

# **LOCAL COURT RULES FOR SNOHOMISH COUNTY**



Effective September 1, 1989

Including Amendments Effective

September 1, 2013

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# **PART I. ADMINISTRATIVE RULES (SCLAR)**

## **RULE 0.01 CITATION-SCOPE**

These rules shall be cited as SCLR (Snohomish County Local Rules). When a rule creates a requirement or duty of an "attorney," "counsel," or "lawyer," the rule shall equally apply to a party pro se.

## **RULE 0.02 ORGANIZATION OF THE COURT**

**(a) Departments.** The Superior Court for Snohomish County is organized into the following departments: A Presiding Judge's Department; Trial Departments; Court Commissioner Departments; and Juvenile Departments. Trial departments may be given special calendar assignments.

**(b) Commissioners and Clerks.** Except where otherwise required by law or court rules, the terms "judge" and "court" include commissioners. The term "clerk" includes deputies and other employees authorized to act on behalf of the clerk. Court Commissioners have the power, authority and jurisdiction established by RCW 2.24.040, including the specific authorization to accept pleas in adult criminal cases.

[Amended effective September 1, 2000]

**(c) Disqualification of Judge.** No Judge shall be challenged or disqualified from hearing a matter except: (1) on written motion and affidavit filed in accordance with R.C.W. 4.12.040, et seq., prior to or at the time of such challenge being made, or (2) when the judge disqualifies himself or herself.

**(d) Judges Pro Tem.** Judges pro tem shall be appointed by the Presiding Judge or designee, when required, in accordance with R.C.W. 2.08.180. Judges pro tem will be appointed from a list approved by the judges.

**(e) Order in the Court-Arms-Recording Devices.**

(1) Sheriff and Bailiff Preserve Order. The Sheriff or law enforcement officers, county security officers, and bailiff shall preserve order in the courtroom without special direction from the court, and may be armed.

(2) Courtroom Security. Commissioned peace or law enforcement officers, county security officers or bailiffs present in court shall be chargeable with maintaining courtroom security, under the direction of the judge, and pursuant thereto shall be permitted to possess firearms.

(3) Arms and Weapons Prohibited. No person, other than a county security officer, bailiff or commissioned peace or law enforcement officer, shall possess in court, or any area within the court's authority to prohibit or designate, any firearm or weapon, as defined by statutes relating to courtroom security, except as provided in this rule, unless such firearm or other weapon is or will be offered as an exhibit.

(4) Recording and Photography. The broadcasting, televising, recording or photographing of proceedings shall be allowed only with the approval of the court.

**(f) Appearances-Business by Mail or Messenger.**

(1) Appearances. All appearances before the court shall be by a party pro se, by an attorney admitted to practice in the State of Washington, by a legal intern authorized under A.P.R. 9, or by an attorney entitled to appear in a matter under A.P.R. 8(b).

(2) Presentation by Mail. Any order, finding, judgment or other document requiring the signature of a judge or commissioner may be presented by mail under the following conditions:

(A) Signature on Pleadings. All such documents shall bear the personal original signature of counsel or party pro se presenting the same, and the endorsement of approval or waiver of notice of presentation signed by all non-presenting parties not previously adjudged in default, or their attorneys.

(B) Covering Letter-Request for File. All such documents shall be accompanied by a covering letter of explanation personally signed by the presenting party pro se or an attorney and shall request the clerk to deliver the file to the judge or commissioner, if deemed appropriate.

(C) Return Envelope. A self-addressed envelope bearing sufficient pre-paid postage for the return of any requested conformed copies shall be enclosed; and if not, all such copies may be discarded. If no such envelope is enclosed,

and for any reason the presented order(s) are not signed, the same may be discarded without further notice.

(D) Fees. A check or money order for all fees, including the clerk's processing fee, shall be included with the above documents.

(3) Presentation by Messenger. No order or judgment may be presented in open court or in chambers to any judge by any person not authorized to appear before the court as specified in these rules; provided, however, that an attorney or party may obtain from a judge or commissioner prior telephone or oral consent to the delivery of an order by a secretary, clerk, or messenger for signature in chambers, provided further, that such matters would not require testimony.

**(g) Preassignments.** Cases involving complex issues of fact or law, or in which substantial pretrial proceedings are anticipated, may be preassigned by the Presiding Judge or designee to a trial department at any time for pretrial proceedings and/or for trial. A preassignment may be made on motion of one or more parties to be decided without oral argument (unless requested by the court) or on motion of the court.

[Amended effective September 1, 1997]

## RULE 0.03 COURT ADMINISTRATION

Administration of the court shall be by such rules, policies and administrative orders, as defined in GR 7(a), as are established by a majority of the judges with notice to the Snohomish County Bar Association. Such rules, policies and administrative orders shall be on file with the Court Administrator and Snohomish County Law Library. They shall be made available to the Snohomish County Bar Newsletter.

[Amended effective September 1, 2002]

## RULE 0.04 PILOT PROJECTS

Pilot projects in Snohomish County Superior Court shall operate through published procedures approved by the court.

[Adopted effective September 1, 2000]

## RULE 0.05 PRESIDING JUDGE

**(a) Election and Term.** The judges shall meet to elect a Presiding Judge by majority vote. The election shall occur during the month of January of the final year of the term of the current Presiding Judge. Selection criteria will be in accord with those delineated by GR 29. The term of the Presiding Judge shall be a minimum of two years, and begin on January 1.

**(b) Assistant Presiding Judge.** The immediate past Presiding Judge shall serve as the Acting Presiding Judge in the absence, or upon request of the Presiding Judge.

**(c) Duties.** The Presiding Judge and Assistant Presiding Judge shall perform all duties of the position required by General Rule 29.

**(d) Vacancies.** Vacancies in the office of Presiding Judge, or Assistant Presiding Judge shall be filled by majority vote of the judges at the first judges meeting held after the vacancy is known to exist.

**(e) Committees.** The Presiding Judge may create standing or ad-hoc committees to address policy matters relating to specific areas, and appoint Judges to chair and serve on those committees.

[Amended effective September 1, 2005]

## RULE 0.06 COURT RECORDS

**Records Submitted for in Camera Review.** Upon completion of in camera review of documents in a case, the documents shall be sealed by the clerk and maintained as an exhibit. The order sealing shall indicate the documents were presented to the court for in camera review and shall contain the notation: The court records sealed herein shall be maintained as an exhibit.

[Re-adopted effective September 1, 2007]

## **PART II. GENERAL RULES**

### **(SCLGR)**

#### **SCLGR 15 – SEALING AND REDACTION OF COURT RECORDS**

( c ) ( 1 ) Motions to seal or redact court records pursuant to GR 15 shall be noted before a judge or regularly appointed Court Commissioner. Motions to seal or redact may not be heard by a Judge Pro Tem or Court Commissioner Pro Tem unless the motion is brought to seal/redact Juvenile Court records pursuant to RCW 13.50.050 and is unopposed by the State.

( 2 ) Any party or interested person who moves to seal or redact a court record shall propose written Findings of Fact and Conclusions of Law which identify the compelling privacy or safety concerns which are alleged to outweigh the public interest in access to the court record. Copies of the written Motion to Seal or Redact and proposed Findings of Fact and Conclusions of Law shall be served on all other parties and to the court at least six (6) court days before the date fixed for such hearing.

( 3 ) Any party or interested person who moves to redact a court record shall provide the court, the clerk and each opposing party a redacted copy of the court record which is the subject of the motion to redact.

[Effective July 1, 2006 as emergency local court rule; effective September 1, 2006 as permanent local court rule; amended effective December 9, 2009]

## **PART III. CIVIL RULES**

### **(SCLCR)**

#### **I. INTRODUCTORY (RULES 1-2A) [RESERVED]**

#### **II. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS (RULES 3-6)**

Rule 3. Petition To Restore Firearms

(a) Petitions to restore firearm rights shall be brought under a civil cause number pursuant to the civil rules.

[Adopted September 1, 2011]

## RULE 6. TIME

### **(d) For Motions--Affidavits.**

(1) *Notes for Civil Motions Calendar.* Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12 noon two (2) court days prior to the hearing. Copies of any documents replying to the response must be filed with the clerk and served on all parties and the court not later than 12 noon of the court day prior to the hearing. This section does not apply to CR 56 summary judgment motions. Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings.

(2) *Notes for Family Law Motion Calendar.* Any party desiring to bring any family law motion, other than a motion to reconsider (governed by SCLCR 59), on the family law motion calendar must file such motion documents with the Clerk and serve all parties and the court at least twelve (12) days before the date fixed for such hearing. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12:00 noon five (5) court days before the hearing. Copies of any additional responding or reply documents must be filed with the clerk and served on all parties and the Court not later than 12:00 noon three (3) court days before the hearing. Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings.

[Adopted September 1, 2012]

## III. PLEADINGS AND MOTIONS (RULES 7-16)

### RULE 7. PLEADINGS ALLOWED; FORM OF MOTIONS

#### **(b) Motions and Other Papers.**

(2) *Form.*

(A) Notes for Motion. The motion documents must include an order to show cause or a note for motion calendar, the motion, and supporting documents. The note for motion calendar must be on the form approved by the court. The note for motion calendar must be signed by the attorney or party pro se filing the same, with the designation of the party represented. The note for



motion calendar must identify the type or nature of relief being sought. The note or other document shall provide a certification of mailing of all documents related to the motion. The certificate shall state the person and address to whom such mailing was made, and who performed the mailing. Such mailing may not be made by a party to the action. Absent prior approval of the court, materials will not include audio or video tape recordings.

(B) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered by the party filing such documents to the judicial officer who is to consider the motion no later than the day they are to be served on all other parties. All working copies shall state, in the upper right corner, the following: the date and time of such hearing, the jurist assigned, if any, and the Department or room number of the department where the motion is to be heard.

(C) Late Filing; Terms. Any material offered at a time later than required by this rule may be stricken by the court and not considered. If the court decides to allow the late filing and consider the materials, the court may continue the matter or impose other appropriate remedies including terms, or both.

