

HOUSE BILL REPORT

ESHB 1314

As Amended by the Senate

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

Brief Description: Creating the domestic violence prevention account.

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by 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)].

Floor Activity:

Passed House: 3/10/05, 71-25.

Senate Amended.

Passed Senate: 4/14/05, 38-9.

Brief Summary of Engrossed Substitute Bill

- Requires county auditors to collect an additional \$10.00 fee for marriage licenses, \$8.00 of which shall be deposited in a domestic violence prevention account and the remaining \$2.00 retained by the county collecting the fee for community-based services for victims of domestic violence.
- Requires superior court clerks to collect an additional \$10.00 fee for the initial petition for dissolution, legal separation, or declaration concerning the validity of marriage, \$8.00 of which shall be deposited in a domestic violence prevention account and the remaining \$2.00 retained by the county collecting the fee for community-based services for victims of domestic violence.

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).

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).

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.

Summary of Engrossed Substitute Bill:

County auditors must collect an additional \$10.00 for marriage licenses, \$8.00 of which shall be deposited in a domestic violence prevention account in the custody of the state treasury. The remaining \$2.00 shall be retained by the county collecting the fee for the purpose of funding community-based services for victims of domestic violence within the county. In addition, the county may retain five percent of the \$2.00 (which equals \$.10) for administrative purposes.

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 monthly \$8.00 out of the \$10.00 fee for deposit in the domestic violence prevention account in the custody of the state treasury. The remaining \$2.00 shall be retained by the county collecting the fee for the purpose of funding community-based services for victims of domestic violence within the county. In addition, the court may retain five percent of the \$2.00 (which equals \$.10) for administrative purposes. The revenue transferred into the domestic violence prevention account must be used to fund nonshelter community-based services for domestic violence victims.

The Department of Social and Health Services administers the funds in the domestic violence prevention account and may establish minimum standards for preventive, nonshelter community-based services receiving the funds. Preventive, nonshelter community-based services include services for victims of domestic violence from communities that have been

traditionally underserved or unserved and services for children who have witnessed domestic violence.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removes the ten dollar fee on marriage licenses to support domestic violence programs. The fee for filing a petition for dissolution of marriage, legal separation, or declaration concerning the validity of marriage is increased from ten dollars to thirty dollars. Of the thirty dollar filing fee, twenty-four dollars must be transferred to the state domestic violence prevention account. The remaining six dollars will be retained by the county. Five percent of the six dollars retained by the county (\$.30) will be used for administrative purposes, and the remainder (\$5.70) will be used to support community-based services for victims of domestic violence.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Juvenile Justice & Family Law) 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 For: (Appropriations) 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: (Juvenile Justice & Family Law) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Juvenile Justice & Family Law) (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 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: (Juvenile Justice & Family Law) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.