
SUBSTITUTE SENATE BILL 5528

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senator Quigley)

Read first time 02/24/93.

1 AN ACT Relating to court fees; and amending RCW 26.09.175 and
2 36.18.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.09.175 and 1992 c 229 s 3 are each amended to read
5 as follows:

6 (1) A proceeding for the modification of an order of child support
7 shall commence with the filing of a petition and worksheets. The
8 petition shall be in the form prescribed by the administrator for the
9 courts. There shall be a fee of twenty dollars for the filing of a
10 petition or motion for modification of dissolution filed or obtained in
11 the same county. For filing of a petition or motion for modification
12 of a dissolution filed or obtained in another county or state, a fee of
13 one hundred ten dollars shall be paid.

14 (2) The petitioner shall serve upon the other party the summons, a
15 copy of the petition, and the worksheets in the form prescribed by the
16 administrator for the courts. If the modification proceeding is the
17 first action filed in this state, service shall be made by personal
18 service. If the decree to be modified was entered in this state,
19 service shall be by personal service or by any form of mail requiring

1 a return receipt. If the support obligation has been assigned to the
2 state pursuant to RCW 74.20.330 or the state has a subrogated interest
3 under RCW 74.20A.030, the summons, petition, and worksheets shall also
4 be served on the attorney general. Proof of service shall be filed
5 with the court.

6 (3) The responding party's answer and worksheets shall be served
7 and the answer filed within twenty days after service of the petition
8 or sixty days if served out of state. The responding party's failure
9 to file an answer within the time required shall result in entry of a
10 default judgment for the petitioner.

11 (4) At any time after responsive pleadings are filed, either party
12 may schedule the matter for hearing.

13 (5) Unless both parties stipulate to arbitration or the presiding
14 judge authorizes oral testimony pursuant to subsection (6) of this
15 section, a petition for modification of an order of child support shall
16 be heard by the court on affidavits, the petition, answer, and
17 worksheets only.

18 (6) A party seeking authority to present oral testimony on the
19 petition to modify a support order shall file an appropriate motion not
20 later than ten days after the time of notice of hearing. Affidavits
21 and exhibits setting forth the reasons oral testimony is necessary to
22 a just adjudication of the issues shall accompany the petition. The
23 affidavits and exhibits must demonstrate the extraordinary features of
24 the case. Factors which may be considered include, but are not limited
25 to: (a) Substantial questions of credibility on a major issue; (b)
26 insufficient or inconsistent discovery materials not correctable by
27 further discovery; or (c) particularly complex circumstances requiring
28 expert testimony.

29 **Sec. 2.** RCW 36.18.020 and 1992 c 54 s 1 are each amended to read
30 as follows:

31 Clerks of superior courts shall collect the following fees for
32 their official services:

33 (1) The party filing the first or initial paper in any civil
34 action, including an action for restitution, or change of name, shall
35 pay, at the time said paper is filed, a fee of one hundred ten dollars
36 except in proceedings filed under RCW 26.50.030 or 49.60.227 where the
37 petitioner shall pay a filing fee of twenty dollars, or an unlawful
38 detainer action under chapter 59.18 or 59.20 RCW where the plaintiff

1 shall pay a filing fee of thirty dollars. If the defendant serves or
2 files an answer to an unlawful detainer complaint under chapter 59.18
3 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the
4 unlawful detainer action, an additional eighty dollars which shall be
5 considered part of the filing fee. The thirty dollar filing fee under
6 this subsection for an unlawful detainer action shall not include an
7 order to show cause or any other order or judgment except a default
8 order or default judgment in an unlawful detainer action.

9 (2) Any party, except a defendant in a criminal case, filing the
10 first or initial paper on an appeal from a court of limited
11 jurisdiction or any party on any civil appeal, shall pay, when said
12 paper is filed, a fee of one hundred ten dollars.

13 (3) The party filing a transcript or abstract of judgment or
14 verdict from a United States court held in this state, or from the
15 superior court of another county or from a district court in the county
16 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

17 (4) For the filing of a tax warrant by the department of revenue of
18 the state of Washington, a fee of five dollars shall be paid.

