



## King County

### Dow Constantine

King County Executive  
401 Fifth Avenue, Suite 800  
Seattle, WA 98104-1818

**206-263-9600** Fax 206-296-0194

TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

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CLERK  
KING COUNTY COUNCIL

April 28, 2011

The Honorable Larry Gossett  
Chair, King County Council  
Room 1200  
COURTHOUSE

Dear Councilmember Gossett:

With this letter I am transmitting the proviso report in response to Ordinance 16984, Section 34, P1, and Section 31, P1, created jointly by the Department of Judicial Administration (DJA) and the Superior Court (Court). The proviso required "a comprehensive review by the Superior Court and the Department of Judicial Administration of their fees and policies regarding fee reduction or waiver based upon ability to pay".

Superior Court and DJA formed an Ad Hoc Fees Proviso Committee (Committee), chaired by Presiding Judge Richard McDermott, to complete the work required by the proviso. The Committee completed a comprehensive review of the Superior Court and DJA fees, and of the policies regarding fee reduction/waiver, and the result of that work is described in this report.

The Court and DJA have found the proviso work to be a very valuable and timely exercise, particularly as it relates to review of the King County Code for fee-related updates. As described in this report, there are many updates necessary to code language, and this proviso provided the invitation and opportunity to complete this work. The ordinance implementing these code changes is attached for Council review and approval. In addition, a new state court rule was adopted by the Washington Supreme Court relating to fee waivers, General Rule 34, so the work assigned by the proviso very much complemented the work necessary to implement the new rule and forms mandated by the rule. The Court and DJA used this opportunity to overhaul and update the web-based and in-person information available to Clerk and Court customers related to fee waivers.

The Honorable Larry Gossett

April 28, 2011

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Please contact Barbara Miner, Director of the Department of Judicial Administration, at 206-296-2910, should you have any questions or need more information about this report.

Sincerely,

A handwritten signature in black ink that reads "Dow Constantine". The signature is written in a cursive style with a long horizontal stroke at the end.

Dow Constantine  
King County Executive

Enclosures

cc: King County Councilmembers

ATTN: Acting Chief of Staff

Anne Noris, Clerk of the Council

The Honorable Richard McDermott, Presiding Judge, King County Superior Court

Paul Sherfey, Chief Administrative Officer, King County Superior Court

Barbara Miner, Director, Department of Judicial Administration

Dwight Dively, Director, Office of Performance, Strategy, and Budget (PSB)

Krista Camenzind, Budget Supervisor, PSB

**FISCAL NOTE**

Ordinance/Motion No. 00-	
Title:	Relating to Court Fees...
Affected Agency and/or Agencies:	Department of Judicial Administration and Superior Court
Note Prepared By:	Barbara Miner
Note Reviewed By:	

**Impact of the above legislation on the fiscal affairs of King County is estimated to be:**

No fiscal impact is anticipated from this ordinance.

**Revenue to:**

Fund/Agency	Fund	Revenue	Current Year	2012	2013	2014
	Code	Source				
Current Expense	0010		-	\$ -	\$ -	\$ -
	<b>TOTAL</b>		-	\$ -	\$ -	\$ -

**Expenditures from:**

Fund/Agency	Fund	Department	Current Year	2012	2013	2014
	Code					
Current Expense	0010		-	\$ -	\$ -	\$ -
			-	\$ -	\$ -	\$ -

**Expenditures by Categories**

	Current Year	2012	2013	2014
Salaries & Benefits		\$ -	\$ -	\$ -
Supplies and Services		\$ -	\$ -	\$ -
Capital Outlay	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	\$ -	\$ -	\$ -	\$ -

King County Superior Court and the  
Department of Judicial Administration  
**Fee Proviso Report**  
April 2011

**I. Discussion of the Proviso**

King County Superior Court (SC) and the Department of Judicial Administration (DJA) were assigned a proviso in the 2012 budget ordinance, Ordinance 16984, Section 34, P1, and Section 31, P1, the text of which follows:

*"Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits and the council adopts legislation that references the proviso's ordinance, section and number and states that the executive has responded to the proviso. This proviso requires a comprehensive review by the superior court and the department of judicial administration of their fees and policies regarding fee reduction or waiver based upon the ability to pay. The review shall be conducted with advice from the prosecuting attorney's office and must include, but is not limited to, a review of the King County Code, the Revised Code of Washington and local superior court rules, and shall focus on ways to simplify and clarify the process for the reduction or waiver of court fees. The executive must transmit legislation to reflect any recommended changes to the King County Code that the superior court and the department of judicial administration have determined would be needed to update the King County Code to reflect fee policies."*

Superior Court and DJA formed an Ad Hoc Fees Proviso Committee, chaired by Presiding Judge Richard McDermott, to complete the work required by the Proviso. The Committee completed a comprehensive review of the Superior Court and DJA fees, and of the policies regarding fee reduction/waiver, and the result of that work is described in this report.

The Court and DJA have found the proviso work to be a very valuable and timely exercise, particularly as it relates to review of the King County Code for fee-related updates. As described later in this report, there are many updates necessary to code language, and this proviso provided the invitation and opportunity to complete this work. In addition, a new state court rule was adopted by the Washington Supreme Court relating to fee waivers, so the work assigned by the proviso very much complemented the work necessary to implement the new rule and forms mandated by the rule. The Court and DJA used this opportunity to overhaul and update our web-based and in-person information to Clerk and Court customers related to fee waivers.

**II. Review of the Fees in King County Code and the Revised Code Of Washington**

Most fees charged by the Department of Judicial Administration, otherwise known as the County Clerk, or Clerk of the Superior Court, are authorized in the Revised Code of Washington (RCW). However, there are several authorized in King County code. Fees that are in RCW are state-wide and authorized for all County Clerks. Fees in the King County Code (KCC) are local and specific to only King County. Some Superior Court fees are authorized in the KCC and others are in RCW. There are several places in RCW where a fee is authorized as a dollar range, with delegation to the local legislative authority to

implement the specific local fee amount in ordinance. There are also places in the RCW where a fee is permitted, but required to be implemented by action of local legislative authority. The Committee reviewed both KCC and the RCWs related to fees charged by Superior Court or DJA.

