



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 10, 2010**

**Motion 13218**

**Proposed No. 2010-0264.1**

**Sponsors Ferguson**

1           A MOTION accepting the recommendations of the  
2           executive and superior court as presented in the Report to  
3           the King County Council in Response to Motion 13106.

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, the 2005 King County Budget Ordinance, Ordinance 15083,  
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, the 2007 King County Budget Ordinance, Ordinance 15652,  
15           authorized funding for a superior court facility master plan and called for a work plan that  
16           would integrate other criminal justice planning efforts, and

17           WHEREAS, elected judges and staff of the superior court, the King County  
18           prosecutor, deputy prosecutors and staff, the King County sheriff and staff, staff of the  
19           office of management and budget, the facilities management division of the department

20 of executive services, the department of adult and juvenile detention, the office of public  
21 defense, the King County law library, the state of Washington Department of Social and  
22 Health Services, the state of Washington Attorney General's Office and public and  
23 private stakeholders, attorneys, social service providers and others, participated in the  
24 development of the superior court facility master plan, and

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

27 WHEREAS, K.C.C. 4.04.220 defines the components and processes included in  
28 operational and facilities master planning efforts that include current and projected  
29 workload assumptions, and

30 WHEREAS, the King County executive approved the superior court facilities  
31 master plan and transmitted it to council for its review and approval on May 12, 2009,  
32 and

33 WHEREAS, the operational master plan objective of collocating matters involving  
34 juveniles in a single facility remains the county's policy goal, and

35 WHEREAS, the council was concerned that the selection of population growth  
36 projections as the basis on which to determine future facility needs, as used in the facility  
37 master plan to develop various options or scenarios, might not be the most appropriate,  
38 and

39 WHEREAS, the council desires that the operational costs of any new facility be  
40 sustainable and that any increase in operational costs be minimized or offset through  
41 operational efficiencies derived from collocation, increased fee or other revenue, and the  
42 potential for private development on the site, and

43           WHEREAS, on December 14, 2009, the council approved Motion 13106,  
44 affirming the goal of colocating all juvenile offender, north-end juvenile dependency and  
45 family court matters involving children in a single facility as envisioned by scenario 5.5  
46 of the superior court facility master plan, and

47           WHEREAS, in adopting Motion 13106, the council requested additional  
48 information as to whether it is possible to phase construction of the project and/or reduce  
49 the size of the replacement facility, and number of courtrooms, while maintaining the  
50 objectives of scenario 5.5 of the superior court facility master plan, and

51           WHEREAS, on April 16, 2010, the executive transmitted the Report to the King  
52 County Council in Response to Motion 13106, which outlines recommendations that the  
53 first phase of the project include construction of nine courtrooms plus ten-thousand  
54 square feet in an initial phase and that design work for the initial phase will include  
55 anticipated needs for subsequent phases to maximize cost effectiveness, and

56           WHEREAS, the Report to the King County Council in Response to Motion 13106  
57 also recommends that a covenant or other appropriate legal encumbrance be placed on  
58 the property to provide capacity for subsequent phases and that King County obligate the  
59 proceeds from any future sale of the portion of the youth services center site designated  
60 for private development be directly applied toward the capital costs of subsequent  
61 completion of the project;

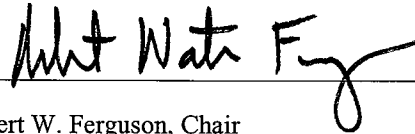
62           NOW, THEREFORE, BE IT MOVED by the King County council:

63           The executive and superior court recommendations presented in the Report to the  
64 King County Council in Response to Motion 13106 are hereby accepted by the council.  
65

Motion 13218 was introduced on 4/26/2010 and passed by the Metropolitan King  
County Council on 5/10/2010, by the following vote:

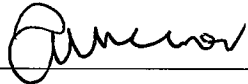
Yes: 9 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,  
Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments:** A. Report to the King County Council in Response to Motion 13106

*REPORT TO THE KING COUNTY COUNCIL IN RESPONSE TO MOTION 13106*

On December 14, 2009, the King County Council approved the Superior Court Targeted Juvenile and Family Law Facilities Master Plan (FMP) and affirmed the goal of co-locating all juvenile offender, north county dependency and Becca cases, and north county family law matters involving children in a single facility as envisioned under FMP Scenario 5.5. The single facility replaces the existing "Alder" portion of the Youth Services Center (YSC) on 12<sup>th</sup> Avenue and Alder Street in Seattle. The existing juvenile detention facility remains as is at the current YSC site.

To assist the Council's decision regarding how to proceed with funding the replacement facility for the existing juvenile courthouse, Motion 13106 also requested the following information:

1. Whether it is possible to phase construction of the project and/or reduce the size of the replacement facility, and number of courtrooms, while maintaining the objectives of scenario 5.5.
2. Whether the facility size for Scenario 5.5 can be reduced if the future needs were based on the case filing and proceeding trends of family law, juvenile offender, Becca Bill and juvenile dependency cases in King County.
3. How the operating costs of such a replacement facility fit within the overall funding constraints facing the county's general fund for 2011 and thereafter.

The following report represents the work of the Superior Court, Facilities Management Division, Department of Judicial Administration and the Office of Management and Budget regarding the questions presented in Motion 13106. The report is organized into the following sections:

- A. The feasibility of scaling back the size of the replacement facility envisioned in the FMP while still meeting the adopted policy objectives of Scenario 5.5;
- B. An estimate of the potential operational savings derived from co-location efficiencies;
- C. Facility phasing options that maintain the objectives of Scenario 5.5, including incorporation of programmatic clarifications that have occurred since the transmittal of the FMP; and
- D. An assessment of operating and capital needs as they relate to the new facility and the anticipated availability of financial resources.

In combination with the pressing need to replace the failing YSC facility, the justice system confronts an equally crucial operational need: to address the fragmentation of north end juvenile and family cases currently bifurcated between two sites. The lack of physical co-location of these often interrelated court matters creates confusion for the public and precludes efficient, effective coordination of services for citizens.

Throughout the Operational Master Plan (OMP) and FMP documents, a fundamental goal is articulated: the new facility should provide unified handling of youth/family court cases at a single site, as well as onsite assistance and coordination for these families. Such co-location will ultimately lessen confusion and enable more effective service provision via a comprehensive, systemic approach to cases involving youth and families.

This principle was affirmed last December through the passage of Motion 13106, in which Council approved the goal of “colocating all juvenile offender, northend juvenile dependency and family court matters involving children in a single facility as envisioned by scenario 5.5 of the superior court facility master plan.”

**A. *The feasibility of scaling back the size of the replacement facility envisioned in the FMP while still meeting the King County Council-adopted policy objectives of Scenario 5.5;***

*i. Definition of Scenario 5.5*

Scenario 5.5 provides for the co-location of all juvenile offender cases countywide, north county Becca cases, north county dependency cases and north county family law cases involving children. The King County Council affirmed the policy objectives of Scenario 5.5 in Motion 13106. As described in the FMP, the Scenario 5.5 facility was estimated at 230,360 gross square feet (GSF) with a capital cost of \$158.4 million (2009 dollars), based on needing a 15-courtroom facility through 2022.

