would need to continue to analyze this issue to determine the reasonableness of this

assertion. However, staff would note that given existing downtown office market conditions and the challenges associated with entering the courthouse (e.g., lack of parking, security screening, etc.), it could be very difficult to rent the space to non-county tenants.

In addition, if Superior Court vacates 5 to 8 courtrooms, the courtrooms would likely need to be converted to office space in order to be rentable with the exception of any that could be backfilled by District Court. There is some potential that District Court would be able to expand into 2 to 4 vacated courtrooms at KCCH. District Court is anticipating rising caseloads in the second half of 2010 due to increased patrolling by the Washington State Patrol. Also, if tolling on 520 is approved by the State Legislature, this could also yield increased District Court caseloads in late 2010 or 2011. District Court has also expressed interest in using an additional courtroom at KCCH for death inquests.

However, the county's financial challenges, which have been discussed previously, are likely to make it difficult to accommodate growth in District Court operations to backfill any vacated space at the KCCH.

#### ***4. Summary of Pros/Cons of Various Options***

##### **Option 2 – Capital Cost of \$92.6 million in 2009\$**

Advantages:

- Requires smallest capital cost
- Replaces aging facilities with an expanded facility and provides for some growth at Alder
- Allows larger footprint for potential private development or public/private development

Disadvantages:

- Does not meet the consolidation goals of the OMP
- Assumes growth would necessitate use of 2 additional KCCH courtrooms by 2013 and 1 in 2022, which could require existing KCCH tenants to lease other space (8,000 square feet)

##### **Option 5 – Capital Cost of \$103.0 million**

Advantages:

- Consolidates north end dependency cases
- Replaces aging facilities with an expanded facility and provides for some growth at Alder
- Allows larger footprint for potential private development or public/private development

Disadvantages:

- Does not meet all consolidation goals of the OMP
- Assumes growth would necessitate use of 2 additional KCCH courtrooms by 2013 and 1 in 2022, which could require existing KCCH tenants to lease other space (8,000 square feet)

**Option 5.5 – Capital Cost of \$140.0 million**

Advantages:

- Consolidates north end dependency cases and moves family law cases involving children to Alder
- Replaces aging facilities with an expanded facility and provides for growth at Alder

Disadvantages:

- Does not meet all consolidation goals of the OMP
- Vacates 5 courtrooms (18,000 square feet) at KCCH
- Requires Family Court operations to be located at two locations
- Requires staffing two Family Law Information Centers, one at Alder and one at KCCH
- Provides less space for private development

**Option 6 – Capital Cost of \$160.4 million**

Advantages:

- Consolidates all dependency, family law, juvenile offender, and Becca cases at Alder
- Replaces aging facilities with a significantly expanded facility and provides for substantial growth at Alder

Disadvantages:

- Vacates 8 courtrooms (40,000 square feet) at KCCH
- Provides less space for private development
- Most expensive capital cost

**ATTACHMENTS**

1. Proposed Motion 2009-0329
2. Transmittal Letter
3. King County Superior Court's Targeted Juvenile and Family Law Facilities Master Plan



**INVITED**

Hon. Bruce Hilyer, Presiding Judge, King County Superior Court  
Paul Sherfey, Chief Administrative Officer, King County Superior Court  
Hon. Barbara Linde, Presiding Judge, King County District Court  
Kathy Brown, Director, Facilities Management Division  
Beth Goldberg, Deputy Director, Office of Management and Budget



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 15, 2009**

**Motion**

**Proposed No.** 2009-0329.1

**Sponsors** Phillips, Ferguson and Lambert

1                   A MOTION accepting the superior court targeted facility  
2                   master plan.

3  
4                   WHEREAS, the superior court of King County provides juvenile, family law and  
5 supporting therapeutic courts services to the 1.86 million citizens in King County, and

6                   WHEREAS, Ordinance 15083, adopting the 2005 King County Budget,  
7 authorized funding for a targeted operational master plan and called for a work plan to  
8 review the operations, services, and potential facilities needs for the juvenile, family law  
9 and supporting therapeutic courts, and

10                  WHEREAS, the work plan was approved by the King County council by motion  
11 in August 2005, and

12                  WHEREAS, Ordinance 15601 approved the superior court targeted operational  
13 master plan in September 2006, and

