



Proud past. Promising future

Sherry W. Parker, County Clerk

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CLERK'S ALERT

DATE: May 11, 2007

TO: Clark County Bar Association

FROM: Sherry W. Parker, Clark County Clerk
Teri A. Nielsen, Chief Deputy Clerk

RE: Changes in the Clerk's Office

There have been many changes in the clerk's office since the first of the year that we would like to be sure that the members of the Clark County Bar Association and their support staff are aware of.

1. All **clerk's minutes** from court hearings, dockets or trials from January 2007 to present will be scanned into our imaging system and then filed in each case file. Previously, some of the minutes were not filed in the case files and it required the parties to go to the clerk's office to retrieve a copy of the minutes from the three-ring binders behind the counter.
2. **Issuing Letters Testamentary** – there is a flat rate fee of \$2.00 per letter issued by a deputy clerk no matter how many pages there are. We used to charge \$2.00 for the first page and \$1.00 for each additional page per letter issued.
3. **Domestic case restraining orders:** Previously, the clerk's office charged parties a certified copy fee to send a DV Restraining Order filed in a domestic case to the sheriff's office records department to be entered into the statewide law enforcement database. As of now, there will be no certified copy fee and all DV designated Restraining Orders within domestic cases will be sent to the sheriff's office for entry. However, if the attorney's office does not provide a law enforcement information sheet with at least the fields in gray completed (see sample form attached), then the sheriff's office cannot enter the Restraining Order into the system. Therefore, law enforcement would not be aware that the Restraining Order exists if an incident occurs.
4. **Family Law:** As of April 2007, the Clark County Clerk's Office will be assigning a case type "3" to all cases initiated under a "Petition for Residential Schedule/Parenting Plan/Child Support" to comply with the procedures and laws of the State of Washington.
 - a. In June of 2002, the law changed as it relates to parties that have a need to establish custody, visitation or child support for children they had outside the bonds of marriage. If a paternity affidavit is signed by both parties and filed with the state registrar's office and it is 60 days beyond the filing and no rescission has been filed, then the case is to be treated as if it were a regular domestic relations case.
 - b. Additionally, when the law changed, the Administrative Office of the Courts created a new set of pattern forms to accommodate the law, created a new

cause of action code in case type "3" for county clerks to use when entering the case in the computer system and clerks across the state changed their procedures. These cases will be filed as a case type "3" in order to make them accessible to the public and not sealed. (Refer to Case Cover Sheet attached)

5. **Paternity Cases:** Per a decision made in June 2006, the Washington State Clerks' Association agreed to make a change in handling paternity cases. Upon the entry of a "Judgment and Order Establishing Parentage" (JDOEP), that order and anything filed after it should be made available to the public via computer and imaging systems. (Per RCW 26.26.610(2))
 - a. Washington State Law states; in summary: to prevent the issuance of competing orders in different courts in the state and to give courts needed information, all paternity, restraining, protective and third-party custody orders should be entered in JIS. (For full RCWs, refer to 26.50.160, 26.50.165, 26.10.135) Entering the case only in SCOMIS does not allow other judicial officers in other Washington courts to see the cases. This does not comply with the law.
 - b. The current SCOMIS/JIS computer system always **seals any case type "5"** from the public's view. The name cannot be searched, nor can the docket or basic screens be accessed. Today's citizens expect to access cases via the Internet or at a public computer terminal in clerks' offices across the state. In order to accomplish correct accessibility, the following process was agreed upon: as of January 2007, the Clark County Clerk's Office will **administratively open a new case type "3"** file upon entry of the JDOEP. The new case type "3" will be linked with the case type "5" so that whenever there is a subsequent hearing in court, both files will be pulled. All further court actions should be filed in the public case type "3". Clerk's Office staff should check the database and will contact the attorney's office if the subsequent pleadings are filed in the old case type "5" to advise the attorney of the correct case number.
6. New "**Roadmap to the Clark County Clerk's Office**" available at our county clerk's website at <http://www.clark.wa.gov/courts/clerk/index.html> .
7. **Reminder about checking out files:** Superior Court files can only be checked out by attorneys with a WSBA# or an employee of that firm's office. *Remember that the files are due back within three business days of checkout date.* Files that are due in court are NOT to be checked out in the same week as the hearing. If someone would like to check it out on the previous Friday, the file needs to be returned by Monday afternoon. The three day rule does not apply when a file is checked out on Friday, and is due in court the next week. *This is in accordance with Clark County Superior Court's Local Court Rule 79(4)(A).
8. The case name and number index will no longer be available on **microfiche** in the clerk's office lobby as it is no longer being produced by the Administrative Office of the Courts (AOC). However, all public case records from 1979 to present can be accessed on the public computer terminal in the lobby of the clerk's office or via AOC's case/name search engine at www.courts.wa.gov. Older case records, which date back to the late 1890's, are available on microfilm.

If you have any questions please do not hesitate to contact me at 360-397-2292 x2287 or my chief deputy, Teri Nielsen at 360 397-2292 x4242.