

# SENATE BILL REPORT

## ESHB 1314

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As Reported By Senate Committee On:  
Judiciary, March 30, 2005  
Ways & Means, April 4, 2005

**Title:** An act relating to filing fees to fund the domestic violence prevention account.

**Brief Description:** Creating the domestic violence prevention account.

**Sponsors:** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby).

**Brief History:** Passed House: 3/10/05, 71-25.

**Committee Activity:** Judiciary: 3/23/05, 3/30/05 [DPA, w/oRec].

Ways & Means: 4/4/05 [DPA(JUD), w/oRec].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Carrell.

**Staff:** Lilah Amos (786-7429)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Judiciary.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Kohl-Welles, Pridemore, Rasmussen, Regala, Roach and Thibaudeau.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Pflug and Schoesler.

**Staff:** Carole Holland (786-7441)

**Background:** County clerks must charge a filing fee of \$110 to file a petition for dissolution of marriage, legal separation, or declaration concerning the validity of marriage, unless waived upon a showing of financial hardship. An additional \$10 fee may be imposed by a county legislative authority to fund a courthouse facilitator program.

In 2002 there were 27,032 petitions for dissolution of marriage, 173 annulments, and 818 legal separations filed in Washington, according to the Department of Health.

**Summary of Amended Bill:** County clerks must collect an additional fee of \$30 from persons who file a petition for dissolution of marriage, legal separation, or declaration concerning the validity of marriage. Twenty-four dollars of the fee must be deposited in the state domestic violence prevention account. Of the remaining amount, 5 percent may be retained by the county for administrative purposes and the remainder must be used by the county to support community-based services for victims of domestic violence. The court can waive this filing fee upon a showing of financial hardship.

A domestic violence prevention account is created in the state treasury. All funds in the account must be appropriated for nonshelter community-based services for victims of domestic violence.

The Department of Social and Health Services, in consultation with the state Department of Health and persons or groups having experience and knowledge about the problems of victims of domestic violence, must administer funds from the account and must establish minimum standards for preventive, nonshelter community-based services. Preventive, nonshelter community-based services include services for domestic violence victims from communities that have been traditionally underserved or unserved, and services for children who have witnessed domestic violence.

**Amended Bill Compared to Original Bill:** The fee of \$10 on each marriage license for domestic violence programs is eliminated. The fee increase for filing a petition for dissolution of marriage, legal separation, or declaration concerning the validity of marriage is changed from \$10 to \$30. Of the filing fee increase, \$24 must be transferred to the state domestic violence prevention account. The remaining \$6 will be retained by the county. Five percent of the county's portion of the fee will be used for administrative purposes, and the remainder will be used to support community-based services for victims of domestic violence.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For: (Judiciary)** Nonshelter domestic violence services were unavailable for over 32,000 adults and children who requested assistance last year. Survivors of domestic violence are historically underserved. For services to be useful, some cultural communities and the disabled need to have services based in their communities. Domestic violence is especially damaging to children who have witnessed it and who could use counseling and other programs. A stable source of funding is essential so consistent services are available which save lives and give victims hope. A portion of the fees collected will remain in the county to support community-based services for domestic violence victims.

**Testimony Against (Judiciary):** None.

**Who Testified (Judiciary):** PRO: Representative Dickerson, prime sponsor; Terri Kimball, Kurt Wuellner, Domestic Women's Abuse Network; Merrill Cousin, King County Coalition Against Domestic Violence; Michele Ruelchaber; Cherie Tessier; Linda Rasmussen, YWCA; Grace Huang, Washington State Coalition Against Domestic Violence.

**Testimony For (Ways & Means):** This bill would set up funding to help expand necessary non-shelter services to survivors of domestic violence and abuse. Although the bill that passed out of the House of Representatives levied a fee on marriage licenses and divorce filings, the need is so great that any method of funding should be considered.

**Testimony Against (Ways & Means):** None.

**Who Testified (Ways & Means):** PRO: Representative Mary Lou Dickerson, prime sponsor; Grace Huang, Washington State Coalition Against Domestic Violence.