

CHAPTER 50.

[ H. B. 241. ]

FAMILY COURT.

AN ACT establishing a Family Court as a branch of the Superior Court, conferring upon it certain jurisdiction over divorce, separate maintenance and annulment proceedings, and prescribing procedure.

*Be it enacted by the Legislature of the State of Washington:*

Family court.

SECTION 1. Each Superior Court shall exercise the jurisdiction conferred by this act and while sitting in the exercise of such jurisdiction shall be known and referred to as the "Family Court."

Judges designated to hold family court.

SEC. 2. In counties having more than one judge of the Superior Court the judges of such Court shall annually, in the month of January, designate one or more of their number to hear all cases under this act. The judge or judges so designated shall hold as many sessions of the Family Court in each week as are necessary for the prompt disposition of matters before the court.

Judge of family court may transfer case.

SEC. 3. The judge of the Family Court may transfer any case before the Family Court pursuant to this act to the department of the presiding judge of the Superior Court for assignment for trial or other proceedings by another judge of the Court, whenever in the opinion of the judge of the Family Court such transfer is necessary to expedite the business of the Family Court or to insure the prompt consideration of the case. When any case is so transferred, the judge to whom it is transferred shall act as the judge of the Family Court in the matter.

Temporary judge of family court.

SEC. 4. In counties having more than one judge of the Superior Court the presiding judge may appoint a judge other than the judge of the Family Court to act as judge of the Family Court during any

period when the judge of the Family Court is on vacation, absent, or for any reason unable to perform his duties. Any judge so appointed shall have all the powers and authority of a judge of the Family Court in cases under this act.

SEC. 5. In class "A" counties and counties of the first and second classes, the Superior Court may appoint the following persons to assist the Family Court in disposing of its business:

Appointment of personnel to assist court.

(a) One or more competent persons to act as Family Court commissioners, and

(b) Such investigators, stenographers and clerks as the Court shall find necessary to carry on the work of the Family Court.

The appointments provided for in this section shall be made by majority vote of the judges of the Superior Court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family Court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the County Commissioners shall determine.

Appointments made by majority vote of judges.

SEC. 6. The Family Court commissioners shall:

(a) receive all applications and complaints filed in the Family Court for the purpose of disposing of them pursuant to this act; (b) investigate the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings filed in or transferred to the Family Court pursuant to this act; (c) for the purpose of this act, exercise all the powers and perform all the duties of regular Court Commissioners; (d) hold conciliation conferences with parties to and hearings in proceedings under this act and make written reports of all proceedings had which shall become a part of the record of the Family Court; (e) provide such supervision in con-

Duties of court commissioners.

nection with the exercise of its jurisdiction as the judge of the Family Court may order, (f) cause the orders and findings of the Family Court to be entered in the same manner as orders and findings are entered in cases in the Superior Court; and (g) cause such other reports to be made and records kept as will indicate the value and extent of such conciliation service.

Probation officer shall assist court.

SEC. 7. The probation officer in every county shall give such assistance to the Family Court as may be requested to carry out the purposes of this act and to that end the probation officer shall, upon request, make investigations and reports as requested, and in cases pursuant to this act shall exercise all the powers and perform all the duties granted or imposed by the laws of this state relating to probation or to probation officers.

Publication of matters contrary to public policy may be suppressed.

SEC. 8. Whenever any judge before whom any matter arising under this act is pending, deems publication of any matter before the Court contrary to public policy or injurious to the interests of children or to the public morals, he may by order close the files or any part thereof in the matter and make such other orders to protect the privacy of the parties as is necessary.

Controversies over which family court has jurisdiction.

SEC. 9. Whenever any controversy exists between spouses which may result in the dissolution or annulment of the marriage or the disruption of the household, and there is any minor child of the spouses or of either of them whose welfare might be affected thereby, the Family Court shall have jurisdiction over the controversy and over the parties thereto and all persons having any relation to the controversy as provided in this act.

SEC. 10. Prior to the filing of any action for divorce, annulment or separate maintenance, either spouse or both spouses may file in the Family Court

a petition invoking the jurisdiction of the Court for the purpose of preserving the marriage by effecting a reconciliation between the parties or for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved. In any case where an action for divorce, annulment or separate maintenance shall have been filed, either party thereto may by petition filed therein have the cause transferred to the Family Court for proceedings in the same manner as though action had been instituted in the family court in the first instance.

Petition for conciliation.

SEC. 11. The petition shall contain: The title of the proceeding, specifying the name of the Court, which shall be in substantially the following language, "In the Superior Court of the State of Washington, for ..... County, In Family Court;" the name of the parties to the proceeding, petitioner and respondent; a plain and concise statement of the facts of the controversy and a prayer for the relief sought.

Contents of petition.

SEC. 12. The petition shall: (a) briefly allege that a controversy exists between the spouses and request the aid of the Family Court to effect a reconciliation or an amicable settlement of the controversy; (b) state the name and age of each minor child whose welfare may be affected by the controversy; (c) state the name and address of the petitioner or petitioners; (d) if the petition is presented by one spouse only, name the other spouse as respondent and state the address of that spouse; (e) name any other person who has any relation to the controversy and state the address of the person if known to the petitioner; and (f) state such other information as the Court may by rule require.

SEC. 13. The Clerk of the Superior Court shall provide at the expense of the county blank forms

Free forms for petitions supplied.

