

# FINAL BILL REPORT

## SHB 1961

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Synopsis as Enacted

**Brief Description:** Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Peterson and Ramel).

**House Committee on Civil Rights & Judiciary**  
**Senate Committee on Law & Justice**

### **Background:**

#### Name Change Process.

A person seeking a name change may file a petition for change of name with the clerk in any district court division located in the county where the person resides. After the person files the petition and pays all fees, the clerk schedules a hearing according to the court's scheduling procedure. If the petition for change of name is granted by the court, the court will issue a name change order. A certified copy of the name change order is provided to the petitioner and a copy is sent to the county auditor for recording.

#### Name Change Fees.

The total cost of changing one's name varies by county and includes both court fees and the county auditor's fees. The auditor's fees include the fee for filing and recording name change orders and various statutory surcharges that the auditor is required to collect, such as \$3 collected per recorded document for the Washington State Library Operations Account, and \$100 collected per recorded document for the Affordable Housing for All account, the Landlord Mitigation Program account, and the Home Security Fund.

#### Waiver of Fees.

Under General Rule 34 of the Washington courts rules, courts may waive court fees and clerk's fees for indigent individuals when the payment of fees is required for the individual to secure access to judicial relief. A person seeking a waiver must complete a motion for

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waiver of civil fees and surcharges and submit a financial statement to the court. If the motion is granted, the court waives the court fees and clerk's fees, but still collects the county auditor's fees.

**Summary:**

The court must waive all auditor's fees for filing and recording a name change order if the person requesting a name change submits an affidavit stating that the person is unable to pay the fees due to financial hardship. The court may not waive the auditor's fees if the person requesting a name change has received victim compensation for name change fees.

When the court waives the auditor's fees, the court must direct the county auditor or recorder to process the name change order at no expense to the person requesting the name change.

**Votes on Final Passage:**

House	84	13
Senate	31	16

**Effective:** July 1, 2022