(D) Motion; Contents Of. A motion must contain the following (motions shall comply with any applicable mandatory form requirements):

1. Relief Requested.

The specific relief the court is requested to grant;

2. Statement of Grounds.

A concise statement of the grounds upon which the motion is based;

3. Statement of Issues.

A concise statement of the issue(s) of law upon which the court is requested to rule;

4. Evidence Relied Upon.

The evidence, on which the motion or reply is based, shall be identified with particularity. Absent prior court approval, this evidence shall not include audio or video tape recordings. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim, or a photocopy of relevant pages thereof must be attached to the motion. Deposition testimony in connection with a motion shall not require publication thereof unless a challenge is made thereto and good cause is shown for such publication by an opposing party. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the court. Any document in a language other than English shall be filed with a coversheet identifying the document.

5. Legal Authority.

Any legal authority relied upon must be cited. Provided that items 2. through 5. above may be contained in a memorandum of authority in support of the motion.

6. Reapplication on Same Facts.

Except as stated below, when a motion has been ruled upon in whole or in part, the same motion may not be later presented to another judge. If the prior ruling

was made without prejudice or when the prior motion has been granted conditionally, and the condition has not been met, any subsequent motion may be presented as set forth below. Reapplication shall be made in the same manner as a motion to reconsider.

**NOTE: SEE SCLCR 59 FOR MOTIONS FOR RECONSIDERATION.**

7. Subsequent Motion; Different Facts. If a subsequent motion is made upon alleged different facts, the moving party must show by affidavit what motion was previously made, when and to which judge, what order or decision was made on it, and what new facts are claimed to be shown. For failure to comply with this requirement, the subsequent motion may be stricken, any order made upon such subsequent motion may be set aside, or provide such other relief as the court deems appropriate.

8. Land Use Petition Appeals.

(A) Filing. A party filing a Land Use Petition Appeal (LUPA) shall note a motion and an initial hearing, pursuant to RCW 36.70C.080, within seven days after serving the LUPA petition on the parties identified in RCW 36.70C.040(2). The motion and initial hearing will be set no sooner than 35 days and no later than 50 days after service of the parties. At the same time, the party filing the petition shall deliver working copies for the Superior Court Presiding Judge to Court Administration for pre-assignment of a Judge for the initial hearing.

(B) Motion. The Motion shall include the following:

1. Request for pre-assignment for initial LUPA Hearing
2. Specific relief and/or action sought at this time
3. List of the names, e-mail addresses (if known), telephone numbers and mailing addresses of all other attorneys in the case and/or all other parties requiring notification regarding this case
4. Proposed outline of hearing/filing deadlines based on the filing date as directed by statute.
5. Any other matters required by RCW 36.70C.080

(C) Pre-assignment. The presiding judge will assign the case to a judge who will handle the initial hearing and all other hearings in the case. The assigned judge may reschedule the initial hearing, if necessary, based on the assigned judge's availability.

(D) Other parties. The other parties shall note all matters required by RCW 36.70C.080 to be heard at the initial hearing.

9. Confirmation Process.

(A) Manner of Confirming. In order that a motion, or an order to show cause, or matter be argued or ruled upon, a party pro se or attorney for the moving party must confirm before 12 noon two (2) court days prior to the hearing; otherwise the matter will be stricken. Only by stipulation of the parties and agreement of the court may an unconfirmed matter be heard. Confirmations shall be made electronically, in a format approved by the court, or by telephone. The case name, cause number, date and time of the motion, title or type of motion, calendar on which the motion appears, the name and telephone number of the person confirming, and E-mail address of the person confirming when

confirmation is accomplished electronically, is information which must be provided to the person or recording taking the confirmation.

(B) Strikes or Continuances. The court must be notified immediately if any confirmed matter will be stricken or continued. No confirmed matter may be continued after 5:00 p.m. two court days before the hearing, except by leave of the court. Failure to notify of such continuance or strike of a confirmed motion may result in sanctions and/or terms.

10. Time and Place of Hearing.

(A) Times, days, and locations of various motions shall be as set forth in an administrative order 11-11.

### **COMMISSIONER DEPARTMENTS 1st Floor of Courthouse**

Type of Motions Noted for Type of Calendar

Family Law Domestic Motions Commissioner Family Law Domestic Motions calendar

Child Support Modification Motions/Final Orders Commissioner Child Support Modifications calendar

Pro Se Dissolutions Commissioner Pro Se Dissolutions calendar Domestic Violence Commissioner Domestic Violence calendar

Motions for Summary Judgment to Establish Parentage Commissioner Family Law Domestic Motions calendar

Motions to Establish Parentage/State Initiated Commissioner State Paternity calendar

Defaults Commissioner Civil Motions calendar

Discovery Motions & enforcement thereof Commissioner Civil Motions calendar

Supplemental Proceedings Commissioner Civil Motions calendar

Unlawful Detainer/Eviction Commissioner Civil Motions calendar

Receiver Actions Commissioner Civil Motions calendar

Motions to Amend Pleadings Commissioner Civil Motions calendar

Motions for Inactive Status Commissioner Civil Motions calendar

Petitions for Restoration of Right to Possess Firearms Commissioner Civil Motions calendar

Probate Commissioner Guardianship/Probate calendar

Guardianship Commissioner Guardianship/Probate calendar

### **JUDICIAL CALENDARS – ASSIGNED TO DEPARTMENTS**

Type of Motions Noted for Type of Calendar

All Civil Motions not Otherwise Described in this rule Judge's Civil Motions calendar

All Summary Judgment Motions not Otherwise Described in Judge's Civil Motions calendar

Initial TEDRA (Trust and Estate Dispute Resolution Act) Judge's Civil Motion calendar hearing pursuant to RCW 11.96A. 100 (8)  
Motion to Revise Court Commissioner Rulings Judge's Civil Motions calendar  
Motion to revise Juvenile Court Commissioner Rulings Juvenile Judge's calendar  
Motions for pre assignment Presiding Judge  
Motions regarding trial setting Presiding Judge  
Motions regarding the timeliness for the demand for jury Presiding Judge  
Motions for trial continuance Presiding Judge  
Motions to Waive the Requirement for ADR before Trial Presiding Judge

(B) Unopposed Matters. If no one appears in opposition to a motion at the time set for hearing, the court may enter the order sought, unless the court deems it inappropriate to do so. If no one appears in support of a motion, the court may strike the matter or deny the motion unless the court deems it inappropriate to do so.

(C) Time for Argument Special Setting. No more than five (5) minutes per side will be allowed for argument unless specially permitted by the court. If more than one half (1/2) hour of judicial time, including preparation and in-court time, is required, the moving party shall at the earliest possible opportunity advise the confirmation clerk or law clerk/bailiff of the judge who will be hearing that calendar. The matter may then be preassigned, specially set, or placed on the trial calendar, at the discretion of the Presiding Judge or designee. If placed on the trial calendar, unless otherwise authorized by the court, the parties or their attorneys shall be present for the trial calendar call on the day of the setting. Upon stipulation of all parties or upon court order, a motion may be presented without oral argument.

(D) Shortening time. Before taking any action on less notice than that required by this or any other rule, a party must present a motion and affidavit, and must obtain an order to shorten time. The documents may be presented ex parte if the motion contains a written certification that the other parties prose or attorneys were notified of the time and place of the hearing requesting the order shortening time.

#### 11. Presentation of Order.

Each party shall have a proposed order prepared at the time the motion is called for hearing. Unless specifically authorized by the court, the prevailing party shall present a proposed order before the conclusion of the calendar on which the matter was heard.

#### 12. Motions for Revision of Commissioner's Order.

A party seeking revision of a commissioner's order shall, within the time specified by statute, file and serve on all other parties a motion and completed calendar note. The filing of the written order of the commissioner shall commence the running of the time. Review of rulings shall be de novo on the pleadings submitted to the commissioner. A transcript or recording of proceedings held before the commissioner shall not be filed or considered by the Court, unless specifically authorized by the judge hearing a motion to revise. Any motion for revision shall state each particular finding of fact, conclusion of law, order or ruling for which revision is sought. Any such motion

shall additionally contain a brief statement, for each such claimed error, which states the movant's claim of the correct finding, conclusion, order, or ruling. The Motion for Revision shall be filed timely and shall be scheduled by the movant to be heard not more than 14 days after the motion is filed. Working Copies of the motion and all papers which were before the commissioner in support or opposition shall be delivered as provided in SCLCR 7(2)(B) by the party moving for revision.

[Amended June 23, 2010; Amended September 1, 2010; Amended September 1, 2012; Amended December 7, 2012, Amended September 1, 2013]

## RULE 10. FORM OF PLEADINGS AND OTHER PAPERS

(h) Action Documents. Pleadings or other papers requiring action on the part of the clerk, other than file stamping, docketing and placing in the file, shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, such as "Clerk's Action Required."

[Amended September 1, 1993; Amended September 1, 1994; Amended September 1, 1997; Deleted September 1, 2001; Amended September 1, 2012]

## RULE 11. SIGNING OF PLEADINGS

**(a) Address of Party Appearing Pro Se.** A party appearing pro se shall state on a notice of appearance, pleadings, and other documents filed by such party, his/her mailing address, street address where service of process and other papers may be made, telephone number and email address. A party pro se shall advise the court and other parties by written notice of any changes of address and/or telephone and email address. Upon request, the clerk shall provide a form, approved by the court, for this purpose.

[Amended effective September 1, 2010; September 1, 2012]

**(b) Notice of Rule Requirements.** When a party physically appears in court, pursuant to process served upon him/her, but without an attorney and without filing a written pleading or other paper, the clerk shall deliver a printed Notice of Appearance form containing the substance of subsection (a) of this rule and approved by the court. This notice shall be completed by the party pro se and filed.

[Amended effective September 1, 1993]

## RULE 15. AMENDED AND SUPPLEMENTAL PLEADINGS

**(e) Interlineations.**

(1) Pleadings and Other Papers. Interlineations, corrections and deletions on pleadings and all other papers to be filed with the clerk shall be initialed by the party or counsel filing them.

[Amended September 1, 2009; Amended September 1, 2012]

## IV. PARTIES (RULES 17-25) [RESERVED]

## V. DEPOSITIONS AND DISCOVERY (RULES 26-37)

### RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY

**(k) Completion of Discovery.** Unless otherwise stipulated to by the parties, or ordered by the court upon good cause shown and such terms and conditions as are just, all discovery allowed under CR 26 - 37, including responses and supplementation thereto, must be completed no later than 35 calendar days prior to the date assigned for trial. Nothing herein stated shall modify a party's responsibility to promptly supplement responses to discovery rules or otherwise comply with discovery prior to the 35-day cutoff. In any case brought under Title 26 R.C.W. discovery will be completed no later than the date of confirmation required by Rule 40(d)(1).