#### A. King County Code

Several King County Code chapters relate to the fees charged in Superior Court and DJA. Chapters 4.70, 4.71, 4.72, 4.73, 4.76, 4.78, 4.79 and 4.83 were reviewed by the Committee. Three chapters and approximately eight sections are proposed for elimination, and many other edits to existing language are necessary. The chapters and sections proposed for elimination are primarily duplicative of RCW-based fees. Historically, King County has initiated some fees at the local level and the fees are subsequently adopted on a statewide basis, eliminating the need for the KCC authority. It is apparent that over the years, these code provisions became obsolete but were not removed from code.

Several other sections in code contain outdated language that is no longer necessary or erroneous language that suggests DJA collects the fee, when in fact it is a fee of Superior Court. There are some Superior Court fees codified within DJA fee chapters and vice versa.

Fees Proviso Committee staff met with Anne Noris, Clerk of the King County Council, and Bruce Ritzen, Code Reviser in the Office of the Clerk of the Council, to discuss the proposed updates. Ms. Noris and Mr. Ritzen were very helpful and generous in advice and support of this work. Ms. Noris described that the effort of the Ad Hoc committee matches well with an in-house effort already underway in the Clerk of the Council's Office to update old and out of date code language and codification practices. The resulting proposed ordinance reflects collaboration with the office of the Clerk of the Council. Attached is a cross-walk description of the proposed code changes that intends to help the reader decipher among actual deletions of code, reorganization of code paragraphs, and updated language proposals. (Appendix A)

#### B. Revised Code of Washington

The Committee also reviewed the Revised Code of Washington fees for the Court and DJA. Chapter 36.18 is the Fees of County Officers, and Sections 36.18.012 to .025 are fees of the County Clerk. In addition, Sections 36.18.050, .060 and .080 through .190 relate to the collection and waiver of these state-authorized fees. In King County, the County Clerk or Superior Court Clerk is the Director of the Department of Judicial Administration, pursuant to the King County Charter. From this review, the Committee has no current proposals to modify existing state laws regarding fees.

### III. Review of the Policies Regarding Fee Reduction and Waiver

#### A. History and Statistics on Fee Waivers

Historically, RCW 36.18.022 has been the governing authority related to fee waivers for fees of the County Clerk. This section of statute reads: *"The court may waive the filing fees provided for under*

**RCW 36.18.016(2)(b)<sup>1</sup> and 36.18.020(2)(a)<sup>2</sup> and (b)<sup>3</sup> upon affidavit by a party that the party is unable to pay the fee due to financial hardship.** From this language, DJA and the Court have had a long standing process in place and a set of forms and instructions for parties to use to request that the court grant *In forma Pauperis*<sup>4</sup> status, and waive the filing fee, or case initiating fee, of the filing party in civil matters. This court and other courts throughout the state have relied on RCW 10.101.010 that sets in statute a poverty standard of 125% of the federal poverty level, for criminal defendants obtaining public defense representation, and utilized that same standard for the civil (non-criminal) filing fee waiver standard of "financial hardship." Upon review of the history of the practice, the table in Appendix B of this report shows the last two years of practice related to filing fee waivers. The statistics indicate that filing fee waivers happen at about a 17% rate in the relevant domestic case types.

In order to compare the 17% rate mentioned above with a relevant universe, we sought information on what portion of the King County population matches the 125% of federal poverty level. According to data provided by the King County demographer<sup>5</sup>, approximately 228,700 *persons* or 12.5% of the King County population had incomes below 125% of the poverty level. Approximately, 38,500 *families* or 9.6% of King County families had incomes below 130% of the poverty level in the previous 12 months.

Though the percentage of waivers and the King County population as a whole are not an apples to apples comparison, the numbers provide a general indication that the court is waiving the filing fee at a rate that is consistent with the overall King County population.

#### B. Governing Rules and Statutes

1. RCWs: Historically, as mentioned earlier, RCW 36.18.022 has been the governing authority related to fee waivers for fees of the County Clerk. This section of statute reads: ***"The court may waive the filing fees provided for under RCW 36.18.016(2)(b) and 36.18.020(2)(a) and (b) upon affidavit by a party that the party is unable to pay the fee due to financial hardship."*** This section of statute resides in the chapter of Fees of County Officers, and it is the sole reference to fee waiving ability in the chapter.

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<sup>1</sup> RCW 36.18.016(2)(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of thirty dollars. The clerk of the superior court shall transmit monthly twenty-four dollars of the thirty-dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the six dollars, which may be retained by the court for administrative purposes.

<sup>2</sup> In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

<sup>3</sup> Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

<sup>4</sup> *In forma pauperis*, from Black's law dictionary: In the character or manner of a pauper. Describes permission given to a poor person (i.e. indigent) to proceed without liability for court fees or costs...

<sup>5</sup> C17002. RATIO OF INCOME TO POVERTY LEVEL IN THE PAST 12 MONTHS - Universe: POPULATION FOR WHOM POVERTY STATUS IS DETERMINED, from Chandler Felt, King County Demographer

It specifically gives the waiver ability to "the court." There is also case law which mandates that the court review the merits of a proposed civil case, in addition to poverty standards, before granting a fee waiver. In any case where a party does not have a constitutional or statutory right to waiver of filing fees, the party must demonstrate in the motion or supporting affidavit or it must appear from the complaint or petition that the action has probable merit.

It should also be mentioned that there are many case types where state statutes dictate that there are no filing fees. These include Petitions for Domestic Violence Protection Orders, Guardianship cases where the estate is under \$3,000, Paternity actions, and Dependency and Termination of Parental Rights actions. Petitions for Antiharassment Protection orders are governed by federal law, which allows for fee waiver if there is an allegation of stalking in the petition. Eighty Eight percent of Antiharassment petitioners have fee waivers in King County Superior Court in the last 2 years.