*ii. Judicial Resources Required for North County Juvenile and Family Law Matters in 2010*

King County Superior Court currently has 14 judicial officers assigned to juvenile and family law matters in north King County<sup>1</sup>. In order to meet the objectives of co-location of juvenile and family law matter with children today, assuming no growth in caseload, 13 of these judicial officers would need to be co-located in the new facility. One family law commissioner would remain at the King County Courthouse (KCCH) to handle family law matters without children and the Prosecuting Attorney’s calendars involving in-custody defendants. This differs from the program laid out for Scenario 5.5 in the FMP in that it requires two family law commissioners, rather than one, to be relocated from KCCH to the new facility. The 14<sup>th</sup> courtroom would be used to accommodate the

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<sup>1</sup> This estimate excludes the judicial resources required to handle peak workload in dependency and family law matters involving children. The full time equivalent of 1.1 judges was used in north King County in 2009 to accommodate this “brokered” workload.

juvenile and family law workload that is currently brokered to non-family court judges at the King County Courthouse, and one courtroom is provided for potential growth in filings over the next 12 years (2010-2022).

iii. *Juvenile and Family Law Filings Forecast Review*

In response to Motion 13106, a joint workgroup of Department of Judicial Administration (DJA), Superior Court, and Office of Management and Budget (OMB) was formed to review the caseload forecast. Dr. Shiquan Liao, statistician for the Department of Judicial Administration, undertook a review of the juvenile and family law filing projections provided by the National Center for State Courts (NCSC) in 2007. Three years have elapsed since the publication of the NCSC's report. This passage of time provided the county with the opportunity to review the accuracy of the NCSC's projections via a comparison of actual and projected filings for the years 2007, 2008 and 2009.

The data review indicated that actual filings for juvenile and family law matters in north King County were 5 percent lower (on average) than those projected by the NCSC from 2006 through 2009 (please see Attachment 1 for a detailed analysis). A 5 percent reduction in the projected number of filings impacts only slightly the courtroom space required to meet the objectives of Scenario 5.5 on opening day in 2015.

OMB staff provided an alternative analysis of Superior Court's juvenile and family law filings. OMB utilized a forecasting model based upon both regression analysis and age cohort population growth rates. OMB's analysis makes two key assumptions that vary from the assumptions of the NCSC study: 1) rather than using the overall population growth rate to predict future filings, OMB used the under 60 population growth rate as a predictor for family law cases and the under 18 population growth rate for juvenile cases; and 2) where the NCSC predicts a reversal of the 18-year downward trend, OMB assumes that the decline will continue at the average rate of the last five years and the filings *trend* will not begin to grow until 2015.

Recognizing that filings are unlikely to fall indefinitely, the OMB 2015-2032 forecast assumes that filings will grow at the projected growth rate of the under 60 population for family law and at the projected growth rate of the under 18 population for Becca, Dependency, and Offender case types. The OMB forecast projects case filings will not return to current levels until 2027. (Please see Attachment 2 for a detailed analysis.)

The two very different methodologies for predicting case growth lead to significantly different projections of filings growth.

iv. *Facility Program Review – Assessment of Ancillary Spaces*

A joint committee of Facilities Management Division (FMD), Superior Court, and Department of Adult and Juvenile Detention (DAJD) staff reviewed the detailed facility program plan for Scenario 5.5 in an effort to identify areas where the size of the facility could be reduced. These areas for consideration are in addition to an extensive review of space utilization, and subsequent significant space reductions that were made during the FMP process. The following additional spaces were identified as potential areas for reduction or removal:

Potential Areas for Reduction	Assigned Sq Ft
Alder School	11,660
Family Law CASA	1,140
Law Library	5,440
<b>Total</b>	<b>18,240</b>

Potential Areas for Removal	Assigned Sq Ft
1 Large Conference Room	669
Archival Storage (Satellite Administration)	743
Court Holding Area (Duplication)	1,860
Computer Training	835
Wellness/Exercise Room	930
<b>Total</b>	<b>5,037</b>

v. *Assessment of programmatic building efficiency*

As part of the effort to explore areas that could be scaled back in the building program, FMD reviewed the method by which the space program converted net area to building gross square feet. The consultant for the facility master plan used a common methodology employed by most facility programmers as depicted by the formula below:

$$\text{Net Area} \times \text{Circulation factor} = \text{Departmental Area}$$

$$\text{Departmental Area} / \text{Building Efficiency factor} = \text{Building Gross Square Feet}$$

The circulation factor used to determine departmental area can vary depending upon the type and size of spaces in the component. The building efficiency factor is used to account for such elements as the exterior walls, mechanical spaces and shafts, electrical



closets, janitorial spaces, circulation (elevators, stairs, building exits, etc.), interior walls, partitions, and structural elements.

This methodology is utilized by the General Services Administration (GSA) in developing the overall space needs for U.S. Courts as documented in their U.S. Courts Design Guide 2007.

In reviewing the building program, it was found that the consultant's work was consistent with this methodology and appropriate factors were used for both the circulation and building efficiency.

vi. *Areas associated with growth*

Separating out courtrooms and directly associated spaces (chambers, bailiffs, adjacent holding, etc.) from space for other courthouse functions, approximately five to six percent of the area in Scenario 5.5 is attributable to FTE growth not directly associated with specific courtrooms (i.e. clerks, probation counselors, etc.). Assuming the completed final facility (after all project phases) is a full build-out of Scenario 5.5, the total "FTE growth" area is consistent throughout the different phasing options.

The joint first phase facility recommendation accommodates flexibility in future FTE needs by including roughly 10,000 gross square feet of space that can be reprogrammed from courtrooms to offices if needed.

### ***B. Operational efficiency savings derived from the co-location***

The co-location of juvenile and family law matters in a single facility will allow for a number of operational and facility-related efficiencies, falling into three primary categories:

1. **Direct** – salary and benefits savings associated with labor reductions. These savings are achieved through three methods:
  - Merger of management positions;
  - Reductions in records section personnel (requires one-time funding to digitize historical records); and
  - Consolidation of clerical support functions.

The preliminary estimated annual savings is \$487,199.

2. **Indirect** – reductions in space requirements in the new facility due to operational efficiencies and staff reductions.
  - Removal of approximately three employees, thus reducing the size of the facility; removing these three employees eliminates the need for a total of 270 gross square feet (GSF) in the facility, reducing capital costs by \$138,000.
  - Reduced space requirements for records storage, if records are successfully digitized. Digitizing records eliminates the need for 890 GSF of storage and related circulation space, resulting in a capital cost reduction of \$454,000. Note, some new space may be required for imaging workstation(s).

Preliminary estimated capital savings are \$592,000 from the elimination of 1,160 GSF of records-related functions in the facility, corresponding to a reduction of annual facility operations costs of \$14,604 in operations and maintenance (O&M) and \$2,877 in the Major Maintenance Reserve Fund (MMRF), for a total of \$17,481 annually.

