

EHB 1729 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.123.010 and 1979 ex.s. c 245 s 1 are each
4 amended to read as follows:

5 (1) The legislature finds that domestic violence is an issue of
6 ((growing)) serious concern at all levels of society and government
7 and that there is a ((present and growing)) pressing need ((to
8 develop)) for innovative strategies to address and prevent domestic
9 violence and to strengthen services which will ameliorate and reduce
10 the trauma of domestic violence and enhance survivors' resiliency and
11 autonomy. ((Research findings show that domestic violence constitutes
12 a significant percentage of homicides, aggravated assaults, and
13 assaults and batteries in the United States. Domestic violence is a
14 disruptive influence on personal and community life and is often
15 interrelated with a number of other family problems and stresses.))

16 (2) The legislature finds that there are a wide range of
17 consequences to domestic violence, including deaths, injuries,
18 hospitalizations, homelessness, employment problems, property damage,
19 and lifelong physical and psychological impacts on victims and their
20 children. These impacts also affect victims' friends and families,
21 neighbors, employers, landlords, law enforcement, the courts, the
22 health care system, and Washington state and society as a whole.
23 Advocacy and shelters for victims of domestic violence are essential
24 to provide ((protection)) support to victims ((from)) in preventing
25 further abuse ((and physical harm)) and to help ((the victim find))
26 victims assess and plan for their immediate and longer term safety,
27 including finding long-range alternative living situations, if
28 requested. ((Shelters provide safety, refuge, advocacy, and helping
29 resources to victims who may not have access to such things if they
30 remain in abusive situations.

31 The legislature therefore recognizes the need for the statewide
32 development and expansion of shelters for victims of domestic
33 violence.))

34 (3) Thus, it is the intent of the legislature to:

1 (a) Provide for a statewide network of supportive services,
2 emergency shelter services, and advocacy for victims of domestic
3 violence and their dependents;

4 (b) Provide for culturally relevant and appropriate services for
5 victims of domestic violence and their children from populations that
6 have been traditionally unserved or underserved;

7 (c) Provide for a statewide domestic violence information and
8 referral resource;

9 (d) Assist communities in efforts to increase public awareness
10 about, and primary and secondary prevention of domestic violence;

11 (e) Provide for the collection, analysis, and dissemination of
12 current information related to emerging issues and model and
13 promising practices related to preventing and intervening in
14 situations involving domestic violence; and

15 (f) Provide for ongoing training and technical assistance for
16 individuals working with victims in community-based domestic violence
17 programs and other persons seeking such training and technical
18 assistance.

19 **Sec. 2.** RCW 70.123.020 and 2008 c 6 s 303 are each amended to
20 read as follows:

21 ~~((Unless the context clearly requires otherwise,))~~ The
22 definitions in this section apply throughout this chapter unless the
23 context clearly requires otherwise.

24 (1) "Shelter" means ~~((a place of temporary refuge, offered on a~~
25 ~~twenty four hour, seven day per week basis))~~ temporary lodging and
26 supportive services, offered by community-based domestic violence
27 programs to victims of domestic violence and their children.

28 (2) "Domestic violence" ~~((is))~~ means the infliction or threat of
29 physical harm against an intimate partner, and includes physical,
30 sexual, and psychological abuse against the partner, and is a part of
31 a pattern of assaultive, coercive, and controlling behaviors directed
32 at achieving compliance from or control over that intimate partner.
33 It may include, but is not limited to, a categorization of offenses,
34 as defined in RCW 10.99.020, committed by one ~~((cohabitant))~~ intimate
35 partner against another.

36 (3) "Department" means the department of social and health
37 services.

38 (4) "Victim" means ~~((a cohabitant))~~ an intimate partner who has
39 been subjected to domestic violence.

1 (5) "~~((Cohabitant))~~ Intimate partner" means a person who is or
2 was married, in a state registered domestic partnership, or
3 ~~((cohabiting with another person))~~ in an intimate or dating
4 relationship with another person at the present or at sometime in the
5 past. Any person who has one or more children in common with another
6 person, regardless of whether they have been married, in a domestic
7 partnership with each other, or lived together at any time, shall be
8 treated as ~~((a cohabitant))~~ an intimate partner.

