

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1663**

Chapter 397, Laws of 1999

56th Legislature  
1999 Regular Session

COURT OPERATIONS--FEES AND FAMILY COURT

EFFECTIVE DATE: 7/25/99

Passed by the House April 23, 1999  
Yeas 96 Nays 0

CLYDE BALLARD  
**Speaker of the House of Representatives**

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate April 21, 1999  
Yeas 44 Nays 0

BRAD OWEN  
**President of the Senate**

Approved May 18, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1663** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 18, 1999 - 3:29 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1663**

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AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos)

Read first time 03/08/1999.

1            AN ACT Relating to court operations; amending RCW 10.14.200,  
2 13.04.021, 26.12.010, 26.12.060, and 36.18.016; and creating new  
3 sections.

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

5            NEW SECTION.    **Sec. 1.** The legislature recognizes the increasing  
6 incidence of concurrent involvement of family members in multiple areas  
7 of the justice system. Analysis shows significant case overlap in the  
8 case types of juvenile offender, juvenile dependency, at-risk youth,  
9 child in need of services, truancy, domestic violence, and domestic  
10 relations. Also recognized is the increased complexity of the problems  
11 facing family members and the increased complexity of the laws  
12 affecting families. It is believed that in such situations, an  
13 efficient and effective response is through the creation of a unified  
14 court system centered around the family that: Provides a dedicated,  
15 trained, and informed judiciary; incorporates case management practices  
16 based on a family's judicial system needs; enables multiple case type  
17 resolution by one judicial officer or judicial team; provides  
18 coordinated legal and social services; and considers and evaluates the  
19 needs of the family as a whole.

1        NEW SECTION.    **Sec. 2.**    The administrator for the courts shall  
2 conduct a unified family court pilot program.

3        (1) Pilot program sites shall be selected through a request for  
4 proposal process, and shall be established in no more than three  
5 superior court judicial districts.

6        (2) To be eligible for consideration as a pilot project site,  
7 judicial districts must have a statutorily authorized judicial  
8 complement of at least five judges.

9        (3) The administrator for the courts shall develop criteria for the  
10 unified family court pilot program. The pilot program shall include:

11        (a) All case types under Title 13 RCW, chapters 26.09, 26.10,  
12 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

13        (b) Unified family court judicial officers, who volunteer for the  
14 program, and meet training requirements established by local court  
15 rule;

16        (c) Case management practices that provide a flexible response to  
17 the diverse court-related needs of families involved in multiple areas  
18 of the justice system. Case management practices should result in a  
19 reduction in process redundancies and an efficient use of time and  
20 resources, and create a system enabling multiple case type resolution  
21 by one judicial officer or judicial team;

22        (d) A court facilitator to provide assistance to parties with  
23 matters before the unified family court; and

24        (e) An emphasis on providing nonadversarial methods of dispute  
25 resolution such as a settlement conference, evaluative mediation by  
26 attorney mediators, and facilitative mediation by nonattorney  
27 mediators.

28        (4) The office of the administrator for the courts shall publish  
29 and disseminate a state-approved listing of definitions of  
30 nonadversarial methods of dispute resolution so that court officials,  
31 practitioners, and users can choose the most appropriate process for  
32 the matter at hand.

33        (5) The office of the administrator for the courts shall provide to  
34 the judicial districts selected for the pilot program the computer  
35 resources needed by each judicial district to implement the unified  
36 family court pilot program.

37        (6) The office of the administrator for the courts shall conduct a  
38 study of the pilot program measuring improvements in the judicial  
39 system's response to family involvement in the judicial system. The

1 administrator for the courts shall report preliminary findings and  
2 final results of the study to the governor, the chief justice of the  
3 supreme court, and the legislature on a biennial basis. The initial  
4 report is due by July 1, 2000, and the final report is due by December  
5 1, 2004.