14                  WHEREAS, Ordinance 15652, adopting the 2007 King County Budget,  
15 authorized funding for a superior court facility master plan and called for a work plan that  
16 included plans to integrate the work plan with other criminal justice planning efforts and  
17 show how stakeholders shall be coordinated with the planning work and included in

**Motion**

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18 oversight of the planning effort, and

19 WHEREAS, the superior court facility master plan work plan was approved by  
20 the King County council by motion in May 2007, and

21 WHEREAS, over the last two years, elected judges and staff of the superior court,  
22 the King County prosecutor, deputy prosecutors, and staff, the King County sheriff and  
23 staff, and staff of the office of management and budget, the facilities management  
24 division of the department of executive services, the department of adult and juvenile  
25 detention, the office of public defense, the king county law library, the state of  
26 Washington Department of Social and Health Services, the state of Washington Attorney  
27 General's Office, and public and private stakeholders, attorneys, social service providers  
28 and others, participated in the development of the superior court facility master plan, and

29 WHEREAS, the superior court facility master plan work group developed a range  
30 of potential scenarios for facilities at the King County youth services center site, and

31 WHEREAS, K.C.C. 4.04.200 establishes the processes for operational and  
32 facilities master planning efforts that include current and future workload assumptions,  
33 and

34 WHEREAS, the superior court facility master plan has been reviewed and  
35 approved by the superior court facility master plan steering committee, and

36 WHEREAS, as required in K.C.C. 4.04.200, the King County executive has  
37 approved the superior court facilities master plan and has transmitted it to council for its  
38 review and approval;

39 NOW, THEREFORE, BE IT MOVED by the King County council:

**Motion**

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40           The superior court facility master plan, as described in Attachment A. to this  
41 motion, is hereby accepted.

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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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ATTEST:

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**Attachments**      A. Superior Court Targeted Juvenile and Family Law Facilities Master Plan

May 12, 2009

The Honorable Dow Constantine  
Chair, King County Council  
Room 1200  
COURTHOUSE

Dear Councilmember Constantine:

Enclosed is the Superior Court Targeted Facilities Master Plan (SC Targeted FMP) for juvenile and family justice facilities. This SC Targeted FMP is the culmination of tremendous effort to develop a series of seven scenarios for a new King County Youth Services Center (YSC) facility at 12<sup>th</sup> Avenue and East Alder Street in downtown Seattle. My approval and submission of this plan to the King County Council completes the project program planning for a new YSC courthouse consistent with K.C.C. 4.04.200. The accompanying proposed motion accepts the SC Targeted FMP in accordance with Code requirements.

The questions of whether to build a new YSC facility, and how large to build it, should be considered with a full understanding of the information contained within the SC Targeted FMP and against the backdrop of the county's current financial situation. The enclosed plan is data neutral and makes no recommendation on a preferred scenario or approach. The deliberations of the SC Targeted FMP Steering Committee, included with this letter, resulted in a consensus position that Scenarios One, Three and Four be removed from consideration. I am not making a recommendation for a particular scenario at this time.

By way of background, the YSC site currently includes three buildings:

- **The Alder Tower**, housing a total of seven Juvenile Offender and Dependency courtrooms;
- **The Alder Wing**, housing Juvenile Court Records, Seattle Public Schools' Alder School, and some Department of Juvenile Detention offices. The second floor of the Alder Wing is largely abandoned; and
- **The Spruce Detention Facility**, King County's only youth detention facility.

There is a desperate need to replace the Alder Tower and Wing of the YSC. Although the Spruce Detention Center portion of the YSC is in good condition and less than 20 years old, the

Alder Tower and Alder Wing have reached the end of their useful lives. Both are roughly 40 years old and have significant major maintenance needs, in excess of \$20 million in deferred maintenance alone. Both the Alder Tower and Wing have been on the Space Plan “watch list” for building replacement since 2006. I recommend replacement of the Alder Tower and Alder Wing on the project timeline included in the SC Targeted FMP.

### **History of the Superior Court Targeted FMP**

In 2004, Facilities Management Division staff, working with design firm Arai Jackson Ellison Murakami, LLP as consultants, examined the YSC site. Working with the neighboring Squire Park community, they developed an initial site plan that considered the housing development potential of the north portion of the site, along with a new YSC courthouse. The report and its recommendations for the site were released in late 2005. However, further action on the report’s development recommendations was put on hold at the direction of the King County Council due to council’s decision to mandate an operational planning effort targeted on Juvenile and Family Court operations.

