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WASHINGTON STATE COALITION



AGAINST DOMESTIC VIOLENCE

April 26, 2010

Ronald R. Carpenter, Clerk
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Attn: Camilla Faulk

Re: Proposed General Rule 34-Waiver of Court and Clerk's Fees in Civil Matters on the Basis of Indigency

Dear Mr. Carpenter:

Thank you for the opportunity to provide comments on proposed GR 34, relating to waivers of filing fees in civil matters involving indigent persons. The Washington State Coalition Against Domestic Violence (WSCADV) submits these comments recommending the approval of proposed GR 34 to increase access to civil proceedings for low income individuals. As you may be aware, WSCADV is a private non-profit membership organization comprised of sixty-eight domestic violence shelter and advocacy organizations in Washington State committed to ending domestic violence.

Through our membership, we are aware of the many barriers that low-income domestic violence survivors face in accessing the justice system in Washington State. Along with abuse and intimidation by their abusers, financial constraints are among the most serious of these barriers. It is not unusual for domestic violence abusers to establish and maintain control over a victim's financial resources. With respect to the proposed rule, WSCADV is in support of establishing a consistent process for granting fee waivers, as well as the provisions in the proposed rule establishing automatic waivers for certain individuals.

The waiver of filing fees and costs is often essential to an individual's ability to pursue a legal matter, and in many cases, to become safe. Establishing a consistent process for granting waivers of civil fees and costs, as provided by proposed GR 34, would make a significant difference to low-income domestic violence survivors. By providing for

automatic waivers for certain individuals, proposed GR 34 would make the process simpler for many domestic violence survivors who are unrepresented and who are struggling to complete extensive paperwork, as well as trying to manage many other concerns in their lives, not to mention, that it will improve court efficiency.

Suggested changes to the Proposed Rule

However, we do have concerns relating to the Comments following the proposed rules. First, the Comment immediately following proposed GR 34(a)(2) is problematic. We are aware of various courts around the state that will not waive certain fees imposed by the court, such as fees to support courthouse facilitators, judicial surcharges, and fee surcharges on dissolution filings imposed under RCW 36.18.016(b), that fund many of our member programs through the Domestic Violence Prevention Account. While WSCADV recognizes that some of these fees may fund crucial services that domestic violence survivors utilize, they may impose a significant enough financial barrier for a domestic violence survivor to force her or him to forego or delay obtaining legal relief at her or his peril. Accordingly, we urge the Court to remove the first Comment to proposed GR 34. In the alternative, we propose that the Comment instead state: *"This rule establishes the process by which judicial officers may waive civil filing fees and other costs."*

I hope this information has been useful and will be carefully considered by the Supreme Court. If you have any further questions you can contact me. Thank you for your consideration of our comments.

Sincerely,
WASHINGTON STATE COALITION
AGAINST DOMESTIC VIOLENCE



GRACE HUANG
Public Policy Program Coordinator