

HOUSE BILL REPORT

SSB 5327

As Reported by House Committee On:
Judiciary

Title: An act relating to court clerks.

Brief Description: Clarifying the duties of court clerks.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Angel and Padden).

Brief History:

Committee Activity:

Judiciary: 3/21/17, 3/23/17 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Requires the clerk of the court to keep minutes of court proceedings, rather than a journal of court proceedings.
- Eliminates provisions requiring the clerk of the court to forward the residential time summary report to the Division of Child Support (DCS), the DCS to compile and transmit the information in the reports to the Administrative Office of the Courts (AOC), and the AOC to issue an annual report on the compiled information.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

Staff: Edie Adams (786-7180).

Background:

Clerk of the Court.

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.

Statutes and local rules impose a variety of administrative and financial duties associated with the operation of the courts on the clerk of the Washington Supreme Court, clerks of the Court of Appeals, and clerks of the superior courts. The Supreme Court and each division of the Washington Court of Appeals appoints a clerk of the court. The county clerk, an independent elected official, serves as the clerk of the superior court.

Clerk duties include recording court proceedings, processing and maintaining court records, assisting in court proceedings, administering oaths, collecting and disbursing court fees, fines, and other collections, and issuing court orders and decrees. One provision states that it is the duty of the clerk to keep a journal of the proceedings of the court.

Residential Time Summary Report.

The clerk of the superior court is required to forward a residential time summary report to the Division of Child Support (DCS) on a monthly basis. The residential time summary report is a form that is prepared and filed by the parties in a dissolution proceeding and that provides summary information in every case in which residential time with children is to be established or modified. The residential time summary report includes a breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent. The report also includes information on: enforcement practices; representation status of the parties; whether domestic violence, child abuse, chemical dependency, or mental health issues exist; and whether the matter was agreed or contested.

The DCS must compile the information in the residential time summary reports and transmit the information to the Administrative Office of the Courts (AOC). The AOC is required to report the compiled information, organized by each county, on at least an annual basis and make the reports available to the public.

Summary of Amended Bill:

The requirement that the clerk keep a journal of the proceedings of the court is revised to require the clerk to keep minutes of the proceedings of the court.

The requirement that the clerk of the court must forward the residential time summary report to the Division of Child Support (DCS) on a monthly basis is deleted. Also deleted are provisions that require the DCS to compile and transmit information in the residential time summary reports to the Administrative Office of the Courts (AOC) and the AOC to annually report the compiled information.

Amended Bill Compared to Substitute Bill:

The amended bill reinstates a current law requirement that the Washington Association of County Officials submit an annual report to the Legislature on the amount of legal financial obligations collected by county clerks. In addition, the amended bill eliminates provisions of law that require the Division of Child Support to compile and transmit information in the residential time summary reports to the Administrative Office of the Courts (AOC) and the AOC to issue an annual report on the compiled information.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill makes a few housekeeping changes to update the statutes governing the duties of clerks. It is similar to the companion House bill, except it maintains the current statutory requirement that clerks are to conform to the directions of the court. There will be an amendment to remove the section eliminating the legal financial obligation (LFO) report. There will also be a change to eliminate a few additional provisions relating to the residential time summary report for consistency. That information will still be available but the reporting requirement is removed.

(Opposed) The LFO report is important and should be retained. In fact, there may be a desire to enhance the reporting requirements depending on the findings of a court study of the LFO system. If the LFO report is retained, our opposition to the bill will change to neutral.

Persons Testifying: (In support) Senator Angel, prime sponsor; and Monty Cobb, Washington Association of County Officials.

(Opposed) Bob Cooper, Washington Association of Criminal Defense Lawyers and Washington Defender Association; and Elisabeth Smith, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.