

11/22/98 clerk 11/24/98

Sponsor: Nickels

BAR

Proposed No.: 98-631

ORDINANCE NO. **13330**

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AN ORDINANCE relating to fees in superior courts and the department of judicial administration; increasing the service fees for family court and adoption services; increasing the fees for administration and operation of juvenile court diversion services; increasing the fees for domestic relation cases filed under Title 26 RCW; creating fees for trust account transactions; creating fee for payment of filing fee when an appeal from a court of limited jurisdiction is either dismissed or affirmed; creating fee when parties to litigation fail to bring a legal case to conclusion or to comply with court-ordered deadlines for reports; creating fee for transmittal of legal case documents to the court of appeals or supreme court; creating a fee for issuance of civil warrants, subpoenas and citations; creating a fee for issuance of documents requiring the seal of the clerk of the superior court; creating a fee for providing continuing legal education to attorneys; and increasing the fee for return of documents because of errors or lack of completeness; amending Ordinance 6241, Section 2, as amended, and K.C.C. 4.72.020, Ordinance 10643, Section 3, and K.C.C. 4.72.025, Ordinance 6242, Section 1, and K.C.C. 4.76.010, Ordinance 12076, Section 57, and K.C.C. 4.77.020, Ordinance 11136, Section 1, and K.C.C. 4.79.010, Ordinance 6242, Section 3 and K.C.C. 4.76.030, Ordinance 8752, Sections 1, 2 and 3, and K.C.C. 2.12.150 and adding new sections to K.C.C. chapters 4.71.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. Section 2 of this ordinance proposes changes in the fees currently charged for family court fees.

B. These fees are assessed pursuant to K.C.C. 2.99.030 and RCW 26.12.220(7).

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

1           **Fee schedule. A.** The superior court shall prepare and adopt a fee schedule  
 2 charging no more than ~~((fifty-five))~~ eighty dollars, per hour, for ~~((the preparation of~~  
 3 adoption consultation,)):

4           1. Adoption services, including:

5           a. ~~((e))~~ Confirmation of birth parent consent~~((s, post-placement study,))~~ reports in  
 6 all independent nonagency adoptions;

7           b. ~~((s))~~ Step~~((-))~~ parent adoption ~~((, new baby study, temporary study, in-home study,~~  
 8 complete adoption, and pre-placement study,)) reports; and

9           c. Other services as ordered by the court.

10           2. ~~((no more than fifty-five dollars, per hour, for d))~~ Dissolution services including:

11           a. ~~((m))~~ Mediation and evaluation orientation~~((,))~~;

12           b. ~~((m))~~ Mediation~~((s,))~~ services;

13           c. ~~((e))~~ Conciliation~~((,))~~ services;

14           d. ~~((d))~~ Dissolution one and two party evaluations~~((, and ))~~;

15           e. ~~((w))~~ Witness fees for court testimony provided by family court services staff;

16           f. ~~((for p))~~ Paternity services including evaluations; and

17           g. ~~((for m))~~ Marriage waivers~~((, and for each marriage reconciliation session)).~~

18           B. The department of judicial administration, clerk of the superior court~~((,))~~ and  
 19 superior court, having fully complied with ~~((the provision of))~~ K.C.C. chapter 2.98, are  
 20 authorized to implement procedures, for cause, to waive all or part of the fees based on an  
 21 applicant's showing of bona fide hardship. Collection of ~~((said))~~ the service fee shall be  
 22 the responsibility of superior court and the department of judicial administration. Should it  
 23 prove necessary, the prosecuting attorney shall assist the superior court and the clerk in  
 24 collection of ~~((said))~~ the fees.  
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1           SECTION 3. A. Section 4 of this ordinance proposes changes in the fees currently  
2 charged for adoption case records searches.

3           B. These fees are assessed pursuant to K.C.C. 2.99.030.

4           SECTION 4. Ordinance 10643, Section 3, and K.C.C. 4.72.025 are hereby  
5 amended to read as follows:

6           **Fee for adoption case record search.** The superior court and the clerk of the  
7 superior court shall assess a flat search fee for each ~~((A))~~ adoption ~~((C))~~ case ~~((R))~~ record  
8 ~~((S))~~ search ~~((The fee assessed per case shall be \$8.00))~~ at the rate established by RCW  
9 36.18.020. The superior court and the clerk of the superior court shall establish a  
10 procedure for the collection of this fee.

11           SECTION 5. A. Section 6 this ordinance proposes changes in the fees currently  
12 charged for administration and operation of juvenile diversion services.

13           B. These fees are assessed pursuant to RCW 13.404.085.

14           SECTION 6. Ordinance 12076, Section 57, and K.C.C. 4.77.020 are hereby  
15 amended to read as follows:

16           **Fee schedule.** The superior court shall prepare and adopt a fee schedule charging  
17 no more than one hundred seventy-two dollars per case to cover the costs of the  
18 administration and operation of juvenile diversion services provided under ~~((RCW))~~  
19 chapter 13.40 RCW. The parent or legal guardian of a juvenile who receives diversion  
20 services must pay for the services based on the parent's or guardian's ability to pay. The  
21 ~~((director of the))~~ department of finance and the superior court, having fully complied with  
22 the provision of K.C.C. chapter 2.98, are authorized to implement procedures, for cause, to  
23 waive all or part of the fees based on an applicant's showing of bona fide hardship.

