

# HOUSE BILL REPORT

## HB 1446

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to judicial proceedings and forms.

**Brief Description:** Concerning judicial proceedings and forms.

**Sponsors:** Representatives Kirby, Nealey and Goodman.

**Brief History:**

**Committee Activity:**

Judiciary: 2/7/13, 2/12/13 [DPS].

**Brief Summary of Substitute 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.
- Makes provision regarding the availability of documents filed prior to and after the final order in a parentage proceeding.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Nealey, Orwall, Roberts and Shea.

**Minority Report:** Do not pass. Signed by 1 member: Representative Klippert.

**Staff:** Cece Clynch (786-7195).

**Background:**

Jury Summonses.

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*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.*

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. Generally, 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).

When conflicts arise concerning an issue in an estate, the Trust and Estate Dispute Resolution Act (TEDRA) provides a binding nonjudicial procedure that may be used to resolve such disputes via written agreements. Dispute resolution mechanisms may be used to reach a TEDRA agreement. If an agreement is reached, it may be filed with the court and is equivalent to a final court order.

A judicial proceedings under 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 Uniform Parentage Act (UPA) applies to determinations of parentage in this state. 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.

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### **Summary of Substitute 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).

Documents and pleadings filed prior to the entry of a final order in a parentage proceeding are available only with the consent of the parties or on order of the court for good cause. Documents and pleadings filed after entry of the final order are generally available for public inspection except as provided by applicable court rules.

### **Substitute Bill Compared to Original Bill:**

Provisions relative to the availability of documents in parentage proceedings are modified to clearly delineate between documents filed before and after the final order. Note is made that court rules may determine the availability of documents filed after the final order.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is a bill that has been worked on by county clerks to clean-up and clarify certain statutes. There is an amendment that has been worked on with the Senate regarding the Uniform Parentage Act piece.

(Opposed) None.

**Persons Testifying:** Representative Kirby, prime sponsor; and James McMahan, Washington Association of County Officials.

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