



**SUPERIOR COURT
OF KITTITAS COUNTY**

**ORDER OF JUSTIFICATION
OF BAIL BOND COMPANIES AND SURETIES**

Kittitas County Superior Court and Kittitas County District Court, including any municipal/other court(s) that contract with Kittitas County District Court, hereby adopt the following procedure for justification of bail bond companies and sureties desiring to post bail bonds in Kittitas County, pursuant to its inherent authority and RCW 19.72.040.

- A. No bond posted in Kittitas County by a bail bond company or corporate surety may be accepted by Kittitas County Superior Court, Upper/Lower Kittitas County District Court, Juvenile Court, or any municipal/other court(s) that contract with the Kittitas County District Court, unless the bonding company or corporate surety posting such bond has obtained and is operating under an order of justification issued by the Kittitas County Superior Court. The Kittitas County Superior Court will issue such an order of justification on behalf of all the above courts only after a hearing on a petition filed in compliance with the terms of this administrative order. It is the bail bond or corporate surety company's responsibility to apply for justification.

- B. The Kittitas County Superior Court Presiding Judge will hold hearings in July to determine petitions for orders of justification. Once a bail bond or surety company has gone through the initial justification process, the order of justification will be valid for a period of two years ending July 31st of the 2nd year. The Civil Division of the Kittitas County Prosecuting Attorney's Office will send notice of the hearing dates to all companies justified to post bond in Kittitas County as of June 1st of the current calendar year. The Kittitas County Superior Court Presiding Judge may set other hearing dates as necessary or appropriate.

- C. A bail bond or corporate surety company seeking an order of justification from Kittitas County Superior Court must file a petition with the Kittitas County Clerk under the standards set forth in paragraph (E). Any company justified in Kittitas County at the time the petition is filed may file the petition under the existing justification cause number. If a company is not justified at the time the petition is filed, the company may file the petition only under a new cause number, regardless of whether the company was justified at an earlier time.
- D. At least forty-five (45) days prior to a hearing on justification, a petitioner must serve a copy of the filed petition for justification on the Superior Court Presiding Judge and the Civil Division of the Kittitas County Prosecuting Attorney's Office. Hearing on the petition may be stricken or the order of justification denied in whole or in part if affidavits of service of the petition do not appear in the court file at the time of the hearing on justification or if service has not been timely made.
- E. The petition for justification shall clearly state the name of the court or courts in Kittitas County in which authorization to post bail bonds is sought, and shall contain a true and correct copy of each of the following documents:
1. Petitioner's state business license and bail bond agency and/or branch office license that is effective for the period for which justification is sought;
 2. If justification is sought to post surety bonds, a Certificate of Authority from the Washington State Insurance Commission for the petitioner or underlying surety to do surety insurance business in the State of Washington;
 3. If justification is sought to post surety bonds, a fully executed and current power of attorney for each agent, individual or corporate, authorized to execute surety bonds on behalf of each surety that may guarantee bonds under the justification order sought;
 4. A current bail bond agent license for each agent for whom authorization to post bail bonds is sought;
 5. A truthful declaration signed under penalty of perjury by each proposed agent stating that person's full name, any aliases, former name(s), including maiden name(s), address, date of birth, and statement of misdemeanor and felony convictions.
 6. A list of known investigations conducted or in progress by the state department of licensing since the prior order of justification, if any, including the basis for investigation, status, and outcome, if known;
 7. Such other proof of financial, corporate and agent responsibility as the Presiding Judge of the Superior Court shall find to be sufficient to justify the surety.

- F. At the hearing on justification, the court shall consider the petitioner's proof of financial, corporate and agent responsibility, any objections or proof submitted by the Kittitas County Prosecuting Attorney and/or courts named in the petition, and any other information bearing on the sufficiency of the petition for justification. The court shall deny an order of justification in whole or in part to the extent a petitioner files a petition that is incomplete or insufficient under the terms of this order, and may deny an order of justification in whole or in part for other good cause.
- G. If approved, the court shall sign an order of justification that shall designate the corporate surety on which surety bonds may be written, name the authorized agents, set the maximum amount that may be written on any one bond by each surety, and specify any other conditions of justification.
- H. No order shall generally authorize a bonding company to write bonds exceeding one hundred thousand dollars (\$100,000) for any single bond, provided that any company justified by the county may seek approval for authorization to bond for additional sums on an individual case. The presiding judge or judge presiding over the case may consider a petition under this subsection which shall be similar to the original petition on an expedited or ex-parte basis as needed.
- I. An order of justification shall be in full force and effect for the period specified in the order, in any event not to exceed two (2) years. Authorization shall expire at midnight on July 31st of the year in which authorization to transact business as a bail bond company is effective.
- J. The Kittitas County Jail shall not accept a surety bond posted in Kittitas County unless it can verify that the bond is posted under the conditions specified in a current order of justification. It shall be the responsibility of the petitioner to provide a true and correct copy of the current order of justification and current photo of each authorized agent to the Kittitas County Jail before transacting business as a bail bond company in Kittitas County. This Justification Order does not apply to bonds posted in other counties even if applied to Kittitas County cases.
- K. An order of justification may be suspended or revoked at any time upon a determination of insufficiency or unreliability of the sureties of their agents or for such other reason as the court deems good cause. Suspension or revocations may be initiated by the Office of the Prosecuting Attorney upon filing a notice of intent to seek suspension or revocation with the Kittitas County Superior Court Clerk. The notice of intent to seek suspension or revocation shall include a short statement of the

basis on which suspension or revocation is sought, and shall be served on the bonding company whose justification is at issue. A hearing will be set within thirty (30) days of filing and service of the notice of intent to seek suspension or revocation.

- L. During the period an order of justification is in effect, a petitioner may seek to add additional agents by filing with Kittitas County Superior Court Clerk and serving notice on the Civil Division of the Kittitas County Prosecuting Attorney's Office, a Notice of Intent to Add Agent(s) together with supporting information as required in paragraphs (e)(6) of this order. Absent objection by the Prosecuting Attorney, the intended agent(s) will be added without further hearing no later than the end of ten (10) court days after filing and service of said notice. In the event of objection, petitioner may file a motion for review of the Notice of Intent to Add Agent(s), which shall be heard and determined by the Kittitas County Superior Court Presiding Judge under the standards of this order.

- M. During the period an order of justification is in effect, the petitioner is required to notify the Superior Court Presiding Judge and the Civil Division of the Kittitas County Prosecuting Attorney's Office when an agent authorized to post bonds under an order of justification is terminated from employment with the bail bond company by filing notice with the Kittitas County Superior Court Clerk and serving notice on the Civil Division of the Kittitas County Prosecuting Attorney's Office. Failure to provide notice within twenty (20) days of the termination may constitute grounds for suspension or revocation of an order of justification.

The process described above is hereby adopted in Kittitas County by administrative order this

24 day of April, 2017.

KITTITAS COUNTY SUPERIOR COURT



The Honorable Scott R. Sparks, Presiding Judge