[Adopted September 1, 2012]

## VI. TRIALS (RULES 38-53.2)

### RULE 38. JURY TRIAL OF RIGHT

**(b) Demand for Jury.**

(1) Must Be on Separate Document. A Demand for Jury Trial shall be contained in a separate document.

## RULE 40. ASSIGNMENT OF CASES; SETTING OF TRIALS- FILING OF PLEADINGS-TIME OF TRIALS-CONTINUANCES- SETTLEMENT

### **(b) Methods; Noting of Non-criminal Cases.**

(1) The original Note for Trial and Initial Statement of Arbitrability, in the form approved by the court, is to be filed and served in the manner provided in CR 40 and a copy shall be served upon the Director of Arbitration. Such note SHALL be in the form of, and contain ALL requested information in such form as is required by the court. Presence of counsel or parties pro se is not required. In the event of non-appearance, the matter shall be set regularly and counsel of record and parties pro se indicated on the Note for Trial and Initial Statement of Arbitrability form will be notified by mail of the trial date and, where appropriate, of assignment to arbitration.

(2) If after two years, a case, other than a family law case, has not been resolved or noted for trial under this rule, the court may require the parties to appear to show cause why the matter should not be set for trial or the court should not take other appropriate action. Any trial set pursuant to this subsection shall be deemed confirmed by the court. Such hearings shall be set on the clerk's dismissal calendar of the court commissioner, unless otherwise ordered. For family law cases, refer to SCLSPR 94.04(c) (1).

### **(c) Trials.**

(1) *Confirmation.* It shall be the duty of each attorney of record or party pro se in a case set for trial to jointly or separately confirm, no sooner than 12 noon of the first court day of the week and no later than 12 noon of the last court day of the week two weeks prior to the trial date, in such written or electronic form as approved by the court. The court may strike the trial date and may impose sanctions and/or terms against the parties or counsel for failure to so confirm, including dismissal of the case.

(2) *Alternative Dispute Resolution.* At time of confirmation the parties shall provide proof of compliance with SCLSPR 94.04(g).

**(g) Reduction or Waiver of Jury.** If a jury is to be waived or reduced from a twelve (12) to a six (6) member panel, the Court Administrator MUST be so notified no later than 12 noon on the last court day of the week prior to the trial date, except as approved by the court.

**(h) Reporting for Trial.** All parties shall report to the Presiding Department at 9:00 a.m. on the date set for trial for assignment to a trial department unless otherwise notified by the Court Administrator. If no trial department is available for trial at such time, the Presiding Judge shall hold or excuse the parties for such time as circumstances dictate.

**(i) Civil Trials; Reporting Voir Dire and Closing Arguments.** Counsel must advise the court prior to trial if they wish to have voir dire, opening statements and closing arguments reported. Approval of such request shall be within the discretion of the court.

[Amended September 1, 1999; Amended September 1, 2009; Amended September 1, 2010; Amended September 1, 2012]

## RULE 41. DISMISSAL OF ACTIONS

### **(b) Involuntary Dismissal.**

(2) Dismissal on Clerk's Notice. Any action shall be subject to a dismissal under this rule, unless otherwise provided by order of the court. Such order shall state the date after which the matter will be subject to such dismissal. Hearings under this rule shall be set on the clerk's dismissal calendar of the court commissioner.

### **(g.) Request for Inactive Case Status.**

(1) *How Made.* In civil cases where a point of stability has been reached such that there will be no need for further litigation, but where it may not be in the interests of the parties or of justice to dismiss the case; any party may file a motion requesting that the case be removed from the active pending caseload of the court to an inactive status.

(2) *Form and Scheduling of Motion.* Such motion for inactive case status shall be set on the civil motions calendar of the court commissioner and shall be made pursuant to SCLCR 7.

(3) *Placement in Inactive Case Status.* Placement in an inactive case status under this rule shall be by order of the court. A case in an inactive case status shall not be subject to notice of clerk's dismissal. Every five years following placement in inactive case status, the clerk will notify all parties that unless requested otherwise by the parties, the court will order the case to be removed from inactive status. A motion for extension of the inactive status shall be made in the same manner as set forth for the initial motion for inactive status pursuant to SCLCR 7.

(4) *Removal from Inactive Case Status.* A case placed in inactive case status under this rule may not be removed from this status except upon order of the court or upon notice by the parties that the case has been disposed.



Any party may file a motion requesting that a case be removed from inactive status. Such motion shall be set on the civil motions calendar of the Court Commissioner.

[Adopted effective September 1, 1993; Amended effective September 1, 1999; Amended effective September 1, 2006; Amended effective September 1, 2009.]

## RULE 51. INSTRUCTIONS TO JURY AND DELIBERATIONS

**(a) Proposed** [Reserved]

**(b) Submission.** Proposed instructions, including supplemental instructions and copies shall be submitted as follows:

(1) An original, numbered and with citations, and stamped "original" on the first page shall be provided to the courtroom clerk.

(2) One copy, numbered and with citations, and one copy without citations or numbers shall be provided to the trial judge.

(3) One copy without citations or numbers in Word compatible electronic format shall be provided to the trial judge, unless this requirement is waived by the court.

(4) One copy, numbered and with citations, shall be served on each opposing counsel or party pro se.

[Amended effective September 1, 2003; Amended effective September 1, 2009; Amended September 1, 2012]

## RULE 52. DECISIONS, FINDINGS AND CONCLUSIONS

(1) *Findings and Conclusions*; the substantially prevailing party shall prepare proposed findings and conclusions. Any party objecting to proposed Findings of Fact and/or Conclusions of Law shall comply with:

(A) Proposed Changes in Opposition. Provide the court and opposing counsel with a copy of such proposed documents, which indicate all changes the objecting party proposes. Deletions shall be shown by a strike out and additions shown by underlining; or

(B) Alternate Proposed Documents. Provide the court and opposing counsel with a complete set of alternate proposed documents which easily identifies proposed deletions and additions.

(C) Oral objections at the time of presentation, without documentation as provided in (A) or (B) above, will not be permitted.

[Amended effective September 1, 2009]

## VII. JUDGMENT (RULES 54-63)

### RULE 54. JUDGMENTS AND COSTS

#### **(g) Interlineations.**

Any interlineations, corrections, and deletions in orders and judgments signed by the judge/commissioner must be initialed by the judge/commissioner.

[Amended effective September 1, 2009; Amended September 1, 2012]

### RULE 56. SUMMARY JUDGMENT

#### **(c) Motion and Proceedings.**

##### *(1) Procedure.*

(A) Motions for summary judgment or other relief under CR 56 shall comply in all respects with SCLCR 7 except as modified by this rule.

#### **(B) Time of Hearing.**

(i) Motions for summary judgment are heard at a time and place as set forth in as in SCLCR 7.

(ii) Time for Argument. No more than ten (10) minutes per side will be allowed for argument unless additional time is allowed by the court. If more than one (1) hour of judicial time, including preparation and in court time, is required, the moving party shall so advise the law clerk/bailiff of the judge who will be hearing that calendar. The matter may then be preassigned, specially set, or placed on the trial calendar, at the discretion of the court.

[Amended October 1, 1990; Amended September 1, 1993; Amended September 1, 2005; Amended September 1, 2009; Amended September 1, 2012]

### RULE 58. ENTRY OF JUDGMENT

#### **(a) When.**

(1) *Judgments and Orders to Be Filed Forthwith.* Unless otherwise authorized by the court, any order, judgment, or decree that has been signed by the court shall not be taken from the courthouse, but must be filed forthwith in the clerk's office or with the clerk in the courtroom, by the attorney or party pro se obtaining said order.

(d) *Judgments on Notes.* An attorney or party pro se filing a judgment on a negotiable instrument must attach to the judgment the original instrument unless the original has been previously filed.

[Amended effective September 1, 2009]

## RULE 59. NEW TRIAL, RECONSIDERATION AND AMENDMENT OF JUDGMENTS; POST TRIAL MOTIONS

### **(e) Hearing on Motion.**

#### *(3) Nature of Hearing.*

(A) Proposed Order. Each party must include in the materials delivered to the judge a proposed order sustaining his/her side of the argument. Should any party desire a copy of the order signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

(B) Oral Argument. At the time of filing a motion under this rule, the moving party shall comply with CR 59(b) by filing a calendar note, setting the motion before the court which heard the motion. Absent order of the court, the motion will be taken under advisement. Oral arguments will be scheduled only if the court requests the same.

[Amended effective October 1, 1990; September 1, 1992; September 1, 1993; September 1, 1998, September 1, 2009]

## VIII. PROVISIONAL AND FINAL REMEDIES (RULES 64-71)

### RULE 69. EXECUTION

#### **(b) Supplemental Proceedings.**

(1) Time. Supplemental proceedings shall be noted as set forth in SCLCR 7, or at such other time as designated by the court.

(2) Failure to Appear.

(A) Debtor. Failure of the person to be examined to appear may result in issuance of a bench warrant by the court, provided that specific warning of that consequence was contained in the order directing supplemental proceedings. Service of such order must be made personally upon the debtor.

(B) Examining Attorney. Failure of the examining attorney to appear may result in release of the debtor from examination and may result in imposition of terms against the attorney if subsequent supplemental proceedings are scheduled for the same debtor.

[Amended effective September 1, 2007; Amended September 1, 2012]

## IX. APPEALS (RULES 72-76) [RESERVED]

## X. SUPERIOR COURTS AND CLERKS (RULES 77-80)

### RULE 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

**(f) Sessions.** The court shall be in session generally from 9:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4:30 p.m., Monday - Friday (excluding legal holidays) at the discretion of the judge hearing the matter.

[Amended September 1, 1999; September 1, 2009]

### RULE 79. BOOKS AND RECORDS KEPT BY THE CLERK

#### **(d) Other Books and Records of Clerk.**

(1) Exhibits; Filing and Substitution. All exhibits and other papers received in evidence during trial must be filed at the time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any

such exhibit or other paper to be filed or substituted in the files, in lieu of the original.

(A) Exhibits Kept Separate. Exhibits shall be kept by the clerk separate from the file(s) in the case.

(B) Exhibits; Inspection. Unless otherwise ordered by the court, exhibits shall not be inspected in the clerk's office except in the presence of a clerk.

(C) Original Court Record; Copies. An original court record shall not be admitted as an exhibit, but a copy thereof may be so admitted.

