

SENATE BILL REPORT

SB 5984

As of March 1, 2005

Title: An act relating to clerk's fees for ex parte orders.

Brief Description: Changing the clerk's fee for processing an ex parte order.

Sponsors: Senator Kline.

Brief History:

Committee Activity: Judiciary: 2/23/05.

SENATE COMMITTEE ON JUDICIARY

Staff: Lilah Amos (786-7429)

Background: County clerks are authorized to charge a fee, not to exceed \$20 per hour, for services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches. Unlike a variety of other fees, this charge is not subject to division with either the state public safety and education account or the county or regional law libraries.

Ex parte orders are orders which are signed by a judge without notice to or participation by an opposing party. Such orders frequently involve urgent situations where irreparable injury may occur if relief is not immediately provided prior to a hearing, such as temporary orders for protection and temporary antiharassment protection orders.

Summary of Bill: County clerks are required to charge a fee of \$30 for processing an ex parte order.

Appropriation: None.

Fiscal Note: Requested on February 22, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: King County provides several full-time commissioners available for signing ex parte orders. This is a costly service which could be made self-supporting if the clerk's office was authorized to charge \$30 for each ex parte order which is signed. While the clerk's office is authorized to charge on a per-hour basis, charges are only imposed for ex parte orders which use mail-in service provided by the clerk's office.

Testimony Against: The trial court funding task force reviewed all fees charged by court clerks for filing and providing various other services. The task force chose not to urge an increase in fees for filing ex parte orders, and instead proposed an increase in other types of

fees. The task force does not agree that all counties in the state should be required to impose a fee of \$30 for each ex parte order which is signed.

Who Testified: PRO: Barbara Miner, King County.

CON: Jeff Hall, Board for Judicial Administration.