

HOUSE BILL REPORT

SSB 5135

As Reported by House Committee On:
Judiciary

Title: An act relating to judicial proceedings and forms.

Brief Description: Concerning judicial proceedings and forms.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Kline and Padden).

Brief History:

Committee Activity:

Judiciary: 3/19/13, 3/27/13 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- 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 that each judicial proceeding under the Trust and Estate Dispute Resolution Act (TEDRA) be commenced as a new action.
- Specifies which records in a proceeding under the Uniform Parentage Act are publicly accessible.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Cece Clynch (786-7195).

Background:

Jury Summonses.

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.

When conflicts arise in trust and estate matters, the Trust and Estate Dispute Resolution Act (TEDRA) provides procedures for resolution. These include nonjudicial methods to resolve the issue, such as mediation, arbitration, and agreement. If nonjudicial methods are unsuccessful at resolving the matter, there are provisions for judicial resolution.

A proceeding under the 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.

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.

By court rule, GR 22, the courts have made general provision with respect to access to family law and guardianship court records. The policy stated in this rule is "to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts."

Summary of Amended 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.

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

Uniform Parentage Act.

Final orders determining parentage are publicly accessible. Records entered prior to the entry of the final order, are accessible only to the parties or on order of the court for good cause. With respect to records entered after the entry of a final order determining parentage, these are publicly accessible except as provided by applicable court rule.

Amended Bill Compared to Substitute Bill:

Provisions are added with respect to the accessibility of records under the UPA. Final orders determining parentage are publicly accessible. Records entered prior to the entry of the final order, are accessible only to the parties or on order of the court for good cause. With respect to records entered after the entry of a final order determining parentage, these are publicly accessible except as provided by applicable court rule.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended 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) The difference between this bill and House Bill 1446 is that the third section dealing with records in the UPA cases has been stricken. This was done because there was not agreement on the language, however, it now looks like there will be agreement on appropriate language for this piece. The change with respect to actions under the TEDRA will not result in the payment of additional fees. Already, the person filing must pay a filing fee whether the action is being commenced as a new action or being filed incidentally to an existing proceeding. The reason for the change to require that every action be commenced separately is so that the clerk can keep better track of each matter. Right now, it can be difficult for the clerk who receives an order to know to what action or actions it applies.

(Opposed) None.

Persons Testifying: James McMahan, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.