3. **Cost Avoidance** – elimination of need to lease additional space for juvenile functions currently located outside the YSC facility.
  - The Jefferson Building, a privately owned building in which King County leases space, currently houses Dependency CASA and Partnership for Youth Justice program staff at roughly 6,150 usable square feet (USF) of leased space. Co-location will enable the County to terminate this lease (approximately \$108,000/annually). However, some of these savings would be offset by the financing cost for the replacement space in the new facility.<sup>2</sup>

<sup>2</sup> The estimated capital cost replacing the Jefferson space is roughly \$2.278 million for 3,580 GSF, with a corresponding \$45,072 in O&M and \$8,878 in MMRF support costs annually (\$53,951 total).

The estimated savings associated with the above efficiencies total \$504,680 annually, not including the indirect savings associated with capital reductions in the new facility which add a one-time reduction of \$592,000 to this total.

It is important to note, however, that many of the operational savings identified above are not immediately achievable under a phased construction option.

**C. *Phasing options and programmatic clarifications that maintain the objectives of Scenario 5.5***

*i. Phasing Options*

In considering phasing options, it is essential that the construction produce a facility consistent with the co-location objectives of Scenario 5.5 as approved by Council. The concept of phased construction of the Children and Family Justice Center is supportable with the understanding that provisions will be made to ensure achievement of the ultimate policy goal of co-location of juvenile and family matters. Those provisions include:

- Build-out of 9 courtrooms plus 10,000 square feet in Phase I.
- Consistent with the site plan and permitting, a covenant or other appropriate legal encumbrance on the property to provide capacity for subsequent phases.
- In an ordinance to be transmitted related to implementation of this first phase, King County will obligate the proceeds from the sale of the portion of the Alder site designated for private development to be directly applied toward the capital costs of the planned project completion, consistent with full achievement of Scenario 5.5.
- Design work for Phase I will include anticipated needs for subsequent phases to maximize cost effectiveness.

Superior Court and Executive branch staff determined that construction of the Children and Family Justice Center can be achieved in two distinct phases. The first construction phase will be designed to accommodate countywide juvenile offender cases and north county Becca and dependency matters through 2022. The first phase of construction will include space for 9 - 10 courtrooms. This provides sufficient space for Superior Court to unify all north county dependency cases in the new facility, ending the practice of brokering dependency cases to the King County Courthouse. Every effort will be made to maximize the use of any vacant space in the new facility.

In the next construction phase(s), 5 to 7 courtrooms would be added to allow for the unification of north county juvenile and family law matters. Two more courtrooms (for a total of 17) would accommodate the additional case filings growth forecast in the FMP through 2032. Phasing construction in this manner will help to address any remaining uncertainty in the projected case filings, and the related judicial and staff growth forecasts.

Phase I Completed 2015	Future Construction Phasing
<p data-bbox="516 764 662 795"><b>Scenario 5</b></p> <p data-bbox="407 821 771 890">Co-locate juvenile offender, Becca &amp; dependency</p> <p data-bbox="467 993 711 1024"><b><u>9 - 10 courtrooms</u></b></p> <p data-bbox="464 1031 714 1140">6 juvenile offender 1 Becca 3 dependency</p> <p data-bbox="508 1215 667 1247">(167,000 sf)</p>	<p data-bbox="938 764 1101 795"><b>Scenario 5.5</b></p> <p data-bbox="824 821 1214 968">Add 5 - 7 courtrooms for co- location of juvenile offender, Becca, dependency and family law and caseload growth</p> <p data-bbox="922 993 1117 1024"><b><u>17 courtrooms</u></b></p> <p data-bbox="894 1031 1144 1178">6 juvenile offender 1 Becca 3 dependency 7 family law</p> <p data-bbox="938 1215 1097 1247">(243,000 sf)</p>

Construction phasing can be approached in a manner that facilitates the ultimate co-location of juvenile and family law matters in a cost-effective manner. Superior Court and Executive branch staff discussed the possibility of initially constructing a courthouse large enough to accommodate 15 courtrooms; however only the 9 - 10 courtrooms required for juvenile court operations through 2022 would be fully constructed. The remaining space could be programmed for current office space needs until such time as the county is in a financial position to support the co-location of juvenile and family law matters.

One option under examination is construction of a secondary office building adjacent to the courthouse prior to co-location. Court and associated county employees would be

relocated to the adjacent office building, and the vacated space inside the courthouse would be converted to courtrooms. This approach may offer a number of advantages:

- i. Capitalizes on current favorable construction market conditions;
- ii. Negates the need to add on to the existing facility (reducing the disruptions associated with construction and the possible need for some functions to be relocated offsite); and
- iii. Ensures co-location of juvenile and family matters will be possible within the original building footprint.

However, it must be noted that it is too early in the pre-design process to make firm and final commitments regarding the future design for courtrooms and related spaces to be constructed in future phases. Site planning and permitting will reserve sufficient space for future facility phases through 2032.

ii. *Programmatic Clarifications under Scenario 5.5*

The operational details of Scenario 5.5 were not fully developed at the time the FMP was adopted by council. The original FMP states that “all non-dependency Washington State actions brought by the King County Prosecuting Attorney’s Office remain at the KCCH.” Since that time, Superior Court has worked with its criminal justice partners to develop a functional operational model that meets the policy objectives of Scenario 5.5 (see Attachment 3). The model includes within the definition of Scenario 5.5 child support and paternity matters, and domestic violence protection orders for clients with children in the new facility.<sup>3</sup>

Superior Court and its criminal justice partners are in agreement that these matters should be included in the new facility because they are integral to the comprehensive handling of family law proceedings involving children. All dissolutions with children require the establishment of child support. Placing all out-of-custody child support matters at the new facility avoids making parties to a dissolution travel to two locations to finalize their court action. Domestic violence protection orders are often required within the context of a dissolution of marriage. Handling protection orders at Alder provides clients with children with a single court location capable of resolving both their dissolution and their need for a protection order. Finally, paternity cases often involve the modification of parenting plans for unmarried parents. This is an increasing part of the court’s business, and fits naturally within the overarching objective of Scenario 5.5, that is, to unify all juvenile and north county family law cases involving children at Alder.

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<sup>3</sup> It is important to note that only out-of-custody child support, domestic violence protection orders and paternity cases will be handled at the Children and Family Justice Center. All in-custody matters on these calendars will remain at the King County Courthouse.

Child support, domestic violence protection orders for clients with children, and paternity matters are integral parts of the court's "family law with children" workload. To ensure that court clients with children are not required to travel to multiple facilities to have their case handled, these matters must be located in the new Children and Family Justice Center. However, similar to other provisions of Scenario 5.5, including these matters requires the division of certain workgroups to meet the needs of clients at KCCH and at the Children and Family Justice Center.

In refining and clarifying the requirements of Scenario 5.5, it became clear to the Prosecuting Attorney's Office and Superior Court that space needed to be programmed for the Family Support Unit and the Domestic Violence Protection Order Advocates. The space requirements of these groups will need to be incorporated in the second phase of facility planning.

