
HOUSE BILL 2686

State of Washington

69th Legislature

2026 Regular Session

By Representative Davis

Read first time 01/27/26. Referred to Committee on Appropriations.

1 AN ACT Relating to exempting certain petitions for dissolution of
2 marriage from the expense of filing and service of process; amending
3 RCW 26.12.260, 36.18.016, 36.18.020, and 36.18.040; and adding a new
4 section to chapter 26.09 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.09
7 RCW to read as follows:

8 (1) A petitioner may not be required to pay any fee or surcharge
9 for the filing of a petition for dissolution of marriage if at any
10 point during the marriage prior to the filing of the dissolution
11 petition:

12 (a) A full domestic violence protection order has been issued
13 against the spouse who is named as the respondent in the petition for
14 dissolution of marriage; or

15 (b) The respondent spouse has been charged with a crime of
16 domestic violence, as defined in RCW 10.99.020.

17 (2) Upon request of the petitioner and at no cost to the
18 petitioner, personal service of the summons and petition for
19 dissolution of marriage must be made by law enforcement, including,
20 at a minimum, two timely attempts at personal service, if at any

1 point during the marriage prior to the filing of the dissolution
2 petition:

3 (a) A full domestic violence protection order has been issued
4 against the spouse who is named as the respondent in the petition for
5 dissolution of marriage; or

6 (b) The respondent spouse has been charged with a crime of
7 domestic violence, as defined in RCW 10.99.020.

8 **Sec. 2.** RCW 26.12.260 and 2021 c 215 s 136 are each amended to
9 read as follows:

10 (1) After July 1, 2009, but no later than November 1, 2009, a
11 county may, and to the extent state funding is provided to meet the
12 minimum requirements of the program a county shall, create a program
13 to provide services to all parties involved in proceedings under
14 chapter 26.09 RCW. Minimum components of this program shall include:

15 (a) An individual to serve as an initial point of contact for parties
16 filing petitions for dissolutions or legal separations under chapter
17 26.09 RCW; (b) informing parties about courthouse facilitation
18 programs and orientations; (c) informing parties of alternatives to
19 filing a dissolution petition, such as marriage or domestic
20 partnership counseling; (d) informing parties of alternatives to
21 litigation including counseling, legal separation, and mediation
22 services if appropriate; (e) informing parties of supportive family
23 services available in the community; (f) screening for referral for
24 services in the areas of domestic violence as defined in RCW
25 7.105.010, child abuse, substance abuse, and mental health; and (g)
26 assistance to the court in superior court cases filed under chapter
27 26.09 RCW.

28 (2) This program shall not provide legal advice. No attorney-
29 client relationship or privilege is created, by implication or by
30 inference, between persons providing basic information under this
31 section and the participants in the program.

32 (3) ~~((The))~~ Except as provided in section 1 of this act, the
33 legislative authority of any county may impose user fees or may
34 impose a surcharge of up to ~~((twenty dollars))~~ \$20 on only those
35 superior court cases filed under this title, or both, to pay for the
36 expenses of this program. Fees collected under this section shall be
37 collected and deposited in the same manner as other county funds are
38 collected and deposited, and shall be maintained in a separate

1 account to be used as provided in this section. The program shall
2 provide services to indigent persons at no expense.

3 (4) Persons who implement the program shall be appointed in the
4 same manner as investigators, stenographers, and clerks as described
5 in RCW 26.12.050.

6 (5) If the county has a program under this section, any petition
7 under RCW 26.09.020 must allege that the moving party met and
8 conferred with the program prior to the filing of the petition.

9 (6) If the county has a program under this section, parties shall
10 meet and confer with the program prior to participation in mediation
11 under RCW 26.09.016.

12 **Sec. 3.** RCW 36.18.016 and 2022 c 29 s 12 are each amended to
13 read as follows:

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

16 (2) (a) For the filing of a petition for modification of a decree
17 of dissolution or paternity, within the same case as the original
18 action, and any party filing a counterclaim, cross-claim, or third-
19 party claim in any such action, a fee of \$36 must be paid.

