

SENATE BILL REPORT

SB 5213

As Passed Senate, February 9, 2018

Title: An act relating to the award of fees for limited license legal technicians in certain domestic violence cases.

Brief Description: Concerning the award of fees for limited license legal technicians in certain domestic violence cases.

Sponsors: Senators Wilson and Zeiger.

Brief History:

Committee Activity: Law & Justice: 1/26/17, 2/08/17 [DP].

Floor Activity:

Passed Senate: 2/09/18, 45-0.

Brief Summary of Bill

- Applies to court proceedings for domestic violence protection orders.
- Permits the court to award fees incurred by a limited license legal technician.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Tim Ford (786-7423)

Background: The legal technician program was created and based on the Civil Legal Needs Study of 2003. The Washington Supreme Court licenses legal technicians to practice and advise clients in family law cases. Washington is the first state to license legal technicians. Legal technicians can only prepare legal documents that have been approved by the Limited License Legal Technician Board. They cannot represent a client in court nor can they negotiate on behalf of a client.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Any person may petition the court for a protection order alleging that they have been the victim of domestic violence. After notice and hearing, a court may order relief to:

- restrain the respondent from committing acts of domestic violence;
- exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;
- prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
- make residential provision with regard to minor children of the parties;
- order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;
- order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected;
- require the respondent to pay the administrative court costs and service fees for costs incurred in bringing the action, including reasonable attorneys' fees;
- restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;
- restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household;
- require the respondent to submit to electronic monitoring;
- order possession and use of essential personal effects; and
- order use of a vehicle.

Summary of Bill: In addition to reasonable attorneys' fees, the court may order the respondent to pay limited license legal technician fees when such fees are incurred by a limited license legal technician.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: *Testimony from 2017 Regular Session.* PRO: Legal technicians just want to be fairly compensated for their work. The current statute allows costs and attorney fees, but does not mention legal technician fees.

Persons Testifying: PRO: Jeffery A. Kinstler, Legal Technician Services.

Persons Signed In To Testify But Not Testifying: No one.