There are also statutes related to fees for the use of interpreters in court. Pursuant to RCW 2.43.040(3), fees are not charged for interpreters for parties who are required by a governmental body to appear (e.g. criminal defendants, witnesses in criminal matters, parents of minors). Superior Court's Office of Interpreter Services (OIS) provides interpreters at no charge to such parties.

In civil proceedings, per RCW 2.43.040, the cost of an interpreter is to be borne by the non-English-speaking person, unless that person is indigent according to the adopted standards of that body. This court has adopted the 125% of federal poverty standard, as the standard of indigency. Please note: The Ad Hoc Committee on the fee proviso was informed that this court and all other trial courts across the country have been sent a letter by federal prosecutors interpreting federal law on the responsibility for payment of interpreter services, thus alerting Washington courts of a potential conflict between federal law and the long-standing state statute mentioned above. Washington State courts are reviewing the issue of this potential state/federal conflict and locally the King County Superior Court's Interpreter Committee has the policy lead on behalf of the court as this issue is being addressed.

2. State Court Rule: The Washington Supreme Court adopted General Rule 34 entitled "Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency" on December 3, 2010. This rule does several things, but of particular relevance are the following:

- a. It expands on the authority given to judges in RCW 36.18.022, by giving them also the authority to waive surcharges, in addition to filing fees.
- b. It mandates that the fee waiver application, or motion, be on mandatory pattern form created by the Administrative Office of the Courts. This resulted in the development of a form for use in any/every court across the state.
- c. It adds more ways in which a party may qualify for indigency status. In addition to meeting the 125% standard of federal poverty level, the additional ways allowed by this rule are: 1) receiving assistance under a needs-based means-tested assistance program, such as TANF; 2) qualifying

for legal assistance by a Qualified Legal Service Provider<sup>6</sup>; 3) proving other compelling circumstances exist that demonstrate an applicant's inability to pay.

C. Process Review: The Court and DJA have four processes in place for the waiver of fees. Most of the information described above relates to the most substantial and important access fee, the filing fee. Other fee waivers already offered by the court or DJA include: 1) waiver of interpreter fees; 2) waiver of family court operations fees; 3) waiver of fees charged by the Clerk (DJA). Each of these waiver processes were reviewed by the committee. Two of these waivers involve judicial action, a court order, to waive the fee: filing fees and interpreter fees. The two others are simpler, less formal waivers granted by staff in the Department of Judicial Administration and Family Court Operations.

The filing fee has now both statute and court rule that dictate the process and the forms related to waiving. DJA has long provided local forms with instructions that describe the process. Those local forms have now been replaced with the new forms dictated by GR 34, and created by AOC, and the instructions were updated to match the new provisions in the state court rule. The new state forms became available on February 9, 2011, just as the fee proviso work was commencing, so timing of these two efforts were complementary. DJA staff assists customers with this process, as do the Family Law Facilitators who assist many family law customers with the case initiating process. Ex parte commissioners in the Superior Court hear all requests for filing fee waivers.

The interpreter fee waiver process is also via court order, and the process is facilitated by the staff in the Superior Court's Office of Interpreter Services (OIS). Most of these waivers are signed by the judge at the time of the hearing about to be interpreted. If the interpreter service is for something other than a court hearing, the waiver is signed in the ex parte department of the court, again facilitated by the staff in OIS. The process is relevant to the use of the service and is not disruptive or burdensome on the litigant, the court, or the staff. Again, please note that Washington Courts are reviewing federal and state laws on interpreter fee issues at this time.

Family Court user fees are reduced or waived by staff in family court at the time of the service offering. Sliding scale fees are offered for mediation and evaluation services, and sliding fees and fee waivers are offered for the parent seminar, facilitator user and document review fees, and the family law orientation fee. The sliding scale is based on federal poverty guidelines and federal entitlement program qualification. These processes are relevant to the use of the services and not disruptive or burdensome on the litigant, the court, or the staff.

The Clerk's (DJA) fees waiver process relates to the ex parte fee, fees for ECR Online, and the expedited fee. The fee waiver process is relevant to the use of the service, is handled by the staff in DJA and uses the same 125% of federal poverty standards and entitlement program qualifications. These processes are not disruptive to the court process or burdensome on the litigant, the court or the staff.

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<sup>6</sup> From Admission to Practice Rule (APR) 8(e)(2) A qualified legal services provider is a not-for-profit legal services organization whose primary purpose is to provide legal services to low income clients.



#### **IV. Implementation of Proposals to Simplify and Clarify the Process for Fee Waiver**

As a result of this proviso work and the implementation of GR 34, DJA and the Court have made several changes intended to assist users with understanding the fees and the fee waiver processes.

A. Updates to the DJA/SC websites regarding fee information: New web pages have been developed that will provide information and forms on all the fee waiver processes available to litigants. The information will include background information on the governing laws and rules, and instructions for the waiver processes. The link to the new web site is <http://www.kingcounty.gov/courts/clerk/feeinformation.aspx> . The fee waiver information includes how to seek waiver of filing fees, Clerk's Fees, Interpreter and family court service fees.

B. Invitation to the fee waiver process: DJA is developing a script, some signs to be posted in the office, and an information sheet that will be provided to all pro se (i.e. self-represented) customers at the time of filing that alerts them to the fee waiver process. DJA has developed simplified instructions for accessing the fee waiver process, and has included information about fee waivers on the same web page with the fee schedule so that litigants looking for fee information will readily see that there is also a possibility of having those fees waived.

C. Changes to the King County Code: Extensive changes to the King County code are proposed in order to update old language, eliminate outdated provisions and organize the fee provisions appropriately.

D. Implementation of the new State Mandatory GR 34 forms: The new mandatory pattern forms dictated in GR 34 have replaced long existing King County forms in the forms packets for the filing fee waiver process.

E. Update of the Instructions for the fee waiver process: Instructions for the use of the fee waiver forms have been updated to match new provisions in GR 34 related to indigency status.