20 (b) (i) The party filing the first or initial petition for
21 dissolution, legal separation, or declaration concerning the validity
22 of marriage shall pay, at the time and in addition to the filing fee
23 required under RCW 36.18.020, a fee of \$54. The clerk of the superior
24 court shall transmit monthly \$48 of the \$54 fee collected under this
25 subsection to the state treasury for deposit in the domestic violence
26 prevention account. The remaining (~~(\$six—dollars))~~ \$6 shall be
27 retained by the county for the purpose of supporting community-based
28 domestic violence services within the county, except for five percent
29 of the (~~(\$six—dollars))~~ \$6, which may be retained by the court for
30 administrative purposes. On or before December 15th of each year, the
31 county shall report to the department of social and health services
32 revenues associated with this section and community-based domestic
33 violence services expenditures. The department of social and health
34 services shall develop a reporting form to be utilized by counties
35 for uniform reporting purposes.

36 (ii) The filing fee in (b) (i) of this subsection does not apply
37 to a petition for dissolution of marriage filed under the
38 circumstances specified in section 1 of this act.

1 (3) (a) The party making a demand for a jury of six in a civil
2 action shall pay, at the time, a fee of \$125; if the demand is for a
3 jury of 12, a fee of \$250. If, after the party demands a jury of six
4 and pays the required fee, any other party to the action requests a
5 jury of 12, an additional \$125 fee will be required of the party
6 demanding the increased number of jurors.

7 (b) Upon conviction in criminal cases a jury demand charge of
8 \$125 for a jury of six, or \$250 for a jury of 12 may be imposed as
9 costs under RCW 10.46.190.

10 (4) For preparing a certified copy of an instrument on file or of
11 record in the clerk's office, for the first page or portion of the
12 first page, a fee of (~~five dollars~~) \$5, and for each additional
13 page or portion of a page, a fee of (~~one dollar~~) \$1 must be
14 charged. For authenticating or exemplifying an instrument, a fee of
15 (~~two dollars~~) \$2 for each additional seal affixed must be charged.
16 For preparing a copy of an instrument on file or of record in the
17 clerk's office without a seal, a fee of 50 cents per page must be
18 charged. When copying a document without a seal or file that is in an
19 electronic format, a fee of 25 cents per page must be charged. For
20 copies made on a compact disc, an additional fee of \$20 for each
21 compact disc must be charged.

22 (5) For executing a certificate, with or without a seal, a fee of
23 (~~two dollars~~) \$2 must be charged.

24 (6) For a garnishee defendant named in an affidavit for
25 garnishment and for a writ of attachment, a fee of \$20 must be
26 charged.

27 (7) For filing a supplemental proceeding, a fee of \$20 must be
28 charged.

29 (8) For approving a bond, including justification on the bond, in
30 other than civil actions and probate proceedings, a fee of (~~two~~
31 ~~dollars~~) \$2 must be charged.

32 (9) For the issuance of a certificate of qualification and a
33 certified copy of letters of administration, letters testamentary, or
34 letters of guardianship, there must be a fee of (~~five dollars~~) \$5.

35 (10) For the preparation of a passport application, the clerk may
36 collect an execution fee as authorized by the federal government.

37 (11) For clerk's services such as performing historical searches,
38 compiling statistical reports, and conducting exceptional record
39 searches, the clerk may collect a fee not to exceed \$30 per hour.

1 (12) For processing ex parte orders, the clerk may collect a fee
2 of \$30.

3 (13) For duplicated recordings of court's proceedings there must
4 be a fee of \$10 for each audiotape and \$25 for each video or other
5 electronic storage medium.

6 ~~((For registration of land titles, Torrens Act, under RCW
7 65.12.780, a fee of \$20 must be charged.~~

8 ~~(15))~~ (15) For the issuance of extension of judgment under RCW
9 6.17.020 and chapter 9.94A RCW, a fee of \$200 must be charged. When
10 the extension of judgment is at the request of the clerk, the \$200
11 charge may be imposed as court costs under RCW 10.46.190.

