

1 **SHB 2474** - H AMD

2 By Representative Carrell

3 On page 1, beginning on line 9, strike all of section 2 and insert
4 the following:

5 **Sec. 2.** RCW 26.09.140 and 1973 1st ex.s. c 157 s 14 are each
6 amended to read as follows:

7 (1) The court from time to time after considering the financial
8 resources of both parties may order a party to pay a reasonable amount
9 for the cost to the other party, including a party not represented by
10 an attorney, of maintaining or defending any proceeding under this
11 chapter and for reasonable attorney's fees or other professional fees
12 in connection therewith, including sums for legal services rendered and
13 costs incurred prior to the commencement of the proceeding or
14 enforcement or modification proceedings after entry of judgment.

15 Upon any appeal, the appellate court may, in its discretion, order
16 a party to pay for the cost to the other party of maintaining the
17 appeal and attorney's fees in addition to statutory costs.

18 The court may order that the attorney's fees be paid directly to
19 the attorney who may enforce the order in his name.

20 (2) Notwithstanding subsection (1) of this section, the court
21 shall award a party representing himself or herself reasonable
22 attorney's fees if the court finds that the other party brought an
23 action, raised issues in an action, or raised a defense in an action
24 under this chapter that the court deems to be frivolous and without
25 reasonable cause and if such fees would have been awarded to a party
26 represented by an attorney. Fees awarded under this subsection shall
27 be based on the prevailing local hourly rate charged by attorneys
28 practicing family law. The number of hours that the party shall be
29 compensated for shall be based on the number of hours that an attorney
30 would have needed to accomplish the results obtained by the party.-

31 Correct the title.

EFFECT: Limits the award of pro se attorney fees to dissolution,
separation, and modification actions (instead of all civil

actions) when the court finds the other party acted frivolously.