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SENATE BILL 5528

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Quigley

Read first time 02/02/93. Referred to Committee on Law & Justice.

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 in another county  
12 or state, a fee of one hundred ten dollars shall be paid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (8) For preparing, transcribing or certifying any instrument on  
38 file or of record in the clerk's office, with or without seal, for the  
39 first page or portion thereof, a fee of two dollars, and for each

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

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

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

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

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

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

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

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

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

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