9 (6) "Community advocate" means a person employed or supervised by
10 a ~~((local))~~ community-based domestic violence program who is trained
11 to provide ongoing assistance ~~((to))~~ and advocacy for victims of
12 domestic violence in assessing and planning for safety needs,
13 ~~((documenting the incidents and the extent of violence for possible~~
14 ~~use in the legal system,))~~ making appropriate social service, legal,
15 and housing referrals, ~~((and developing protocols and))~~ providing
16 community education, maintaining ~~((ongoing))~~ contacts necessary for
17 prevention efforts, and developing protocols for local systems
18 coordination.

19 (7) "Domestic violence program" means an agency ~~((that provides~~
20 ~~shelter, advocacy, and counseling for domestic violence victims in a~~
21 ~~supportive environment))~~, organization, or program with a primary
22 purpose and a history of effective work in providing advocacy, safety
23 assessment and planning, and self-help services for domestic violence
24 in a supportive environment, and includes, but is not limited to, a
25 community-based domestic violence program, emergency shelter, or
26 domestic violence transitional housing program.

27 (8) "Legal advocate" means a person employed by a domestic
28 violence program or court system to advocate for victims of domestic
29 violence, within the criminal and civil justice systems, by attending
30 court proceedings, assisting in document and case preparation, and
31 ensuring linkage with the community advocate.

32 (9) "Secretary" means the secretary of the department of social
33 and health services or the secretary's designee.

34 (10) "Community-based domestic violence program" means a
35 nonprofit program or organization that provides, as its primary
36 purpose, assistance and advocacy for domestic violence
37 victims. Domestic violence assistance and advocacy includes crisis
38 intervention, individual and group support, information and
39 referrals, and safety assessment and planning. Domestic violence
40 assistance and advocacy may also include, but is not limited to:

1 Provision of shelter, emergency transportation, self-help services,
2 culturally specific services, legal advocacy, economic advocacy,
3 community education, primary and secondary prevention efforts, and
4 accompaniment and advocacy through medical, legal, immigration, human
5 services, and financial assistance systems. Domestic violence
6 programs that are under the auspices of, or the direct supervision
7 of, a court, law enforcement or prosecution agency, or the child
8 protective services section of the department as defined in RCW
9 26.44.020, are not considered community-based domestic violence
10 programs.

11 (11) "Emergency shelter" means a place of supportive services and
12 safe, temporary lodging offered on a twenty-four hour, seven-day per
13 week basis to victims of domestic violence and their children.

14 (12) "Domestic violence coalition" means a statewide nonprofit
15 domestic violence organization that has a membership that includes
16 the majority of the primary purpose, community-based domestic
17 violence programs in the state, has board membership that is
18 representative of community-based, primary purpose domestic violence
19 programs, and has as its purpose to provide education, support, and
20 technical assistance to such community-based, primary purpose
21 domestic violence programs and to assist the programs in providing
22 shelter, advocacy, supportive services, and prevention efforts for
23 victims of domestic violence and dating violence and their
24 dependents.

25 **Sec. 3.** RCW 70.123.030 and 2005 c 374 s 4 are each amended to
26 read as follows:

27 The department of social and health services, in consultation
28 with ~~((the state department of health, and individuals or groups~~
29 ~~having experience and knowledge of the problems of victims of~~
30 ~~domestic violence))~~ relevant state departments, the domestic violence
31 coalition, and individuals or groups having experience and knowledge
32 of the prevention of, and the problems facing victims of domestic
33 violence, including those with experience providing culturally
34 appropriate services to populations that have traditionally been
35 underserved or unserved, shall:

36 (1) Develop and maintain a plan for delivering domestic violence
37 victim services, prevention efforts, and access to emergency shelter
38 across the state. In developing the plan under this section, the
39 department shall consider the distribution of community-based

1 domestic violence programs and emergency shelter programs in a
2 particular geographic area, population density, and specific
3 population needs, including the needs in rural and urban areas, the
4 availability and existence of domestic violence outreach and
5 prevention activities, and the need for culturally and linguistically
6 appropriate services. The department shall also develop and maintain
7 a plan for providing a statewide toll-free information and referral
8 hotline or other statewide accessible information and referral
9 service for victims of domestic violence;

10 (2) Establish minimum standards for (~~shelters~~) community-based
11 domestic violence programs, emergency shelter programs, programs
12 providing culturally or linguistically specific services, programs
13 providing prevention and intervention services to children or youth,
14 and programs conducting domestic violence outreach and prevention
15 activities applying for grants from the department under this
16 chapter(~~(. Classifications may be made dependent upon size,~~
17 ~~geographic location, and population needs))~~);

