
Judiciary Committee

HB 1446

Title: An act relating to judicial proceedings and forms.

Brief Description: Concerning judicial proceedings and forms.

Sponsors: Representatives Kirby, Nealey and Goodman.

Brief Summary of Bill

- Removes a requirement that the county clerk notify the county auditor of each jury summons that is returned by the post office as undeliverable.
- Requires, under the Trust and Estate Dispute Resolution Act (TEDRA), that each judicial proceeding be commenced as a new action.
- Specifies that documents and pleadings filed subsequent to the final order in a parentage proceeding are available for public inspection.

Hearing Date:

Staff: Cece Clynch (786-7195).

Background:

Jury Summonses.

A "jury source list" is a list of all registered voters for any county, merged with a list of licensed drivers and identocard holders who reside in the county. A "master jury list" is the list of prospective jurors from which jurors summoned to serve will be randomly selected. This master jury list is either randomly selected from the jury source list or may be an exact duplicate of the jury source list. Summonses for jury duty are issued by the county clerk via mail. The county clerk is required to notify the county auditor of each summons for jury duty that is returned by the postal service as undeliverable.

Trust and Estate Dispute Resolution Act (TEDRA).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When conflicts arise concerning an issue in an estate, a judicial proceeding under the Trust and Estate Dispute Resolution Act (TEDRA) may be commenced as a new action or as an action incidental to an existing judicial proceeding relating to the same trust or estate or nonprobate asset. Once commenced, the action may, upon motion of the party or the court, be converted to a separate action or consolidated with an existing proceeding.

Uniform Parentage Act (UPA).

The UPA applies to determinations of parentage. The UPA specifically provides that a final order is available for public inspection but other papers and records are available only with the consent of the parties or on order of the court for good cause.

Summary of Bill:

Jury Summonses.

The provision requiring the county clerk to notify the county auditor of each returned jury summons is stricken.

Trust and Estate Dispute Resolution Act (TEDRA).

A judicial proceeding under TEDRA must be commenced as a new action.

Uniform Parentage Act (UPA).

All documents or pleadings subsequent to a final order are available for public inspection.

Appropriation: None.

Fiscal Note: Requested on February 4, 2013.

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