12 ~~((16))~~ (16) A facilitator surcharge of up to \$20 must be
13 charged as authorized under RCW 26.12.240.

14 ~~((17))~~ (17) For filing an adjudication claim under RCW
15 90.03.180, a fee of \$25 must be charged.

16 ~~((18))~~ (18) For filing a claim of frivolous lien under RCW
17 60.04.081 or 60.90.130 or filing an action to release a lien under
18 RCW 60.90.090 and 60.90.140, a fee of \$35 must be charged.

19 ~~((19))~~ (19) For preparation of a change of venue, a fee of \$20
20 must be charged by the originating court in addition to the per page
21 charges in subsection (4) of this section.

22 ~~((20))~~ (20) A service fee of ~~((five dollars))~~ \$5 for the first
23 page and ~~((one dollar))~~ \$1 for each additional page must be charged
24 for receiving faxed documents, pursuant to Washington state rules of
25 court, general rule 17.

26 ~~((21))~~ (21) For preparation of clerk's papers under RAP 9.7, a
27 fee of 50 cents per page must be charged.

28 ~~((22))~~ (22) For copies and reports produced at the local level
29 as permitted by RCW 2.68.020 and supreme court policy, a variable fee
30 must be charged.

31 ~~((23))~~ (23) Investment service charge and earnings under RCW
32 36.48.090 must be charged.

33 ~~((24))~~ (24) Costs for nonstatutory services rendered by clerk
34 by authority of local ordinance or policy must be charged.

35 ~~((25))~~ (25) For filing a request for civil arbitration, a
36 filing fee may be assessed against the party filing a statement of
37 arbitrability not to exceed \$250 as established by authority of local
38 ordinance. \$220 of this charge shall be used to offset the cost of
39 the civil arbitration program. \$30 of each fee collected under this
40 subsection must be used for indigent defense services.

1 ~~((26))~~ (25) For filing a request for trial de novo of a civil
2 arbitration award, a fee not to exceed \$400 as established by
3 authority of local ordinance must be charged.

4 ~~((27))~~ (26) A public agency may not charge a fee to a law
5 enforcement agency, for preparation, copying, or mailing of certified
6 copies of the judgment and sentence, information, affidavit of
7 probable cause, and/or the notice of requirement to register, of a
8 sex offender convicted in a Washington court, when such records are
9 necessary for risk assessment, preparation of a case for failure to
10 register, or maintenance of a sex offender's registration file.

11 ~~((28))~~ (27) For the filing of a will or codicil under the
12 provisions of chapter 11.12 RCW, a fee of \$20 must be charged.

13 ~~((29))~~ (28) A surcharge of up to \$20 may be charged in
14 dissolution and legal separation actions as authorized by RCW
15 26.12.260. The surcharge may not be charged for a petition for
16 dissolution of marriage filed under the circumstances specified in
17 section 1 of this act.

18 The revenue to counties from the fees established in this section
19 shall be deemed to be complete reimbursement from the state for the
20 state's share of benefits paid to the superior court judges of the
21 state prior to July 24, 2005, and no claim shall lie against the
22 state for such benefits.

23 **Sec. 4.** RCW 36.18.020 and 2025 c 357 s 1 are each amended to
24 read as follows:

25 (1) Revenue collected under this section is subject to division
26 with the state under RCW 36.18.025 and with the county or regional
27 law library fund under RCW 27.24.070, except as provided in
28 subsections (5) and (6) of this section.