18 ((~~+2~~)) (3) Receive grant applications for the development and
19 establishment of (~~shelters for victims of domestic violence~~)
20 community-based domestic violence programs, emergency shelter
21 programs, and culturally or linguistically specific services for
22 victims of domestic violence, programs providing prevention and
23 intervention services to children who have been exposed to domestic
24 violence or youth who have been victims of dating violence, and
25 programs conducting domestic violence outreach and prevention
26 activities;

27 ((~~+3~~)) (4) Distribute funds(~~(, within forty-five days after~~
28 ~~approval,~~) to those (~~shelters~~) community-based domestic violence
29 programs, emergency shelter programs, programs providing culturally
30 or linguistically specific services, programs providing prevention
31 and intervention services to children or youth, and programs
32 conducting domestic violence outreach and prevention activities
33 meeting departmental standards;

34 ((~~+4~~)) (5) Evaluate biennially each (~~shelter~~) community-based
35 domestic violence program, emergency shelter program, program
36 providing culturally or linguistically specific services, program
37 providing prevention and intervention services to children or youth,
38 and program conducting domestic violence outreach and prevention
39 activities receiving departmental funds for compliance with the
40 established minimum standards;

1 ~~((5))~~ (6) Review the minimum standards each biennium to ensure
2 applicability to community and client needs; ~~((and~~
3 ~~(6))~~ (7) Administer funds available from the domestic violence
4 prevention account under RCW 70.123.150 ~~((and establish minimum~~
5 ~~standards for preventive, nonshelter community-based services~~
6 ~~receiving funds administered by the department. Preventive,~~
7 ~~nonshelter community-based services include services for victims of~~
8 ~~domestic violence from communities that have been traditionally~~
9 ~~underserved or unserved and services for children who have witnessed~~
10 ~~domestic violence)) to provide for:~~

11 (a) Culturally specific prevention efforts and culturally
12 appropriate community-based domestic violence services for victims of
13 domestic violence from populations that have been traditionally
14 underserved or unserved;

15 (b) Age appropriate prevention and intervention services for
16 children who have been exposed to domestic violence or youth who have
17 been victims of dating violence; and

18 (c) Outreach and education efforts by community-based domestic
19 violence programs designed to increase public awareness about, and
20 primary and secondary prevention of, domestic and dating violence;
21 and

22 (8) Receive applications from, and award grants or issue
23 contracts to, eligible nonprofit groups or organizations with
24 experience and expertise in the field of domestic violence and a
25 statewide perspective for:

26 (a) Providing resources, ongoing training opportunities, and
27 technical assistance relating to domestic violence for community-
28 based domestic violence programs across the state to develop
29 effective means for preventing domestic violence and providing
30 effective and supportive services and interventions for victims of
31 domestic violence;

32 (b) Providing resource information, technical assistance, and
33 collaborating to develop model policies and protocols to improve the
34 capacity of individuals, governmental entities, and communities to
35 prevent domestic violence and to provide effective, supportive
36 services and interventions to address domestic violence; and

37 (c) Providing opportunities to persons working in the area of
38 domestic violence to exchange information and resources.

1 **Sec. 4.** RCW 70.123.040 and 2006 c 259 s 3 are each amended to
2 read as follows:

3 (1) The department shall establish minimum standards that ensure
4 that community-based domestic violence programs provide client-
5 centered advocacy and services designed to enhance immediate and
6 longer term safety, victim autonomy, and security by means such as,
7 but not limited to, safety assessment and planning, information and
8 referral, legal advocacy, culturally and linguistically appropriate
9 services, access to shelter, and client confidentiality.

10 (2) Minimum standards established by the department under RCW
11 70.123.030 shall ensure that emergency shelter((s)) programs
12 receiving grants under this chapter provide services meeting basic
13 survival needs, where not provided by other means, such as, but not
14 limited to, food, clothing, housing, ((safety,)) emergency
15 transportation, child care assistance, safety assessment and
16 planning, and security((, client advocacy, client confidentiality,
17 and counseling)). Emergency shelters receiving grants under this
18 chapter shall also provide client-centered advocacy and services
19 designed to enhance client autonomy, client confidentiality, and
20 immediate and longer term safety. These services shall be problem-
21 oriented and designed to provide necessary assistance to the victims
22 of domestic violence and their children.