F. Judicial Officer and Staff Training on the Fee Waiver Process: The Ad Hoc committee members will conduct a training session for judges, commissioners and court staff on fee waiver laws, rules and policies. The training will include the new GR 34 and the forms and instructions related to the fee waiver process.

#### **V. Prosecutor's Review**

King County Prosecutor's Office representative Tom Kuffel has been associated with the Fees Proviso subcommittee in an advisory capacity. He and his staff have reviewed the final report of this committee and have reviewed the proposed King County code changes that have been proposed as a result of the committee's proviso work.

## **VI. Conclusion**

This report describes the work of the King County Superior Court and the Department of Judicial Administration on the proviso assigned in King County Ordinance 16984, Section 34, P1, and Section 31, P1. Both the Court and DJA appreciate the opportunity to address our fees and fee policies that came from this proviso. Due to this work we have organized, simplified and updated code language, and implemented new forms and instructions to better address the needs of those in our community who need to access the court system but lack the funds to do so.

## **VII. Appendices**

- A. King County Code Changes Crosswalk
- B. Statistics on Filing Fee Waivers in King County Superior Court

**Appendix A**  
**Crosswalk of Proposed King County Code Changes**  
 King County Superior Court and the Department of Judicial Administration  
 Fee Proviso Report  
 April 2011

Chapter	Section(s)	Action	Notes
4.70	All	Delete	Covered in RCW
4.71			Re-title: <i>Department of Judicial Administration Fees</i>
	.010	Modify	Modify Language
	.020	Consolidate	Consolidate with .010
	.030	Relocate / modify	Relocate to end of Chapter 4.71 and modify language
	.040	Delete	Covered in RCW
	.070	Modify	Modify language
	.080	Delete	Covered in RCW
	.090	Modify	Modify language
	.100	Modify	Modify language
	.110	Delete	Covered in RCW
	.130	Delete	Obsolete
	.140	Delete	Obsolete
	.150	Modify	Modify language
	.160	Delete	Covered in RCW
4.72			Re-title: <i>Fees in Superior Court</i>
	.010	Modify	Modify language
	.020	Modify	Modify language
	.021	Modify	Modify language
	.025	Modify	Modify language
	.032	Modify	Modify language
	.034	Modify	Modify language
	.045	Modify	Modify language
	.100	Delete	Obsolete
	.XX1	Add	New section titled: <i>Reduction or Waiver of Fees</i>
	.XX2	Add	New section titled: <i>Collection of Fees</i>
	.XX3	Relocate	New section titled: <i>Form Sales; Relocated from section 4.79.010</i>

**Appendix A**  
**Crosswalk of Proposed King County Code Changes**  
 King County Superior Court and the Department of Judicial Administration  
 Fee Proviso Report  
 April 2011

<b>4.73</b>	All	Relocate / modify	Relocate to Chapter 4.71, DJA Fees and modify language
<b>4.74</b>	All	Delete	Obsolete
<b>4.76</b>	All	Relocate	Relocate to Chapter 4.71, DJA Fees
	.030	Delete	Obsolete
	.040	Delete	Obsolete
<b>4.78</b>	All	Delete	Obsolete
<b>4.79</b>			Re-title: <i>Surcharge on Domestic Relations Cases for Facilitator Program</i>
	.010 (portions)	Relocate / modify	Relocate to Chapter 4.71, DJA Fees and modify language
	.010 (portions)	Relocate	Relocate Form Sales language to new section in Chapter 4.72, Fees in Superior Court
	.020	Relocate	Relocate to Chapter re: District Court
<b>4.80</b>	All	No change	Not sure which department
<b>4.81</b>	All	No change	Law Library
<b>4.82</b>	All	No change	District Court surcharge
<b>4.83</b>	All (except .020)	Relocate	Relocate to Chapter 4.71, DJA Fees
	.020	Delete	Obsolete

**Appendix B**  
**Statistics on Filing Fee Waivers**  
**King County Superior Court and the Department of Judicial Administration**  
**Fee Proviso Report**  
**April 2011**

ORPRFR and ORALFF for Cases filed in 2009 and 2010											
Count of IFP - Cases											
Case Cause Code	KNT			SEA			KNT/SEA Total				
	2009	2010	KNT Total	2009	2010	SEA Total	2009	2010	SEA Total	KNT/SEA Total	
SEP	17	17	34	17	16	33				67	
CUS	51	33	84	33	34	67				151	
DIC	219	237	456	182	239	421				877	
DIN	151	185	336	202	217	419				755	
PPS	132	127	259	79	88	167				426	
ORPRFR/ORALFF Total	589	620	1209	534	611	1145				2354	
Count of Filings - Cases											
KNT											
Case Cause Code	2009	2010	KNT Total	SEA							Grand Total
SEP	124	133	257	235	252	487				744	
CUS	128	95	223	97	100	197				420	
DIC	1026	926	1952	1640	1465	3105				5057	
DIN	1121	1047	2168	2244	2189	4433				6601	
PPS	273	274	547	223	240	463				1010	
Filing Total	2672	2475	5147	4439	4246	8685				13832	
Percentage of Filed Cases with IFP											
KNT											
Case Cause Code	2009	2010	KNT Total	SEA							Grand Total
SEP	14%	13%	13%	7%	6%	7%				9%	
CUS	40%	35%	38%	34%	34%	34%				36%	
DIC	21%	26%	23%	11%	16%	14%				17%	
DIN	13%	18%	15%	9%	10%	9%				11%	
PPS	48%	46%	47%	35%	37%	36%				42%	
Grand Total	22%	25%	23%	12%	14%	13%				17%	