It is important to note that the inclusion of these workgroups, under a model of co-location, requires revision of the facility program outlined for Scenario 5.5 in the Facilities Master Plan and council approval of the scope and cost changes.

***D. An assessment of operating and capital needs as it relates to anticipated availability of financial resources***

**1. Twenty-Year General Fund Financial Future**

The Office of Management and Budget recently modeled a twenty-year General Fund (CX) financial future forecast. While long-term financial forecasting is an inherently imprecise exercise, it is nonetheless useful in gauging the fiscal health of the General Fund. The modeled long-term financial forecast for the General Fund assumes that expenditures and service levels are not changed in the future, and shows the persistence of annual deficits due to the ongoing imbalance between the growth rate of revenues and the growth rate of expenditures. Expenditure growth, if left unchecked, will vastly exceed revenue growth. Based on historic experience, expenditures are projected to grow 5.8 percent annually for the next twenty years, while revenues are projected to grow at an average annual rate of 3.5 percent. This structural imbalance creates the ongoing need for reductions in the base General Fund budget for the duration of the twenty-year forecast.

A key task for King County in addressing the structural deficit is to address the disparity between revenue and expenditure growth. A central component of that process will involve reducing the rate of expenditure growth. This will require not only slowing the growth of salary and benefit costs associated with existing FTEs, but also restraining any increase in the number of FTEs throughout the General Fund. In an environment of ongoing deficits, any additional cost in one area must be offset by a reduction in another. That is, any FTE added to the General Fund will require the offsetting reduction of another.

**2. Potential Enhanced New Revenue Options**

It is within this context that the new Children and Family Justice Center must now open. Supporting the operational costs associated with the new facility will involve a combination of savings through operational efficiencies, new revenues associated with private development, court revenues which accrue to the county general fund, and broader efforts to improve the county's revenue picture. It will also entail county prioritization of justice and treatment services for children and families.

Additional revenue sources may become available in coming years. For example, Superior Court has suggested that revenue enhancements for King County include such things as implementing the split on filing fees (\$550,000 annually) and inflation based Revised Code of Washington (RCW) fee increases (\$660,000 annual new revenue). Another option would be to include in the voter approved bond funds the new revenues required to sustain operating cost increases.

While hard to quantify, a modern building will achieve efficiencies include building operations which have more energy efficient HVAC, electrical and plumbing systems. Currently, there is over \$20 million in deferred maintenance at the YSC facility, on hold due to pending replacement of the building.

Additional Superior Court operational savings will result from combining the juvenile and family law calendars and merging administration staff between two different departments for juveniles and for unified family court. Many of these efficiencies are delineated in Section B. of this response (p. 4). These efficiencies, however, are not immediately realized under a phased construction option.

Revenues associated with private development include charging for such things as parking; rental for agreements using expanded space or for rental by attorneys. Without knowing the specifics or market conditions at the time of opening, these are hard to quantify.



**Attachment 1****Assessing the NCSC projections using actual filings between 2007 and 2009****Shiquan Liao, Ph.D.****Background**

In 2007, the National Center for State Courts (NCSC) completed a study for King County Superior Court regarding the master plan for a family and juvenile court facility. In that study, the NCSC researched different ways of predicting the future family and juvenile workload and the corresponding required judicial resources (both judges and commissioners). The final findings and recommendations are included in the report titled "Family and Juvenile Court Facilities Master Plan, Judicial and Commissioner Workload and Position Projection."

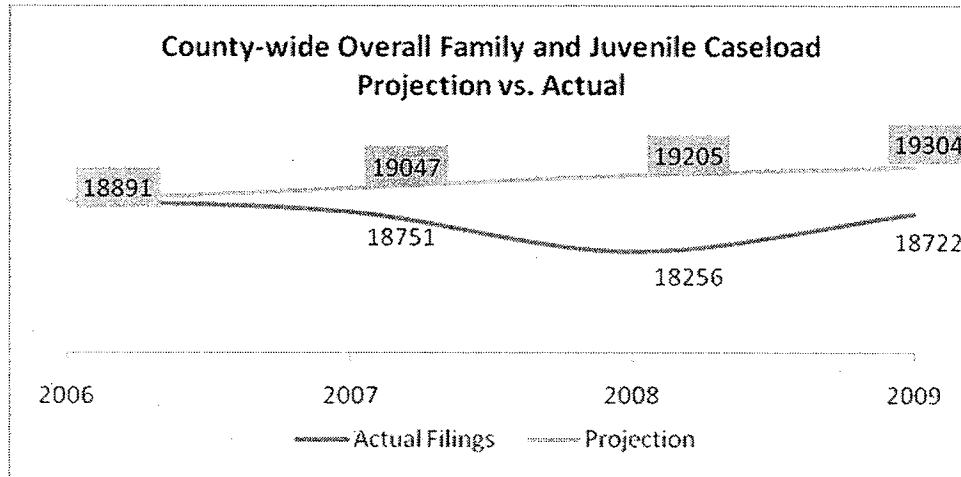
Because the caseload of family law and juvenile related cases in King County showed a significant swing from year to year since 1990, it made the caseload projection a very challenging task. The variation has been more evident in the juvenile case types. The variation in the caseload during these years was a result of many factors. One primary factor is the policy changes relating to juvenile cases during the year, for example, the significant increase of diversion of juvenile offender cases, the change of filing criteria by the Prosecuting Attorney's Office, a change in the accounting of offender detention cases in 2005, and the decline in truancy filings by school districts. Consultants from the NCSC investigated different projection approaches for caseloads, including often-used regression analysis. However, the NCSC concluded that there was no plausible way to forecast the family law and juvenile caseload using a pure mathematical or statistical approach given the unusual and inconsistent pattern of the filings since 1990. Ultimately, the NCSC adopted an approach involving both "mathematics and judgment." After a lengthy investigation, the NCSC provided 4 scenarios to project future judicial resource needs in the family and juvenile justice center, including the projection solely based on the future population growth in King County. Subsequently, King County Superior Court has agreed to use the most conservative scenario, using only an annual population growth rate of 0.83%. This is the most "conservative" approach in the projection of future judicial needs among all the methods presented by the NCSC.

It has been three years since the publication of the NCSC report. As a follow-up to the NCSC report, we compared the NCSC's projection for the years 2007 through 2009 with the actual case filings to assess the validity of the NCSC projection, i.e., we accepted the approaches taken by the NCSC and their recommendations, and focused the investigation on the difference between the "projection" and "actual number."