23 ~~((2) The department shall establish minimum standards that~~
24 ~~ensure that nonshelter community-based services for victims of~~
25 ~~domestic violence funded under RCW 70.123.150 provide services~~
26 ~~designed to enhance safety and security by means such as, but not~~
27 ~~limited to, client advocacy, client confidentiality, and~~
28 ~~counseling.))~~

29 (3) In establishing minimum standards for programs providing
30 culturally relevant prevention efforts and culturally appropriate
31 services, priority for funding must be given to agencies or
32 organizations that have a demonstrated history and expertise of
33 serving domestic violence victims from the relevant populations that
34 have traditionally been underserved or unserved.

35 (4) In establishing minimum standards for age appropriate
36 prevention and intervention services for children who have been
37 exposed to domestic violence, or youth who have been victims of
38 dating violence, priority for funding must be given to programs with
39 a documented history of effective work in providing advocacy and
40 services to victims of domestic violence or dating violence, or an

1 agency with a demonstrated history of effective work with children
2 and youth partnered with a domestic violence program.

3 **Sec. 5.** RCW 70.123.070 and 1979 ex.s. c 245 s 7 are each amended
4 to read as follows:

5 ~~((Shelters))~~ (1) Community-based domestic violence programs
6 receiving state funds under this chapter shall:

7 (a) Provide a location to assist victims of domestic violence who
8 have a need for community advocacy or support services;

9 (b) Make available confidential services, advocacy, and
10 prevention programs to victims of domestic violence and to their
11 children within available resources;

12 (c) Require that persons employed by or volunteering services for
13 a community-based domestic violence program protect the
14 confidentiality and privacy of domestic violence victims and their
15 families in accordance with this chapter and RCW 5.60.060(8);

16 (d) Recruit, to the extent feasible, persons who are former
17 victims of domestic violence to work as volunteers or staff
18 personnel. An effort shall also be made to recruit staff and
19 volunteers from relevant communities to provide culturally and
20 linguistically appropriate services;

21 (e) Ensure that all employees or volunteers providing
22 intervention or prevention programming to domestic violence victims
23 or their children have completed or will complete sufficient training
24 in connection with domestic violence; and

25 (f) Refrain from engaging in activities that compromise the
26 safety of victims or their children.

27 (2) Emergency shelter programs receiving state funds under this
28 chapter shall:

29 ~~((1) Make available))~~ (a) Provide intake for and access to safe
30 shelter services to any person who is a victim of domestic violence
31 and to that person's children, within available resources. Priority
32 for emergency shelter shall be made for victims who are in immediate
33 risk of harm or imminent danger from domestic violence;

34 ~~((2) Encourage victims, with the financial means to do so, to~~
35 ~~reimburse the shelter for the services provided;~~

36 ~~(3))~~ (b) Require that persons employed by or volunteering
37 services for an emergency shelter protect the confidentiality and
38 privacy of domestic violence victims and their families in accordance
39 with this chapter and RCW 5.60.060(8);

1 (c) Recruit, to the extent feasible, persons who are former
2 victims of domestic violence to work as volunteers or staff
3 personnel. An effort shall also be made to (~~provide bilingual~~
4 ~~services~~) recruit staff and volunteers from relevant communities to
5 provide culturally and linguistically appropriate services;

6 (~~(4) Provide prevention and treatment programs to victims of~~
7 ~~domestic violence, their children and, where possible, the abuser;~~

8 ~~(5) Provide a day program or drop-in center to assist victims of~~
9 ~~domestic violence who have found other shelter but who have a need~~
10 ~~for support services.))~~

11 (d) Ensure that all employees or volunteers
12 providing intervention or prevention programming to domestic violence
13 victims or their children have completed or will complete sufficient
14 training in connection with domestic violence; and

15 (e) Refrain from engaging in activities that compromise the
safety of victims or their children.

16 **Sec. 6.** RCW 70.123.075 and 1994 c 233 s 1 are each amended to
17 read as follows:

18 (1) Client records maintained by domestic violence programs shall
19 not be subject to discovery in any judicial proceeding unless:

20 (a) A written pretrial motion is made to a court stating that
21 discovery is requested of the client's domestic violence records;

22 (b) The written motion is accompanied by an affidavit or
23 affidavits setting forth specifically the reasons why discovery is
24 requested of the domestic violence program's records;

25 (c) The court reviews the domestic violence program's records in
26 camera to determine whether the domestic violence program's records
27 are relevant and whether the probative value of the records is
28 outweighed by the victim's privacy interest in the confidentiality of
29 such records, taking into account the further trauma that may be
30 inflicted upon the victim or the victim's children by the disclosure
31 of the records; and

32 (d) The court enters an order stating whether the records or any
33 part of the records are discoverable and setting forth the basis for
34 the court's findings. The court shall further order that the parties
35 are prohibited from further dissemination of the records or parts of
36 the records that are discoverable, and that any portion of any
37 domestic violence program records included in the court file be
38 sealed.