Date Created:	4/5/2011
Drafted by:	
Sponsors:	
Attachments:	None

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..Title

AN ORDINANCE relating to court fees; amending  
Ordinance 9349, Section 1, and K.C.C. 4.71.010,  
Ordinance 13330, Section 20, and K.C.C. 4.781.070,  
Ordinance 8752, Sections 1 through 3, as amended, and  
K.C.C. 4.71.100, Ordinance 13990, Section 2, and K.C.C.  
4.71.150, Ordinance 9774, Section 1, as amended, and  
K.C.C. 4.73.010, Ordinance 6242, Section 1, as amended,  
and K.C.C. 4.76.010, Ordinance 11136, Section 1, as  
amended, and K.C.C. 4.79.010, Ordinance 13662, Section  
9, and K.C.C. 4.83.010, Ordinance 14905, Section 15, and  
K.C.C. 4.83.030, Ordinance 14905, Section 17, and K.C.C.  
4.83.040, Ordinance 16290, Section 3, and K.C.C.  
4.83.060, Ordinance 16293, Section 3, and K.C.C.  
4.83.070, Ordinance 16297, Section 3, and K.C.C.  
4.83.080, Ordinance 16968, Section 3, and K.C.C.  
4.83.090, Ordinance 9349, Section 3, and K.C.C.  
4.781.030, Ordinance 6241, Section 1, as amended, and  
K.C.C. 4.72.010, Ordinance 6241, Section 2, as amended,  
and K.C.C. 4.72.020, Ordinance 16982, Section 4, and  
K.C.C. 4.72.021, Ordinance 10643, Section 3, as amended,

22 and K.C.C. 4.72.025, Ordinance 16305, Section 1, as  
23 amended, and K.C.C. 4.72.032, Ordinance 16306, Section  
24 2, as amended, and K.C.C. 4.72.034 and Ordinance 6241,  
25 Section 3, as amended, and K.C.C. 4.72.045, adding new  
26 sections to K.C.C. chapter 4.71, adding new sections to  
27 K.C.C. chapter 4.72, recodifying K.C.C. 4.73.010, K.C.C.  
28 4.76.010, K.C.C. 4.83.010, K.C.C. 4.83.030, K.C.C.  
29 4.83.040, K.C.C. 4.83.060, K.C.C. 4.83.070, K.C.C.  
30 4.83.080, K.C.C. 4.83.090 and K.C.C. 4.71.030 and  
31 repealing Ordinance 9348, Section 1, as amended, and  
32 K.C.C. 4.70.010, Ordinance 9348, Section 2, as amended,  
33 and K.C.C. 4.70.020, Ordinance 9348, Section 3, and K.C.C.  
34 4.70.030, Ordinance 9349, Section 2, and K.C.C. 4.71.020,  
35 Ordinance 13330, Section 14, and K.C.C. 4.71.040,  
36 Ordinance 13330, Section 22, and K.C.C. 4.71.080,  
37 Ordinance 135662, Section 2, and K.C.C. 4.71.110,  
38 Ordinance 13642, Section 1, and K.C.C. 4.71.130, Ordinance  
39 13662, Section 6, and K.C.C. 4.71.140, Ordinance 13995,  
40 Section 2, and K.C.C. 4.71.160, Ordinance 6241, Section 3,  
41 as amended, and K.C.C. 4.72.100, Ordinance 10008, Section  
42 1, and K.C.C. 4.74.010, Ordinance 6242, Section 2, as  
43 amended, and K.C.C. 4.76.020, Ordinance 6242, Section 3,  
44 as amended, and K.C.C. 4.76.030, Ordinance 6242, Section

45 4, and K.C.C. 4.76.040, Ordinance 8364, Section 1, and  
46 K.C.C. 4.78.010, Ordinance 8364, Section 2, and K.C.C.  
47 4.78.020, Ordinance 8364, Section 3, and K.C.C. 4.78.030,  
48 Ordinance 8364, Section 4, and K.C.C. 4.78.040 and  
49 Ordinance 13662, Section 11, and K.C.C. 4.83.020.

50 ..Body

51 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

52 SECTION 1. Findings.

53 With this ordinance, the executive has responded to the provisos in the 2011 Budget  
54 Ordinance, Ordinance 16984, Section 31, Proviso P1, and Section 34, Proviso P1.

55 SECTION 2. Ordinance 9349, Section 1, and K.C.C. 4.71.010 are each hereby  
56 amended to read as follows:

57 The department of judicial administration is hereby authorized to assess a fee for  
58 providing forms used in King County ((S))superior ((€))court. The charge shall be fifty  
59 cents per page to cover all costs associated with forms' creation and distribution.

60 SECTION 3. Ordinance 13330, Section 20, and K.C.C. 4.71.070 are each hereby  
61 amended to read as follows:

62 The department of judicial administration is hereby authorized to assess a fee for  
63 issuance of civil warrants, subpoenas and citations, and for each document needing a clerk's  
64 seal. In accordance with RCW 36.18.050, ((T))the fee assessed for issuance of civil  
65 warrants, subpoenas and citations shall be ((twenty dollars)) the same as the fee established  
66 for the issuance of a writ of attachment as specified in RCW 36.18.016.



67            SECTION 4. Ordinance 8752, Sections 1 through 3, as amended, and K.C.C.

68 4.71.100 are each hereby amended to read as follows:

69            ~~((A.))~~ The department of judicial administration is hereby authorized to assess a  
70 fee to anyone who files a document that requires special handling because of errors,  
71 failure to follow court rules or statutes or lack of completeness. The department shall  
72 make the decision to return the document to the filer on a case-by-case basis.

73            ~~((B.))~~ The fee assessed for a document that requires extra handling because of  
74 errors, failure to follow court rules or statutes or lack of completeness shall be fifteen  
75 dollars for each incorrect or incomplete document to cover all costs of the extra handling  
76 required.

77            ~~((C. The department of judicial administration shall establish a procedure for the  
78 collection of the fee.))~~

79            SECTION 5. Ordinance 13990, Section 2, and K.C.C. 4.71.150 are each hereby  
80 amended to read as follows:

81            The department of judicial administration is hereby authorized to assess a fee for the  
82 service of bulk user access to superior court records managed by the department of judicial  
83 administration. The fee assessed shall be two hundred fifty dollars per year, to cover the  
84 costs associated with providing this service. A fee of twenty-five dollars per month shall be  
85 charged to users who do not require bulk access for an entire year. ~~((The department of  
86 judicial administration shall establish a procedure for the collection of these fees.))~~

87            SECTION 6. K.C.C. 4.73.010, as amended by this ordinance, is hereby recodified  
88 as a new section in K.C.C. chapter 4.71.