6 NEW SECTION. **Sec. 3.** The judges of the superior court judicial  
7 districts with unified family court pilot programs shall adopt local  
8 court rules directing the program. The local court rules shall comply  
9 with the criteria established by the administrator for the courts and  
10 shall include:

11 (1) A requirement that all judicial officers hearing cases in  
12 unified family court:

13 (a) Complete an initial training program including the topic areas  
14 of childhood development, domestic violence, cultural awareness, child  
15 abuse and neglect, chemical dependency, and mental illness; and

16 (b) Subsequent to the training in (a) of this subsection, annually  
17 attend a minimum of eight hours of continuing education of pertinence  
18 to the unified family court;

19 (2) Case management that is based on the practice of one judge or  
20 judicial team handling all matters relating to a family;

21 (3) An emphasis on coordinating or consolidating, to the extent  
22 possible, all cases before the unified family court relating to a  
23 family; and

24 (4) Programs that provide for record confidentiality to protect the  
25 confidentiality of court records in accordance with the law. However  
26 law enforcement agencies shall have access to the records to the extent  
27 permissible under the law.

28 **Sec. 4.** RCW 10.14.200 and 1995 c 246 s 35 are each amended to read  
29 as follows:

30 Any order available under this chapter may be issued in actions  
31 under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available  
32 under this chapter that is issued under those chapters shall be fully  
33 enforceable and shall be enforced pursuant to the provisions of this  
34 chapter.

35 **Sec. 5.** RCW 13.04.021 and 1994 sp.s. c 7 s 538 are each amended to  
36 read as follows:

1 (1) The juvenile court shall be a division of the superior court.  
2 In judicial districts having more than one judge of the superior court,  
3 the judges of such court shall annually assign one or more of their  
4 number to the juvenile court division. In any judicial district having  
5 a court commissioner, the court commissioner shall have the power,  
6 authority, and jurisdiction, concurrent with a juvenile court judge, to  
7 hear all cases under this chapter and to enter judgment and make orders  
8 with the same power, force, and effect as any judge of the juvenile  
9 court, subject to motion or demand by any party within ten days from  
10 the entry of the order or judgment by the court commissioner as  
11 provided in RCW 2.24.050. In any judicial district having a family law  
12 commissioner appointed pursuant to chapter 26.12 RCW, the family law  
13 commissioner shall have the power, authority, and jurisdiction,  
14 concurrent with a juvenile court judge, to hear cases (~~under chapter~~  
15 ~~13.34 RCW or any other case~~) under Title 13 RCW and chapter 28A.225  
16 RCW as provided in RCW 26.12.010, and to enter judgment and make orders  
17 with the same power, force, and effect as any judge of the juvenile  
18 court, subject to motion or demand by any party within ten days from  
19 the entry of the order or judgment by the court commissioner as  
20 provided in RCW 2.24.050.

21 (2) Cases in the juvenile court shall be tried without a jury.

22 **Sec. 6.** RCW 26.12.010 and 1994 sp.s. c 7 s 537 are each amended to  
23 read as follows:

24 (~~(1)~~) Each superior court shall exercise the jurisdiction  
25 conferred by this chapter and while sitting in the exercise of such  
26 jurisdiction shall be known and referred to as the "family court." A  
27 family (~~law~~) court proceeding under this chapter is: (1) Any  
28 proceeding under this title or any proceeding in which the family court  
29 is requested to adjudicate or enforce the rights of the parties or  
30 their children regarding the determination or modification of parenting  
31 plans, child custody, visitation, or support, or the distribution of  
32 property or obligations, or (2) concurrent with the juvenile court, any  
33 proceeding under Title 13 or chapter 28A.225 RCW.