(D) Exhibits; Packaged and Labeled. Exhibits containing bloodborn pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(i) Bloodborn pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container or styrofoam container. All items shall be labeled to identify the contents as potentially biologically hazardous materials.

(ii) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. They shall be labeled identifying the contents.

(iii) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(iv) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(v) Paper bags alone shall not constitute proper packaging.

(2) Unsuitable Materials. Whenever any paper or other material is presented to the clerk for filing but is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix the file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the document or material should not be made a part of the file, an order shall be entered to that effect that the unsuitable document or material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable document or material be sealed, in which event the requirements of GR 15 shall apply.

(3) Same; Not Evidence Unless Ordered. Exhibits filed pursuant to subsection two (2) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(4) Withdrawal of Files and Exhibits.

(A) Files. The clerk shall permit no file to be taken from the clerk's office or the clerk's custody, except to the courtroom, or to a judge, commissioner, referee, law clerk/bailiff, official court reporter, or the Court Administrator or deputy unless written authority has first been obtained. Files that are in the custody of an attorney for the purpose of a trial or hearing must be returned to the clerk at the conclusion thereof. The court or the clerk, may with discretion and on application in writing, grant written authority to the applicant to withdraw one or more files from the clerk's custody for a period not exceeding ten (10) days. Only the court may authorize the withdrawal of specified clerk's files for a period in excess of ten (10) days. Such applicant shall return the file, and all of its papers, in good order, and shall not remove, even temporarily, any staples from any papers.

(B) Same; Verbatim Report of Proceedings. The Report of Proceedings after having been settled and signed, shall not be withdrawn from the clerk's office.

(C) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by:

(i) The judge having the cause under consideration.

(ii) Official court reporters and law clerks/bailiffs, without court order, for use in connection with duties.

(iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel. The clerk shall require an itemized receipt for all exhibits withdrawn, and upon their return, they shall be checked against the original receipt.

(D) Failure to Return Files or Exhibits; Sanctions. If any person fails to return any file or exhibit within the time required, and fails to comply with the clerk's request for return thereof, the clerk may, without notice to the attorney or other person concerned, apply to the Presiding Judge for an order for the immediate return of such files or exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(E) Exhibits; Permanent Withdrawal. After final judgment and after the time for appeal, and no appeal having been taken, the court, on application of any party or other person entitled to the possession of one or more exhibits, and for good cause shown, may with discretion order the withdrawal of such exhibit(s) and delivery to such party or other person.

(i) Same; Narcotics. When narcotics or dangerous drugs have been admitted in evidence or have been identified, and are being held by the clerk as a part of the records and files in a criminal case, and all proceedings in the cause having been completed, the prosecuting attorney may apply to the court for an order directing the clerk to deliver such drugs to an authorized representative of the law enforcement agency initiating the prosecution, for disposition according to law. If the court finds these facts and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The clerk shall then deliver the drugs and take from the law enforcement agent a receipt which shall be filed in the cause. The clerk shall also file any certificate issued by an authorized federal or state agency and received by a representative thereof showing the nature of such drugs.

(F) Return of Exhibits and Unopened Depositions. In any non-criminal cause, on a stipulation of the parties that when judgment in the cause shall become final, after an appeal, or upon judgment of dismissal, or upon filing of a satisfaction of judgment, the clerk may return all exhibits and unopened depositions or may destroy them. Absent such stipulation of the parties, the clerk is authorized to seek an order, under SCLCR 79(d)(E), upon notice to parties, for withdrawal and destruction of all offered and entered exhibits, opened and unopened depositions.

(G) Original Court Audio Recordings. Audio recordings produced in any court, such as a court of limited jurisdiction, and submitted to the Court Clerk, are original records of the submitting court's proceedings. These recordings will not be withdrawn from the Clerk. The Clerk shall make a copy of such recordings, or, at the Clerk's discretion, the portion of the recordings which relates only to the proceeding at issue.

(5) Videotaped Depositions. Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. Except as ordered by the court, if a party wishes such published deposition to be a part of the court file, then the party shall submit a true and accurate transcript of such deposition.

**(e) Destruction of Records.**

(1) Electronically Scanned Records. Records, or portions thereof, and records that have been destroyed pursuant to R.C.W. 36.23.065, may be reproduced and used in accordance with R.C.W. 36.23.067 for a trial or hearing. The party or attorney needing a reproduction of a scanned or microfilmed record or records shall request the clerk at least six (6) court days before the scheduled court date to reproduce the necessary materials.

[Amended September 1, 1992; September 1, 1993; Amended June 23, 2008; Amended September 1, 2012]

## XI. GENERAL PROVISIONS (RULES 81-86)

### **PART IV. MANDATORY ARBITRATION RULES (SCLMAR)**

#### 1. SCOPE AND PURPOSE OF RULES

##### RULE 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITION

**(a) Purpose.** The purpose of mandatory arbitration of civil actions under RCW 7.06, as implemented by the Mandatory Arbitration Rules (MAR), is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of fifty thousand dollars (\$50,000) or less, exclusive of attorney fees, interest and costs, and claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments regardless of the number or amount of such payments. Mandatory Arbitration Rules (MAR) as supplemented by these Local Mandatory Arbitration Rules (SCLMAR) are not designed to address every question that may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of relevant statutes and rules.



[Amended effective September 1, 2007]

**(b) "Director" Defined.** In these rules, "Director" means the Director of Arbitration for the Snohomish County Superior Court. The appointment of the Director and other administrative matters are addressed in SCLMAR 8.6.

## RULE 1.2 MATTERS SUBJECT TO ARBITRATION

Pursuant to the authority granted by statute, a claim is subject to mandatory arbitration only if it does not exceed fifty thousand dollars (\$50,000), exclusive of attorney fees, interest and costs; or if it involves solely the establishment, modification, or termination of child support or maintenance payments or arrearages, regardless of the number or amount of such payments; or if it is a small claims matter appealed from District Court.

[Amended effective September 1, 2006]

## 2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

### RULE 2.1 TRANSFER TO ARBITRATION

**(a) Time of Transfer.** A matter is deemed transferred to Arbitration upon filing of the Note for Trial and Initial Statement of Arbitrability.

**(b) Note for Trial Setting and Initial Statement of Arbitrability.** In every civil case the party filing a notice for trial provided by CR 40(a)(1) and SCLCR 40(b) shall serve the Director and all parties and file with the clerk a Note for Trial and Initial Statement of Arbitrability on the form prescribed by the court.

**(c) Response to an Initial Statement of Arbitrability.** Within fourteen (14) days after the Note for Trial and Initial Statement of Arbitrability has been served and filed, any party disagreeing with the Note for Trial and Initial Statement of Arbitrability shall serve the Director and all parties and file with the clerk a Response to the Note for Trial and Initial Statement of Arbitrability on a form prescribed by the court. In the absence of such response, the Note for Trial and Initial Statement of Arbitrability shall be deemed correct and a non-responding party shall be deemed to have stipulated to arbitration if the Note for Trial and Initial Statement of Arbitrability provides that the case is

arbitrable. If a party asserts that a claim exceeds fifty thousand dollars (\$50,000) or seeks relief other than a money judgment (except for the establishment, modification or termination of child support or maintenance payments regardless of the number or amount of such payments), the case is not subject to arbitration except by stipulation. If a party incorrectly asserts in the Note for Trial and Initial Statement of Arbitrability that a case is not arbitrable, the court may at any time prior to trial on its own motion transfer such case to mandatory arbitration and strike any scheduled trial date.

[Amended effective September 1, 2007]

**(d) Failure to File Amendments.** A party failing to serve and file an original Response within the time prescribed may later do so only upon leave of court. A party may amend the Note for Trial and Initial Statement of Arbitrability or Response at any time before assignment of an arbitrator or assignment of a trial date, and thereafter only upon leave of court for good cause shown. The parties may amend a Note for Trial and Initial Statement of Arbitrability or Response from non-arbitrable to arbitrable at any time prior to trial by written stipulation served on the Director and filed with the clerk.

**(e) By Stipulation.** A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.

**(f) Jury Demand.** Where any party indicates, pursuant to this rule, that the case is arbitrable or stipulates to arbitration, that party may simultaneously demand a jury trial in the form and manner set forth in these local rules. The case shall then be assigned a position on the jury trial calendar as provided in section (g) of this rule. The jury demand must be made and the jury fee paid not later than the time at which the initial statement of arbitrability is filed which indicates the matter is arbitrable or by a party responding to the initial statement when the response to the statement is filed, otherwise the right to trial by jury is waived unless, after the arbitration decision, a jury demand is filed at the time in the manner set forth in SCLMAR 7.1(b)(2)(ii).

**(g) Trial Calendar.** A non-jury case that is assigned to arbitration shall not be assigned a position on the trial calendar except as provided in SCLMAR 7.1. A jury case that is assigned to arbitration shall simultaneously be assigned a position on the jury trial calendar.

[Amended effective October 1, 1993]

## RULE 2.2 COURT MAY DETERMINE ARBITRABILITY

**(a) Motions; How Made.** Motions to establish whether a case is actually subject to arbitration shall be governed by the state and local rules pertaining to civil motions practice. Such motions shall be noted for hearing on a date not more than twenty-one (21) days from the date the response is filed and served if the Note for Trial and Initial Statement of Arbitrability provides that the case is arbitrable. A party failing to timely note such cases for motion shall be deemed to have stipulated to arbitration unless otherwise ordered by the court for good cause shown. Such stipulations to arbitration under this rule shall be established by ex parte court order and shall be filed with the clerk and shall be served upon all parties and the Director.

**(b) Determination of Non-arbitrability.** If upon motion the court determines that a case is not arbitrable, all parties shall report to the trial calendar coordinator in court administration to obtain a trial date.

**(c) Determination of Arbitrability.** If upon motion the court determines that a case is arbitrable, the prevailing party shall serve upon the Director an order transferring the case to arbitration and if a non-jury trial date has been set, it shall be stricken by the Director subject to being renoted pursuant to SCLMAR 7.1.

[Amended October 1, 1990; Amended October 1, 1997; Amended September 1, 2012]

## RULE 2.3 ASSIGNMENT OF ARBITRATOR

**(a) Generally; Stipulations.** When a case is set for arbitration, a list of five (5) proposed arbitrators will be furnished to the parties. Except to determine the proposed arbitrator's availability, the parties shall not contact the arbitrator regarding the matter being arbitrated. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five (5) proposed arbitrators in the manner defined by this rule.

