

Superior Court
Of Yakima County

JUSTIFICATION OF BAIL BOND COMPANIES AND SURETIES

Yakima County Superior Court and Yakima County District Court hereby adopt the following procedure for justification of bail bond companies and sureties in Yakima County.

- a) No bond posted by a bail bond company or corporate surety may be accepted by or on behalf of Yakima County Superior Court, District Court or Juvenile Court unless the bonding company or corporate surety posting such bond has obtained and is operating under an order of justification issued by the Yakima County District Court or the Yakima County Superior Court. The District Court and the Superior Court will issue such an order of justification only after hearing on a petition filed in compliance with the terms of this administrative order. It is the bail bond company's responsibility to apply for justification in both Yakima County District Court and Yakima County Superior Court if they intend to post bonds in both courts. The process for justification as well as the requirements are the same for both courts.
- b) The Yakima County Superior Court Presiding Judge and the Yakima County District Court Presiding Judge will hold hearings in December to determine petitions for orders of justification for the upcoming calendar year. Once a bail bonds company has gone through the initial justification process, each order of justification will be valid for a period of two years. The Corporate Counsel Division of the Yakima County Prosecuting Attorney's Office will

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send notice of the hearing dates to all companies justified to post bonds in Yakima County as of September 1st of the current calendar year. The Yakima County Superior Court Presiding Judge and Yakima County District Court Presiding Judge may set other hearing dates as necessary or appropriate.

- c) A bail bond company or corporate surety seeking an order of justification from either Yakima County District Court or Yakima County Superior Court must file a petition with the Yakima County Clerk under the standards set forth in paragraph (e)(iii), (iv), and (v). Any company justified in Yakima County at the time the petition is filed may file the petition under the existing 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 thirty (30) 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, the Yakima County District Court Presiding Judge, and the Corporate Counsel of the Yakima 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 Yakima County in which authorization to post bail bonds is sought, and shall contain a true and correct copy of each of the following documents:
 - i. 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;

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- ii. 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;
 - iii. 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;
 - iv. A current bail bond agent license for each agent for whom authorization to post bail bonds is sought;
 - v. A truthful declaration signed under penalty of perjury by each proposed agent stating that person's full name, former names, address, date of birth, and statement of misdemeanor and felony convictions;
 - vi. 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 consequence, if known;
 - vii. Such other proof of financial, corporate and agent responsibility as the Presiding Judge of the Superior Court and the Presiding Judge of the District Court shall find to be sufficient to justify the surety or property bond agent.
- f) At the hearing on justification the court shall consider petitioner's proof of financial, corporate and agent responsibility, any objections or proof submitted by the Yakima County Prosecuting Attorney and/or courts named in the petition, and any other information bearing on the sufficiency of the

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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 FIFTY THOUSAND (\$50,000) for any single bond, provided that any company justified by the county may seek approval for authorization to write bonds for higher amounts.
- 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 years. Authorization shall expire at midnight on December 31st of the second year in which authorization to transact business as a bail bond company is effective.
- j) The Yakima County Jail shall not accept a surety bond 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 Yakima County Jail before transacting business as a bail bond company in Yakima County.
- k) An order of justification may be suspended or revoked at any time (i.e. immediately) upon a determination of insufficiency or unreliability of the sureties or their agents or for such other reason as the court deems good cause. Examples of insufficiency and unreliability include license revocation by the

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Department of Licensing or failure to pay a bond. Suspension or revocation may be initiated by the Office of the Prosecuting Attorney upon filing a notice of intent to seek suspension or revocation with the Yakima County Superior Court Clerk and or the Yakima County District 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 the Yakima County Superior Court Clerk and serving on the Corporate Counsel Division of the Yakima County Prosecuting Attorney's Office a Notice of Intent to Add Agent(s) together with supporting information as required in paragraphs (e)(vi) of this order. Absent objection by the Prosecuting Attorney, the intended agent(s) will be added without further order 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 Agents(s), which shall be heard and determined by the Yakima County Superior Court Presiding Judge or the Yakima County District Court Presiding Judge under the standards of this order.
- m) Similarly, during the period an order of justification is in effect, a petitioner may seek to remove agents by filing with the Yakima County District Court Clerk and the Yakima County Superior Court Clerk and serving on the Corporate Counsel Division of the Yakima County Prosecuting Attorney's Office a Notice of Intent to Remove Agent(s) together with supporting information. Absent objection by the Prosecuting Attorney, the intended

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agent(s) will be deleted without further order no later than the end of ten (10) court days after filing and service of said notice.

The process described above is hereby adopted in Yakima County by administrative order this th 10 day of September, 2008.

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Ruth E. Reukauf, Presiding Judge

Yakima County District Court


Rod F. Fitch, Presiding Judge