34 (~~(2) Superior court judges of a county may by majority vote, grant~~  
35 ~~to the family court the power, authority, and jurisdiction, concurrent~~  
36 ~~with the juvenile court, to hear and decide cases under Title 13 RCW.))~~

1       **Sec. 7.** RCW 26.12.060 and 1993 c 289 s 3 are each amended to read  
2 as follows:

3       The court commissioners shall: (1) Make appropriate referrals to  
4 county family court services program if the county has a family court  
5 services program or appoint a guardian ad litem pursuant to RCW  
6 26.12.175; (2) order investigation and reporting of the facts upon  
7 which to base warrants, subpoenas, orders or directions in actions or  
8 proceedings under this chapter; (3) exercise all the powers and perform  
9 all the duties of court commissioners; (4) make written reports of all  
10 proceedings had which shall become a part of the record of the family  
11 court; (5) provide supervision over the exercise of its jurisdiction as  
12 the judge of the family court may order; (6) cause the orders and  
13 findings of the family court to be entered in the same manner as orders  
14 and findings are entered in cases in the superior court; (7) cause  
15 other reports to be made and records kept as will indicate the value  
16 and extent of reconciliation, mediation, investigation, and treatment  
17 services; and (8) conduct hearings under (~~chapter 13.34 RCW~~) Title 13  
18 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

19       **Sec. 8.** RCW 36.18.016 and 1996 c 56 s 5 are each amended to read  
20 as follows:

21       (1) Revenue collected under this section is not subject to division  
22 under RCW 36.18.025 or 27.24.070.

23       (2) For the filing of a petition for modification of a decree of  
24 dissolution or paternity, within the same case as the original action,  
25 a fee of twenty dollars must be paid.

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

34       (b) Upon conviction in criminal cases a jury demand charge of fifty  
35 dollars for a jury of six, or one hundred dollars for a jury of twelve  
36 may be imposed as costs under RCW 10.46.190.

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

1 first page or portion of the first page, a fee of two dollars, and for  
2 each additional page or portion of a page, a fee of one dollar must be  
3 charged. For authenticating or exemplifying an instrument, a fee of  
4 one dollar for each additional seal affixed must be charged.

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

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

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

12 (8) For the issuance of a certificate of qualification and a  
13 certified copy of letters of administration, letters testamentary, or  
14 letters of guardianship, there must be a fee of two dollars.

15 (9) For the preparation of a passport application, the clerk may  
16 collect an execution fee as authorized by the federal government.

17 (10) For clerk's special services such as processing ex parte  
18 orders by mail, performing historical searches, compiling statistical  
19 reports, and conducting exceptional record searches, the clerk may  
20 collect a fee not to exceed twenty dollars per hour or portion of an  
21 hour.

22 (11) For duplicated recordings of court's proceedings there must be  
23 a fee of ten dollars for each audio tape and twenty-five dollars for  
24 each video tape.

25 (12) For the filing of oaths and affirmations under chapter 5.28  
26 RCW, a fee of twenty dollars must be charged.

27 (13) For filing a disclaimer of interest under RCW 11.86.031(4), a  
28 fee of two dollars must be charged.

29 (14) For registration of land titles, Torrens Act, under RCW  
30 65.12.780, a fee of five dollars must be charged.

31 (15) For the issuance of extension of judgment under RCW 6.17.020  
32 and chapter 9.94A RCW, a fee of one hundred ten dollars must be  
33 charged.

34 (16) A facilitator surcharge of ten dollars must be charged as  
35 authorized under RCW 26.12.240.

36 (17) For filing a water rights statement under RCW 90.03.180, a fee  
37 of twenty-five dollars must be charged.

1 (18) For filing a warrant for overpayment of state retirement  
2 systems benefits under chapter 41.50 RCW, a fee of five dollars shall  
3 be charged pursuant to RCW 41.50.136.

4 (19) A service fee of three dollars for the first page and one  
5 dollar for each additional page must be charged for receiving faxed  
6 documents, pursuant to Washington state rules of court, general rule  
7 17.

8 (20) For preparation of clerk's papers under RAP 9.7, a fee of  
9 fifty cents per page must be charged.

10 (21) For copies and reports produced at the local level as  
11 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
12 be charged.

13 (22) Investment service charge and earnings under RCW 36.48.090  
14 must be charged.

15 (23) Costs for nonstatutory services rendered by clerk by authority  
16 of local ordinance or policy must be charged.

17 (24) For filing a request for trial de novo of an arbitration  
18 award, a fee not to exceed two hundred fifty dollars as established by  
19 authority of local ordinance must be charged.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.