**(b) Response by Parties.** Each party may, within fourteen (14) days after a list of proposed arbitrators is furnished to the parties, nominate one (1) or two (2) arbitrators and strike two (2) arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Director will appoint an arbitrator from among those not stricken by either party.

**(c) Response by Only One (1) Party.** If only one (1) party responds within fourteen (14) days, the Director will appoint an arbitrator nominated by that party.

**(d) No Response.** If neither party responds within fourteen (14) days, the Director will appoint one (1) of the five (5) proposed arbitrators.

**(e) Additional Arbitrators for Additional Parties.** If there are more than two (2) adverse parties, such parties may request the Director to include additional proposed arbitrators on the list, with the above principles of selection to be applied. The number of adverse parties and additional proposed arbitrators shall be determined by the Director, subject to review by the Presiding Judge.

[Amended effective October 1, 1993]

## 3. ARBITRATORS

### RULE 3.1 QUALIFICATIONS

**(a) Minimum Qualifications.** An arbitrator must be a member of the Washington State Bar Association who has been admitted to the Bar for a minimum of five (5) years, or who is a retired Superior Court Judge or Commissioner. By stipulation the parties to a case may agree to an arbitrator not on the Snohomish County Arbitration Panel if the arbitrator so chosen is a duly qualified member of an arbitration panel established under Local Mandatory Arbitration Rules of another county in the State of Washington. The parties may stipulate to a non-lawyer arbitrator upon approval of the Director.

[Amended emergency effective December 8, 2010; amended September 1, 2011]

**(b) Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the Director may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Director's office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

**(c) Refusal-Disqualification.** The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of judges. If

disqualified, the arbitrator must immediately return all materials of a case to the Director.

[Amended effective September 1, 1993.]

## RULE 3.2 AUTHORITY OF ARBITRATORS

In addition to the authority conferred on arbitrators under MAR 3.2, an arbitrator has the authority to:

1. Determine the time, place and procedure to present a motion before the arbitrator;

2. Require a party or attorney representing such party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator, unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk, with proof of service of party(s). The aggrieved party shall have ten (10) days thereafter to appeal the award of such expenses in accordance with the procedures described in RCW 2.24.050. If within ten (10) days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3; and

3. Award attorney's fees as authorized by these rules, by contract or by law. Motions for involuntary dismissal and motions for summary judgment shall be decided by the court and not by the arbitrator. Agreed orders which are dispositive shall be presented to the court.

[Amended effective July 1, 1991; September 1, 1992; September 1, 1993.]

## 4. PROCEDURE AFTER ASSIGNMENT

### RULE 4.2 DISCOVERY

**(a) Discovery Pending at the Time Case Is Transferred to Arbitration.** Except upon stipulation of the parties or as may be otherwise authorized by MAR 4.2 or by SCLMAR 4.2(c) below discovery pending at the time a case is transferred to arbitration is stayed. However, interrogatories with the exact language as set out below are permitted:

1. State the amount of general damages being claimed or the amount and basis of support and arrearages being sought.

2. State each item of special damages being claimed, and the amount thereof.

3. List the name, address, and phone number of each person having knowledge of any facts regarding liability.

4. List the name, address, and phone number of each person having knowledge of any facts regarding damages claimed or the amount and basis of support and arrearages being sought.

5. List the name, address, and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

**(b) Additional Discovery.** In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Civil Rules except that motions concerning discovery shall be determined by the arbitrator.

**(c) Admissibility of Discovery.** All discovery admissible under the Civil Rules or Rules of Evidence will be admissible at the arbitration hearing whether or not such discovery was produced before or after the appointment of an arbitrator.

[Amended effective September 1, 1993.]

## 5. HEARING

### RULE 5.1 NOTICE OF HEARING

**(a) Notice of Hearing – Time and Place - Continuance.** An arbitration hearing shall be scheduled to be heard in Snohomish County, unless otherwise agreed by the parties, at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order for good cause shown. The parties may stipulate to a continuance only with the permission of the arbitrator. The

arbitrator shall give reasonable notice of the hearing date and any continuances to the Director and all parties.

(Amended emergency effective December 8, 2010, amended effective September 1, 2011)

**(b) Confirmation-Settlement or Other Disposition.** The parties shall confirm scheduled arbitration hearing dates with the arbitrator at least one (1) week prior to the hearing. Failure to timely confirm a scheduled arbitration hearing may result in cancellation of the hearing by the arbitrator. The parties shall also promptly notify an arbitrator of any prehearing case settlement or other disposition.

**(c) Waiver of Hearing-Child Support Modification Matters.** In cases of child support modification, the parties may stipulate to waive oral argument and testimony. Such waiver shall be in writing, on a form approved by the court, if any. Such writing shall specify the documents and written materials to be considered by the arbitrator. It shall be submitted prior to the confirmation date as set forth in subsection (b).

[Amended effective September 1, 1994; amended emergency effective June 11, 2008, amended effective September 1, 2008.]

## RULE 5.2 PREHEARING STATEMENT OF PROOF- DOCUMENTS FILED WITH COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the clerk.

## RULE 5.3 CONDUCT OF HEARING- WITNESSES-RULES OF EVIDENCE

**(f) Offers of Settlement.** The parties shall, prior to conclusion of the arbitration hearing, advise the arbitrator in general terms that an offer of settlement has been made pursuant to RCW 4.84.250. Such advisement shall disclose neither the amount nor the party making such offer of settlement. The corresponding request for attorney fees shall be made to the arbitrator by affidavit only, not later than 5 calendar days after the date of the arbitration hearing and shall be addressed by the arbitrator in the arbitration award.

**(g) Length of Hearing.** The arbitrator may set a reasonable time limit on the length of the arbitration hearing.

[Amended September 1, 1993; Amended September 1, 2011; Amended September 1, 2012]

## 6. AWARD

### RULE 6.1 FORM AND CONTENT OF AWARD

**(a) Form.** The award shall be prepared on the form prescribed by the court.

**(b) Content.** The award shall dispose of all issues raised in the pleadings or submitted by the parties and shall do so in specific monetary terms whenever possible.

**(c) Return of Exhibits.** When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Amended effective September 1, 1993.]

### RULE 6.2 FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 may be presented to the Director, ex parte. The Director may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

### RULE 6.3 JUDGMENT ON AWARD

**(a) Presentation.** A judgment on an award shall be presented to the Civil Motions Judge or court commissioner, by any party, on five (5) days notice in accordance with MAR 6.3.

[Amended effective September 1, 1997.]

## 7. TRIAL DE NOVO

### RULE 7.1 REQUEST FOR TRIAL DE NOVO

**(b) Calendar.**



(1) Trial De Novo. When a trial de novo is requested in a non-jury case as provided in MAR 7.1, the party making the request shall simultaneously file a Note for Trial on the form prescribed by the court. If no note for trial is timely filed the party requesting a trial de novo may be subject to sanctions.

[Amended effective September 1, 2001]

(2) Trial De Novo-Jury.

(i) When a trial de novo is requested as provided in MAR 7.1, and the case has been set for jury trial at the time of the initial statement of arbitrability, the trial shall be on the date originally assigned pursuant to SCLMAR 2.1(e) unless within thirty (30) days after the request for trial de novo is filed the party originally demanding the jury trial serves, files, and notes a motion to withdraw the jury demand. If such motion is granted the court may advance the trial date. If after twenty (20) days from the filing of an arbitration award, no party has requested a trial de novo under MAR 7.1, the case shall be stricken from the trial calendar.

(ii) When a trial de novo is requested as provided in MAR 7.1 and no jury trial date has been previously set, any jury demand shall be made in the following manner. Such demand shall be served and filed by the appealing party simultaneously with a Note for Trial on the form prescribed by the court, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

(3) Trial De Novo-Service and Filing. When a trial de novo is requested as provided in MAR 7.1 (a), the party making the request shall complete the Request for Trial De Novo form, including the trial setting information, and file the original with the clerk and serve a copy on the Director of Arbitration and all other parties.

[Amended effective September 1, 2002]

## RULE 7.2 PROCEDURE AT TRIAL

**(a)** The clerk shall automatically seal any award and any memorandum decision/award if a trial de novo is requested.

**(b)** If the trial de novo is not confirmed, the opposing party may move for entry of judgment on the arbitrator's award upon proper notice. If the trial de novo is confirmed and the party who requested the trial de novo fails to appear at trial, then the opposing party may move to strike the trial and obtain a judgment

on the arbitrator's award without further notice. If the trial de novo is confirmed and the party opposing the request for trial de novo fails to appear at trial, then the trial shall proceed in the normal course.

[Amended effective September 1, 1993; Amended September 1, 2012]

## RULE 7.3 COSTS AND ATTORNEY FEES

MAR 7.3 shall apply only to costs and reasonable attorney's fees incurred after the filing of the request for a trial de novo.

# 8. GENERAL PROVISIONS

## RULE 8.1 STIPULATIONS; EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

## RULE 8.4 TITLE AND CITATION

These rules are known and cited as the Snohomish County Superior Court Local Mandatory Arbitration Rules. SCLMAR is the official abbreviation.

## RULE 8.6 COMPENSATION OF ARBITRATOR

**(a) Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tem of the Superior Court. Hearing time and reasonable preparation time are compensable, and reasonable costs incurred by the arbitrator are reimbursable.

**(b) Form.** When the award is filed, the arbitrator shall submit to the Director a request for payment on a form prescribed by the court. The Director shall determine the amount of compensation and costs, if any, to be paid. The decision of the Director will be reviewed by the Presiding Judge at the request of the arbitrator. Compensation to the arbitrator shall not exceed one thousand two hundred fifty dollars (\$1,250), and costs reimbursement shall

not exceed fifty dollars (\$50.00), without special approval by the Presiding Judge.

[Amended effective September 1, 1993; amended effective September 1, 2007]

## RULE 8.7 ADMINISTRATION

**(a) Director.** The Presiding Judge shall designate a person to serve as Director of Arbitration. The Director, under the supervision of the Presiding Judge or designee, shall supervise arbitration under these rules, and perform any additional duties which may be delegated by the Presiding Judge or designee.

[Amended effective September 1, 1999]

# **PART V. SPECIAL PROCEEDINGS RULES (SCLSPR)**

## RULE 93.04 DISPOSITION OF REPORTS -ADOPTIONS

**(a) Proceedings to Dispense With Consent.** Applications for dispensing with the consent of a parent or terminating a parent's rights shall be noted on a commissioner's calendar. If such application is contested, the matter shall be referred to the Court Administrator's office to be assigned a trial date.