In September 2006, the King County Council approved the Superior Court Targeted Operational Master Plan (SC Targeted OMP). The SC Targeted OMP focused on a unified “full-service” children and family court model.<sup>1</sup> The SC Targeted OMP recommended co-location of juvenile and family law functions in either one or two new courthouses in King County. From this recommendation, Phase I of the SC Targeted FMP effort was completed in 2008 and resulted in an initial series of courthouse facility options. The cost to co-locate juvenile and family justice facilities in the various Phase I options ranged between roughly \$350 and \$500 million, with the King County Superior Courts’ recommended option in the \$450 million range.

Given the extreme costs of these options, I recommended that staff revisit the assumptions regarding the SC Targeted FMP, focusing on the possibilities at the YSC site. There were several reasons for an Alder-centered approach:

- **The Spruce Detention Facility:** a major cost factor in the Phase I FMP options was the cost for construction of new detention facilities, at \$100 million or more. The Spruce Detention Facility is fully functional and in good condition, and should provide sufficient capacity through 2032.
- **Court Operations during Construction:** the logistical challenges of moving to a new site, with transfers of juveniles in-custody to court appearances and the like, could be limited to the extent that these functions could remain onsite during project construction.
- **Community Interest and Participation:** surrounding communities and stakeholders are familiar with the YSC facility and willing to participate in the development of the entirety of the YSC site, as evidenced by the initial site planning that occurred prior to the SC Targeted OMP in 2005.

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<sup>1</sup> The SC Targeted OMP did not include all of Superior Court’s operational needs, specifically excluding civil and criminal law needs from the OMP (and resulting FMP) processes.

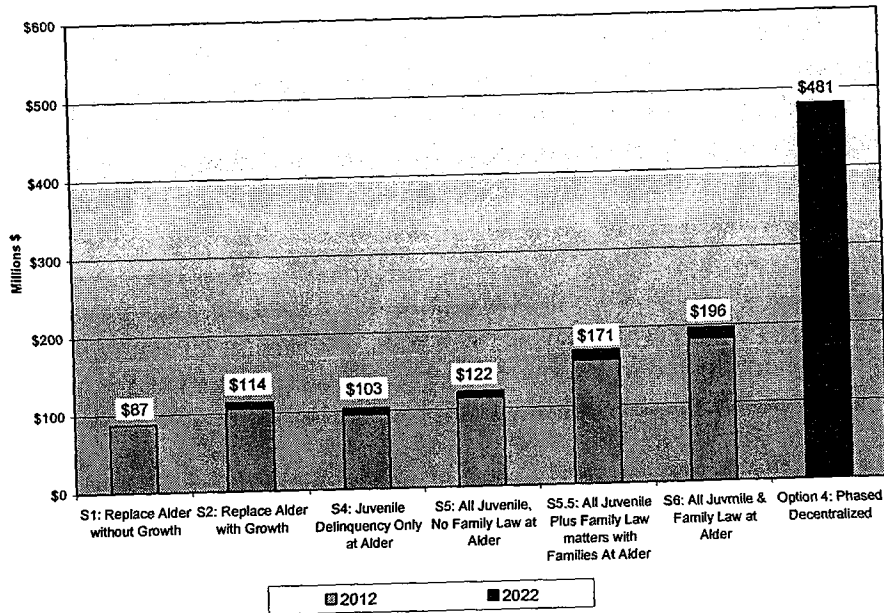
- **Property and Opportunity Costs:** the YSC site is large, nearly nine acres, containing enough land in a central-city environment for the potential facility. Relocating the facility to downtown or a suburban site would have significant costs, either in obtaining land for the facility, or in opportunity costs for development of the facility on smaller county-owned parcels (such as Goat Hill) not present at the YSC site.
- **Potential Public-Private Opportunities:** the location and size of the YSC site presents opportunities for public-private partnerships in the development of the site. The north end of the site has housing and commercial possibilities affording both opportunities for potential revenue for the facility development, but also shared costs in parking, site conditions, and the like.

Beginning in October 2008, staff conducted a Request for Proposals process that resulted in responses from seven developer teams. Following an evaluation and interview process conducted in February, four teams were approved for participation in a Request for Proposals process for the project scenario.

Focusing on the YSC site, staff developed a series of scenarios for the potential new facilities. The King County Superior Court, Prosecuting Attorney's Office, Sheriff's Office and Executive branch agencies worked diligently to make significant reductions in growth and space assumptions. Their efforts in large part resulted in a major reduction in total capital costs as shown in the table on the following page.