29 (2) Clerks of superior courts shall collect the following fees
30 for their official services:

31 (a) In addition to any other fee required by law, the party
32 filing the first or initial document in any civil action, including,
33 but not limited to an action for restitution, adoption, or change of
34 name, and any party filing a counterclaim, cross-claim, or third-
35 party claim in any such civil action, shall pay, at the time the
36 document is filed, a fee of \$200 except ~~((7-in))~~:

37 (i) In an unlawful detainer action under chapter 59.18 or 59.20
38 RCW for which the plaintiff shall pay a case initiating filing fee of
39 \$45 ~~((7-or-in))~~. The \$45 filing fee under this subsection for an

1 unlawful detainer action shall not include an order to show cause or
2 any other order or judgment except a default order or default
3 judgment in an unlawful detainer action;

4 (ii) In proceedings filed under RCW 28A.225.030 alleging a
5 violation of the compulsory attendance laws where the petitioner
6 shall not pay a filing fee(~~(. The \$45 filing fee under this~~
7 ~~subsection for an unlawful detainer action shall not include an order~~
8 ~~to show cause or any other order or judgment except a default order~~
9 ~~or default judgment in an unlawful detainer action))~~; or

10 (iii) In a dissolution of marriage action where the petitioner
11 shall not pay a filing fee if the petition for dissolution of
12 marriage is filed under the circumstances provided in section 1 of
13 this act.

14 (b) Any party, except a defendant in a criminal case, filing the
15 first or initial document on an appeal from a court of limited
16 jurisdiction or any party on any civil appeal, shall pay, when the
17 document is filed, a fee of \$200.

18 (c) For filing of a petition for judicial review as required
19 under RCW 34.05.514 a filing fee of \$200.

20 (d) For filing of a petition for an antiharassment protection
21 order under RCW 7.105.100 a filing fee of \$53.

22 (e) For filing the notice of debt due for the compensation of a
23 crime victim under RCW 7.68.120(2)(a) a fee of \$200.

24 (f) In probate proceedings, the party instituting such
25 proceedings, shall pay at the time of filing the first document
26 therein, a fee of \$200.

27 (g) For filing any petition to contest a will admitted to probate
28 or a petition to admit a will which has been rejected, or a petition
29 objecting to a written agreement or memorandum as provided in RCW
30 11.96A.220, there shall be paid a fee of \$200.

31 (h) Upon conviction or plea of guilty, upon failure to prosecute
32 an appeal from a court of limited jurisdiction as provided by law, or
33 upon affirmance of a conviction by a court of limited jurisdiction,
34 an adult defendant in a criminal case shall be liable for a fee of
35 ~~((two hundred dollars))~~ \$200, except this fee shall not be imposed on
36 a defendant who is indigent as defined in RCW 10.01.160(3). Upon
37 motion by the defendant, the court may waive or reduce any fee
38 previously imposed under this subsection if the court finds that the
39 defendant is indigent as defined in RCW 10.01.160(3).

1 (i) No fee shall be assessed if an order of dismissal on the
2 clerk's record be filed as provided by rule of the supreme court.

3 (3) No fee shall be collected when a petition for relinquishment
4 of parental rights is filed pursuant to RCW 26.33.080 or for forms
5 and instructional brochures provided under RCW 7.105.115.

6 (4) No fee shall be collected when an abstract of judgment is
7 filed by the county clerk of another county for the purposes of
8 collection of legal financial obligations.

9 (5)(a) In addition to the fees required to be collected under
10 this section, clerks of the superior courts must collect surcharges
11 as provided in this subsection (5) of which 75 percent must be
12 remitted to the state treasurer for deposit in the judicial
13 stabilization trust account and 25 percent must be retained by the
14 county.

15 (b) On filing fees required to be collected under subsection
16 (2)(b) of this section, a surcharge of \$30 must be collected.

17 (c) On all filing fees required to be collected under this
18 section, except for fees required under subsection (2)(b), (d), and
19 (h) of this section and except as provided in section 1 of this act,
20 a surcharge of \$40 must be collected.

21 (6) On filing fees required to be collected under subsection
22 (2)(a), (b), (c), (e), (f), and (g) of this section, except as
23 provided in section 1 of this act, a surcharge of \$50 must be
24 collected and \$45 of such surcharge must be transmitted by the county
25 treasurer to the state treasurer to be deposited in the following
26 manner: \$20 in the Washington state legacy project, state library,
27 and archives account and \$25 in the judicial stabilization trust
28 account. The remaining funds must be retained by the county to be
29 used for the county clerk's office operations, including
30 administering the surcharge.

