
Civil Rights & Judiciary Committee

HB 1961

Brief Description: Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders.

Sponsors: Representatives Peterson and Ramel.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes courts to waive auditor's fees related to name change orders.

Hearing Date: 1/18/22

Staff: Phillip Craig (786-7291) and Yelena Baker (786-7301).

Background:

Name Change Process.

A person seeking a name change may file a petition for change of name with the clerk in any district court division located in the county where the person resides. After the petitioner files the petition and pays all fees, the clerk schedules a hearing for the applicant according to the court's scheduling procedure. If the petition for change of name is granted by the court, the court will issue a name change order. A certified copy of the name change order is provided to the petitioner and a copy is sent to the county auditor for recording.

Name Change Fees.

The total cost of changing one's name varies by county and includes both court fees and the county auditor's fees. The auditor's fees include the fee for filing and recording name change orders and various statutory surcharges that the auditor is required to collect, such as \$3 collected per recorded document for the Washington state library operations account, and \$100 collected per recorded document for the Affordable Housing for All account, the Landlord Mitigation

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

Program account, and the Home Security Fund.

Waiver of Fees.

Under General Rule 34 of the courts rules, courts may waive court fees and clerk's fees for indigent individuals when the payment of fees is required for the individual to secure access to judicial relief. A person seeking a waiver must complete a motion for waiver of civil fees and surcharges and submit a financial statement to the court. If the motion is granted, the court waives the court fees and clerk's fees, but still collects the county auditor's fees.

Summary of Bill:

The court may waive auditor's fees for filing and recording a name change order if the person requesting the name change submits an affidavit stating that the person is unable to pay the fees due to financial hardship. If the court grants the waiver, the court may direct the county auditor or recorder to process the name change order at no expense to the person requesting the name change.

Appropriation: None.

Fiscal Note: Requested on January 12, 2022.

Effective Date: The bill takes effect on July 1, 2022.