

SENATE BILL REPORT

EHB 2655

As Reported By Senate Committee On:
Judiciary, February 26, 2002

Title: An act relating to protection orders.

Brief Description: Waiving filing fees and costs for certain protection orders.

Sponsors: Representatives Schual-Berke, Esser, Lantz, Chase, Lysen, Nixon and Rockefeller;
by request of Office of Community Development.

Brief History:

Committee Activity: Judiciary: 2/26/02 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: The Violence Against Women Act was established under Title IV and the Federal Violent Crime Control Act of 1994 and reauthorized as the Federal Victims of Trafficking and Violence Protection Act of 2000. The reauthorization placed an additional requirement on states. In order to stay eligible for federal funds and meet the additional requirement, states may not require a victim of domestic violence, stalking, or sexual assault to pay a filing fee or service of process fees in order to seek to obtain a protection order. Washington State does currently require payment of a fee in order to file a petition for an order for protection and a fee for service of process.

Summary of Amended Bill: Petitioners seeking an order for protection from a person who has stalked them, engaged in conduct that constitutes a sex offense, or is a family or household member who has engaged in conduct that constitutes domestic violence are not required to pay a filing fee or fees for service of process. The court may require the respondent to pay the filing fee and service fees at the time of the full hearing on the protection order.

Amended Bill Compared to Original Bill: The amended bill specifies that a court may not require the respondent, in an action for a protection order, to pay the filing fee and costs at the time of issuance of the ex parte temporary protection order. EHB 2655 said only that the court may require the respondent to pay these fees.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Sometimes the payment of the filing fee and service of process costs can pose a big obstacle to a victim who is seeking a protection order. This bill will bring Washington into line with what many other states are doing.

Testimony Against: None.

Testified: Representative Schual-Berke, prime sponsor; Bev Emory, Office of Crime Victims Advocacy; Suzanne Brown, Washington Coalition of Sexual Assault Programs.