

# HOUSE BILL REPORT

## HB 1314

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### As Reported by House Committee On:

Juvenile Justice & Family Law  
Appropriations

**Title:** An act relating to filing fees to fund the domestic violence prevention account.

**Brief Description:** Creating the domestic violence prevention account.

**Sponsors:** Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby.

### Brief History:

#### Committee Activity:

Juvenile Justice & Family Law: 2/4/05, 2/9/05 [DPS];  
Appropriations: 2/21/05, 2/24/05 [DPS(JJFL)].

#### Brief Summary of Substitute Bill

- Requires county auditors to collect an additional \$10.00 for marriage licenses, which shall be deposited in a domestic violence prevention account and used for community-based services for domestic violence victims.
- Requires superior court clerks to collect an additional \$10.00 for the initial petition for dissolution, legal separation, or declaration concerning the validity of marriage, which shall be deposited in a domestic violence prevention account and used for community-based services for domestic violence victims.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Dickerson, Chair; Moeller, Vice Chair; Lovick and Roberts.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; and Crouse.

**Staff:** Kara Durbin (786-7133).

### Background:

### Marriage license fees:

Marriage license fees in Washington are established by statute. The statute requires the county auditor to collect the following fees for issuing marriage licenses:

- (a) \$8.00 (retained by the county for processing marriage licenses);
- (b) \$5.00 (transmitted to the State Treasurer for use and support of the prevention of child abuse and neglect); and
- (c) \$10.00 (transmitted to the State Treasurer for the Displaced Homemaker Act).

In addition, if approved by the county legislative body, the auditor may impose the following additional fees for issuing a marriage license:

- (a) a fee not to exceed \$15.00 (for funding family services, such as family support centers); and
- (b) a fee not to exceed \$8.00 (for family court services).

County auditors must impose various fees when recording any instrument (not just marriage licenses). County auditors are required to impose the following surcharges:

- a) \$2.00 per instrument for each document recorded (for the auditor's centennial document preservation and modernization account to be used solely for ongoing preservation of historical documents of county offices);
- b) \$1.00 per instrument for each document recorded (for the local government archives account); and
- c) \$1.00 per instrument for each document recorded (for the construction and improvement of a specialized regional facility in eastern Washington for archives and records).

Because some of the fees are optional, not all counties charge the same amount for marriage licenses. The fees range from \$27.00 to \$57.00.

In 2002, there were 39,518 marriages in the state.

### Dissolution Fees:

Filing fees in Washington for a petition for dissolution, legal separation, or declaration concerning the validity of marriage are established by statute. The statute requires the superior court clerk to collect a \$110.00 fee from the petitioner for the initial filing. In addition, in counties that provide a courthouse facilitator program, the filing fee may be as high as \$120.00. The filing fee may be waived upon showing financial hardship.

In 2002, there were approximately 28,023 petitions for dissolution, legal separation, or declaration concerning the validity of marriage.

### Domestic Violence Services:

The Department of Social and Health Services administers funds appropriated from the general fund and the Public Safety and Education Account for domestic violence services.

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**Summary of Substitute Bill:**

County auditors must collect an additional \$10.00 for marriage licenses, to be deposited in a domestic violence prevention account in the custody of the state treasury.

Superior court clerks must collect an additional \$10.00 from any party filing a petition for dissolution, legal separation, or declaration concerning the validity of marriage. The clerk must transmit the fees monthly to be deposited in a domestic violence prevention account in the custody of the state treasury.

The revenue collected from the additional fees must be used to fund community-based services for domestic violence victims. The Department of Social and Health Services administers the funds and may establish minimum standards for community-based services receiving the funds.

**Substitute Bill Compared to Original Bill:**

The substitute bill adds the word "preventive" to clarify that standards for non-shelter community-based services receiving funds from the domestic violence prevention account must be preventive.

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**Appropriation:** None.**Fiscal Note:** Available.**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill creates a dedicated funding stream for domestic violence services. There is a great need for non-shelter community-based services for victims of domestic violence. Domestic violence victims have the highest need in terms of legal services. Many domestic violence victims do not have access to legal services and do not know their rights under the law. These types of funding are crucial to serve low-income individuals. Additional funding is needed, especially in under-served communities. Most domestic violence agencies are struggling to meet the growing demand for services. Often funds disappear when there is the highest need. The ability to serve additional clients will save lives.

Twenty-eight other states use marriage license fees to support domestic violence. Many other states use divorce fees as well.

(With concerns) Support this bill, but would like to see the bill speak more to prevention, rather than intervention. Requests that the committee consider adding prevention to section 4 (6) of this bill.

(Neutral) No position on the funding mechanism of this bill. Agree that domestic violence is an important issue that needs to be addressed. Requests that the committee consider amending the bill to have the Department of Community, Trade and Economic Development administer the domestic violence prevention account because they already provide similar community-based services.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Dickerson, prime sponsor; Karin Tautfest, Young Women's Christian Association of Pierce County; Kay Tomlinson, Jim Berrios and Terri Kimball, Domestic Abuse Women's Network; and Grace Huang, Washington State Coalition Against Domestic Violence.

(With concerns) Gail Gosney, Thurston Community Network.

(Neutral) Debbie Wilke, Washington Association of County Officials.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Juvenile Justice & Family Law be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kessler, Linville, McDermott, McIntire, Miloscia, Schual-Berke and Walsh.

**Minority Report:** Do not pass. Signed by 7 members: Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Pearson, Priest and Talcott.

**Staff:** Nona Snell (786-7153).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Juvenile Justice & Family Law:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill addresses problems associated with domestic violence. We made progress last year in providing domestic violence shelter services. We are following the lead of other states in funding domestic violence through marriage license and divorce fees. Last year over 38,000 requests for domestic violence services were denied. The bill generates \$1.3

million per biennium to fund critical services to support groups and the Department of Social and Health Services to create standards.

The Domestic Violence Action workgroup made several recommendations to improve community response. The bill addresses some of those recommendations.

Existing funding may be cut. The system can be very intimidating for victims of domestic violence, and we need to fund services to help them.

**Testimony Against:** None.

**Persons Testifying:** Representative Dickerson, prime sponsor; Trish McNabb, Community Network Coalition; Grace Huang, Washington State Coalition Against Domestic Violence; and Larry Erickson, Washington Association of Sheriff and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.