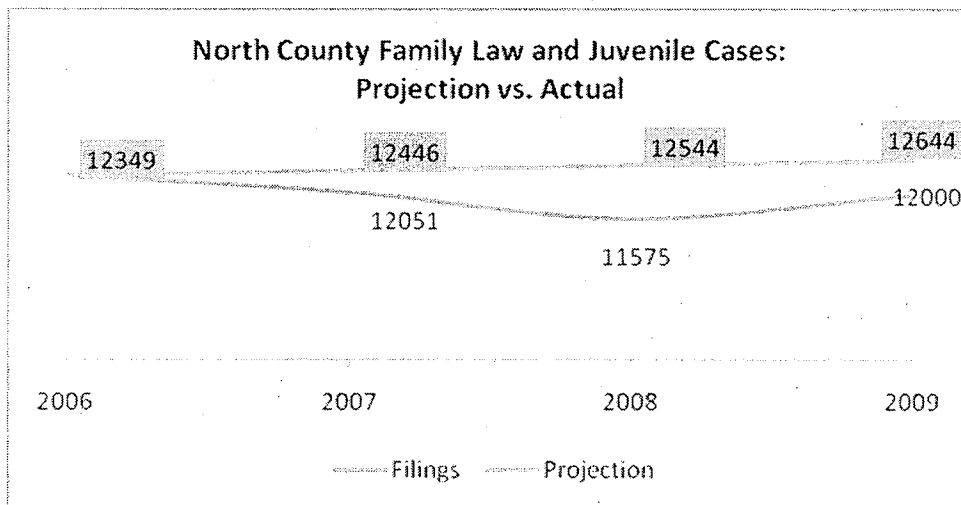
**Projection vs. Actual Filings**

In the NCSC report, the authors suggested that KCSC should use a 0.83% annual rate to project future caseloads for the entire court's caseload or 0.77% for those cases that can be located in "north county". The NCSC report presents the projected caseloads for the proposed family and juvenile court facility. To assess the validity of the projection numbers, first the actual case filings in 2007, 2008, and 2009 with

the projected numbers are presented below (see the graphs and tables below). A short discussion will follow.

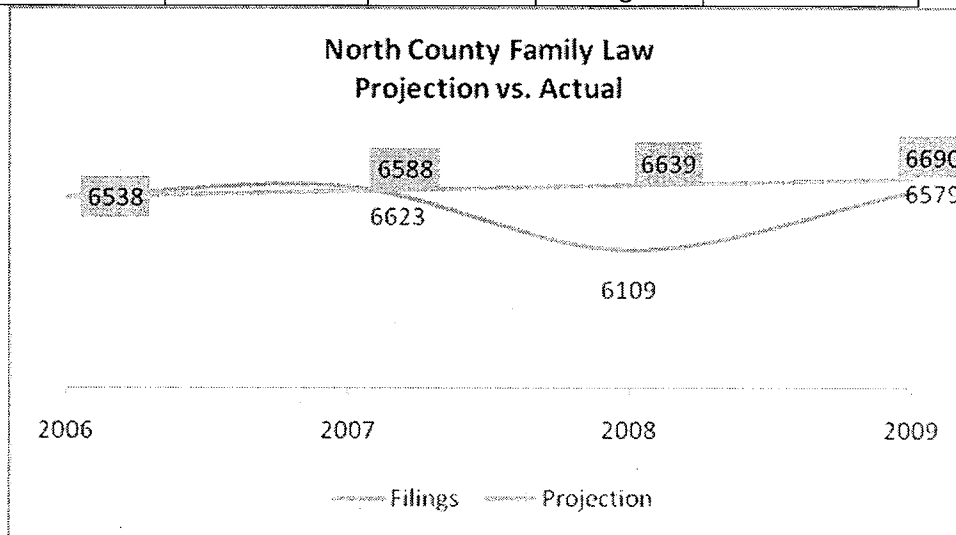


Overall				
Year	Actual Filings	Projection	Difference	Overall Difference %
2006	18891	18891		
2007	18751	19047	-296	-1.6%
2008	18256	19205	-949	-4.9%
2009	18722	19304	-582	-3.0%
			3-year Average	-3.2%

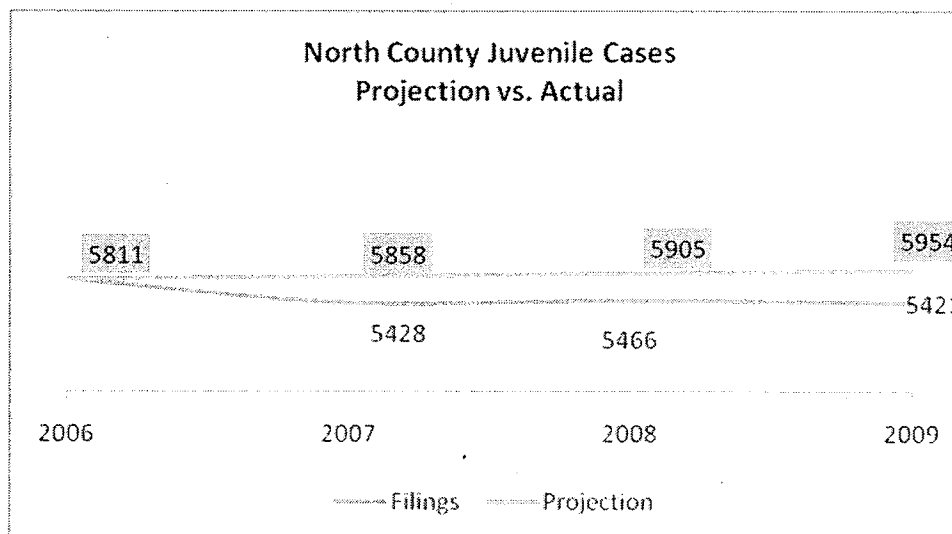


North County Family Law and Juvenile				
Year	Filings	Projection	Difference	FL/JV Difference %
2006	12349	12349		
2007	12051	12446	-395	-3.2%

2008	11575	12544	-969	-7.7%
2009	12000	12644	-644	-5.1%
			3-year Average	-5.3%



North County Family Law				
Year	Filings	Projection	Difference	FL Difference %
2006	6538	6538		
2007	6623	6588	35	0.5%
2008	6109	6639	-530	-8.0%
2009	6579	6690	-111	-1.7%
			3-year Average	-3.0%



North County Juvenile				
Year	Filings	Projection	Difference	JV Difference %
2006	5811	5811		
2007	5428	5858	-430	-7.3%

2008	5466	5905	-439	-7.4%
2009	5421	5954	-533	-9.0%
			3-year Average	-7.9%

## Discussion

The family and juvenile filings in King County show a significant increase between 1991 and 1996, with an annual average increase of 4.5% (+4.5% annually). However, a continuous decrease followed between 1997 and 2005, with an annual decrease rate of 4.9% (-4.9% per year). In the NCSC report, the authors found out that the significant decrease in the filings of family law and juvenile case types seen in King County between 1997 and 2005 was inexplicable using models from other courts or population trends. They speculated that an annual decrease rate of 4.9% was unlikely to continue because the decrease in the filings of these case types was the results of many policy changes during this time period. Instead of predicting a continue decrease, the NCSC stated that "... is reasonable to expect that at some point, the effect of these (policy) changes should dissipate, which may mean that case filings might then begin to follow the population growth's upward trend." The NCSC suggested that the decrease has probably reached a "plateau" and the decrease rate in filings would likely to reverse. This is the fundamental assumption for the recommendations and projections in the NCSC report.