19 (5) For the filing of a petition or motion for modification of a
20 decree of dissolution(~~(, a fee of twenty dollars shall be paid)~~) filed
21 or obtained in the same county, a fee of twenty dollars shall be paid.
22 For the filing of a petition or motion for modification of a decree of
23 dissolution obtained in another county or state, a fee of one hundred
24 ten dollars shall be paid.

25 (6) The party filing a demand for jury of six in a civil action,
26 shall pay, at the time of filing, a fee of fifty dollars; if the demand
27 is for a jury of twelve the fee shall be one hundred dollars. If,
28 after the party files a demand for a jury of six and pays the required
29 fee, any other party to the action requests a jury of twelve, an
30 additional fifty-dollar fee will be required of the party demanding the
31 increased number of jurors.

32 (7) For filing any paper, not related to or a part of any
33 proceeding, civil or criminal, or any probate matter, required or
34 permitted to be filed in the clerk's office for which no other charge
35 is provided by law, or for filing a petition, written agreement, or
36 memorandum as provided in RCW 11.96.170, the clerk shall collect
37 (~~two~~) twenty dollars.

38 (8) For preparing, transcribing or certifying any instrument on
39 file or of record in the clerk's office, with or without seal, for the

1 first page or portion thereof, a fee of two dollars, and for each
2 additional page or portion thereof, a fee of one dollar. For
3 authenticating or exemplifying any instrument, a fee of one dollar for
4 each additional seal affixed.

5 (9) For executing a certificate, with or without a seal, a fee of
6 two dollars shall be charged.

7 (10) For each garnishee defendant named in an affidavit for
8 garnishment and for each writ of attachment, a fee of ~~((five))~~ twenty
9 dollars shall be charged.

10 (11) For approving a bond, including justification thereon, in
11 other than civil actions and probate proceedings, a fee of two dollars
12 shall be charged.

13 (12) In probate proceedings, the party instituting such
14 proceedings, shall pay at the time of filing the first paper therein,
15 a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of ~~((two))~~
16 twenty dollars shall be charged for filing a will only, when no probate
17 of the will is contemplated. Except as provided for in subsection (13)
18 of this section a fee of two dollars shall be charged for filing a
19 petition, written agreement, or memorandum as provided in RCW
20 11.96.170.

21 (13) For filing any petition to contest a will admitted to probate
22 or a petition to admit a will which has been rejected, or a petition
23 objecting to a written agreement or memorandum as provided in RCW
24 11.96.170, there shall be paid a fee of one hundred ten dollars.

25 (14) For the issuance of each certificate of qualification and each
26 certified copy of letters of administration, letters testamentary or
27 letters of guardianship there shall be a fee of two dollars.

28 (15) For the preparation of a passport application ~~((there shall be
29 a fee of four dollars))~~ the clerk may collect an execution fee as
30 authorized by the federal government.

31 (16) In noncharter counties, for ~~((searching records for which a
32 written report is issued there shall be a fee of eight dollars per
33 hour))~~ clerks' special services such as processing ex parte orders by
34 mail, performing historical searches, compiling statistical reports,
35 and conducting exceptional record searches there shall be a fee of
36 fifteen dollars for the first hour or portion of an hour.

37 (17) For duplicated recordings of court's proceedings there shall
38 be a fee of ten dollars for each audio tape and twenty-five dollars for
39 each video tape.

1 (~~(17)~~) (18) Upon conviction or plea of guilty, upon failure to
2 prosecute an appeal from a court of limited jurisdiction as provided by
3 law, or upon affirmance of a conviction by a court of limited
4 jurisdiction, a defendant in a criminal case shall be liable for a fee
5 of one hundred ten dollars.

6 (~~(18)~~) (19) With the exception of demands for jury hereafter made
7 and garnishments hereafter issued, civil actions and probate
8 proceedings filed prior to midnight, July 1, 1972, shall be completed
9 and governed by the fee schedule in effect as of January 1, 1972:
10 PROVIDED, That no fee shall be assessed if an order of dismissal on the
11 clerk's record be filed as provided by rule of the supreme court.

12 (~~(19)~~) (20) No fee shall be collected when a petition for
13 relinquishment of parental rights is filed pursuant to RCW 26.33.080 or
14 for forms and instructional brochures provided under RCW 26.50.030.

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