

THURSTON COUNTY CLERK'S OFFICE
FAULTY DOCUMENT POLICY
Effective January 1, 2009
Amended February 24, 2011

THIS POLICY governs the assessment of a fee for faulty documents being filed in noncompliance with state statute and state and local court rules. RCW 36.18.016(24) provides that the Clerk may set and collect a fee for non-statutory services rendered. This policy will identify this fee as a non-statutory fee for the special handling of documents which are incorrect, incomplete or in non-compliance with court rules or statutes. This fee is assessed to recover staff costs for the prompt corrections of documents filed with errors as outlined in Attachment "A" attached hereto and by reference incorporated herein. Further governing authorities for implementation of the procedures for this policy are located in Attachment "B." In addition to the establishment of this policy, the Clerk's Office will provide a system for monitoring and collecting the fees that are charged as a result.

It is the purpose of this policy to reduce the amount of noncompliant document filings which generate additional non-statutory services provided by the Clerk's Office. With the reduction in the number of noncompliant documents being filed, staff will be able to return to their required duties.

A \$15.00 assessment fee was arrived at by taking into consideration the time involved in the special handling including researching, making corrections, rescanning, re-linking, notifying filer of error, filing documents into the correct cases, and/or returning documents.

THEREFORE, the Thurston County Clerk's Office and its employees will take the following actions in accordance with this policy:

- 1) A \$15.00 fee will be charged for each document that the Clerk cannot process due to incorrect, incomplete or non-compliant data or format;
- 2) When several such documents are filed from the same case on the same date, they will incur a single \$15.00 fee. Multiple documents filed by the same party but not in the same case will incur separate \$15.00 faulty document fee for each faulty document;
- 3) The manager will verify rejection and a billing (invoice) will be generated which includes the corresponding paragraph as identified in Attachment "A" - Faulty Document Definitions;
- 4) If the document(s) cannot be returned to the filer because it lacks identifying information, the document(s) which cannot be identified or corrected will be placed in a pending file. These documents will be held for 6 months and then discarded;

5) If, after invoices have been sent and attempts made to notify the filing party to correct their records and avoid future error, they continue to file documents that are not in compliance, the Clerk may, at her option, return original documents unfiled.

IT IS ESTABLISHED that the following documents will **not** be rejected and the special handling fee will not be assessed for format reasons:

- Original wills
- Signed orders from the court
- Documents from out of the State of Washington
- Documents created by other courts (i.e. Certified appeal board records, Transcripts, Abstracts)
- Bonds
- Promissory notes
- Deeds (and deeds of trust, etc.)
- Transcripts from other state agencies

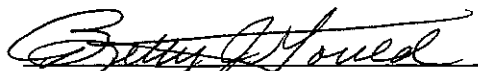
IT IS FURTHER ESTABLISHED that the following documents (appearing within the designated margins) will **not** be rejected and the special handling fee will not be assessed for format reasons:

- Letterhead
- Line numbering
- Vertical or horizontal lines
- Date
- Page number
- Pleading footers
- Original stamp
- Judge assignment
- Hearing date
- Pleading title

A procedure (Thurston County Clerk's Office Procedure 08-08) has been created to guide employees in their efforts to carry out this policy in a manner that is effective, consistent, and meets the goals presented.

THIS POLICY shall be effective January 1, 2009, and is subject to further change after review, consideration, and determination by administration that a change is warranted and would serve the goals of this policy.

Signed by:
THURSTON COUNTY CLERK


Betty J. Gould

ATTACHMENT "A"
FAULTY DOCUMENT DEFINITIONS

1.	<p>Abstract Needs Clerk's Certification Satisfactions of Abstracts filed must be certified by the Clerk in the county where the judgment is rendered. (RCW 4.64.120)</p>
2.	Number Not Currently in Use
3.	<p>Assignment Needs Creditor/Notary Signature Assignments must be signed by the creditor or an officer of the company or corporation, and fully acknowledged by a Notary. (RCW 4.56.090, 64.08.060, 64.08.070).</p>
4.	<p>BAR Number Not Referenced APR 13(a) requires that all pleadings and papers signed by an attorney and filed with a court will include the attorney WSBA number in the signature block. The attached document was filed without this number.</p>
5.	<p>Black/Blue Ink Required Original documents filed must be printed or typewritten in blue or black ink suitable for scanning. GR14</p>
6.	<p>Bond Requires Court Approval Bonds must be presented and approved by the Court before filing with the Clerk's Office. RCW 4.44.470; 11.28.185</p>
7.	<p>Caption –</p> <ul style="list-style-type: none"> • Does Not Match Record – The legal case file is indexed based on the caption stated in the initiating (complaint/petition) document and all subsequent papers must carry the same case caption. The caption on this document(s) does not match the listed parties. • Names Reversed – The caption referenced must be the same as the caption referenced on the initiating document (original petition). The petitioner and respondent's names have been reversed. • Case Caption Missing (CR10 (a)) – All documents filed with the Superior Court Clerk's Office must contain the case caption.
8.	Number Not Currently in Use
9.	Number Not Currently in Use
10.	<p>Case Index Cover Sheet (CICS)</p> <ul style="list-style-type: none"> • Missing – Superior Court AR (2) says "each new case filing shall be accompanied by a Case Index Cover sheet prepared and submitted by the plaintiff." A Case Index Cover Sheet was not submitted with this case. • Incomplete – The CICS you submitted was not completed. No option was selected.
11.	Number Not Currently in Use