The actual filings in family law and juvenile cases in King County indicate that the sharp decrease seen between 1997 and 2005 did not continue between 2006 and 2009. The annual change rate for the last four years was +1.1%, -0.7%, -2.6%, and +2.6% for 2006, 2007, 2008, and 2009, respectively. The average annual change rate between 2006 and 2009 was +0.1%. This annual change rate of +0.1% in the last four years indicated that the filings in family and juvenile cases in King County have "stabilized" lately, if not "reversed" as suggested in the NCSC report.

Forecasting caseload is a challenging task. It becomes even harder when there are many other factors such as policy changes which are difficult to quantify. When comparing the recent filing numbers with the NCSC projections, the actual filings in 2007 through 2009 have been lower than the projections presented by the NCSC (3% lower in average in the last three years). Since the NCSC was unable to present a sound mathematical model for the forecasting, hence a prediction interval (upper and lower bounds) for future years was not possible. We cannot assess whether the actual filings in 2007 through 2009 were within the prediction intervals (bounds) if such a prediction intervals exist. The following is observed:

- 1) The annual decrease rate of 4.9% (-4.9%) per year in filings between 1997 and 2005 has not been observed since 2006. The change has been essentially "flat" or "slightly rising" since 2006.
- 2) The family law filings in 2007 – 2009 were close to the NCSC projections.
- 3) The projection of juvenile cases is more problematic since there have been more policy changes for juvenile case types than that in the family law area.

4) The actual overall filings in 2007, 2008, and 2009 were lower than the projected numbers in the NCSC report, an average of 3.2% (600 cases) lower in the last 3 years county-wide, and an average of 5.3% (approximately 600 cases) lower for north county family law and juvenile case filings.

### **Recommendations**

Based on the review of the NCSC report, we feel that the comprehensive approaches taken by the NCSC were appropriate since the decrease in the filings of juvenile cases in King County between 1996 and 2005 was largely influenced by policy changes. The NCSC suggested that such decreasing rate would not be sustainable continuously in the future. The actual filings between 2006 through 2009 indeed suggest that the filings since 2006 have not continued to decrease, but rather have been leveled off with a small increase.

The actually filing volume was lower than the projected numbers by the NCSC in the last three years, - 3.2% and -5.3% for the entire county and north county, respectively.

Our recommendations are: 1) continue using the NCSC recommendations as used in the scenario 5.5; 2) recognize the filings in the last four years (2006–2009) have not shown the same decreasing pattern as seen between 1996 through 2005; 3) make some adjustment to the NCSC projections (if necessary) since the actual filings in the last three years (2007-2009) were lower than the NCSC growth projections.

## Attachment 2

**Office of Management and Budget Children and Family Case Filings Forecast****March, 2010**

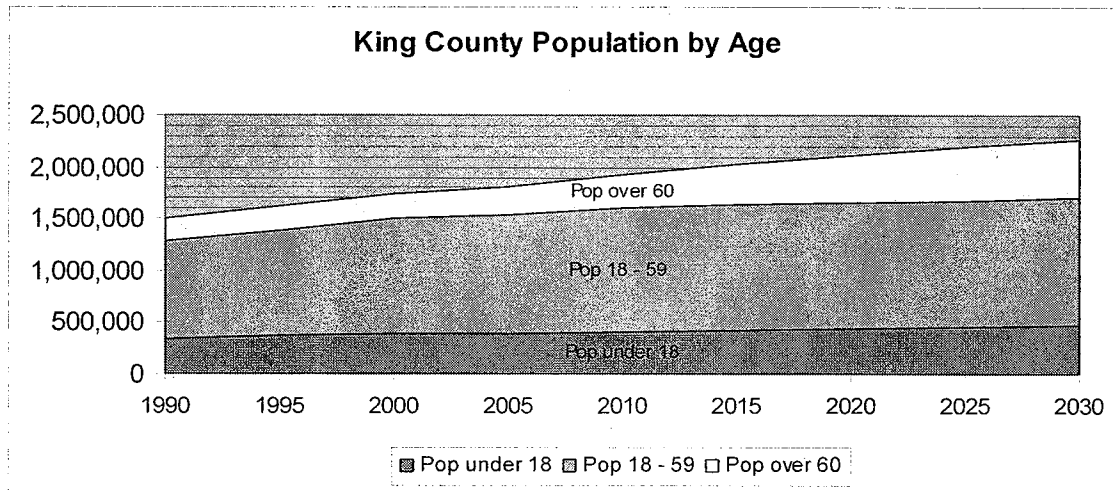
Forecasting future caseload for family law, juvenile offender, Becca, and dependency cases is a challenging proposition. Since the mid-1990s, there has been a steep downward trend in the number of filings for these case types. The multiple factors influencing case filings make isolating the underlying reasons for this trend difficult. The National Center for State Courts (NCSC) recognized this complexity in its 2007 study, which was part of the Superior Court Facilities Master Plan, but ultimately recommended that overall population growth rate be used to forecast case filings.

In Motion 13106, the County Council expressed concerns “that the selection of population growth projections as the basis on which to determine future facility needs may not be the most appropriate.” In response to Motion 13106, the Office of Management and Budget (OMB) re-evaluated historic case filing data, including the filings data for 2007, 2008, and 2009, which were not available for the 2007 NCSC study. Recognizing that the factors driving family law case filings differ from those in juvenile cases, OMB evaluated each of the four case types separately. In all four case types, including the 2007-2009 filings indicated that the rate of decline in case filings for all case types has slowed, but that the trend has not yet stabilized or reversed.

The result of OMB’s efforts is a forecast that can be used to define the bottom of a range for future family law and juvenile cases. The upper boundary of the range is the NCSC forecast, which was included in the Children and Family Facilities Master Plan. A single trend line for planning for capital facilities connotes a high degree of certainty.