**(b) Ex Parte; Other Than Final Decrees.** All non-contested adoption proceedings, other than the entry of final decrees, may be heard ex parte. Application shall be made to the Civil Motions law clerk, or such other place as set forth in an administrative order, for a hearing on a final decree of adoption.

**(c) Testimony Required.** Testimony shall be required in the following adoption proceedings:

1. Upon entry of the findings and decree;
2. Contested matters; and
3. Hearings on relinquishments and terminations.

The court may on its own motion require testimony at any stage of an adoption.

**(d) Preplacement and Post Placement Reports.** It shall be the responsibility of the petitioner or counsel to insure delivery to the court of the preplacement, post placement and guardian ad litem reports required for relinquishments, approvals of consent, terminations, or for adoptions. Reports must be delivered to the appropriate department no later than one day prior to the date for hearing in which the report is required, in order for the judge or commissioner to have an opportunity to read and consider the same.

**(e) Stepparent Adoptions.** When the object of an adoption proceeding is to adopt the child of petitioner's spouse, i.e., a stepparent adoption, the Order for Post Placement Report may contain the following provision: "It is further ordered that a formal written report is dispensed with and in lieu thereof the petitioner and spouse shall fill out and sign, and the post placement reporter will complete and file herein a 'Post Placement Report' in the form prescribed by the Snohomish County Superior Court."

**(f) Release of Adoption Information.** Any release of adoption file material must be only by court order. If the applicant is an intermediary previously approved by the court, or an attorney for an adopting parent seeking only a certified copy of the Decree of Adoption, the order may be approved by a judge or court commissioner. All other orders for release must be approved by a judge or full-time commissioner.

[Amended effective October 1, 1997]

## RULE 94.04 FAMILY LAW PROCEEDINGS

**(a) Applicability of the Rule.** Unless otherwise specified, this rule applies to all family law proceedings, including paternity actions and non-parental custody and/or visitation actions, defined as follows: Any proceeding in which the court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of child custody, visitation, parenting plan, child support or spousal maintenance, or the temporary distribution of property or obligations.

**(b) Court's Automatic Temporary Order Upon Filing of Certain Family Law Cases.**

*(1) Application.* This rule shall apply to the following types of cases filed after May 1, 2010:

- A. All family law petitions seeking dissolution of marriage, legal separation, parentage, or declaration of invalidity; and
- B. Actions brought by parties to committed intimate relationships or state registered domestic partnerships, involving parenting or distribution of assets/liabilities.

*(2) Court's Automatic Temporary Order In Dissolution, Legal Separation, Invalidity, Committed Intimate Relationship, or State Registered Domestic Partnership Actions.* Upon the filing of a Summons and Petition in any dissolution, legal separation, invalidity, committed intimate relationship, or state registered domestic partnership action, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

- A. The parties shall be restrained from transferring, removing, encumbering, concealing, damaging, or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued.
- B. The parties shall be restrained from assigning, transferring, borrowing, lapsing, surrendering, or changing entitlement of any insurance policies of either or both parties, or of any dependent children whether medical, health, life, or auto insurance, except as agreed in writing by the parties.
- C. Each party shall be immediately responsible for his or her own future debts whether incurred by credit card, loan, security interest, or mortgage, except as agreed in writing by the parties.
- D. Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied. This provision does not apply to documents protected by the attorney-client or attorney work product privilege.

*(3) Court's Automatic Temporary Order In Actions Involving Minor Child(ren).* Upon the filing of a Summons and Petition in any action specified in Sections (b)(1)(A) or (b)(1)(b) that involves minor children, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

- A. Under the automatic temporary order, the term "parent" is limited only to those persons listed on a valid birth certificate or a presumed father under RCW 26.26.116.
- B. Each parent shall be restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supersede previously issued orders to the extent that the orders may be inconsistent.
- C. Each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise limited by court order.
- D. Each parent shall ensure that the child(ren) not be exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).

*(4) Service of Automatic Temporary Order.* It is the responsibility of the Petitioner to serve a copy of the Automatic Temporary Order on the Respondent.

### **(c) Family Law Proceedings-Courtroom Calendars and Procedures.**

*(1) Trial Date in Family Law Cases.* In all family law cases, unless a trial date was previously set, the Court will set a trial date on its own motion so long as proper service of the petition was made and one-hundred and fifty (150) days have passed after the filing of the case.

If a trial date is not confirmed in a family law case and that case has not had final documents presented within thirty (30) days after the unconfirmed trial date, the case will be scheduled for a status conference. The status conference will be heard on a status conference calendar to be held at least monthly and heard by a Judge designated by the Presiding Judge. If final documents have been filed in the case before the status conference is held, the status conference may be stricken. At the status conference, the Court will set a trial date on its own motion, and the trial date will be court confirmed, unless good cause is shown to do otherwise. If the parties fail to appear at the status conference, the court may dismiss the case on its own motion.

A. Trial Continuances in Family Law Cases. In all family law cases, a motion or stipulation for trial continuance shall list the date(s) upon which trial was previously set.

B. Dismissal for Unattended Trials in Family Law Cases. In all family law cases, the Court on its own motion may dismiss any case which was properly confirmed by the parties or court confirmed, but the parties failed to appear on the date of trial, unless a motion for continuance has been previously granted. This provision applies to all cases filed on or after January 1, 2010.

[Amended September 1, 2012]

#### *(2) Family Law Proceedings Motions.*

A. Except as otherwise provided in this rule, all motions and returns on orders to show cause shall be as set forth in SCLCR 7 or SCLCR 56.

B. Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in reply shall be limited to a sum total of five (5) pages. All declarations and affidavits must be legibly hand printed or typed in at least twelve (12) point type, double-spaced, and comply with GR14. All pages, including attached declarations and affidavits shall be sequentially numbered. Working copies of previously filed documents/orders are excluded from page limitation.

C. Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavits shall not be counted toward the page limit.

D. Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

E. Expert Reports and Evaluations. Declarations, affidavits, and reports from Family Court Investigation, guardians ad litem, police reports, substance abuse evaluations, psychological evaluations and other expert witnesses do not count toward the page limitation.

F. Sanctions. Failure to comply with this rule may result in sanctions that may include, but are not limited to, striking over limit pleadings.

*(3) Paternity actions brought by the prosecutor shall be heard as set forth in an administrative order of the court.*

*(4) Return on Show Cause actions in Domestic Violence cases shall be heard as set forth in an administrative order of the court.*

#### **(d) Child Custody or Parenting Plan Proceedings.**

*(1) Information Required.* In child custody, visitation or parenting plan cases, each party shall timely submit all information, forms, and worksheets required by statute. Any such forms or worksheets that are not complete may be stricken or other sanctions imposed.

*(2) Evaluations.* The court may order a custody or parenting or residential evaluation, mental health evaluation, alcohol or drug evaluation, mediation, treatment, counseling investigation and/or physical examination. The issue of costs shall be addressed in the order requiring such evaluation, and shall contain an hourly rate and maximum payment if the cost is to be at public expense. Any order failing to comply will be void.

*(3) Reference to Family Court; Counseling.*

(A) Duties of Parties. It shall be the responsibility of the parties or their counsel to utilize and complete such form as required by the court for reference to Family Court for investigation or other services. The completed and signed order shall be immediately submitted to the Family Court. Such services will not be required or undertaken until such form has been properly and timely submitted.

(B) The completed Family Court report shall be filed with the Court clerk. The attorneys for the parties, or party pro se shall receive one copy of such report.

*(4) Child Advocate.*

(A) Appointment. Upon motion the court may appoint a guardian ad litem or special advocate. The order shall be on a form as approved by the court and shall designate the appointee, the duties, and make provisions for payment of fees.

(B) Notice. The guardian ad litem or child advocate shall receive notice and copies of all discovery and hearings.

(C) Discharge. The guardian ad litem or child advocate shall be discharged only by order of the court.

*(5) Parenting Seminars.*

(A) Definition of Applicable Cases. This rule applies to all cases filed under Ch. 26.09, 26.10 or Ch. 26.26 of the RCW filed after September 1, 1994, including dissolutions, legal separations, major modifications and paternity actions (in which paternity has been established) where the parties are parents of children under the age of 18, and where a parenting plan or residential plan is required which involves more than purely financial issues.

(B) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (A) above, and in those additional cases arising under Title 26 RCW where a court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such non-parent parties as the court may direct, shall participate in, and successfully complete, an approved parenting seminar within 60 days after service of a petition, or an initiating motion, on the responding party. Standards for an approved parenting seminar shall be established by Administrative Order of this court. Successful completion shall be evidenced by a certificate of attendance filed by the provider agency with the court.

(C) Special Considerations/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

[a] waive the requirement of completion of the seminar; or

[b] provide an alternative voluntary parenting seminar for battered spouses.

(3) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

D) Failure to Comply. Delay, refusal or default by one parent does not excuse timely compliance by the other parent. However, a parent who fails to complete the parenting seminar, shall be precluded from confirming the case for trial or presenting any final order affecting the parenting/residential plan, and may be precluded from seeking affirmative relief in this or subsequent proceedings in this file, until the parenting seminar has been successfully completed. Refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings.

*(6) Judicial Information System background checks.* Prior to presenting a permanent parenting plan to the court for entry, the party or parties presenting the final parenting plan shall submit a completed judicial information service (JIS) background check form to Snohomish County Superior Court Family Court Services. Such request must be submitted no less than five court days prior to the date of presentation of the final parenting plan. Upon receipt of a completed JIS background check form, Superior Court staff shall complete a search of the Judicial Information System for the existence of any information and proceedings relevant to the placement of the child.



This search shall be performed no more than 14 days prior to the proposed date of presentation of the permanent parenting plan.

[Amended effective November 14, 2007; amended effective October 14, 2009, amended effective September 1, 2011]

**(e) Petitioner and Respondent-Affidavits of Income.** Any application or response regarding child support shall be by motion and shall include a completed child support worksheet and other information which might be required by statute. Any application or response regarding spousal maintenance, attorney's fees, or any other financial relief, except child support, shall be by motion and shall include a Financial Affidavit in the form approved by the court. Each party shall attach to this Financial Affidavit copies of sufficient W-2 forms, 1040 forms and copies of wage stubs for prior periods to adequately prove income.

