

Legislation Text

File #: 2022-0235, Version: 2

AN ORDINANCE relating to the creation of protection order commissioner positions for King County superior court; amending Ordinance 16819, Section 2, as amended, and K.C.C. 2.69.040; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Ordinance 16819 approved the creation of criminal court commissioners, restricting criminal court commissioner appointments to existing authorized family law and mental health commissioners.

B. Ordinance 19383 authorized superior court to hire criminal commissioners solely for the purposes of the backlog reduction project and the State v. Blake, 197 Wn.2d 170 (2021), decision workload. The criminal commissioners authorized by Ordinance 19383 were in addition to the existing family law and mental health commissioner employees.

C. RCW 7.105.580 authorizes the superior court to appoint one or more attorneys to act as protection order commissioners, who may also be appointed to any other commissioner position authorized by law, provided that protection order commissioner positions are created with the consent of the county legislative authority.

D. Under current state law, there are six different types of protection orders codified separately to provide an order for protection for vulnerable adults and people experiencing domestic violence, harassment, sexual assault, stalking and other extreme risk. Petitions for relief under those protection orders are processed by judicial officers depending on their authority. Effective July 1, 2022, under a new chapter of state law, Chapter 215, Laws of Washington 2021, all protection orders will be consolidated and harmonized, along with

judicial authority for commissioners to provide relief for all protection orders.

E. RCW 7.105.580 authorizes superior court to appoint attorneys to act as protection order commissioners and exercise all powers and perform all duties of an appointed court commissioner. That authority must be consented to by the county legislative authority before creating the positions and being implemented by superior court.

F. Unless given authorization by the council, after July 1, 2022, statutory commissioners will only be authorized to hear domestic violence protections orders. The remaining types of protection orders must be heard by constitutional commissioners and judges. If this ordinance does not take effect by July 1, 2022, there will likely be an increase in protection order processing time if petitioners qualify for a protection order that does not match the order they filed for.

G. It is necessary for this ordinance to take effect immediately to preserve public peace, health, safety and support county government, as RCW 7.105.580 takes effect July 1, 2022, and allow any family law, mental health or criminal commissioner in King County superior court to evaluate petitioner claims and provide the applicable protection order in compliance with state law.

SECTION 2. Ordinance 16819, Section 2, as amended, and K.C.C. 2.69.040 are hereby amended to read as follows:

A. The county legislative authority approves the creation of criminal court commissioner positions, which functions shall be performed by existing authorized family law and mental health commissioners to assist the superior court in disposing of adult criminal matters, as authorized by RCW 2.24.010. Superior court is hereby authorized to hire criminal commissioners solely for the purposes of the backlog reduction project and the State v. Blake, 197 Wn.2d 170 (2021), decision workload; those commissioners may be hired in addition to existing employed family law and mental health commissioner employees.

B. The county legislative authority approves the creation of protection order commissioner positions, which functions shall be performed by existing authorized family law, mental health and criminal

commissioners to assist the superior court in adjudicating protection order matters, as authorized by RCW 7.105.580.

SECTION 3. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.