31 **Sec. 5.** RCW 36.18.040 and 2015 c 265 s 29 are each amended to
32 read as follows:

33 (1) Sheriffs shall collect the following fees for their official
34 services:

35 (a) For service of each summons and complaint, notice and
36 complaint, summons and petition, and notice of small claim on one
37 defendant at any location, (~~ten dollars~~) \$10, and on two or more
38 defendants at the same residence, (~~twelve dollars~~) \$12, besides

1 mileage. The sheriff may not collect a fee for service of summons and
2 petition pursuant to section 1 of this act;
3 (b) For making a return, besides mileage actually traveled,
4 (~~seven dollars~~) \$7;
5 (c) For levying each writ of attachment or writ of execution upon
6 real or personal property, besides mileage, (~~thirty dollars~~) \$30
7 per hour;
8 (d) For filing copy of writ of attachment or writ of execution
9 with auditor, (~~ten dollars~~) \$10 plus auditor's filing fee;
10 (e) For serving writ of possession or restitution without aid of
11 the county, besides mileage, (~~twenty-five dollars~~) \$25;
12 (f) For serving writ of possession or restitution with aid of the
13 county, besides mileage, (~~forty dollars~~) \$40 plus (~~thirty~~
14 ~~dollars~~) \$30 for each hour after one hour;
15 (g) For serving an arrest warrant in any action or proceeding,
16 besides mileage, (~~thirty dollars~~) \$30;
17 (h) For executing any other writ or process in a civil action or
18 proceeding, besides mileage, (~~thirty dollars~~) \$30 per hour;
19 (i) For each mile actually and necessarily traveled in going to
20 or returning from any place of service, or attempted service,
21 (~~thirty-five~~) 35 cents;
22 (j) For making a deed to lands sold upon execution or order of
23 sale or other decree of court, to be paid by the purchaser, (~~thirty~~
24 ~~dollars~~) \$35;
25 (k) For making copies of papers when sufficient copies are not
26 furnished, (~~one dollar~~) \$1 for first page and (~~fifty~~) 50 cents
27 per each additional page;
28 (l) For the service of any other document and supporting papers
29 for which no other fee is provided for herein, (~~twelve dollars~~)
30 \$12;
31 (m) For posting a notice of sale, or postponement, (~~ten~~
32 ~~dollars~~) \$10 besides mileage;
33 (n) For certificate or bill of sale of property, or certificate
34 of redemption, (~~thirty dollars~~) \$30;
35 (o) For conducting a sale of property, (~~thirty dollars~~) \$30 per
36 hour spent at a sheriff's sale;
37 (p) For notarizing documents, (~~five dollars~~) \$5 for each
38 document;

1 (q) For fingerprinting for noncriminal purposes, (~~ten dollars~~)
2 \$10 for each person for up to two sets, (~~three dollars~~) \$3 for each
3 additional set;

4 (r) For mailing required by statute, whether regular, certified,
5 or registered, the actual cost of postage;

6 (s) For an internal criminal history records check, (~~ten~~
7 ~~dollars~~) \$10;

8 (t) For the reproduction of audio, visual, or photographic
9 material, to include magnetic microfilming, the actual cost including
10 personnel time.

11 (2) Fees allowable under this section may be recovered by the
12 prevailing party incurring the same as court costs. Nothing contained
13 in this section permits the expenditure of public funds to defray
14 costs of private litigation. Such costs shall be borne by the party
15 seeking action by the sheriff, and may be recovered from the proceeds
16 of any subsequent judicial sale, or may be added to any judgment upon
17 proper application to the court entering the judgment.

18 (3) Notwithstanding subsection (1) of this section, a county
19 legislative authority may set the amounts of fees that shall be
20 collected by the sheriff under subsection (1) of this section to
21 cover the costs of administration and operation, except that the
22 sheriff may not collect any fee for service of summons and petition
23 pursuant to section 1 of this act.

24 (4) The fines imposed by this section do not apply to juvenile
25 offenders.

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