1 (2) For purposes of this section, "domestic violence program"
2 means a program that provides shelter, advocacy, or counseling
3 services for domestic violence victims.

4 (3) Disclosure of domestic violence program records is not a
5 waiver of the victim's rights or privileges under statutes, rules of
6 evidence, or common law.

7 (4) If disclosure of a victim's records is required by court
8 order, the domestic violence program shall make reasonable attempts
9 to provide notice to the recipient affected by the disclosure, and
10 shall take steps necessary to protect the privacy and safety of the
11 persons affected by the disclosure of the information.

12 **Sec. 7.** RCW 70.123.080 and 1979 ex.s. c 245 s 8 are each amended
13 to read as follows:

14 The department shall consult in all phases with key stakeholders
15 in the implementation of this chapter, including relevant state
16 departments, the domestic violence coalition, individuals or groups
17 who have experience providing culturally appropriate services to
18 populations that have traditionally been underserved or unserved, and
19 other persons and organizations having experience and expertise in
20 the field of domestic violence.

21 **Sec. 8.** RCW 70.123.090 and 1979 ex.s. c 245 s 9 are each amended
22 to read as follows:

23 The department is authorized, under this chapter and the rules
24 adopted to effectuate its purposes, to make available grants awarded
25 on a contract basis to public or private nonprofit agencies,
26 organizations, or individuals providing community-based domestic
27 violence services, emergency shelter services, domestic violence
28 hotline or information and referral services, and prevention efforts
29 meeting minimum standards established by the department.
30 Consideration as to need, geographic location, population ratios, the
31 needs of specific underserved and cultural populations, and the
32 extent of existing services shall be made in the award of grants. The
33 department shall provide (~~technical assistance~~) consultation to any
34 nonprofit organization desiring to apply for the contracts if the
35 organization does not possess the resources and expertise necessary
36 to develop and transmit an application without assistance.

1 **Sec. 9.** RCW 70.123.110 and 2011 1st sp.s. c 36 s 16 are each
2 amended to read as follows:

3 Aged, blind, or disabled assistance benefits, essential needs and
4 housing support benefits, pregnant women assistance benefits, or
5 temporary assistance for needy families payments shall be made to
6 otherwise eligible individuals who are residing in a secure shelter,
7 a housing network, an emergency shelter, or other shelter facility
8 which provides shelter services to persons who are victims of
9 domestic violence. Provisions shall be made by the department for the
10 confidentiality of the shelter addresses where victims are residing.

11 **Sec. 10.** RCW 70.123.150 and 2005 c 374 s 3 are each amended to
12 read as follows:

13 The domestic violence prevention account is created in the state
14 treasury. All receipts from fees imposed for deposit in the domestic
15 violence prevention account under RCW 36.18.016 must be deposited
16 into the account. Moneys in the account may be spent only after
17 appropriation. Expenditures from the account may be used only for
18 funding (~~(nonshelter community-based services for victims of domestic~~
19 ~~violence)) the following:~~

20 (1) Culturally specific prevention efforts and culturally
21 appropriate community-based domestic violence services for victims of
22 domestic violence from populations that have been traditionally
23 underserved or unserved;

24 (2) Age appropriate prevention and intervention services for
25 children who have been exposed to domestic violence or youth who have
26 been victims of dating violence; and

27 (3) Outreach and education efforts by community-based domestic
28 violence programs designed to increase public awareness about, and
29 primary and secondary prevention of, domestic and dating violence.

