

KITTITAS COUNTY CLERK'S OFFICE
FAULTY DOCUMENT POLICY
Effective January 1, 2017

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 to process documents which are incorrect, incomplete or in non-compliance with court rules, including documents filed in the wrong jurisdiction, in order to prompt correct filings and recover staff costs. A format guideline is attached hereto as Attachment "A" and by reference incorporated herein. References and definitions follow below.

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 a reduction in the number of noncompliant documents, staff will be able to return to their required duties.

THEREFORE, the Kittitas 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 a separate \$15.00 faulty document fee for each case.
- 3) The office supervisor will verify rejections and a billing invoice will be generated.
- 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 up to 6 months waiting for correction and any unresolved documents will be physically discarded after the six month period. An electronic "scanned" image of the document will be placed in a folder properly identified as faulty, for historical reference.
- 5) If, after invoices have been sent and attempts made to notify the filing party to correct their records and avoid future error, the filing party continues to file documents that are not in compliance, the Clerk may, at his/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 for the following:

- 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 and courts.

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

- Letterhead
- Line numbering
- Vertical or horizontal lines
- Date
- Missing page number(s)
- Pleading footers
- Judge assignment/working copy notations
- Original stamp

Checks will not be considered documents and will not be assessed a special handling fee,

THIS POLICY shall be effective January 1, 2017, 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:

KITTITAS COUNTY CLERK

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REFERENCES:

1. General Rule 14 **FORMAT FOR PLEADINGS AND OTHER PAPERS**; APR 13(a), RCWs CR (10)(a), AR(2), GR22, etc.

DEFINITIONS:

1. **Document:** A paper with or without following pages presented for filing in the case file.
2. **Incorrect:** Information on the document conflicts with that from another source relating to the same matter and known to be correct.
 - Incorrect documents include:
 1. incorrect paper size,
 2. incorrect case number,
 3. incorrect case caption (mismatch caption recorded for the case number),
 4. pleadings, and exhibits must be clean and readable in order to produce a clear image for the permanent electronic file.
 5. document filed in wrong jurisdiction (different court and/or county)
 6. probate/guardianship orders for letters with incorrect type of letters requested
3. **Incomplete:** Information omitted from the document that is necessary for Clerk's processing. Incomplete documents include:
 - documents filed with no case number,
 - documents filed with no case caption,
 - documents filed with no Washington State Bar Association (WSBA) number for attorneys,
 - documents filed with no county designation,
 - documents filed without appropriate sealed cover sheet and w/extra copy for public file,
 - documents filed with multiple case numbers on one document without additional copies for companion cases,
 - vital stat forms not provided when opening dissolutions,
 - Confidential information form not provided when opening dissolution cases – (documents will be returned unfiled)
 - Law Enforcement Information (LEI) form not filed with restraining orders, (contact attorney and assess fee)
 - No Judgment Summary as required by RCW 4/64.030(2)(a), (Judgment will be returned unfiled).

4. **Non-compliance:** Information submitted on a document that is in non-compliance with the Revised Code of Washington (RCW) and/or court rules and local court rules. Non-compliant documents include:
- discovery filings,
 - legal-sized paper filings,
 - documents with inappropriate format,
 - oversized attachments,
 - two-sided documents,
 - CD or Videos attached to filed documents,
 - non-judicial date settings;
 - late jury demands based on case schedule deadlines

GENERAL INFORMATION

A \$15.00 fee is charged for each document that the Clerk cannot process due to incorrect, incomplete or non-compliant data or format. Any Deputy Clerk that encounters a faulty document will attach a note indicating the problem, initial the note and forward the document to their manager.

The Supervisor will verify rejection and complete invoicing. The invoice will include why the document was faulty.

The Counter Clerk will process payment(s) of special handling fees using the assigned code for the JRS system. This will allow the system to generate a daily transaction log.

Fees can only be cancelled by the Supervisor. If an invoice was sent in error the Supervisor will notify the attorney's office of the error and correct the data base.

Collection enforcement shall be the responsibility of the Financial Manager and delinquent accounts will be turned over for collection.

For documents processed for service by a business or agency, the document will be returned and the handling fee will be assessed to the client.

ATTACHMENT A

KITTITAS COUNTY CLERK'S OFFICE FORMAT GUIDELINES

- ❖ Please do NOT use staples. Use a paperclip to secure multiple pages of the same pleading together. When filing multiple pleadings in the same case, please put a rubber band, binder clip or large paperclip on the left side, midway down, to secure all the pleadings being filed in that case number. If it is a large pleading (with attachments) please use a large rubber band or binder clip and do not staple each individual attachment. As a rule of thumb 'one pleading no matter how many attachments = one clip'.
- ❖ In the LOWER LEFT corner of the first page of your pleading, (the face page), place the total number of pages you have to your pleading. This will assist staff when the pleading is scanned / imaged to verify we have all the pages you submitted.

ATTACHMENTS / SEPARATOR / Cover Pages to attachments:

- ❖ Do NOT use "Index Tabs." Index tabs (side or bottom) do not process through our high-tech scanning machines and will be removed from your pleading(s), and they will not be replaced once the pleading is scanned.
- ❖ Do NOT use COLORED pages anywhere in your attachments &/or pleadings. For best quality, use only WHITE paper. (Colored pages image as solid black.)
- ❖ USE a – white- ATTACHMENT "cover" page. If you want the Judge to easily find your referenced attachment, please include the attachment 'cover page' (also referred to as an attachment 'index page' or 'separator page'). Use 28 point font or larger for the wording: "Attachment ____"

FORMAT RECOMMENDATIONS*:

- ❖ Font / Text size at least 11 point or larger (*recommended*).
- ❖ Rubber band or Binder clip multiple pleadings of the same case number together.
- ❖ No Staples.
- ❖ One Paperclip or Binder Clip for one pleading
- ❖ Total number of pages of the pleading in the LOWER LEFT corner of first page of pleading.
- ❖ Place large bold lettering "Attachment ____" in the center of a WHITE index page for each attachment you are submitting to your pleading (1/4" high or 28 point or larger will suffice).

* Not subject to Faulty Document fee at this time