12.	<p>Case Number Incorrect, Incomplete or Missing LCR 79(b)(1) Documents received in this office were found to contain an error(s). 1) The caption case number is incorrect, 2) incomplete or 3) missing for a Thurston County Superior Court case.</p> <p>Please verify the number as well as the court and county, and make corrections as needed before re-filing.</p>
13.	<p>Clerk's Action Required Documents filed that require special action of the Clerk's Office must meet the requirement of LCR 79(b)(2).</p>
14.	<p>Confidential Information Form RCW 26.09.020 Form must be provided when opening a Title 26 RCW case. The case may not be filed and may be returned to you for the completion of information required.</p>
15.	<p>Confirmations LCR 7(7)(A) and (B) Confirmations not timely received or which contained incorrect information: 1) wrong judicial officer, 2) wrong calendar or canceled calendar, 3) wrong case number, or 4) wrong date. Confirmations containing errors will not be confirmed by the clerk.</p>
16.	<p>Court Orders Your order must be signed by a Thurston County Superior Court Judge. All orders received for filing without a signature will be stamped "PROPOSED" and filed in the court file.</p>
17.	<p>Discovery Document Filed In Error Pursuant to CR 5(i), all discovery materials, requests and responses thereto will be returned unless used in a proceeding or trial or accompanied by order of the court.</p>
18.	<p>Document Filed In Wrong Court (CR 10) This document has been filed in the Thurston County Superior Court Clerk's Office in error. Please review your records and forward to the correct jurisdiction.</p>
19.	Number Not Currently in Use
20.	Number Not Currently in Use
21.	Number Not Currently in Use
22.	<p>Execution Docket CR 54; RCW 4.64.060; 4.64.030 Information contained in Judgment is in error, incomplete or does not comply with requirements in state statutes</p>
23.	<p>Expedite Box Required Documents did not include expedite box as required by LCR10(d)(4)</p>

24.	Filing Fees Not Included: RCW 36.18 Documents will be returned and a faulty document fee assessed when a fee is required by statute (RCW 36.18) and not included with the documents to be filed. (i.e. Modifications, Counter Claims, Show Cause in Unlawful Detainer actions, ex parte fees, etc.)
25.	Number Not Currently in Use
26.	GR14- Not Compliant Document does not meet the format requirements of GR 14. 1) Documents must be legible, 2) no double sided documents, 3) no colored paper, 4) no highlighting, 5) A top margin of 3", etc.
27.	Incomplete Document Received This document has become detached from papers filed with the Clerk and we are unable to determine in which case file it should be placed. We are returning it and asking your assistance in identifying the correct papers in the case file.
28.	Number Not Currently in Use
29.	Judgment Previously Assigned, Not On File, or Satisfied <ul style="list-style-type: none"> • Previously Assigned or Not On File– The judgment you submitted has already been assigned or there is no original assignment of this judgment on file. • Satisfied - The judgment in this matter has previously been satisfied.
30.	Judgment Summary Required Pursuant to RCW 4.64.030 (2)(a) on the first page of each judgment ...the judgment shall be summarized.
31.	Jury Demand Jury Demands filed late based on case schedule deadlines.
32.	Law Enforcement Information (LEI) When filing a restraining order, the completed LEI form must be attached. Without this information the restraining order can not be processed by Law Enforcement.
33.	Number Not Currently in Use
34.	Liens Needs Creditor/Notary Signature Liens must be signed by the creditor or an officer of the company or corporation, and fully acknowledged by a Notary (RCW 4.56.090, 64.08.060, 64.08.070).