All orders establishing, setting or modifying any temporary or permanent child support obligation must be in the form of a separate order, on mandatory forms where appropriate, with the adopted child support worksheet attached.

### **(f) Restraining Orders.**

(1) *Where Presented.* Applications for Temporary Restraining Orders may be presented ex parte. Motions for relief to be effective during the pendency of litigation shall be noted for hearing on a commissioner's calendar. Agreed restraining orders may be presented ex parte.

(2) *Notice to Opponent.* If an appearance has been made by a party, notice to the party pro se or counsel must be given prior to application for any immediate temporary restraining order which will be heard by a commissioner ex parte.

(3) *Mutual Orders.* All immediate temporary restraining orders shall be made mutual where appropriate.

(4) *Motions to Quash or Terminate Temporary Restraining Orders.* A motion to quash a temporary restraining order or to terminate a restraining order shall be noted for hearing on a commissioner's calendar.

(5) *Temporary Restraining Orders; Testimony.* No temporary order removing a person from or restraining a person from entering premises in which that person then resides, or has resided within fourteen (14) days of the application; or which affects the custody of a minor child in which another person has parental rights; or which grants to a person possession of property in the name or possession of another; shall be issued except: (a) after a hearing of which the adverse party has been given prior notice deemed adequate by the court hearing the same; or (b) at which sworn testimony or statement is received from a person or persons having personal knowledge of the facts, and the court waives the notice requirement. In general, an ex parte order establishing, vacating or changing child custody or residence may only be entered under one or more of the following circumstances:

A. There is already an existing order entered in a different cause or proceeding, and this order is merely to confirm the status quo in this proceeding;

B. The parties have been separated more than fourteen (14) days, and the moving party has had the actual uninterrupted custody of the children for the

last fourteen (14) days, or the other party has voluntarily vacated the family residence more than fourteen (14) days hence;  
C. Less than fourteen (14) days have elapsed since separation of the parties, but during this time, the responding party has voluntarily acceded to the present arrangement by removing himself/herself from the family residence, or by leaving the children behind in the physical custody of the moving party; or  
D. The parties have not as yet separated or have only recently done so, and there are substantial, documented allegations of physical, emotional, or sexual abuse of the other party or of the children which present a substantial danger of immediate irreparable harm such that an emergency order without notice ought to be entered. The applicant for such an order is expected to appear personally before a commissioner and give testimony in support of the request.

*(6) Show Cause Hearings; Testimony.* All show cause hearings, except for contempt, domestic violence, and anti-harassment hearings, shall be by affidavit and declaration only. In anti-harassment and domestic violence actions only the parties may testify without cross examination, or make statements as allowed by the court. The court may take testimony if it appears to the court necessary for an adequate determination of the matter.

*(7) Agreed or Non-contested Orders and Decrees.* In any case in which the respondent has appeared, pro se or through counsel, prior to the entry of an order of default, all orders, findings, or decrees shall be endorsed by the non-presenting party or his/her attorney and shall indicate approval or waiver of notice of presentation.

### **(g) Modification Proceedings.**

*(1) Modification of Temporary Orders.* Temporary orders may be modified by motion based upon a change of circumstances.

*(2) Entry of Modified Decree by Default.* No permanent decree of modification of support, maintenance, visitation, parenting plan, or custody shall be entered by default unless the adverse party was served with at least twenty (20) days notice of such proceedings (sixty (60) days if out of state), together with copies of pleadings.

*(3) Custody, Parenting, or Visitation Modifications.*

(A) Commencement. A proceeding to modify custody, a parenting plan, visitation or support is commenced by the filing of such documents as is required by various statutes.

(B) Threshold Hearings-Temporary Relief. Any party may, by motion or show cause order, request temporary relief or a threshold hearing based on affidavits. Responsive documents shall be served on the moving party as required by SCLCR 7.

(C) Disposition. Contested matters involving modification of support or maintenance only will be set for arbitration, unless a trial by affidavit is approved by the court upon motion.

### **(h) Alternative Dispute Resolution Required In Family Law.**

(1) *Alternative dispute resolution required in family law.* All contested issues in the following cases shall be submitted to settlement conference, mediation, or other ADR process with a neutral third party who offers ADR services: petitions filed under RCW 26.09; 26.10; 26.26 and committed intimate relationship cases and petitions for modifications of final orders exclusive of Child Support/Maintenance Modification actions which are in mandatory arbitration. If a guardian ad litem (GAL) has been appointed, the parties shall provide the GAL with the date of ADR at least ten (10) days prior to its scheduled occurrence.

(2) *When alternative dispute resolution is not required.* ADR shall NOT be required in the following cases:

- A. For good cause shown upon motion and approval by the court.
- B. Where a domestic violence restraining order or protection order (excluding Ex-Parte orders) involving the parties has been entered by a court at any time within the previous twelve (12) months.
- C. Where a domestic violence no contact order exists pursuant to RCW 10.99;
- D. Where the court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation.

(3) *Alternative dispute resolution timing.* In all matters filed after May 1, 2010, in which ADR is required, the parties must complete ADR prior to trial confirmation, provided however that either party may by motion request an order requiring mediation sooner upon good cause shown.

(4) *Failure to comply.* Failure to comply with Alternative Dispute Resolution when required shall result in the case not being confirmed for trial. Refusal or delay by either party may constitute contempt of court and result in sanctions imposed by the court, including the imposition of monetary terms.

(5) *Division of costs.* The parties shall be equally responsible for the cost of ADR unless a different division of the cost is ordered by the court or agreed upon by the parties.

(6) *Where to bring motions.* Motions to waive ADR shall be noted before the Presiding Judge at 9:00 a.m. Motions to alter the ADR time period or change the division of the cost shall be noted on the Commissioner's Family Law Calendar.

Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not be required as set forth in (2)(B), (2)(C) or (2)(D) above if the moving party believes that the parties would be able to mediate their dispute fairly under the particular circumstances of the case.

[Amended effective September 1, 1999; amended effective September 1, 2005; amended emergency effective June 23, 2010; amended effective September 1, 2010; amended effective September 1, 2011]

## RULE 94.05 – Parentage Actions – Temporary Parenting Plans and Child Support Orders Converted to Permanent Orders

**(a) Applicability of the Rule.** This rule applies to Temporary Parenting Plans and Orders of Child Support entered in actions commenced pursuant to RCW Chapter 26.26 in which parentage was not in dispute at the time the temporary orders were entered.

[Amended effective September 1, 2011]

**(b) Temporary Parenting Plans.** A Temporary Parenting Plan entered in a parentage action shall be converted to a Permanent Parenting Plan by an ex parte order entered on Clerk’s motion, without further notice, if: (1) It has not been superseded by a Permanent Parenting Plan, and (2) parentage was not in dispute at the time the temporary orders were entered, and (3) A trial date has not been currently set or the matter noted for trial setting, and (4) Twelve (12) months have elapsed since entry of the Temporary Order.

[Amended effective September 1, 2011]

**(c) Temporary Orders of Child support.** A Temporary Order of Child Support entered in a parentage action shall be converted to a Final Order of Child Support by an ex parte order entered on Clerk’s motion, without further notice, if: (1) It has not been superseded by a Permanent Order of Child Support, and (2) parentage was not in dispute at the time the temporary orders were entered, and (2) A trial date has not been currently set or the matter noted for trial setting, and (3) Twelve (12) months have elapsed since entry of the Temporary Order.

[Amended effective September 1, 2011]

**(d) Closure of Case File.** The Clerk shall close the active case file in any cause in which Temporary Orders have been converted to Final Orders pursuant to this local rule. The Order Converting Temporary Order to Final Order entered by the Court pursuant to this rule shall be mailed by the Clerk to each party at their address of record in the cause.

[Adopted effective September 1, 2006]

## RULE 96.01 CIVIL CONTEMPT PROCEEDINGS; REQUIREMENTS

The following shall apply to indirect, remedial or civil contempt proceedings brought under RCW 7.21.030 or similar statutes.

**(a) Warnings; Failure to Appear.** The Order to Show Cause shall contain language warning the responding party that failure to appear could result in a warrant for arrest.

**(b) Personal Service.** Unless otherwise authorized by the court, the Order to Show Cause, motion, and affidavits must be personally served upon the responding party.

**(c) Arrest or Other Remedies Upon Failure to Appear.** At the hearing, if the responding party fails to appear and upon showing of proof of service, and if the warning required above is in the order, the court may order an arrest. Other requested remedies may also be ordered upon default, even if a warrant is not authorized.

[Amended effective September 1, 1992.]

## RULE 96.02 CHANGE OF NAME PROCEDURE [RESCINDED]

[Adopted effective October 1, 1990; rescinded September 1, 1993.]

## RULE 98.04 ESTATES-PROBATE

**(a) Ex Parte; Files Required.** All probate matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under R.C.W. 11.28.240, or where such notice has been waived, may be heard ex parte. It shall be the responsibility of the presenting party to submit to the court the court file if the file contains any pleadings or other documents or proof on which the requested action is based. Applications by mail should be in conformance with SCLAR 0.02(f)(2).

**(b) Notice Required.** All matters in probate proceedings not involving testimony in which notice is required shall be placed on the court commissioners civil calendar.

**(c) Testimony for Certain Proceedings Required.** Sworn testimony of any person or persons having personal knowledge of the facts may be required in certain probate proceedings as determined by the court.

[Amended effective September 1, 1997]

## RULE 98.16 ESTATES-GUARDIANSHIPS-SETTLEMENT OF CLAIMS OF MINORS

**(a) Appointment of Representation.** Appointment of representation of a minor for purposes of a minor settlement shall be by order of the Court.

**(b) [Reserved]**

**(c) [Reserved]**

**(d) [Reserved]**

**(e) [Reserved]**

**(f) Guardianships.**

(1) Non-Certified Professional Guardian Appointments and Waiver of Training Requirements. Upon filing of a Petition To Extend Time or Waive Guardian Training pursuant to RCW 11.88.020(3) by a non Certified Professional Guardian the court may extend the time period for completion of the lay guardian training for a period of ninety (90) days or waive the training requirement for guardians appointed prior to the effective date of July 22, 2011 for good cause. In establishing good cause, the court may consider: the length of time the lay guardian has successfully fulfilled their duties; the timeliness of filing of all required reports; whether the duties of the guardian have been monitored by a state or local agency; and any founded allegations against the guardian for abuse, neglect, or breach of fiduciary duty.

