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## Judiciary Committee

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### HB 1396

**Title:** An act relating to court clerks.

**Brief Description:** Clarifying the duties of court clerks.

**Sponsors:** Representatives Graves, Jinkins, Goodman, Rodne, Muri, Haler, Orwall, Kilduff and Kirby.

#### Brief Summary of Bill

- Removes a provision stating it is the duty of the clerk to conform to the direction of the court in the performance of his or her duties and instead provides that the clerk has a duty to support the court in the performance of its duties.
- Deletes a requirement that the clerk of the court must forward the residential time summary report to the Division of Child Support on a monthly basis.
- Deletes a requirement that the Washington Association of County Officials submit an annual report to the Legislature on the amount of legal financial obligations collected by county clerks.

**Hearing Date:** 1/24/17

**Staff:** Edie Adams (786-7180).

#### **Background:**

##### Clerk of the Court.

Statutes and local rules impose a variety of administrative and financial duties associated with the operation of the courts on the clerk of the supreme court, clerks of the court of appeals, and clerks of the superior courts. The Washington Supreme Court and each division of the Washington Court of Appeals appoints a clerk of the court. The county clerk, an independent elected official, serves as the clerk of the superior court.

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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.*

Clerk duties include recording court proceedings, processing and maintaining court records, assisting in court proceedings, administering oaths, collecting and disbursing court fees, fines and other collections, and issuing court orders and decrees. One provision states that it is the duty of the clerk to conform to the direction of the court in the performance of his or her duties.

#### Residential Time Summary Report.

The clerk of the superior court is required to forward a residential time summary report to the Division of Child Support on a monthly basis. The residential time summary report is a form that is prepared and filed by the parties in a dissolution proceeding and that provides summary information in every case in which residential time with children is to be established or modified. The residential time summary report includes a breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent. The report also includes information on: enforcement practices; representation status of the parties; whether domestic violence, child abuse, chemical dependency, or mental health issues exist; and whether the matter was agreed or contested.

The Division of Child Support must compile the information in the residential time summary reports and transmit the information to the Administrative Office of the Courts (AOC). The AOC is required to report the compiled information, organized by each county, on at least an annual basis and make the reports available to the public.

#### Annual Legal Financial Obligation Report.

Legal financial obligations are monetary obligations imposed by a court as part of a defendant's criminal judgment and sentence. Legal financial obligations can include: victim restitution; crime victims' compensation fees; costs associated with the offender's prosecution and sentence; fines; penalties; and assessments. An offender is required to pay on a monthly basis a set amount toward satisfying legal financial obligations. County clerks are responsible for the collection of legal financial obligations.

The Washington Association of County Officials is required to report to the Legislature on an annual basis the amounts of legal financial obligations collected by the county clerks.

#### **Summary of Bill:**

A provision stating it is the duty of the clerk to conform to the direction of the court in the performance of his or her duties is removed and replaced with a duty to support the court in the performance of the courts' statutory duties.

The requirement that the clerk of the court must forward the residential time summary report to the Division of Child Support on a monthly basis is deleted.

The requirement that the Washington Association of County Officials submit an annual report to the Legislature on the amount of legal financial obligations collected by county clerks is deleted.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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