35.	<p>Notice Of Issue Contains An Error This document contained an error: 1) was not filed timely, 2) set on non-judicial date or canceled calendar, 3) no box was marked or 4) incorrect box marked for the intended calendar.</p> <p>The Notice of Issue will be filed in the appropriate file, entered into the statewide system (SCOMIS) with a notation that the notice was incorrect or not timely; a hearing code will not be entered.</p>
36.	Number Not Currently in Use
37.	<p>Orientation (LSPR 94.11(b)(1) and (d)) A Summons and Petition for dissolution with children requires that a Notice of Issue is filed scheduling the Orientation as to both parties. If not completed, a call is placed notifying the party that the orientation needs to be scheduled and a fee is assessed.</p>
38.	Number Not Currently in Use
39.	<p>Satisfaction Needs Notary Signature Satisfactions should be fully acknowledged before a Notary (RCW 4.56.100, 64.08.060, 64.08.070).</p>
40.	<p>Sealed Document/No Authorization GR 22 (g)(1) and (4) restricts the use of this coversheet to documents filed in family law, guardianship and Title 26 cases as provided in the rule.</p>
41.	<p>Sealed Document/No Coversheet Per GR22(g)(1) and (2) financial source documents, health care records & confidential reports shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS", SEALED PERSONAL HEALTH RECORDS", OR "SEALED CONFIDENTIAL REPORT" with copy of cover sheet for public file.</p>
42.	<p>Self-Addressed, Stamped Envelope When forwarding copies of documents for conforming by the Clerk, a stamped self-addressed enveloped must be provided or the copies will not be returned. No fee will be assessed – FYI only.</p>
43.	Number Not Currently in Use
44.	Number Not Currently in Use
45.	Number Not Currently in Use
46.	<p>Vital Stat Form Required The Thurston County Clerk requires an original State of Washington Department of Health Vital Statistics form DOH-110-005 Rev 2/98 when initiating a Dissolution or Legal Separation. Document must be completed in black ink or it will be returned to the Clerk's Office by the Department of Vital Records.</p>

Miscellaneous Errors

There are requirements by statute, state court rule, and local rule that may not be complied with in the filings received by the office. If the document filed contains errors not identified in this document, you will be notified of the error. No fee will be assessed at that time. Subsequent errors will be assessed the fee. This document is subject to revision.

ATTACHMENT "B"
GOVERNING AUTHORITIES

RCW 4.56.090

Assignment of Judgment – Filing.

When any judgment has been assigned, the assignment may be filed in the office of the county clerk in the county where the judgment is recorded and a certified copy thereof may be filed in any county where an abstract of such judgment has been filed and from the time of such filing shall be notice of such assignment: PROVIDED, That such assignment of a judgment or such certified copy thereof, may not be filed unless it is properly acknowledged before an officer qualified by law to take acknowledgment of deeds.

RCW 4.64.120

Entry of abstract or transcript of judgment.

It shall be the duty of the county clerk to enter in the execution docket any duly certified transcript of a judgment of a district court of this state and any duly certified abstract of any judgment of any court mentioned in RCW 4.56.200, filed in the county clerk's office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he or she is clerk. Jurisdiction over the judgment, including modification to or vacation of the original judgment, transfers to the superior court. The superior court may, in its discretion, remand the cause to district court for determination of any motion to vacate or modify the original judgment.

RCW 4.44.470

Court may fix amount of bond in civil actions.

Whenever by statute a bond or other security is required for any purpose in an action or other proceeding in a court of record and if the party shall apply therefor, the court shall have power to prescribe the amount of the bond or other security notwithstanding any requirement of the statute; and in every such case money in an amount prescribed by the court may be deposited with the clerk in lieu of a bond. After a bond or other security shall have been given, the court in its discretion may require additional security either on its own motion or upon motion of an interested party or person. The courts shall exercise care to require adequate though not excessive security in every instance.

RCW 11.28.185

Bond or other security of personal representative – When not required – Waiver – Corporate trustee – Additional bond – Reduction – Other security.

When the terms of the decedent's will manifest an intent that the personal representative appointed to administer the estate shall not be required to furnish bond or other security, or when the personal representative is the surviving spouse or surviving domestic partner of the decedent and it appears to the court that the entire estate, after provision for expenses and claims of creditors, will be distributable to such spouse or surviving domestic partner, then such personal representative shall not be required to give bond or other security as a condition of appointment. In all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative, no bond shall be required. In all other cases, unless waived by the court,

the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct.

Every person required to furnish bond must, before receiving letters testamentary or of administration, execute a bond to the state of Washington conditioned that the personal representative shall faithfully execute the duty of the trust according to law.

