

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1346

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “courts” in line 20 and substitute “stating the intent of the General Assembly that the Court of Appeals establish family divisions within certain circuit courts and, by rule, provide for the organization and administration of a family division, that the State provide funding for certain staff for each family division, that the Standing Committee on Rules of Practice and Procedure study the availability and development of essential family support services, and that the State provide funding for these services; providing for a delayed effective date; and generally relating to the establishment of family divisions in circuit courts”; and strike in their entirety lines 21 and 22.

AMENDMENT NO. 2

On page 2, strike beginning with “Chapter” in line 2 down through “That” in line 4.

AMENDMENT NO. 3

On pages 2 through 5, strike in their entirety the lines beginning with line 8 on page 2 through line 3 on page 5, and substitute:

“(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

(1) THE COURT OF APPEALS ESTABLISH ONE OR MORE FAMILY DIVISIONS WITHIN THE CIRCUIT COURTS OF THIS STATE BUT AT LEAST IN EACH CIRCUIT HAVING MORE THAN SEVEN CIRCUIT COURT JUDGES;

(2) THE COURT OF APPEALS, BY RULE, PROVIDE FOR THE ORGANIZATION AND ADMINISTRATION OF A FAMILY DIVISION, INCLUDING:

(Over)

(I) THE SUBJECT MATTER JURISDICTION OF A DIVISION;

(II) THE ASSIGNMENT OF JUDGES, MASTERS, AND OTHER STAFF  
TO A DIVISION;

(III) THE DESIGNATION OF A SUPERVISING JUDGE;

(IV) THE IDENTIFICATION OF SERVICES ESSENTIAL TO ALLOW A  
FAMILY DIVISION TO BE FULLY FUNCTIONAL; AND

(V) AS APPROPRIATE, COORDINATION WITH GOVERNMENTAL  
UNITS AND PRIVATE ENTITIES PROVIDING THESE SERVICES;

(3) IN EXERCISING THE POWER TO ESTABLISH FAMILY DIVISIONS, THE  
COURT OF APPEALS CONFORM, TO THE EXTENT FEASIBLE, TO THE INTENT OF THE  
GENERAL ASSEMBLY AS PROVIDED UNDER SECTION 2 OF CHAPTER 198 OF THE ACTS  
OF THE GENERAL ASSEMBLY OF 1993 AND COORDINATE, TO THE MAXIMUM EXTENT  
POSSIBLE, ALL FAMILY LAW CASES WITHIN THE FAMILY DIVISIONS;

(4) FOR EACH FAMILY DIVISION ESTABLISHED UNDER THIS SECTION,  
THE STATE PROVIDE FUNDING FOR A FAMILY SUPPORT SERVICES COORDINATOR  
AND OTHER STAFF AS REQUESTED IN THE JUDICIARY'S BUDGET SUBMISSION FOR  
EACH COURT ESTABLISHED IN A FAMILY DIVISION TO WHICH A JUDGE HAS BEEN  
ASSIGNED ON A FULL-TIME BASIS;

(5) IN CONSIDERING RULES TO ESTABLISH FAMILY DIVISIONS, THE  
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE STUDY THE  
AVAILABILITY OF, AND WHERE NOT AVAILABLE, THE DEVELOPMENT OF";

and in line 4, strike "(2)".

#### AMENDMENT NO. 4

On pages 5 through 7, strike beginning with "(3)" in line 16 on page 5 through "12." in line 25 on page 7 and substitute:

"(6) THE STATE PROVIDE THE NECESSARY FUNDING FOR ESSENTIAL  
FAMILY SUPPORT SERVICES AS REQUESTED IN THE JUDICIARY'S BUDGET

SUBMISSION, AND THAT THE REQUEST NEED NOT BE LIMITED TO CIRCUIT COURTS WITH FAMILY DIVISIONS.

(B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE USE OF EXISTING STATE OR LOCAL FAMILY SUPPORT SERVICES AS ENUMERATED IN SUBSECTION (A)(5) ABOVE.

SECTION 2.”.

AMENDMENT NO. 5

On page 7, in line 26, strike “January 1, 1999” and substitute “July 1, 1998”.