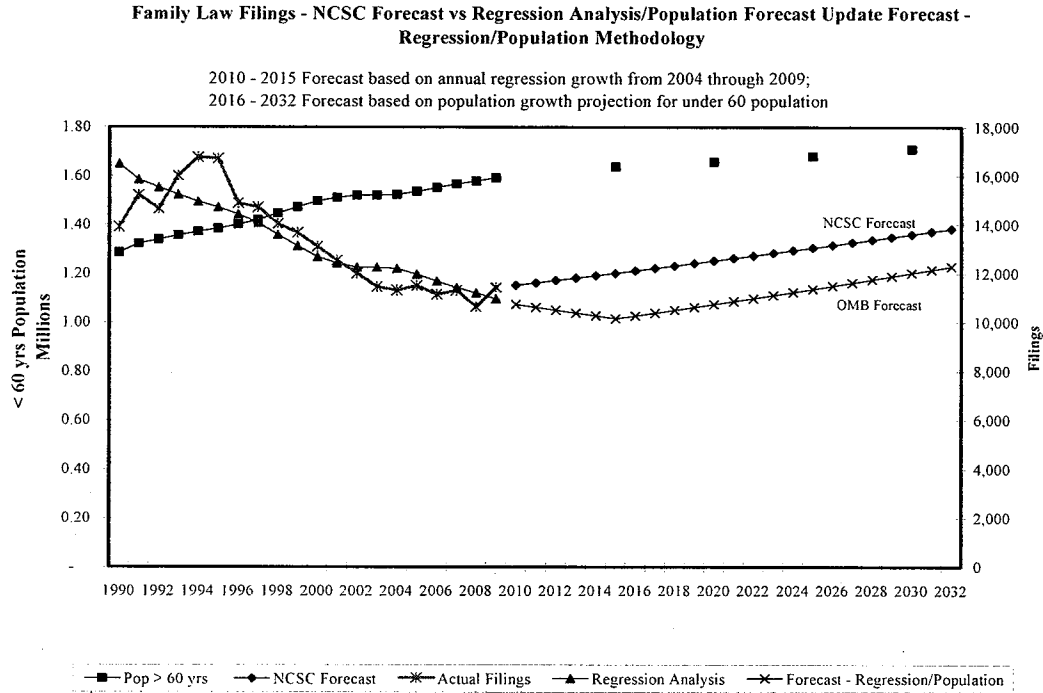
OMB’s analysis makes two key assumptions that vary from the assumptions of the NCSC study: 1) rather than using the overall population growth rate to predict future filings, OMB used the under 60 population growth rate as a predictor for family law cases and the under 18 population growth rate for juvenile cases; and 2) where NCSC predicts a reversal of the 18 year downward trend, OMB assumes that the decline will continue at the average rate of the last five years and the filings *trend* will not begin to grow until 2015.

As with the population of the nation in general, demographers project that King County's population will age over the next twenty years. As a result, not all age groups are projected to grow at the same rate. The under 18 and 19-59 age groups are projected to remain relatively flat, while the over 60 age group will grow more quickly. The OMB forecast uses growth rates associated with the age cohorts involved in each case type: under 18 for Becca, dependency, and offender and under 60 for family law.



### Family Law Filings Forecast

Because people under 60 are more likely than people over 60 to be involved in family law filings, OMB used regression analysis to evaluate if this age cohort was a predictor of family law filings. Linear regression revealed a strong correlation between the under 60 population growth rate and family law filings (correlation coefficient = 0.734). Using a regression equation and the under 60 population forecasts provided by the county's demographer, 2010-2015 filings are projected to continue to decline despite population growth. In the last five years, filings have gone up and down by small increments for family law cases, which suggests that the steep downward trend in the last 18 years is slowing, but does not yet indicate that the downward trend has reversed itself. Recognizing that filings are unlikely to fall indefinitely, the OMB 2015-2032 forecast assumes that filings will grow at the projected rate of the under 60 population, or 1.13 percent per year. The resulting forecast is approximately 11,000 filings in 2022 and 12,300 filings in 2032, as compared to the NCSC projections of 12,700 filings in 2022 and 13,800 in 2032.



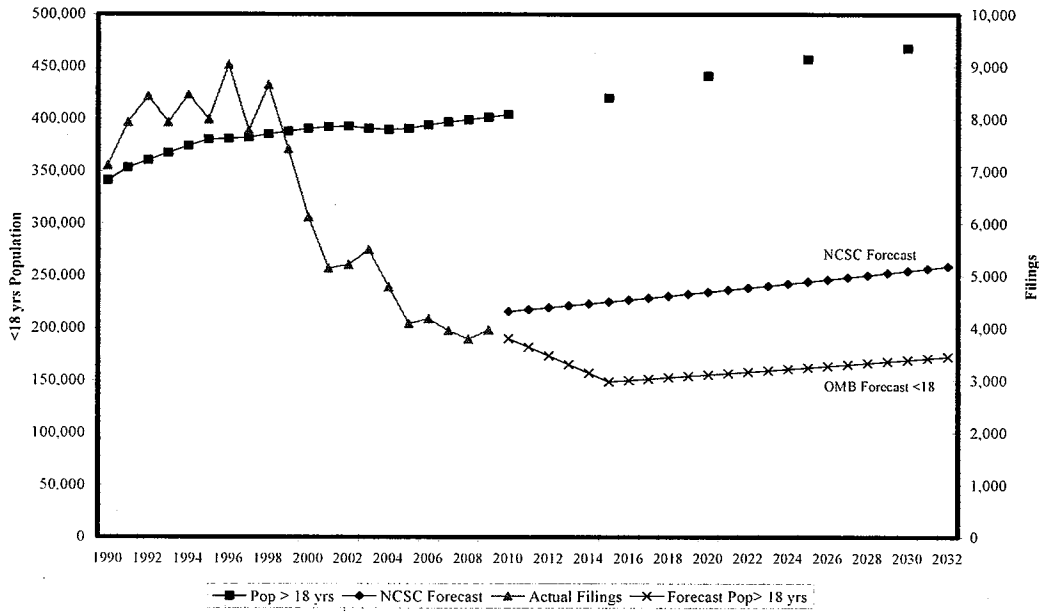
**Juvenile, Becca and Dependency Filings**

Because by definition juvenile cases involve individuals under the age of 18, OMB tested the utility of regression analysis of the under-18 population growth rate as a predictor of case filings. While linear regression revealed a relationship between population growth and filings for these case types, the relationship was not as strong as it was for family law cases because juvenile filings are highly influenced by programmatic and policy changes on both the county and state level, as well as school district truancy filing practices. As a result, OMB used trend analysis to forecast juvenile offender, Becca/truancy and dependency filings through 2015. Specifically, OMB calculated the average annual change in the number of cases filed for the last five years and assumed that this trend would continue through 2015. In the last five years, filings have gone up and down by small increments for each case type, which suggests that the steep downward trend is slowing, but does not yet indicate that the downward trend has reversed itself. Recognizing that the downward trend in filings will not continue indefinitely, from 2015 through 2032, OMB forecasts filings to grow at the same rate as the under 18 population, or 0.857 percent per year.



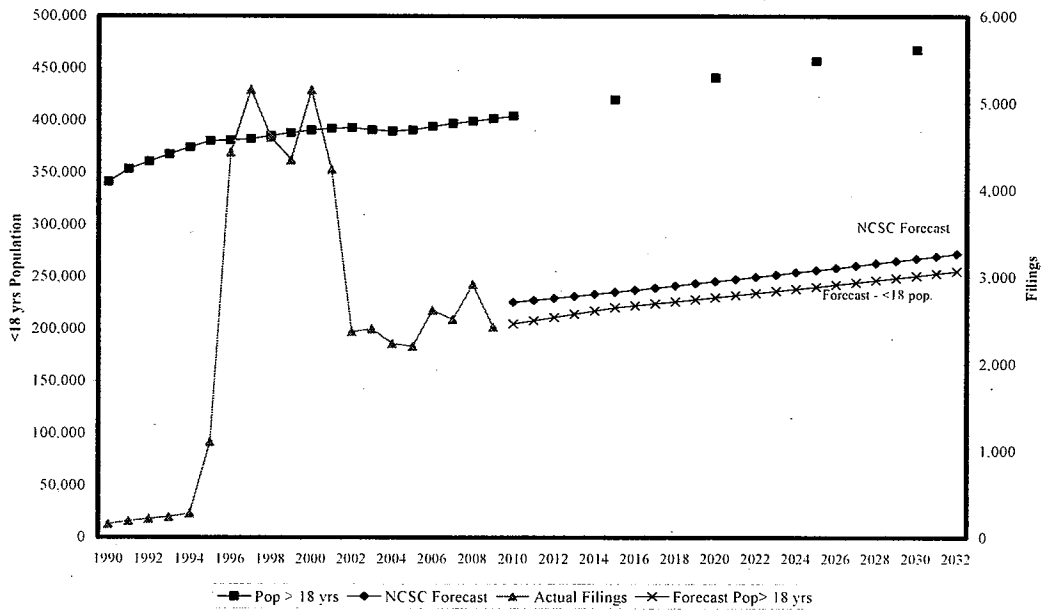
**Offender Filings - NCSC Forecast vs Populaton <18 Forecast**