The court may at any time after appointment of the personal representative require said personal representative to give a bond or additional bond, the same to be conditioned and to be approved as provided in this section; or the court may allow a reduction of the bond upon a proper showing.

In lieu of bond, the court may in its discretion, substitute other security or financial arrangements, such as provided under RCW 11.88.105, or as the court may deem adequate to protect the assets of the estate.

RCW 4.64.030

Entry of judgment – Form of judgment summary.

(2)(a) On the first page of each judgment which provides for the payment of money, including foreign judgments, judgments in rem, mandates of judgments, and judgments on garnishments, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment, and in the entry of a foreign judgment, the filing and expiration dates of the judgment under the laws of the original jurisdiction.

RCW 4.64.060

Execution docket – Index of record.

Every county clerk shall keep in the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it. The record must be indexed both directly and inversely, and include all judgments, abstracts, and transcripts of judgments in the clerk's office. The index must refer to each party against whom the judgment is rendered or whose property is affected by the judgment.

RCW 4.56.090

Assignment of judgment – Filing.

When any judgment has been assigned, the assignment may be filed in the office of the county clerk in the county where the judgment is recorded and a certified copy thereof may be filed in any county where an abstract of such judgment has been filed and from the time of such filing shall be notice of such assignment: PROVIDED, That such assignment of a judgment or such certified copy thereof, may not be filed unless it is properly acknowledged before an officer qualified by law to take acknowledgment of deeds.

RCW 4.56.100**Satisfaction of judgments for payment of money.**

(1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his or her attorney of record in such action or his or her assignee acknowledged as deeds are acknowledged. The clerk has the authority to note the satisfaction of judgments for criminal and juvenile legal financial obligations when the clerk's record indicates payment in full or as directed by the court. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him or her may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

RCW 36.18**Fees of County Officers.**

See RCW for complete statute information.

RCW 64.08.060**Form of certificate for individual.**

A certificate of acknowledgment for an individual, substantially in the following form or, after December 31, 1985, substantially in the form set forth in RCW 42.44.100(1), shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter (see RCW for required form).

RCW 64.08.070**Form of certificate for corporation.**

A certificate of acknowledgment for a corporation, substantially in the following form or, after December 31, 1985, substantially in the form set forth in RCW 42.44.100(2), shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter (see RCW for required form).

RCW 26.09.020**Petition – Dissolution of marriage or domestic partnership, legal separation, or for a declaration concerning validity of marriage or domestic partnership – Contents – Parties – Certificate.**

(3) The petitioner shall complete and file with the petition a certificate under RCW 43.70.150 on the form provided by the department of health and the confidential information form under RCW 26.23.050.

APR 13

**SIGNING OF PLEADINGS AND OTHER PAPERS; ADDRESS OF RECORD;
ELECTRONIC MAIL ADDRESS; NOTICE OF CHANGE OF ADDRESS, TELEPHONE
NUMBER, OR NAME**

(a) Signing of Pleadings and Other Papers. All pleadings and other papers signed by an attorney and filed with a court shall include the attorney's Washington State Bar Association membership number in the signature block. The law department of a municipality, county, or state, public defender organization or law firm is authorized to make an application to the Administrative Office of the Courts for an office identification number. An office identification number may be assigned by the Administrative Office of the Courts upon a showing that it will facilitate the process of electronic notification. If an office identification number is granted, it shall appear with the attorney's Washington State Bar Association membership number in the signature block.

**RULE CR 10
FORM OF PLEADINGS AND OTHER PAPERS**

(a) Caption. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the file number if known to the person signing it, and an identification as to the nature of the pleading or other paper.

**CR 54
Judgments and costs.**

See complete rule for information.

**AR 2
CASE INFORMATION COVER SHEET**

Each new civil and domestic case filing shall be accompanied by a Case Information Cover Sheet prepared and submitted by the plaintiff. The minimum requirements of this Case Information Cover Sheet shall be established by the Court Management Council in coordination with the Office of the Administrator for the Courts. Any additional case flow information deemed necessary for the management of cases by a court must be approved by the Office of the Administrator for the Courts.

**GR 22
ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT RECORDS**

(g) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law and Guardianship cases - Cover Sheet.

(1) Financial source documents, personal health care records, confidential reports as defined in (e)(2)(B) of this rule, and copies of unredacted JIS database records considered by the court for parenting plan approval as set forth in (f) of this rule, shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS", "SEALED PERSONAL HEALTH CARE RECORDS", "SEALED CONFIDENTIAL REPORT" or "JUDICIAL INFORMATION SYSTEM DATABASE RECORDS" for filing in the court record of family law or guardianship cases.