89           SECTION 7. Ordinance 9774, Section 1, as amended, and K.C.C. 4.73.010 are  
90 each hereby amended to read as follows:

91           The department of judicial administration is hereby authorized to assess a fee for  
92 providing noncertified copies of legal case files. ~~((The charge shall be fifty cents per page  
93 to cover all costs associated with legal case file copying. Documents printed at one of the  
94 department's facilities from the department's electronic court record system and microfilm  
95 shall be twenty five cents per page.))~~ Self-service copies from hard copy, also known as  
96 paper, files or copied remotely using the department's online electronic court record system  
97 from a site outside the department's facilities shall be fifteen cents per page. The  
98 department of judicial administration shall establish a procedure for the collection of the  
99 fees in this section.

100           SECTION 8. K.C.C. 4.76.010, as amended by this ordinance is hereby recodified as  
101 a section in K.C.C. chapter 4.71.

102           SECTION 9. Ordinance 6242, Section 1, as amended, and K.C.C. 4.76.010 are  
103 each hereby amended to read as follows:

104           A. The department of judicial administration is hereby authorized to assess service  
105 fees for reimbursement for the actual costs incurred by the county to process trust payments  
106 through the superior court registry.

107           B. The following fees may be assessed:

108           1. Two dollars per payment if a child support payment greater than twenty-five  
109 dollars and less than or equal to one hundred and fifty dollars is made and;

110           2. Ten dollars per payment for all child support payments exceeding one hundred  
111 and fifty dollars and for all other types of payments which exceed twenty-five dollars;

112 C. (~~The department of judicial administration, having fully complied with K.C.C.~~  
113 ~~chapter 2.98, is authorized to implement procedures, for cause, to waive all or part of the~~  
114 ~~fees based on an applicant's showing of bona fide hardship. The service fees shall be the~~  
115 ~~responsibility of the party making a payment of funds to be held in trust by the department~~  
116 ~~of judicial administration. In the event that the party responsible to pay the service fee fails~~  
117 ~~to do so, or is delinquent in paying fees, the department shall not delay the disbursement of~~  
118 ~~trust payments or in any monetary way penalize the recipients of the trust payments because~~  
119 ~~of the failure or delinquency.)) This section applies to all payments received for processing  
120 through the superior court registry, except for any payment whose processing costs are  
121 otherwise reimbursed to the county from other sources.~~

122 SECTION 10. Ordinance 11136, Section 1, as amended, and K.C.C. 4.79.010 are  
123 each hereby amended to read as follows:

124 The (~~King County council hereby establishes~~) department of judicial  
125 administration is authorized to assess a surcharge of twenty dollars to superior court filing  
126 fees for domestic relations cases filed under Title 26 RCW (~~and user fees including a~~  
127 ~~charge of fifty cents per page for forms~~), to be used for funding the courthouse facilitator  
128 program which provides basic services to pro se litigants in family law cases. (~~This~~  
129 ~~surcharge shall be collected by the superior court and the clerk of the superior court, which~~  
130 ~~shall establish a procedure for collection and segregation of this surcharge in accordance~~  
131 ~~with chapter 26.12 RCW.~~)

132 SECTION 11. K.C.C. 4.83.010, as amended by this ordinance, is hereby recodified  
133 as a section in K.C.C. chapter 4.71.

134            SECTION 12. Ordinance 13662, Section 9, and K.C.C. 4.83.010 are each hereby  
135 amended to read as follows:

136            ~~((A.))~~ The department of judicial administration is hereby authorized to assess a  
137 fee for the service of providing a voucher system for payment of services provided by the  
138 department.

139            ~~((B.))~~ The fee assessed shall be ten percent of the yearly charges to the voucher  
140 account, to cover some of the expenses involved in processing the vouchers and sending  
141 invoices.

142            ~~((C. The department of judicial administration shall establish a procedure for the  
143 collection of these facts.))~~

144            SECTION 13. K.C.C. 4.83.030, as amended by this ordinance, is hereby recodified  
145 as a section in K.C.C. chapter 4.71.

146            SECTION 14. Ordinance 14905, Section 15, and K.C.C. 4.83.030 are each hereby  
147 amended to read as follows:

148            ~~((A.))~~ The department of judicial administration is hereby authorized to assess a fee  
149 for the disposal of court exhibits not withdrawn by the parties forty-five to ninety days  
150 following case completion. This fee is assessed ~~((pursuant to))~~ in accordance with RCW  
151 36.18.016(10).

152            ~~((B.))~~ The fee assessed shall be twenty dollars.

153            ~~((C. The department of judicial administration shall establish a procedure for the  
154 collection of the fee.))~~

155            SECTION 15. K.C.C. 4.83.040, as amended by this ordinance, is hereby recodified  
156 as a section in K.C.C. chapter 4.71.

157            SECTION 16. Ordinance 14905, Section 17, and K.C.C. 4.83.040 are each hereby  
158 amended to read as follows:

159            ~~((A.))~~ The department of judicial administration is hereby authorized to assess a fee  
160 for the conversion of items that are inappropriate for filing in the court file to file exhibits.  
161 This fee is assessed ~~((pursuant to))~~ in accordance with RCW 36.18.016(10).

162            ~~((B.))~~ The fee assessed shall be twenty dollars.

163            ~~((C. The department of judicial administration shall establish a procedure for the  
164 collection of the fee.))~~

165            SECTION 17. K.C.C. 4.83.060, as amended by this ordinance, is hereby recodified  
166 as a section in K.C.C. chapter 4.71.

167            SECTION 18. Ordinance 16290, Section 3, and K.C.C. 4.83.060 are each hereby  
168 amended to read as follows:

169            ~~((A.))~~ The department of judicial administration is hereby authorized to assess a fee  
170 for providing clerk services on an expedited basis.

171            ~~((B.))~~ The fee assessed shall be thirty dollars.

