

HOUSE BILL REPORT

HB 1768

As Reported By House Committee On:
Judiciary
Revenue

Title: An act relating to facilitating pro se litigation in domestic relations cases.

Brief Description: Creating a courthouse facilitator program.

Sponsors: Representatives Appelwick, Padden and Johanson.

Brief History:

Reported by House Committee on:
Judiciary, March 2, 1993, DPS;
Revenue, March 8, 1993, DPS(JUD-A REV).

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Schmidt; Tate; and Wineberry.

Staff: Patricia Shelledy (786-7149).

Background: The superior court has jurisdiction over cases involving domestic relations, such as divorce, child custody, and child support issues. The counties may create family courts and may provide family court services to assist the family court in reaching a proper resolution of the case. The family court services program may provide mediation, investigation, evaluation, and reconciliation services.

Counties which authorize family courts and family court services may fund the family court and services by imposing a fee not to exceed \$8 in excess of the fee for a marriage license. The marriage license fee is \$8 plus an additional \$5 for child abuse prevention services until June 30, 1995, plus an additional \$10 for displaced homemakers. The county may also establish fees the litigants must pay for family court services.

Many people who are getting a divorce do not hire attorneys to represent them. People who represent themselves are referred to as "pro se" litigants. Pro se litigants may be unaware of available services, such as family court service programs, and certain basic procedures to obtain a divorce. Some courts have used "courthouse facilitators" to help pro se litigants with certain basic services, such as advising the litigants how and where the litigants may obtain mandatory standard court forms to initiate the divorce, and forms for determining child support. The courthouse facilitator does not provide legal advice.

Summary of Substitute Bill: A county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. The county legislative authority may impose user fees or may impose a surcharge on superior court filing fees for family law cases, or both, to pay for the courthouse facilitator program. Fees collected must be used just for the program.

In addition to current user fees and the surcharge on the marriage license fee to pay for family court services, the county may impose an additional surcharge on the marriage license fee not to exceed another \$8 to enhance family court reconciliation services. Any funds collected in excess of the first \$8 must only be used for reconciliation services.

A few technical changes are made.

Substitute Bill Compared to Original Bill: The original bill just provided that a county could create courthouse facilitator programs and could charge a fee according to the parties' ability to pay. Provisions were added to authorize counties to impose a surcharge on filing fees, and user fees not based on ability to pay. Provisions were added authorizing counties to charge an additional surcharge up to \$8 to enhance funding for reconciliation services.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The courthouse facilitator program is an inexpensive way to increase pro se litigants' access to the family law system. The pilot projects have worked very well.

Testimony Against: None.

Witnesses: Kim Prochnau, Washington State Bar Association (pro).

HOUSE COMMITTEE ON REVENUE

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Revenue do pass. Signed by 15 members: Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Staff: Rick Peterson (786-7150).

Summary of Recommendation of Committee on Revenue Compared to Recommendation of Committee on Judiciary: The amended bill deletes the marriage license fee increase.

Fiscal Note: Available. New fiscal note requested March 9, 1993.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This locally driven revenue source would be counties' means to start or continue these facilitator programs.

Testimony Against: None.

Witnesses: Representative Appelwick, prime sponsor (pro); and Kurt Sharar, Washington State Association of Counties (pro).