30 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.123
31 RCW to read as follows:

32 The Washington institute for public policy shall review
33 community-based domestic violence victims' services nationwide and
34 determine which programs are the most effective and most efficient in
35 improving the capacity of individuals, governmental entities, and
36 communities to provide effective, supportive services and
37 interventions to address domestic and dating violence from the
38 victims' perspective. Victims' services include culturally,

1 linguistically, and geographically relevant programs, as well as
2 outreach and awareness programs that include children and youth. The
3 institute shall review what services and programs are currently
4 available in Washington and determine whether there is a gap in
5 services and what services, if any, are needed. The institute shall
6 report on models that can be replicated in Washington state, provide
7 the estimated cost for such programs, and describe funding sources
8 proven effective in other states. The institute may consult with the
9 department and existing domestic violence victims' services in
10 Washington state. A report of the institute's findings shall be
11 provided to the legislature by December 31, 2015.

12 **Sec. 12.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
13 read as follows:

14 (1) Revenue collected under this section is not subject to
15 division under RCW 36.18.025 or 27.24.070.

16 (2)(a) For the filing of a petition for modification of a decree
17 of dissolution or paternity, within the same case as the original
18 action, and any party filing a counterclaim, cross-claim, or third-
19 party claim in any such action, a fee of thirty-six dollars must be
20 paid.

21 (b) The party filing the first or initial petition for
22 dissolution, legal separation, or declaration concerning the validity
23 of marriage shall pay, at the time and in addition to the filing fee
24 required under RCW 36.18.020, a fee of thirty dollars. The clerk of
25 the superior court shall transmit monthly twenty-four dollars of the
26 thirty dollar fee collected under this subsection to the state
27 treasury for deposit in the domestic violence prevention account. The
28 remaining six dollars shall be retained by the county for the purpose
29 of supporting community-based domestic violence services within the
30 county (~~for victims of domestic violence~~), except for five percent
31 of the six dollars, which may be retained by the court for
32 administrative purposes. On or before December 15th of each year, the
33 county shall report to the department of social and health services
34 revenues associated with this section and community-based domestic
35 violence services expenditures. The department shall develop a form
36 to be utilized by counties for this purpose. Until June 30, 2020, an
37 additional fee of fifteen dollars shall be collected under this
38 subsection. The clerk of the superior court shall transmit monthly

1 the fees collected under this subsection to the state treasury for
2 deposit in the domestic violence prevention account.

3 (3)(a) The party making a demand for a jury of six in a civil
4 action shall pay, at the time, a fee of one hundred twenty-five
5 dollars; if the demand is for a jury of twelve, a fee of two hundred
6 fifty dollars. If, after the party demands a jury of six and pays the
7 required fee, any other party to the action requests a jury of
8 twelve, an additional one hundred twenty-five dollar fee will be
9 required of the party demanding the increased number of jurors.

10 (b) Upon conviction in criminal cases a jury demand charge of one
11 hundred twenty-five dollars for a jury of six, or two hundred fifty
12 dollars for a jury of twelve may be imposed as costs under RCW
13 10.46.190.

14 (4) For preparing a certified copy of an instrument on file or of
15 record in the clerk's office, for the first page or portion of the
16 first page, a fee of five dollars, and for each additional page or
17 portion of a page, a fee of one dollar must be charged. For
18 authenticating or exemplifying an instrument, a fee of two dollars
19 for each additional seal affixed must be charged. For preparing a
20 copy of an instrument on file or of record in the clerk's office
21 without a seal, a fee of fifty cents per page must be charged. When
22 copying a document without a seal or file that is in an electronic
23 format, a fee of twenty-five cents per page must be charged. For
24 copies made on a compact disc, an additional fee of twenty dollars
25 for each compact disc must be charged.

26 (5) For executing a certificate, with or without a seal, a fee of
27 two dollars must be charged.

28 (6) For a garnishee defendant named in an affidavit for
29 garnishment and for a writ of attachment, a fee of twenty dollars
30 must be charged.

31 (7) For filing a supplemental proceeding, a fee of twenty dollars
32 must be charged.

33 (8) For approving a bond, including justification on the bond, in
34 other than civil actions and probate proceedings, a fee of two
35 dollars must be charged.

36 (9) For the issuance of a certificate of qualification and a
37 certified copy of letters of administration, letters testamentary, or
38 letters of guardianship, there must be a fee of five dollars.

39 (10) For the preparation of a passport application, the clerk may
40 collect an execution fee as authorized by the federal government.

1 (11) For clerk's services such as performing historical searches,
2 compiling statistical reports, and conducting exceptional record
3 searches, the clerk may collect a fee not to exceed thirty dollars
4 per hour.

5 (12) For processing ex parte orders, the clerk may collect a fee
6 of thirty dollars.