172            ~~((C. The department of judicial administration shall establish a procedure for the  
173 collection of the fee.))~~

174            SECTION 19. K.C.C. 4.83.070, as amended by this ordinance, is hereby recodified  
175 as a section in K.C.C. chapter 4.71.

176            SECTION 20. Ordinance 16293, Section 3, and K.C.C. 4.83.070 are each hereby  
177 amended to read as follows:

178            ~~((A.))~~ The department of judicial administration is hereby authorized to assess a fee  
179 for fulfilling customer requests via the mail.

180            ~~((B.))~~ The fee assessed shall be seven dollars per transaction and unless postage is  
181 provided by the customer, postage will be charged at a rate of three dollars per transaction.

182            ~~((C. The department of judicial administration shall establish a procedure for the  
183 collection of the fee.))~~

184            SECTION 21. K.C.C. 4.83.080, as amended by this ordinance, is hereby recodified  
185 as a section in K.C.C. chapter 4.71.

186            SECTION 22. Ordinance 16297, Section 3, and K.C.C. 4.83.080 are each hereby  
187 amended to read as follows:

188            ~~((A.))~~ The department of judicial administration is hereby authorized to assess and  
189 collect a fee for preparing and providing copies of documents to the court. This fee only  
190 applies when documents have been electronically submitted to the clerk by parties who  
191 wish to have copies provided to the respective judicial officer.

192            ~~((B.))~~ The fee assessed shall be twenty dollars per submission.

193            ~~((C. The department of judicial administration shall establish a procedure for the  
194 collection of the fee.))~~

195            SECTION 23. K.C.C. 4.83.090, as amended by this ordinance, is hereby recodified  
196 as a section in K.C.C. chapter 4.71.

197            SECTION 24. Ordinance 16968, Section 3, and K.C.C. 4.83.090 are each hereby  
198 amended to read as follows:

199            ~~((A.))~~ The department of judicial administration is hereby authorized to assess and  
200 collect a fee for preparing and providing a report of new cases filed in superior court or new  
201 judgments filed in superior court.

202            ~~((B.))~~ The fee shall be five dollars per report.

203           ~~((C. The department of judicial administration shall establish a procedure for the~~  
204 ~~collection of this fee.))~~

205           SECTION 25. K.C.C. 4.71.030, as amended by this ordinance, is hereby recodified  
206 as a new section in K.C.C. chapter 4.71 to follow K.C.C. 4.76.020, as recodified by this  
207 ordinance.

208           SECTION 26. Ordinance 9349, Section 3, and K.C.C. 4.71.030 are each hereby  
209 amended to read as follows:

210           The department of judicial administration shall establish a procedure for the  
211 collection of ~~((this))~~ the fees in this chapter.

212           SECTION 27. Ordinance 6241, Section 1, as amended, and K.C.C. 4.72.010 are  
213 each hereby amended to read as follows:

214           The purpose of this chapter is to authorize the superior court ~~((through the~~  
215 ~~department of judicial administration))~~ to assess ~~((service))~~ fees for reimbursement ~~((for the~~  
216 ~~actual))~~ of costs incurred by the county for: adoption services including flat search fee,  
217 consultation~~((;))~~ and confirmation of consents~~((, post-placement study, step-parent adoption,~~  
218 ~~new baby study, temporary study, in-home study, complete adoption))~~; ~~((and for))~~  
219 dissolution services including: ~~((mediation))~~ orientation, mediation, one party and two  
220 party evaluations, witness fees for testimony provided by family court services staff,  
221 ~~((paternity services including one party and two party evaluations))~~; ~~((for))~~ and marriage  
222 waivers~~((; and for marriage reconciliation services not pertaining to a pending dissolution))~~.  
223 Such service fees shall be the responsibility of the party or parties requesting the service.

224           NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter 4.72 a  
225 new section to read as follows:

226 The superior court is authorized to charge a fee for providing forms. The charge  
227 shall be fifty cents per page(~~(, which is to cover all costs associated with forms' creation and~~  
228 ~~distribution)~~).

229 SECTION 29. Ordinance 6241, Section 2, as amended, and K.C.C. 4.72.020 are  
230 each hereby amended to read as follows:

231 Fees for family court services dissolution matters are established as follows:

232 ~~((A.))~~ The ~~((department of judicial administration))~~ superior court shall prepare  
233 ~~((and adopt))~~ a fee schedule charging no more than two hundred dollars, per hour, for:

234 ~~((1.))~~ A. Dissolution services including:

235 1. Mediation and evaluation orientation;

236 ~~((b.))~~ 2. ~~((m))~~ Mediation services;

237 ~~((c.))~~ 3. ~~((conciliation))~~ Evaluation services;

238 ~~((d.))~~ 4. ~~((d))~~ Dissolution one and two party evaluations;

239 ~~((e.))~~ 5. ~~((w))~~ Witness fees for court testimony provided by family court services

240 staff; and

241 ~~((f. paternity services including evaluations; and~~

242 ~~g.))~~ 6. ~~((m))~~ Marriage waivers.

243 ~~((B. The department of judicial administration is authorized to implement~~  
244 ~~procedures, for cause, to waive all or part of the fees based on an applicant's showing of~~  
245 ~~bona fide hardship. Collection of the service fee shall be the responsibility of the superior~~  
246 ~~court and the department of judicial administration. Should it prove necessary, the~~  
247 ~~prosecuting attorney shall assist the department of judicial administration, the superior court~~  
248 ~~and the clerk of the superior court in collection of the fees.))~~



249            SECTION 30. Ordinance 16982, Section 4, and K.C.C. 4.72.021 are each hereby  
250 amended to read as follows:

251            Fees for family court services adoption matters are established as follows:

252            ~~((A.))~~ The ~~((department of judicial administration))~~ superior court shall prepare  
253 ~~((and adopt))~~ a fee schedule charging no more than one hundred fifty dollars, per hour, for~~((=~~  
254 ~~1. A))~~ adoption services, including:

255            ~~((a.))~~ A. ~~((e))~~ Confirmation of birth parent consent reports in all independent  
256 nonagency adoptions;