The resulting scenarios range from replacing the Alder Tower and Wing to current capacity and code requirements to the complete co-location of all north county juvenile and family law courtrooms. The SC Targeted FMP examines all seven scenarios in detail.

**Comparison  
 Phase 1 Option 4 - Decentralized  
 with Phase 2 Scenarios;  
 Escalated Capital Cost**



The project capital costs estimated for each of the scenarios above are based on a detailed list of spaces and consultant-developed capital costs. These estimates are preliminary approximates that may vary greatly from the final capital costs. The determination of the final project cost depends upon the economy, the construction delivery method, and the size and configuration of the new YSC facility. Expert construction cost estimating consultants developed the costs with project information provided by FMD staff, benchmarking the costs to other courthouse projects nationwide over the past few years. This process provided the rough costs for comparing and contrasting the relative scenario costs. Please note that many recent government construction projects have experienced lower bids than estimated, and recently completed projects have experienced lower per square foot costs.

A listing of each of the FMP's seven scenarios, with total order of magnitude capital costs and number of courtrooms needed, is provided in the chart on the next page:



**Superior Court FMP Scenarios: # of Superior Court Courtrooms and Capital Costs**

	New Alder Courtrooms		Other New SC Courtrooms: 2022		Capital Cost (Millions) <sup>2</sup>	
	2013	2022	KCCH <sup>3</sup>	MRJC	2013/14	2022
1. Replace the Alder Wing and Tower of the Youth Services Center without growth.	7	0	0	0	\$87.4	0
2. Replace the Alder Wing and Tower with growth under a continuation of current operations.	9	1	3	4	\$106.0	\$8.1
3. Replace the Alder Wing and Tower with a facility consistent with the recommendation of the 2005 Arai/Jackson Report <sup>4</sup> .						
4. Replace the Alder Wing and Tower with a facility sized to handle only countywide juvenile offender cases and northend Becca cases; co-locate all northend dependency cases with northend family law cases in the King County Court House.	7	1	5	4	\$95.3	\$8.1
5. Replace Alder Wing and Tower with a facility sized to handle all juvenile offender cases countywide and all northend Becca and juvenile dependency cases.	10	1	3	4	\$113.9	\$8.1
5.5 Replace the Alder Wing and Tower with a facility large enough to co-locate all juvenile offender cases countywide, northend Becca cases; all northend juvenile dependency cases.	15	2	(-5) <sup>5</sup>	4	\$158.4	\$13.1
6. Replace the Alder Wing and Tower with a facility large enough to co-locate all juvenile offender cases countywide, northend Becca cases and all northend juvenile dependency cases with all northend cases for family law.	19	2	(-8)	4	\$182.8	\$13.5

<sup>2</sup> The capital cost figures provided do not include costs for development of parking at the YSC site.

<sup>3</sup> The number of courtrooms for the KCCH is the number needed for growth in services through 2022 from the current courtroom count. Superior Court has converted 3 courtrooms into office space, and another courtroom was converted into a Family Law Information Center in 2009. These conversions would likely need to be reversed to provide the courtrooms needed for growth.

<sup>4</sup> Scenario 3 was eliminated during Phase 2 of the FMP planning as the facility and site requirements were very similar to Scenario 4.

<sup>5</sup> The negative numbers in Scenarios 5.5 and 6 account for the number of courtrooms vacated in the KCCH, with functions relocated to the new YSC building(s). There is an unaccounted cost for any period these courtrooms remain vacant.

## **Roles of Juvenile and Family Courts**

In considering the SC Targeted FMP scenarios, it is important to note the distinctions between Juvenile Court matters and those of family law and the Unified Family Court. The Juvenile Court has jurisdiction over the following case types: Juvenile Offender, Dependency, and Becca.

- Juvenile Offender cases are incidents where a juvenile is accused of committing an offense. An “offense” is behavior that would be a crime if done by an adult.
- Juvenile Dependency cases are those where a child has:
  - been abandoned by his or her parent, guardian, or other custodian,
  - been abused or neglected by the person legally responsible for his or her care, or
  - no parent, guardian, or custodian capable of providing adequate care.
- “Becca” is an umbrella of case types relating to a child’s welfare: Truancy, At-Risk Youth, and Child in Need of Services (CHINS).

