

SENATE BILL REPORT

SHB 1961

As Passed Senate, March 3, 2022

Title: An act relating to the authority of the courts to waive auditor's fees for filing and recording name change orders.

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).

Brief History: Passed House: 1/26/22, 84-13.

Committee Activity: Law & Justice: 2/17/22, 2/24/22 [DP, DNP].

Floor Activity: Passed Senate: 3/3/22, 31-16.

Brief Summary of Bill

- Authorizes courts to waive auditor's fees related to name change orders upon affidavit that the person is unable to pay the fees due to financial hardship.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer, Pedersen and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford.

Staff: Tim Ford (786-7423)

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

Background: Name Change Process. A person may apply for a name change to the district court in the jurisdiction where they reside. The petition must state the reasons for the name change, and the court in its discretion may order the name change. A copy of the name change order 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, which is \$5 for the first page and \$1 for every subsequent page. There are also various statutory surcharges that the auditor is required to collect.

Waiver of Court Fees. General Rule 34 of the Washington court rules provides a process for an indigent individual to apply to waive court fees and clerk's fees when the payment of fees is required for the individual to secure access to judicial relief. A person seeking a waiver must submit a financial statement to the court. If the motion is granted, the court waives the court fees and clerk's fees.

Summary of Bill: The court must waive all auditor's fees for filing and recording a name change order if the person requesting the name change submits an affidavit stating that the person is unable to pay the fees due to financial hardship. When the court grants the waiver, 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. If the person requesting a name change order has received victim compensation for name change fees, the court is prohibited from waiving the auditor's fees.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill takes effect on July 1, 2022.

Staff Summary of Public Testimony: PRO: For people who are trying to get a name change to start your life over, for many who are poor, the courts are not able to waive the auditor's fees, which may be up to \$300. It could be that they need a name change because they are getting out of a domestic violence situation or because you are a transgender person. Different county prosecuting attorneys interpret differently whether a court may waive the auditor fees. Auditors are being caught in the middle of differing interpretations. Passage of the bill will clarify the standard.

Persons Testifying: PRO: Representative Strom Peterson, Prime Sponsor; Vicky Dalton, Spokane County Auditor - Washington State Association of County Auditors; Paul Andrews, Kitsap County Auditor, WSACA; Gabriel Neuman, LCYC; Denise Diskin, QLaw

Foundation of Washington; Danny Waxwing, Disability Rights Washington; Skye Locke, Board Secretary of DAPS and facilitator of Name Aid program.

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