257            ~~((b.))~~ B. ~~((s))~~ Stepparent adoption reports; and

258            ~~((c.))~~ C. ~~((o))~~ Other services as ordered by the court; and

259            ~~((B. The department of judicial administration is authorized to implement  
260 procedures, for cause, to waive all or part of the fees based on an applicant's showing of  
261 bona fide hardship. Collection of the service fee shall be the responsibility of the superior  
262 court and the department of judicial administration. Should it prove necessary, the  
263 prosecuting attorney shall assist the department of judicial administration, the superior court  
264 and the clerk of the superior court in collection of the fees.))~~

265            SECTION 31. Ordinance 10643, Section 3, as amended, and K.C.C. 4.72.025 are  
266 each hereby amended to read as follows:

267            The superior court ~~((and the clerk of the superior court))~~ shall assess a flat search fee  
268 for each adoption case record search at the rate established by RCW 36.18.020. ~~((The  
269 superior court and the clerk of the superior court shall establish a procedure for the  
270 collection of this fee.))~~

271           SECTION 32. Ordinance 16305, Section 1, as amended, and K.C.C. 4.72.032 are  
272 each hereby amended to read as follows:

273           ~~((A.))~~ A fee of thirty dollars is imposed for services rendered to review  
274 documentation related to domestic cases before finalization, in accordance with RCW  
275 26.12.240.

276           ~~((B. The department of judicial administration is authorized to implement  
277 procedures, in accordance with K.C.C. chapter 2.98, to waive all or part of the fees based on  
278 an applicant's showing of bona fide hardship. Collection of the fee shall be the  
279 responsibility of the superior court and the department of judicial administration. Should it  
280 prove necessary, the prosecuting attorney shall assist the department of judicial  
281 administration, superior court and the clerk of the superior court in collection of the fees.))~~

282           SECTION 33. Ordinance 16306, Section 2, as amended, and K.C.C. 4.72.034 are  
283 each hereby amended to read as follows:

284           A. The superior court is hereby authorized to charge a user fee of up to thirty dollars  
285 per visit for facilitator services, as authorized under RCW 26.12.240.

286           ~~((A.))~~ B. A ~~((user))~~ fee of thirty dollars is imposed ~~((per visit))~~ for facilitator  
287 services rendered to review documentation related to domestic cases before finalization, in  
288 accordance with RCW 26.12.240.

289           ~~((B. The department of judicial administration is authorized to implement  
290 procedures, in accordance with K.C.C. chapter 2.98, to waive all or part of the fees based on  
291 an applicant's showing of bona fide hardship. Collection of the user fee shall be the  
292 responsibility of the superior court and the department of judicial administration. Should it~~

293 ~~prove necessary, the prosecuting attorney shall assist the department of judicial~~  
294 ~~administration, superior court and the clerk of the superior court in collection of the fees.))~~

295 SECTION 34. Ordinance 6241, Section 3, as amended, and K.C.C. 4.72.045 are  
296 each hereby amended to read as follows:

297 ~~((A-))~~ The superior court is hereby authorized to charge a fee of up to twenty dollars  
298 per person to attend a family law orientation provided by King County superior court family  
299 court operations. This fee is authorized by RCW 26.12.260, 26.12.220 and 26.12.240.

300 ~~((B. The department of judicial administration is authorized to implement and adopt~~  
301 ~~procedures to waive all or part of the fees based on the applicant's showing that the~~  
302 ~~applicant is indigent. Collection of the fee shall be the responsibility of superior court and~~  
303 ~~the department of judicial administration. Should it prove necessary, the prosecuting~~  
304 ~~attorney shall assist the department of judicial administration and the superior court in the~~  
305 ~~collection of the fees.))~~

306 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter 4.72 a  
307 new section to read as follows:

308 The superior court is authorized to waive all or part of the fees authorized in this  
309 chapter based on the parties' ability to pay.

310 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter 4.72 a  
311 new section to read as follows:

312 The superior court is responsible for collection of fees authorized in this chapter.

313 SECTION 37. K.C.C. 4.79.020 is hereby recodified as a section in K.C.C. chapter  
314 4.82.

315 SECTION 38. The following are hereby repealed:

- 316 A. Ordinance 9348, Section 1, as amended, and K.C.C. 4.70.010;
- 317 B. Ordinance 9348, Section 2, as amended, and K.C.C. 4.70.020;
- 318 C. Ordinance 9348, Section 3, and K.C.C. 4.70.030;
- 319 D. Ordinance 9349, Section 2, and K.C.C. 4.71.020;
- 320 E. Ordinance 13330, Section 14, and K.C.C. 4.71.040;
- 321 F. Ordinance 13330, Section 22, and K.C.C. 4.71.080;
- 322 G. Ordinance 135662, Section 2, and K.C.C. 4.71.110;
- 323 H. Ordinance 13642, Section 1, and K.C.C. 4.71.130;
- 324 I. Ordinance 13662, Section 6, and K.C.C. 4.71.140;
- 325 J. Ordinance 13995, Section 2, and K.C.C. 4.71.160;
- 326 K. Ordinance 6241, Section 3, as amended, and K.C.C. 4.72.100;
- 327 L. Ordinance 10008, Section 1, and K.C.C. 4.74.010;
- 328 M. Ordinance 6242, Section 2, as amended, and K.C.C. 4.76.020;
- 329 N. Ordinance 6242, Section 3, as amended, and K.C.C. 4.76.030;
- 330 O. Ordinance 6242, Section 4, and K.C.C. 4.76.040;
- 331 P. Ordinance 8364, Section 1, and K.C.C. 4.78.010;
- 332 Q. Ordinance 8364, Section 2, and K.C.C. 4.78.020;
- 333 R. Ordinance 8364, Section 3, and K.C.C. 4.78.030;
- 334 S. Ordinance 8364, Section 4, and K.C.C. 4.78.040; and
- 335 T. Ordinance 13662, Section 11, and K.C.C. 4.83.020.