Countywide, Juvenile Offender cases are heard at the YSC. Other juvenile case types are heard in varying locations among the three county courthouses (YSC, the King County Courthouse, and the Maleng Regional Justice Center). In the Northend of the county, Juvenile Dependency cases are heard at the YSC. Southend Dependency cases are heard at the Maleng Regional Justice Center (MRJC). Similarly, Becca cases are heard Northend at the YSC; with Southend cases heard at the MRJC.

As part of these responsibilities, Superior Court operates three different Juvenile Court therapeutic courts in partnership with the King County Department of Community and Human Services, the State of Washington Department of Social and Health Services, and its community providers: Juvenile Drug Court, Juvenile Treatment Court and Family Treatment Court. Each of these therapeutic courts targets a specific population. These programs closely monitor client participation in substance abuse and mental health treatment.

Family Court handles all family law matters, include divorces with or without children, parenting issues, paternity determinations, adoptions, support issues and modifications, protection order petitions, and guardianship-related matters. A set of dedicated Unified Family Court judges generally hears dissolution (divorce) cases involving children. Other matters may be heard by judges assigned to the Civil Department, including divorces without child custody issues.

### **Decision on a New YSC Facility**

The decision process for a new YSC facility began with council's approval of the SC Targeted OMP. The next phase of project development depends upon council's ultimate determination of the facility's size and funding from the SC Targeted FMP.

The decision framework must recognize that the current budget environment may continue for some time. As the council is well aware, the revenues available to the General Fund for county operations have been drastically reduced by the ongoing economic crisis. Hard decisions on which programs and personnel to fund were made in the 2009 budget process. Similarly, very difficult decisions will need to be made in this year's budget process and for the foreseeable future. Even assuming additional revenue tools become available from our efforts in Olympia, the underlying reality will not change. Departmental budgets will have to be cut.

The decision framework should also consider these fundamental principles:

- Continuing to work in partnership with the Squire Park community surrounding the YSC site,
- Making the highest use of the YSC site,
- Building long term flexibility into the new YSC facility,
- Maintaining the SC Targeted OMP's focus on providing therapeutic justice, and
- Balancing the new YSC courthouse's project costs with the county's long-term policy goals.

These principles recognize the importance of integrating the value of the YSC site for the county and the Squire Park community, creating a long-term vision for the site that brings together the county's and community's needs. With the investment contemplated in the SC Targeted FMP, the YSC site will remain the location of a critical county facility for decades. We must make sure we appropriately leverage the value of this unique county-owned site for maximum benefit to both the county and Squire Park.

The decision on a new YSC courts facility must be considered in this light. Moving forward with a new YSC courthouse is not just a capital project decision. It is also a significant operational decision. Selecting a facility scenario does not just commit the county to the size of a new YSC courthouse. It commits the county to its future operational requirements. We must look closely at the operational impacts that will result from the courthouse we select, especially in increased operational costs. We must also be aware of the potential of creating a new, higher, level of operating costs that could later be seen as the constitutional minimum for court services.

The tremendous need for a new YSC courthouse must not overwhelm practical considerations of what voters will be willing to pay for and what we can afford to operate. Any increase in courthouse operating costs must be offset by a decrease in operating costs somewhere else. Responsible decision-making must take these considerations into account.

### **Therapeutic Justice and Courtroom Co-Location**

The vision of therapeutic justice described in the SC Targeted OMP and SC Targeted FMP should be a county priority. The county's multitude of efforts in providing therapeutic approaches to issues involving children and families, from Mental Illness/Drug Dependency (MIDD) strategies to the "one judge" model court underway at the YSC, are especially important during these challenging times. We must continue to focus on holistic efforts that provide easy access to social services and treatment for families in crisis.

Similarly, the policy goal of co-location of juvenile and family law in one facility has tremendous merit. But it is important to recognize that providing therapeutic justice and co-location of juvenile and family law are not synonymous. All of the SC Targeted FMP growth scenarios provide for services to juveniles and families in need, as all of the growth scenarios provide the same staff positions for juvenile and family services. A total of 10 positions are included, six that are MIDD-funded<sup>6</sup> and four that are unfunded. Among these scenarios, the staff difference is only in the location of these Full Time Employees (FTEs) between the King County Courthouse (KCCH) and the YSC courthouses. Providing therapeutic justice is not the cost driver in the SC Targeted FMP scenarios, as the services themselves require only a small capital investment, and the services positions are largely MIDD or grant funded.

