

Chapter 5.44 RCW
PROOF—PUBLIC DOCUMENTS

Sections

- 5.44.010 Court records and proceedings—When admissible.
- 5.44.020 Foreign judgments for debt—Faith to be accorded.
- 5.44.030 Defenses available in suit on foreign judgment.
- 5.44.040 Certified copies of public records as evidence.
- 5.44.050 Foreign statutes as evidence.
- 5.44.060 Certified copies of recorded instruments as evidence.
- 5.44.070 Certified copies of instruments, or transcripts of county commissioners' proceedings.
- 5.44.080 City or town ordinances as evidence.
- 5.44.090 Copy of instrument restoring civil rights as evidence.
- 5.44.130 Seal, how affixed.
- 5.44.140 Proceedings for determination of family relationships—Presumption.
- 5.44.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

Rules of court: *Cf. ER 803; ER 901; ER 902; ER 1005; CR 44.*

RCW 5.44.010 Court records and proceedings—When admissible.

The records and proceedings of any court of the United States, or any state or territory, or any federally recognized Indian tribe, are admissible in evidence in all cases in this state when duly certified by the attestation of the clerk, prothonotary or other officer having charge of the records of such court, with the seal of such court annexed. [2019 c 39 s 1; 1997 c 358 s 7; Code 1881 s 430; 1877 p 94 s 432; 1869 p 115 s 426; 1854 p 195 s 334; RRS s 1254.]

Rules of court: *Cf. CR 44(a)(1).*

RCW 5.44.020 Foreign judgments for debt—Faith to be accorded.

Judgment for debt rendered in any other state or any territory against any person or persons residents of this state at the time of the rendition of such judgment, shall not be of any higher character as evidence of indebtedness than the original claim or demand upon which such judgment is rendered, unless such judgment shall be rendered upon personal service of summons, notice or other due process against the defendant therein. [1891 c 31 s 1; Code 1881 s 739; 1877 p 150 s 744; 1869 p 171 s 681; 1866 p 88 s 1; RRS s 1255.]

Rules of court: *Cf. CR 44(a)(2).*

Uniform enforcement of foreign judgments act: Chapter 6.36 RCW.

RCW 5.44.030 Defenses available in suit on foreign judgment.

The same defense to suits on judgments rendered without such personal service may be made by the judgment debtor, which might have been set up in the original proceeding. [Code 1881 s 740; 1877 p 150 s 745; 1869 p 171 s 682; 1866 p 88 s 2; RRS s 1256.]

RCW 5.44.040 Certified copies of public records as evidence.

Copies of all records and documents on record or on file in the offices of the various departments of the United States and of this state or any other state or territory of the United States or any federally recognized Indian tribe, when duly certified by the respective officers having by law the custody thereof, under their respective seals where such officers have official seals, must be admitted in evidence in the courts of this state. [2019 c 39 s 2; 1991 c 59 s 1; 1891 c 19 s 16; Code 1881 s 432; 1854 p 195 s 336; RRS s 1257.]

Rules of court: Cf. ER 803; CR 44(a)(1).

RCW 5.44.050 Foreign statutes as evidence.

Printed copies of the statute laws of any state, territory, foreign government, or federally recognized Indian tribe[,] if purporting to have been published under the authority of the respective governments, or if commonly admitted and read as evidence in their courts, must be admitted in all courts in this state, and on all other occasions as presumptive evidence of such laws. [2019 c 39 s 3; Code 1881 s 435; 1877 p 95 s 437; 1869 p 116 s 431; 1854 p 196 s 339; RRS s 1259.]

Uniform judicial notice of foreign laws act: Chapter 5.24 RCW.

RCW 5.44.060 Certified copies of recorded instruments as evidence.

Whenever any deed, conveyance, bond, mortgage or other writing, shall have been recorded or filed in pursuance of law, copies of record of such deed, conveyance, bond or other writing, duly certified by the officer having the lawful custody thereof, with the seal of the office annexed, if there be such seal, if there be no such seal, then with the official certificate of such officer, shall be received in evidence to all intents and purposes as the originals themselves. [Code 1881 s 431; 1877 p 95 s 433; 1869 p 115 s 427; 1854 p 195 s 335; RRS s 1260.]

Deeds as evidence: RCW 84.64.180, 84.64.190.

Instruments to be recorded or filed: RCW 65.04.030.

Record of will as evidence: RCW 11.20.060.

RCW 5.44.070 Certified copies of instruments, or transcripts of county commissioners' proceedings.

Copies of all deeds or other instruments of writing, maps, documents and papers which by law are to be filed or recorded in the office of said county auditor, and all transcripts or exemplifications of the records of the proceedings of the board of county commissioners certified by said auditor under official seal, shall be admitted as prima facie evidence in all the courts of this state. [Code 1881 s 2737; 1869 p 315 s 27; RRS s 10612.]

Certified copy of plat as evidence: RCW 58.10.020.

Legislative authority proceedings to be published: RCW 36.22.020.

RCW 5.44.080 City or town ordinances as evidence. All ordinances passed by the legislative body of any city or town shall be recorded in a book to be kept for that purpose by the city or town clerk, and when so recorded the record thereof so made shall be received in any court of the state as prima facie evidence of the due passage of such ordinance as recorded. When the ordinances of any city or town are printed by authority of such municipal corporation, the printed copies thereof shall be received as prima facie evidence that such ordinances as printed and published were duly passed. [1955 c 6 s 1; Code 1881 s 2062; RRS s 1260 1/2.]

RCW 5.44.090 Copy of instrument restoring civil rights as evidence. The secretary of state and the clerk of the superior court, shall, upon demand and the payment of the fee required by law, issue a certified copy of any such instrument restoring civil rights filed in their respective offices, and every such certified copy shall be received in evidence as proof of the fact therein stated, in any court and by all election officers. [1931 c 19 s 4; 1929 c 26 s 5; RRS s 10253.]

Restoration of civil rights: Chapter 9.96 RCW.

RCW 5.44.130 Seal, how affixed. A seal of court or public office, when required to any writ, process, or proceeding to authenticate a copy of any record or document, may be affixed by making an inked, printed, or embossed impression directly on the document and shall be considered valid. [2006 c 198 s 1; Code 1881 s 434; 1877 p 95 s 436; 1869 p 116 s 430; 1854 p 196 s 338; RRS s 1258.]

Private seals abolished: RCW 64.04.090.

Seals of courts and municipalities: State Constitution Art. 27 s 9.

Superior court seal: RCW 2.08.050.

Supreme court seal: Rules of court: SAR 1.

Telegraphic message, description of seal: RCW 5.52.060.

RCW 5.44.140 Proceedings for determination of family relationships—Presumption. In any proceeding regarding the determination of a family relationship, including but not limited to the parent and child relationship and the marriage relationship, a determination of family relationships regarding any person or persons who immigrated to the United States from a foreign country which was made or accepted by the United States citizenship and immigration services at the time of that person or persons' entry into the United States creates a rebuttable presumption that the determination is valid and that the family relationship under foreign law is as made or accepted at the time of entry. Except as provided in RCW 26.26A.115(2), the presumption may be overcome by a preponderance of evidence showing that a living person other than the person named by the United States citizenship and immigration services is in the

relationship in question. [2019 c 46 s 5002; 2002 c 302 s 701; 1990 c 175 s 1.]

RCW 5.44.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 12.]