Personnel to assist with petition upon request.

for petitions for filing pursuant to this act. Probation officers of the county and the attaches and employees of the Family Court shall assist any person in the preparation and presentation of any such petition when requested. All public officers in each county shall refer to the Family Court all petitions and complaints made to them with respect to controversies within the jurisdiction of the Family Court.

No fees shall be charged.

SEC. [14.] No fee shall be charged by the County Clerk for filing the petition nor shall a fee be charged by any officer for the performance of a duty pursuant to this act.

Notice of filing petition and of hearing.

SEC. 15. The Court shall fix a reasonable time and place for hearing on the petition and shall cause notice of the filing of the petition and of the time and place of the hearing as it deems necessary to be given the respondent. The Court may issue a citation to any respondent, requiring him to appear at the time and place stated in the citation and require the attendance of witnesses as in other civil cases.

Place of hearing.

SEC. 16. For the purpose of conducting hearings pursuant to this act the Family Court may be convened at any time and place within the county and the hearing may be had in chambers or otherwise.

Hearing.

SEC. 17. The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the spouses or an amicable adjustment or settlement of the issues of the controversy. To facilitate and promote the purposes of this act, the Court may, with the consent of both the parties to the proceeding, recommend or invoke the aid of physicians, psychiatrists or other specialists or the pastor or director of any religious denomination to which the parties may belong. Such aid, however, shall not be at the expense of the Court

or of the county unless the Board of County Commissioners shall specifically authorize such aid.

SEC. 18. At or after hearing, the Court may make such orders in respect to the conduct of the spouses and the subject matter of the controversy as the Court deems necessary to preserve the marriage or to implement the reconciliation of the spouses, but in no event shall such orders be effective for more than thirty (30) days from the filing of the petition, unless the parties mutually consent to an extension of such time.

Court orders.

Effective time of orders.

SEC. 19. During the period of thirty (30) days after filing a petition for conciliation no action for divorce, annulment or separate maintenance shall be filed by either spouse and further proceedings in an action then pending in the Superior Court shall be stayed and the case transferred to the Family Court: *Provided*, The Family Court shall have full power in all pending cases to make, alter, modify and enforce all temporary orders, orders for custody of children, possession of property, attorneys' fees, suit money or costs as may appear just and equitable; if, after the expiration of such thirty (30) day period or the formal conclusion of the proceedings for conciliation, the controversy between the spouses, in the meantime not having been terminated, either spouse may apply for divorce, annulment of marriage, or separate maintenance by filing in the clerk's office additional pleadings complying with the requirements relating to divorce, annulment of marriage, or separate maintenance, respectively, or by asking that the pending case be set for trial; and the Family Court shall have full jurisdiction to hear, try, and determine such action for divorce, annulment of marriage, or separate maintenance under the laws relating thereto, and to retain jurisdiction of the case for further hear-

Upon filing petition all other proceedings stayed 30 days.

Orders in pending cases may be modified.

Conciliation may be used for post-divorce problems.

ings on decrees or orders to be made therein. The conciliation provisions of this act may be used in regard to post-divorce problems, concerning support, visitation, contempt, or for modification based on changed conditions, in the discretion of the Family Court.

Retention of jurisdiction by family court.

'The Family Court may retain jurisdiction in any proceedings for a longer period than thirty (30) days upon good cause appearing therefor on its own motion for further conciliation or upon application of either of the spouses, but in no event shall retain jurisdiction more than ninety (90) days without the written consent of both spouses filed with the Court. Except as specifically so provided nothing in this act shall be construed to repeal, nullify or change the law and procedure relating to divorce, annulment or separate maintenance; and the Family Court shall, when application for relief is made under this act, apply such laws in the same manner as if the action had been brought thereunder in the Superior Court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy.

Act does not change law and procedure.

Superior Court may transfer case to family court when minor child's welfare affected.

SEC. 20. Whenever any action for divorce, annulment of marriage or separate maintenance is filed in the Superior Court and it appears to the Court at any time during the pendency of the action that there is any minor child of the spouses or of either of them whose welfare may be affected by the dissolution or annulment of the marriage or the disruption of the household, the case may be transferred to the Family Court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy in accordance with the provisions of this act.

SEC. 21. Whenever application is made to the Family Court for conciliation proceedings in respect to a controversy between spouses or a contested action for divorce, annulment or separate maintenance, but there is no minor child whose welfare might be affected by the results of the controversy, and it appears to the Court upon recommendation of counsel or otherwise that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the Court in cases involving children will not be seriously impeded by acceptance of the case, the Court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the Court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this act in similar cases involving the welfare of children.

Conciliation proceedings where no minor children affected.

Passed the House February 23, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 12, 1949.

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## CHAPTER 51.

[ H. B. 528. ]

### LICENSING OF BARBERS.

AN ACT relating to the practice of barbering; providing for examinations and licensing therefor; providing for and regulating the teaching thereof; providing for and regulating barber schools and barber colleges in connection therewith; and amending sections 2, 3, 5 and 13, chapter 75, Laws of 1923, as amended; sections 6, chapter 75, Laws of 1923, as amended; and section 7, chapter 209, Laws of 1929.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 2, chapter 75, Laws of 1923, Amendment, as last amended by section 1, chapter 199, Laws of