1 Collection of ~~((said))~~ the service fee shall be the responsibility of the superior court and the  
 2 ~~((director of the))~~-department of finance. Should it prove necessary, the prosecuting  
 3 attorney shall assist the superior court and the department of finance in collection~~((s))~~ of  
 4 ~~((said))~~ the fee.

5 SECTION 7. A. Section 8 of this ordinance proposes changes in the fees currently  
 6 charged for domestic relations cases filed under Title 26 RCW.

7 B. These fees are assessed pursuant to RCW 26.12.240.

8 SECTION 8. Ordinance 11136, Section 1, and K.C.C. 4.79.010 are hereby  
 9 amended to read as follows:

10 **Establishment and purpose.** The King County council hereby establishes a  
 11 surcharge of ~~(( \$10.00 ))~~ ten dollars to superior court filing fees for domestic relations cases  
 12 filed under Title 26 RCW and user fees including a charge of fifty cents per page for forms  
 13 to be used for funding the courthouse facilitator program which provides basic services to  
 14 pro se litigants in family law cases. This surcharge shall be collected by the superior court  
 15 and the clerk of the superior court which shall establish a procedure for collection and  
 16 segregation of this surcharge in accordance with ~~((RCW))~~ chapter 26.12 RCW.

17 SECTION 9. Section 10 of this ordinance creates a fee for trust account  
 18 transactions which equal or exceed twenty-five dollars.

19 B. These fees are assessed pursuant to K.C.C. 2.99.030.

20 SECTION 10. Ordinance 6242, Section 1, and K.C.C. 4.76.010 are each hereby  
 21 amended to read as follows:

22 ~~((Purpose.))~~ Fees. A. The ~~((purpose of this chapter is to authorize the clerk of the~~  
 23 ~~Superior Court, the))~~ department of judicial administration~~((r))~~ is hereby authorized to

1 assess service fees for reimbursement for the actual costs incurred by the ((C))county to  
2 process trust payments through the ((S))superior ((C))court ((R))registry.

3 B. The following fees may be assessed:

4 1. Two dollars per payment if ((Cost to the party making)) a child support payment  
5 ((of)) greater than twenty-five dollars and less than or equal to one hundred and fifty  
6 dollars is made(( or less, per disbursement; shall be two dollars per disbursement.)); and  
7 ((The cost to all other parties making payments shall be five dollars, per  
8 disbursement)) 2. Ten dollars per payment for all child support payments exceeding one  
9 hundred and fifty dollars and for all other types of payments which exceed twenty-five  
10 dollars;

11 C. The department of judicial administration, having fully complied with ((the  
12 ~~provision of~~) K.C.C. chapter 2.98, is authorized to implement procedures, for cause, to  
13 waive all or part of the fees based on an applicant's showing of bona fide hardship.  
14 ((Such)) The service fees shall be the responsibility of the party making a payment of funds  
15 to be held in trust by the department of judicial administration. In the event that the party  
16 responsible to pay the service fee fails to do so, or is delinquent in paying fees, the  
17 department shall not delay the disbursement of trust payments or in any monetary way  
18 penalize the recipients of the trust payments because of ((said)) the failure or delinquency.

19 SECTION 11. Ordinance 6242, Section 3 and K.C.C. 4.76.030 are each amended  
20 to read as follows:

21 The clerk of the ((S))superior ((C))court is authorized to devise and adopt appropriate  
22 rules and regulations consistent with this chapter and K.C.C. chapter 2.98 for the collection of

1 ((said fee)) fees assessed under this chapter. Should it prove necessary, the prosecuting  
2 attorney shall assist the clerk in the collection of ((said)) any fee.

3 SECTION 12. The clerk is hereby directed to rename K.C.C. chapter 4.71 as “Fees  
4 in Superior Court.”

5 SECTION 13. Section 14 of this ordinance creates a fee for payment of the filing  
6 fee when an appeal from a court of limited jurisdiction is either dismissed or the district  
7 court ruling is affirmed.

8 B. These fees are assessed pursuant to RCW 36.18.020(2)(h).

9 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 4.71 a  
10 new section to read as follows:

11 The department of judicial administration is hereby authorized to assess and collect  
12 a filing fee from the defendant in a criminal case when, in a criminal appeal from a court of  
13 limited jurisdiction, the limited jurisdiction court ruling is affirmed or the case is dismissed  
14 by the superior court. The fee assessed shall be one hundred ten dollars or other amount as  
15 may be set in the future by the state legislature for superior court legal case filing fees, as  
16 authorized by RCW 36.18.020(2)(h).

17 SECTION 15. A. Section 16 of this ordinance creates a fee when parties to  
18 litigation fail to bring a legal case to conclusion or fail to comply with court-ordered  
19 deadlines for reports.