7 (13) For duplicated recordings of court's proceedings there must
8 be a fee of ten dollars for each audio tape and twenty-five dollars
9 for each video tape or other electronic storage medium.

10 (14) For registration of land titles, Torrens Act, under RCW
11 65.12.780, a fee of twenty dollars must be charged.

12 (15) For the issuance of extension of judgment under RCW 6.17.020
13 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
14 When the extension of judgment is at the request of the clerk, the
15 two hundred dollar charge may be imposed as court costs under RCW
16 10.46.190.

17 (16) A facilitator surcharge of up to twenty dollars must be
18 charged as authorized under RCW 26.12.240.

19 (17) For filing (~~(a water rights statement)~~) an adjudication
20 claim under RCW 90.03.180, a fee of twenty-five dollars must be
21 charged.

22 (18) For filing a claim of frivolous lien under RCW 60.04.081, a
23 fee of thirty-five dollars must be charged.

24 (19) For preparation of a change of venue, a fee of twenty
25 dollars must be charged by the originating court in addition to the
26 per page charges in subsection (4) of this section.

27 (20) A service fee of five dollars for the first page and one
28 dollar for each additional page must be charged for receiving faxed
29 documents, pursuant to Washington state rules of court, general rule
30 17.

31 (21) For preparation of clerk's papers under RAP 9.7, a fee of
32 fifty cents per page must be charged.

33 (22) For copies and reports produced at the local level as
34 permitted by RCW 2.68.020 and supreme court policy, a variable fee
35 must be charged.

36 (23) Investment service charge and earnings under RCW 36.48.090
37 must be charged.

38 (24) Costs for nonstatutory services rendered by clerk by
39 authority of local ordinance or policy must be charged.

1 (25) For filing a request for mandatory arbitration, a filing fee
2 may be assessed against the party filing a statement of arbitrability
3 not to exceed two hundred twenty dollars as established by authority
4 of local ordinance. This charge shall be used solely to offset the
5 cost of the mandatory arbitration program.

6 (26) For filing a request for trial de novo of an arbitration
7 award, a fee not to exceed two hundred fifty dollars as established
8 by authority of local ordinance must be charged.

9 (27) A public agency may not charge a fee to a law enforcement
10 agency, for preparation, copying, or mailing of certified copies of
11 the judgment and sentence, information, affidavit of probable cause,
12 and/or the notice of requirement to register, of a sex offender
13 convicted in a Washington court, when such records are necessary for
14 risk assessment, preparation of a case for failure to register, or
15 maintenance of a sex offender's registration file.

16 (28) For the filing of a will or codicil under the provisions of
17 chapter 11.12 RCW, a fee of twenty dollars must be charged.

18 (29) For the collection of unpaid legal financial obligations,
19 the clerk may impose an annual fee of up to one hundred dollars,
20 pursuant to RCW 9.94A.780.

21 (30) A surcharge of up to twenty dollars may be charged in
22 dissolution and legal separation actions as authorized by RCW
23 26.12.260.

24 The revenue to counties from the fees established in this section
25 shall be deemed to be complete reimbursement from the state for the
26 state's share of benefits paid to the superior court judges of the
27 state prior to July 24, 2005, and no claim shall lie against the
28 state for such benefits.

29 **Sec. 13.** RCW 43.235.020 and 2011 c 105 s 1 are each amended to
30 read as follows:

31 (1) The department is authorized, subject to the availability of
32 state funds, ((the department shall contract with)) to make available
33 grants awarded on a contract basis to an entity with expertise in
34 domestic violence policy and education and with a statewide
35 perspective to gather and maintain data relating to and coordinate
36 review of domestic violence fatalities.

37 (2) The coordinating entity shall be authorized to:

38 (a) Convene regional review panels;

39 (b) Convene statewide issue-specific review panels;

1 (c) Gather information for use of regional or statewide issue-
2 specific review panels;

3 (d) Provide training and technical assistance to regional or
4 statewide issue-specific review panels;

5 (e) Compile information and issue reports with recommendations;
6 and

7 (f) Establish a protocol that may be used as a guideline for
8 identifying domestic violence related fatalities, forming review
9 panels, convening reviews, and selecting which cases to review. The
10 coordinating entity may also establish protocols for data collection
11 and preservation of confidentiality.

12 ((+2)) (3)(a) The coordinating entity may convene a regional or
13 statewide issue-specific domestic violence fatality review panel to
14 review any domestic violence fatality.