2010 - 2015 Forecast based on average annual growth from 2004 through 2009;  
 2016 - 2032 Forecast based on population growth estimates for those under 18 years



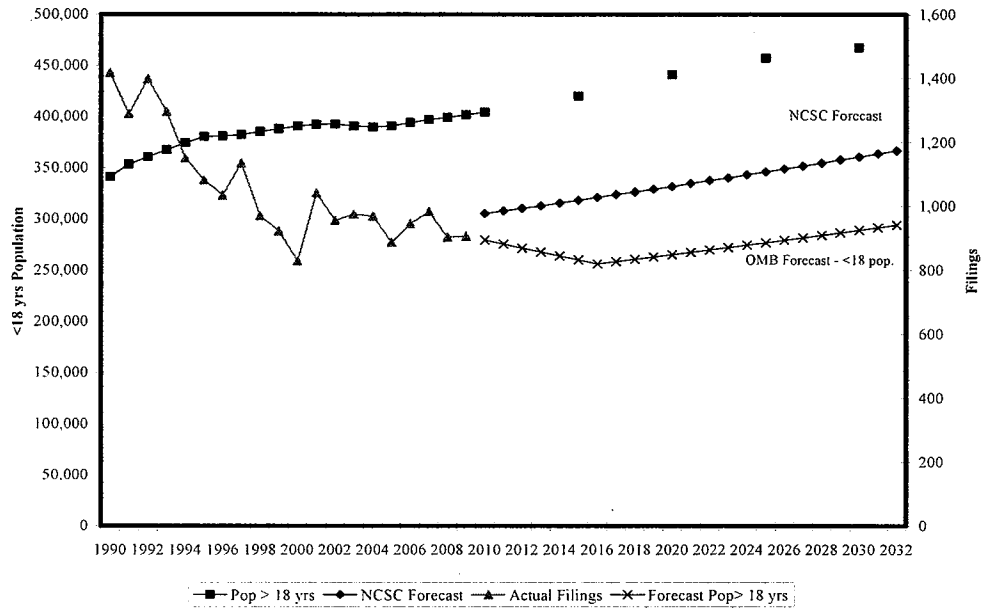
**BECCA Filings - NCSC Forecast vs Populaton <18 Forecast**

2010 - 2015 Forecast based on average annual growth from 2004 through 2009;  
 2016 - 2032 Forecast based on population growth estimates for those under 18 years



**Dependency Filings - NCSC Forecast vs Populaton <18 Forecast**

2010 - 2015 Forecast based on average annual growth from 2004 through 2009;  
 2016 - 2032 Forecast based on population growth projection for under 18 population



## Attachment 3

LOCATION OF JUVENILE AND FAMILY LAW CASETYPES UNDER SCENARIO 5.5				
Case Type	Case Name	At CFJC (Alder)?	At KCCH?	CFJC & KCCH?
Domestic	Child Custody (CUS 3)	Yes	No	
	Non-parental Custody (CUS 3)	Yes	No	
	Dissolution With Children (DIC 3)	Yes	No	
	Dissolution Without Children (DIN 3) If wife is pregnant?	No Yes	Yes No	
	Annulment (INV 3)	No	Yes	
	Dissolution of Domestic Partnership With Children (DPC 3)	Yes	No	
	Dissolution of Domestic Partnership Without Children (DPN 3)	No	Yes	
	Enforcement/Show Cause- Out of County (MSC 3)	Yes	No	
	Establish Residential Schedule /Parenting Plan(PPS 3)	Yes	No	
	Establish Support (PPS 3) (Out of Custody)	Yes	No	
	Establish Support (In Custody/Return on Warrant)	No	Yes	
	Legal Separation (SEP 3) With dependent children? Without children?	Yes No	No Yes	
	Out-of-state Custody Order Registration (FJU 3)	Yes	No	
	Out-of-State Support Court Order Registration (FJU 3)	Yes	No	

Case Type	Case Name	At CFJC (Alder)?	At KCCH?	CFJC & KCCH?
	Reciprocal, Respondent Out of County (ROC 3)	Yes	No	
	Reciprocal, Respondent in County (RIC 3)	Yes	No	
	Relocation Objection/Modification (MOD 3)	Yes	No	
Adoption/Paternity	Adoption (ADP 5)	Yes	No	
	UPA Petition to Establish Paternity (PAT 5)	Yes	No	
	Challenge to Acknowledgment of Paternity (PAT 5)	Yes	No	
	Challenge to Denial of Paternity (PAT 5)	Yes	No	
	Confidential Intermediary (MSC 5)	Yes	No	
	Establish Parenting Plan-Existing King County Paternity (MSC 5)	Yes	No	
	Modification (MOD 5)	Yes	No	
	Modification-Support Only (MDS 5)	Yes	No	
	Confidential Name Change (CHN 5)	No (unless in DV)	Yes	
Civil	Meretricious Relationship (MER 2)			
	With Children Without Children	Yes No	No Yes	
	Domestic Violence (DVP 2) without Children	No	Yes (est. 20%)	
	Domestic Violence with Children (DVC 2)	Yes (est. 80%)	No	
	Domestic Violence with/without children (In Custody)	No	Yes	
	Foreign Protection Order (FPO 2)	Yes	Yes	Yes

Case Type	Case Name	At CFJC (Alder)?	At KCCH?	CFJC & KCCH?
	Temporary Order Calendar for Domestic Violence Protection Order	Yes	Yes	Yes
Juvenile	Dependency	Yes	No	
	Termination	Yes	No	
	ARY/CHINS	Yes	No	
	Truancy	Yes	No	
	Offender	Yes	No	
Other Complaint/Petition	Marriage Waiver	Yes	No	
	Emancipation of Minor (EOM 2)	Yes	No	

Juvenile/Family Law	Service Provision	At CFJC (Alder)?	At KCCH?	CFJC & KCCH?
Family Law	Family Law Information Center	Yes	Yes	Yes
Family Law	PAO Domestic Violence Advocates	Yes	Yes	Yes