20 B. These fees are assessed pursuant to K.C.C. 2.99.030.

21 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 4.71 a  
22 new section to read as follows:

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The department of judicial administration is hereby authorized to assess a fee to parties to an action filed with the superior court who fail to bring cases to completion because of failure to appear for trial, failure to file final order on settlement, failure to follow case schedule, failure to file final judgment or appeal following a arbitration award; lack of action of record; or failure to comply with court-ordered deadlines for reports. The fee assessed shall be twenty dollars to cover costs associated with identifying these cases and notifying the parties.

SECTION 17. A. Section 18 of this ordinance creates a fee for transmittal of legal case documents forwarded to the Washington state court of appeals of Washington state supreme court.

B. These fees are assessed pursuant to K.C.C. 2.99.030.

NEW SECTION. SECTION 18. There is hereby added a new section to K.C.C. chapter 4.71 to read as follows:

The department of judicial administration is hereby authorized to assess a fee to parties requesting transmittal of legal case documents to the Washington state court of appeals or Washington state supreme court as part of an appeal from the decision in a King County superior court case. The fee assessed for transmittal of the documents shall be twenty-five dollars per transmittal to cover all costs of transmittal of the documents.

SECTION 19. A. Section 20 of this ordinance creates a fee for issuance of civil warrants, subpoenas and citations.

B. These fees are assessed pursuant to RCW 36.18.050.

NEW SECTION. SECTION 20. There is hereby added a new section to K.C.C. chapter 4.71 to read as follows:

1 The department of judicial administration is hereby authorized to assess a fee for  
2 issuance of civil warrants, subpoenas and citations, and for each document needing a  
3 clerk's seal. The fee assessed for issuance of civil warrants, subpoenas and citations shall  
4 be twenty dollars.

5 SECTION 21. A. Section 22 of this ordinance creates a fee for issuance of  
6 documents requiring the seal of the clerk of the superior court.

7 B. These fees are assessed pursuant to RCW 36.18.050.

8 NEW SECTION. SECTION 22. There is hereby added a new section to K.C.C.  
9 chapter 4.71 to read as follows:

10 The department of judicial administration is hereby authorized to assess a fee for  
11 issuance of documents requiring the seal of the clerk of the superior court. The fee  
12 assessed for all documents requiring the clerk's seal shall be two dollars.

13 SECTION 23. A. Section 24 of this ordinance creates a fee for providing members  
14 of the Washington state bar association with continuing legal education instruction which  
15 is necessary for license renewal.

16 B. These fees are assessed pursuant to K.C.C. 2.99.030.

17 NEW SECTION. SECTION 24. There is hereby added a new section to K.C.C.  
18 chapter 4.71 to read as follows:

19 The department of judicial administration is hereby authorized to assess a fee to  
20 attorneys who participate in the department 's continuing legal education program. The fee  
21 assessed for participation in the program shall be one hundred dollars to cover all costs of  
22 materials and presentation.



1            SECTION 25. A. Section 26 of this ordinance increases the fee for return of  
2 documents filed with the clerk's office which must be returned to the filing party because  
3 of errors or lack of completeness.

4                            B. These fees are assessed pursuant to K.C.C. 2.99.030.

5            SECTION 26. Ordinance 8752, Sections 1, 2 and 3, and K.C.C. 2.12.150 are  
6 hereby recodified in K.C.C. chapter 4.71 and amended to read as follows:

7            **Fee for documents filed with ~~((Judicial Administration C))~~clerk's office. ~~((A.))~~**

8 The department of judicial administration is hereby authorized to assess a fee to parties to  
9 an action filed with the ~~((C))~~clerk's ~~((Q))~~office who file documents which must be returned  
10 because of errors or lack of completeness and which therefore require extra handling.

11            ~~((B.))~~ The fee assessed for a document which must be returned because of errors or  
12 lack of completeness in the document shall be ~~((\$8.00 per))~~ fifteen dollars for each  
13 document returned~~((,))~~ to cover all costs of the extra handling required.

14            ~~((C. The department of judicial administration shall establish a procedure for the  
15 collection of these fees.))~~

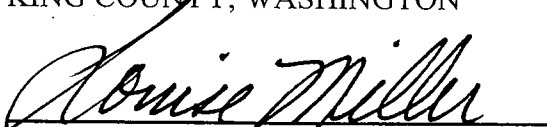
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SECTION 27. This ordinance takes effect January 1, 1999.


INTRODUCED AND READ for the first time this 19th day of October, 1998.

PASSED by a vote of 7 to 5 on this 23<sup>rd</sup> day of November, 1998.

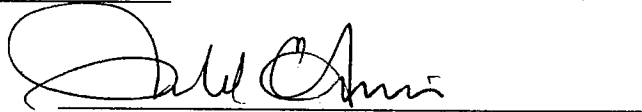
KING COUNTY, COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

APPROVED this 4 day of December, 1998.

  
King County Executive

Attachments: None