15 (b) Private citizens may request a review of a particular death
16 by submitting a written request to the coordinating entity within two
17 years of the death. Of these, the appropriate regional review panel
18 may review those cases which fit the criteria set forth in the
19 protocol for the project.

20 **Sec. 14.** RCW 43.235.040 and 2012 c 223 s 6 are each amended to
21 read as follows:

22 (1) An oral or written communication or a document shared with
23 the coordinating entity or within or produced by a domestic violence
24 fatality review panel related to a domestic violence fatality review
25 is confidential and not subject to disclosure or discoverable by a
26 third party. An oral or written communication or a document provided
27 by a third party to the coordinating entity or a domestic violence
28 fatality review panel, or between a third party and a domestic
29 violence fatality review panel, related to a domestic violence
30 fatality review is confidential and not subject to disclosure or
31 discovery by a third party. Notwithstanding the foregoing,
32 recommendations from the domestic violence fatality review panel and
33 the coordinating entity generally may be disclosed minus personal
34 identifiers.

35 (2) The coordinating entity and review panels, only to the extent
36 otherwise permitted by law or court rule, shall have access to
37 information and records regarding the domestic violence victims and
38 perpetrators under review held by domestic violence perpetrators'
39 treatment providers; dental care providers; hospitals, medical

1 providers, and pathologists; coroners and medical examiners; mental
2 health providers; lawyers; the state and local governments; the
3 courts; and employers. The coordinating entity and the review panels
4 shall maintain the confidentiality of such information to the extent
5 required by any applicable law.

6 (3) The coordinating entity or review panels shall review, only
7 to the extent otherwise permitted by law or court rule when
8 determined to be relevant and necessary to an investigation, guardian
9 ad litem reports, parenting evaluations, and victim impact
10 statements; probation information; mental health evaluations done for
11 court; presentence interviews and reports, and any recommendations
12 made regarding bail and release on own recognizance; child protection
13 services, welfare, and other information held by the department; any
14 law enforcement incident documentation, such as incident reports,
15 dispatch records, victim, witness, and suspect statements, and any
16 supplemental reports, probable cause statements, and 911 call taker's
17 reports; corrections and postsentence supervision reports; and any
18 other information determined to be relevant to the review. The
19 coordinating entity and the review panels shall maintain the
20 confidentiality of such information to the extent required by any
21 applicable law.

22 NEW SECTION. **Sec. 15.** The following acts or parts of acts, as
23 now or hereafter amended, are each repealed, effective July 1, 2016:

- 24 (1) RCW 70.123.050 (Contracts with nonprofit organizations—
25 Purposes) and 1979 ex.s. c 245 s 5; and
- 26 (2) RCW 70.123.130 (Technical assistance grant program—Local
27 communities) and 1991 c 301 s 11.

28 NEW SECTION. **Sec. 16.** If specific funding for the purposes of
29 section 11 of this act, referencing section 11 of this act by bill or
30 chapter number and section number, is not provided by June 30, 2015,
31 in the omnibus appropriations act, section 11 of this act is null and
32 void.

33 NEW SECTION. **Sec. 17.** Sections 1 through 9 and 12 through 14 of
34 this act take effect July 1, 2016."

EHB 1729 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

1 On page 1, line 3 of the title, after "services;" strike the
2 remainder of the title and insert "amending RCW 70.123.010,
3 70.123.020, 70.123.030, 70.123.040, 70.123.070, 70.123.075,
4 70.123.080, 70.123.090, 70.123.110, 70.123.150, 36.18.016,
5 43.235.020, and 43.235.040; adding a new section to chapter 70.123
6 RCW; creating a new section; repealing RCW 70.123.050 and 70.123.130;
7 and providing an effective date."

EFFECT: The \$15 surcharge is removed from marriage licenses and added to dissolution filings. The surcharge expires June 30, 2020. The money will be deposited into the DV Prevention Account. WSIPP will review community-based domestic violence victims' services nationwide and determine which programs are the most effective and most efficient in improving the capacity of individuals, governmental entities, and communities to provide effective, supportive services and interventions to address domestic and dating violence from the victims' perspective. A report to the Legislature is due December 31, 2015. The act, other than the WSIPP study, is effective July 1, 2016.

New language regarding a county's portion of community-based domestic violence services is struck. By December 15th of each year, counties are to report to DSHS revenues and expenditures of the funds received for community-based domestic violence services. DSHS is to develop a form to be utilized by the counties.

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