

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 6268 SSB	Title: Abusive Litigation Partners	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years		1.0	0.5	1.0	1.0
Account					
General Fund – State (001-1)		134,623	134,623	228,146	228,146
State Subtotal		134,623	134,623	228,146	228,146
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:		134,623	134,623	228,146	228,146

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would create the term “abusive litigation”, defined as applying when the opposing parties are current or former intimate partners, a finding of domestic violence has been entered, and the litigation is for the purpose of harassing, intimidating, or maintaining contact with the other party.

This bill differs from SB 6268:

- Would revise the definition of “abusive litigation” to add three criteria, of which at least one must apply: (1) the legal contentions are not warranted by existing law, a reasonable argument for extending existing law, or establishment of new law; (2) the allegations and factual contentions have no evidentiary support; or (3) one or more issues have already been filed elsewhere, litigated and disposed of unfavorably to the filing party.
- Would revise the procedure for appealing a decision denying leave to file a new action; appeal is as provided in the court rules and there is no appeal to another judge in the same court.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 3(3) – Would provide that the Administrative Office of the Courts (AOC) would be required to update the instructions, brochures, standard petition, and order for protection forms, and create new forms for the motion for order restricting abusive litigation and order restricting abusive litigation, and update the court staff handbook when changes in the law make an update necessary.

Section 4 – Would require that if a party asserts that they are being subjected to abusive litigation, a court shall attempt to verify that the parties have or previously had an intimate partner relationship and that the party raising the claim of abusive litigation has been found to be a victim of domestic violence by the other party. At the time set for the hearing on the alleged abusive civil action, the court would be required to hear all relevant testimony and may require affidavits, documentary evidence, and any other records a court deems necessary.

Section 7(3) – Would provide for a procedure for a review of a judicial decision to deny the application of an abusive litigant from filing a pleading.

Section 9(1) – Would provide a motion for an order restricting abusive litigation may be brought under an existing family law case.

NOTE: No effective date is provided for implementation of this bill, so the AOC assumes the bill would be effective 90 days *sine die*. Instructions, forms, brochures, petitions, order for protection, and the court staff handbook cannot be updated within 90 ninety days.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

The AOC would be required to update all relevant forms, instructions, brochures, petitions, orders for protection, create new forms, and update the court staff handbook. It is estimated this will require coordination with local governments, conduct committee meetings, provide document creation, review and approval, and publication.

It is unknown how many new forms will need to be created, nor is there information available to determine what information would need to be on all newly created forms and existing forms. The AOC would require 1.0 FTE Forms Analyst for one year to oversee the creation of new forms and update of existing forms, brochures, petitions, and orders for protection. Salaries and benefits for this position for per year would total \$114,073.

Section 4 would require a court to attempt to verify litigant's current or former relationships. This could require additional hearings. There is no data available to estimate the number of additional hearings that could result, thus this section is indeterminate and could be significant.

New docket, cause and event codes would be required. It is assumed that there would be a minimum of eight new event codes and two causes of action (Civil and Domestic) required. It is estimated that this would require 137 hours of information technology (IT) time. IT costs are estimated at \$150/hour, thus 137 hours x \$150/hour = \$20,550.

Judicial education would be required. This would be managed within existing resources.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years		1.0	0.5	1.0	1.0
A – Salaries & Wages		84,396	84,396	168,792	168,792
B – Employee Benefits		29,677	29,677	59,354	59,354
C – Prof. Service Contracts					
E – Goods and Services		20,550	20,550		
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:		134,623	134,623	228,146	228,146

III.B – Detail:

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Legal Services Forms Analyst	84,396		1.0	0.5	1.0	1.0
Total FTE's			1.0	0.5	1.0	1.0

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.