(2) All financial source documents, personal health care records, confidential reports, or judicial information system database records so submitted shall be automatically sealed by the clerk. The cover sheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents containing restricted personal identifiers, personal health care records, any report containing information described in (e)(2)(B), or copies of unredacted JIS database records considered by the court for parenting plan approval as described in (f) be sealed, if they have not previously automatically been sealed pursuant to this rule.

(4) These coversheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

**GR 14
FORMAT FOR PLEADINGS AND OTHER PAPERS**

(a) Format Requirements. All pleadings, motions, and other papers filed with the court shall be legibly written or printed. The use of letter-size paper (8-1/2 by 11 inches) is mandatory. The writing or printing shall appear on only one side of the page. The top margin of the first page shall be a minimum of three inches, the bottom margin shall be a minimum of one inch and the side margins shall be a minimum of one inch. All subsequent pages shall have a minimum of one inch margins. Papers filed shall not include any colored pages, highlighting or other colored markings. This rule applies to attachments unless the nature of the attachment makes compliance impractical.

(b) Exception for Trial or Hearing Exhibits. This rule is not mandatory for trial or hearing exhibits, but the use of trial or hearing exhibits that comply with this rule is encouraged if it does not impair legibility.

(c) Application of Rule. This rule shall apply to all proceedings in all courts of the State of Washington unless otherwise specifically indicated by court rule.

(d) Citation Format. Citations shall conform with the format prescribed by the Reporter of Decisions.

**LCR 79(b)(1) and (2)
BOOKS AND RECORDS KEPT BY THE CLERK**

(1) Filing by Clerk of Court. All original pleading or other papers with proper caption and cause number will be file stamped, docketed and secured in the legal file by the Clerk in the order received.

(2) Action Documents. All pleadings that require action by the clerk, other than file stamping and docketing, shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the document.

**LSPR 94.11
ORIENTATION IN FAMILY LAW MATTERS**

94.11(b)(1) Dissolutions/Legal Separations with Children. In dissolutions of marriage, legal separations with children, and dissolutions of registered domestic

partnerships with children, the parties to the action shall be required to complete an Orientation to the Family Court System.

94.11(d) Scheduling. At the time an action requiring Orientation is filed, the petitioner shall schedule attendance at the Orientation Program for both parties to occur within 30 days of filing. The summons and petition for dissolution shall not be accepted for filing by the clerk of the court unless the notice of issue scheduling the Orientation as to both parties is filed at the same time, an order excusing the requirement pursuant to LSPR 94.11 (b)(1)(A),(B) or (D) is entered, or orientation is excused pursuant to LSPR 94.11 (b)(1)(C). Any party requesting a hearing, and any party responding to a request for hearing, shall attend the Orientation before the hearing. Initial hearings for temporary orders and on Orders to Show Cause shall be scheduled on the same day as the Orientation Program absent good cause. Attendance at the Orientation Program is not required prior to emergency hearings.

**LCR 7
PLEADINGS ALLOWED; FORMS OF MOTIONS**

(7) Confirmations. All contested motions to be considered on a judge's Friday motion calendar must be confirmed. Confirmation that a hearing on a contested motion will occur as scheduled permits the judge to prepare for the hearing. Contested motions not confirmed may be postponed by the court until adequate preparation can be had.

(A) Confirmations must be made with the court clerk before 12:00 noon three court days before the motion calendar day, e.g., by noon Tuesday for a Friday Motion Calendar.

(B) If the deadline for confirmation falls on a court holiday, confirmations shall be made before 12:00 noon on the last court day before the holiday.

**LCR 10
FORM OF PLEADINGS AND OTHER PAPERS**

(d)(4) *Service and Filing*. Every filed document shall contain the following information in substantially the following format in the top left hand corner of the first page. If the document does not meet these guidelines, it is subject to being returned:

<input type="checkbox"/> EXPEDITE
<input type="checkbox"/> No hearing set
<input type="checkbox"/> Hearing is set:
Date: _____
Time: _____
Judge/Calendar: _____

**RULE CR 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

Discovery Material Not To Be Filed; Exceptions. Depositions upon oral examinations, depositions upon written questions, interrogatories and responses thereto, requests for production or inspection and responses thereto, requests for admission and responses thereto, and other discovery requests and responses thereto shall not be filed with the court unless for use in a proceeding or trial or on order of the court.