
HOUSE BILL 2245

State of Washington 65th Legislature 2017 3rd Special Session
By Representative Shea

1 AN ACT Relating to overtrial in family law cases; and adding a
2 new section to chapter 26.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.12
5 RCW to read as follows:

6 (1) In any action brought under this title, the court having
7 jurisdiction may, in its discretion, award reasonable attorneys' fees
8 and guardian ad litem fees incurred by one party as a result of
9 overtrial of an issue or issues by the other party, upon written
10 finding by the judge that one party's unreasonable approach to
11 litigation caused the other party to incur extra and unnecessary
12 fees.

13 (2) For purposes of this section, "overtrial" means unreasonably
14 excessive litigation of an issue or issues. A party's approach to
15 litigation is unreasonable if it results in unnecessary proceedings
16 or unnecessarily protracted proceedings, including preparation time.
17 Overtrial may also involve abuse of judicial resources through the
18 unnecessary overutilization of those resources.

19 (3) A party may file a motion seeking reasonable attorneys' fees
20 and guardian ad litem fees with the court in which the overtrial

1 occurs when the other party's overtrial of a family law issue or
2 issues causes the party to incur unnecessary fees.

3 (4) Fees awarded under this section must be reasonable and tied
4 to the actions that constitute overtrial.

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