The decision on the size of a new YSC courthouse is about the level of co-location. Presently, Juvenile Dependency and Juvenile Offender courtrooms are co-located at the YSC – the model reflected in Scenarios 1, 2 and 5 of the SC Targeted FMP. Likewise, Juvenile Dependency and Family Law courtrooms are currently co-located at the MRJC. Scenario 4 mirrors the MRJC model. Scenarios 5.5 and 6 expand co-location to include Juvenile Offender, Juvenile Dependency and Family Law courtrooms, with Scenario 6 completely co-locating all three case types in one facility (for the county's Northend). The greater the level of co-location, the greater the capital and operating costs.

Distinguishing the capital and operating costs for co-location from therapeutic justice is important because of the large capital and operating costs involved in any new YSC courthouse scenario. All of the SC Targeted FMP scenarios fundamentally provide for therapeutic justice.

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<sup>6</sup> The SC Targeted FMP staff projections all contain 10 Superior Court and criminal justice agency FTEs that are new juvenile and family law services positions. Six of these positions are already funded by particular strategies included in the one tenth of one percent sales tax for Mental Illness and Drug Dependency.

We need to be mindful as we plan for the new YSC facility that we are aware of the cost drivers for the scenarios, and not lose our focus that providing therapeutic services to juveniles and families in crisis must be our overriding concern.

### **Interim Steps Minimize Near-Term Operating and Capital Costs**

Among the SC Targeted FMP scenarios, the premium for the construction of a courthouse co-locating Northend Juvenile and Family Law cases is estimated at no less than \$68.9 million – the difference between Scenario 5 and Scenario 6 in first phase costs. The ongoing annual operational cost increase for the Scenario 6 courthouse is estimated at \$1.7 million over current expenditures, not including criminal justice staff costs. These proposed costs contain inherent tradeoffs with other immediate criminal justice capital and operating needs: new secure beds, Community Corrections expansion, Sheriff's evidence storage, and other needs.

The decision on the size of a new YSC courts facility is not all-or-nothing. An interim phasing approach should be considered, embracing co-location as a policy goal, but tempered with the reality of our present budget constraints. While the SC Targeted FMP scenarios are written as particular choices, they are actually guidance tools in selecting a facility plan. The full range of alternatives includes project phasing and land banking at the site for future facility expansion.

The long term vision of co-location is not foreclosed by selection of a smaller facility today. In 1916, King County opened its new Courthouse. It was five stories tall. In 1931, six additional stories were added to the building. King County has effectively used phased approaches in addressing its courthouse needs during trying financial times before. We should consider doing so again.

### **Next Steps**

With this letter, I am forwarding the SC Targeted FMP for council's acceptance. Replacing the Alder Tower and Wing of the YSC is a necessity. Given the significant facility and budget issues that remain, I am not making a recommendation on a particular facility scenario or financing strategy at this time. However, I believe that the principles identified in this letter provide the waypoints to use in our continuing discussions regarding the best facility and financial approach to take with respect to the county's plan for a new YSC facility. I look forward to continuing to work with you to address this important issue and the county's long-term capital needs for juvenile justice and family law.

The Honorable Dow Constantine  
May 12, 2009  
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Thank you in advance for consideration of this letter and the attached motion. Please call Kathy Brown, Director of the Facilities Management Division, at 206-296-0631 if you have any questions.

Sincerely,

Kurt Triplett  
Interim King County Executive

Enclosures

cc: King County Councilmembers

ATTN: Tom Bristow, Interim Chief of Staff  
Saroja Reddy, Policy Staff Director  
Anne Noris, Clerk of the Council  
Frank Abe, Communications Director

Bob Cowan, Director, Office of Management and Budget (OMB)

Beth Goldberg, Deputy Director, OMB

The Honorable Dan Satterberg, King County Prosecutor

The Honorable Bruce Hilyer, Presiding Judge, Superior Court

The Honorable Barbara Linde, Chief Presiding Judge, District Court

The Honorable Sue Rahr, King County Sheriff

Kathy Van Olst, Director, Department of Adult and Juvenile Detention

David Fleming, Director, Seattle-King County Department of Public Health (DPH)

James. J. Buck, County Administrative Officer, Department of Executive Services (DES)

Kathy Brown, Director, Facilities Management Division, DES