(2) Ex Parte; Files Required. All guardianship matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under applicable statutes, or where such notice has been waived, may be heard ex parte. It shall be the responsibility of the presenting party to submit to the judge the court file if the file contains any pleadings or other documents or proof on which the requested action is based.

(3) Notice Required.

(A) Notes for Motion Calendar. All matters in guardianship proceedings not involving testimony in which notice is required shall be noted on the court commissioner's civil calendar. The court may, in its discretion, require a guardianship matter be noted for motion.

(4) When Guardian Ad Litem Required.

(A) Certain Proceedings. The appointment of a guardian ad litem shall be made when required by statute and may be required in the guardianship proceedings at other times within the discretion of the court.

(5) Order Appointing Guardian and Execution and Form of Letters of Guardianship. All Orders Appointing Guardians shall contain the following information to ensure the timely and accurate issuance of Letters of Guardianship by the Clerk's Office. The following information shall be completed and placed directly below the case caption or on a separate cover page in all Orders Appointing Guardians:

**\*\*CLERK'S ACTION REQUIRED\*\***

Due Date for Report and Accounting: \_\_\_\_\_

New Letters Expire On:\*\* \_\_\_\_\_

Due Date for Initial Personal Care Plan: \_\_\_\_\_

Due Date for Inventory: \_\_\_\_\_

\*\* All Letters of Guardianship, unless otherwise ordered by the Court, will expire 120 days following the end of the next accounting period.

[Amended effective emergent November 9, 2011, Permanent September 1, 2012]

**(g) Minor Settlements.**

(1) Compliance With SPR 98.16. The requirements of SPR 98.16 will be strictly enforced in all matters in which the court is requested to approve a settlement involving a beneficial interest or claim of a person under the age of eighteen (18).

(2) Petition.

(A) Contents. A petition for approval of a settlement of each minor's claim shall contain:

1. The full name and birth date of each minor;
2. The relation of the guardian ad litem to each minor;
3. A brief statement of the basis for the claim unless a summons and complaint have been previously filed;
4. An itemization of special damages;

5. A statement of the collateral sources for payment of special damages, whether reimbursement is sought and the terms thereof, including the allocation of fractional shares of the costs of recovery;

6. A description of the injuries, length of disability and prognosis of future disability. Medical reports may be attached and incorporated in the petition;

7. The amount of proposed settlement;

8. The amount of attorney's fees requested or agreed upon and an itemization of the court costs and expenses incurred in preparation and prosecution of the claim; and,

9. The proposed distribution of settlement funds.

### (3) Hearing on Approval of Settlement.

(A) Report of Counsel or Guardian Ad Litem. At the time the petition for approval of the settlement is heard, independent counsel or the guardian ad litem should be prepared to advise the court of his/her opinion of the probable chances of recovery, including issues of primary negligence, contributory negligence, reasonableness of attorney's fees, etc., and the basis for such opinion. Reasonably current medical reports shall be available. The minor and custodial parent or the parent designated primary residential parent under the Parenting Act shall be present at the hearing, unless their presence is waived by the court. All hearings shall be reported.

(B) Time of Hearing. Application shall be made to the Civil Motion Judge's law clerk/bailiff for a time to hear the matter or for assignment to a department to hear the matter.

(4) Filing of Receipt. Within 30 days of the approval of the settlement, the petitioner shall file a receipt, signed by a representative of the financial institution, acknowledging receipt of the funds and acknowledging that the financial institution will hold the funds in compliance with the court order and SPR 98.16W. A copy of the receipt shall be provided to the judge approving the settlement. The copy shall bear the stamp of the clerk showing that it has been filed and shall be provided to the judge within two working days of being filed.

### **(i ) [Reserved]**

### **(j) Control and Orders for Remaining Funds.**

(1) \$25,000 or less. [Reserved]

(2) More than \$25,000. [Reserved]



(3) Conditions for use of Trust. A trust established pursuant to SPR 98.16W must meet the following additional requirements:

(A) The selection of the trustee(s) and the terms of the trust shall be approved by the same judge as approved the settlement. If that judge is not available, the presiding judge may assign the matter to a different judge. A working copy of the proposed trust document, note for hearing and trustee's fee schedule shall be furnished to the judge no less than 6 court days in advance of the hearing.

[Amended effective September 1, 1992; September 1, 1993; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2003]

## **PART VI. CRIMINAL RULES (SCLCRR)**

### **1. SCOPE, PURPOSE AND CONSTRUCTION**

#### **RULE 1.1 SCOPE, APPLICATION OF CIVIL RULE**

All local civil rules and Supreme Court Civil Rules shall apply in criminal cases, unless contrary provision is made in these or other rules governing criminal cases.

#### **RULE 1.2 PURPOSE AND CONSTRUCTION**

Where the term "probation" is used herein it will also apply to "community supervision".

### **2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS**

#### **RULE 2.2 WARRANT OF ARREST AND SUMMONS**

**(b) Issuance of Summons.** Upon the Prosecuting Attorney's filing with the clerk an information without directing or requesting the issuance of a warrant for the arrest of the defendant, the clerk shall issue, or re-issue, a summons commanding the defendant to appear before the Court at a specified time and place. Summons shall also issue upon the filing of a motion for modification or revocation of probation, provided that the motion be supported with a properly executed affidavit setting forth the basis for the requested modification or revocation of probation.

## 3. RIGHTS OF DEFENDANTS

### RULE 3.1B CERTIFICATES OF COMPLIANCE FOR INDIGENT DEFENDANTS

(c) Certificates of Compliance with the Standards for Indigent Defendants required by CrR 3.1 and JuCr 9.2 shall be filed quarterly with the Snohomish County Clerk.

(d) All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrR 3.1/JuCr 9.2 Certificate of Compliance with the Standards for Indigent Defendants is on file with the Snohomish County Clerk.

[Effective October 1, 2012]

### RULE 3.2A PRELIMINARY APPEARANCE OF DEFENDANT

**(a) Generally.** Unless a defendant has appeared or will appear before a court of limited jurisdiction for a preliminary appearance pursuant to JCrR 2.03(a), any defendant, whether detained in jail or subjected to court authorized conditions of release, and any person in whose case the Juvenile Court has entered a written order declining jurisdiction, must be taken or required to appear before the Superior Court in person or by electronic audio-visual device as soon as practicable after the detention is commenced, the conditions of release are imposed, or the order is entered, but in any event before the close of business on the next judicial day. A person is not subject to conditions of release if the person has been served with a summons and the only obligation is to appear in court on a future date.

## RULE 3.3 TIME FOR TRIAL

**(c) Time for Arraignment and Trial.** The in-custody arraignment calendar shall be heard at the time as indicated for such in an administrative order of the court. The out-of-custody arraignment calendar shall be heard at the time as indicated for such in an administrative order of the court. All first appearances, arraignments, setting of bail, and similar matters in criminal cases shall be placed on such calendars. Guilty pleas will be taken at either omnibus hearings or plea calendars.

(1) Setting of Omnibus Hearings. At the time of the arraignment the court shall set the omnibus hearing.

(2) Sentencing. Upon the entry of a plea of guilty, sentencing shall be assigned to a judge by the judge taking the plea.

**(f) Trial Settings/Confirmation Hearings.** Criminal cases shall be set for trial at the time of arraignment, or entry of plea, by the judge hearing such matters.

[Amended effective September 1, 1997]

## RULE 3.4 PRESENCE OF DEFENDANT

**(a) Required-Exception.** Unless otherwise ordered by the court the presence of the defendant shall be required at all proceedings, including omnibus hearing.

**(d) Record.** In any hearing where the defendant is in custody in the Snohomish County Jail and no sworn testimony is to be taken, including but not limited to preliminary appearance, arraignment, re-arraignment, bail review, trial setting or continuance, and/or extradition waiver, the court may in its discretion conduct such hearing with the defendant present in person or by electronic audio-visual device, and may make an electronic, mechanical, or shorthand record thereof in accordance with CR 80.

[Amended effective October 1, 1990.]

## 4. PROCEDURES PRIOR TO TRIAL

## RULE 4.5 OMNIBUS HEARING

**(a) Omnibus Calendar.** The Omnibus Calendar shall be heard at the time indicated for such as set forth in an administrative order of the court, and in such courtroom as may be posted.

**(d) Criminal Motion Calendar.** Motions to suppress, Rule 3.5 hearings, and similar matters, shall be heard at the time indicated for such as set forth in an administrative order of the court and may be assigned to Trial Departments as may appear appropriate to the judge. Matters in criminal cases requiring disposition other than on the regular Arraignment, Omnibus or Criminal Motion Calendars, shall be presented to the Criminal Motions Judge, except for motions for preassignment which shall be presented to the Presiding Judge. Criminal motions requiring more than five minutes to be heard shall be confirmed by 12:30 p.m. one day prior to the hearing with the law clerk for the assigned criminal hearings judge. The moving party must notify the court as soon as possible when a confirmed matter is stricken or continued. Failure to do so may result in the imposition of sanctions or terms. The moving party's motion and brief, if any, must be filed with the court clerk and a copy served on the judge hearing the matter and opposing counsel at least six court days before the hearing. Responding documents and briefs, if any, must be filed with the court clerk, and a copy served on the judge hearing the matter and the moving party at least two court days before the hearing. Reply documents must be filed and served no later than 12 noon of the court day prior to the hearing.

[September 1, 1998; amended emergency effective April 4, 2011; amended September 1, 2011]

## 5. VENUE [RESERVED]

## 6. PROCEDURES AT TRIAL

### RULE 6.12 WITNESSES

**(f) Not Offered Exhibits.** All exhibits marked but not offered at trial shall be subject to the same retention requirements as those admitted or rejected.

## 7. PROCEDURES FOLLOWING CONVICTION

## RULE 7.1 PROCEDURES BEFORE SENTENCING

**(e) Sealing of Records.** No sentencing records or reports will be sealed except by order of the court pursuant to the procedures set forth in GR 15.

[Amended effective September 1, 2000]

## 8. MISCELLANEOUS

[RESERVED]

## **PART VII. MENTAL PROCEEDINGS RULES (SCLMPR) [RESERVED]**

## **PART VIII. JUVENILE COURT RULES (SCLJuCR)**

### TITLE 1. SCOPE AND APPLICATION OF RULES

#### RULE 1.4 APPLICABILITY OF OTHER RULES

**(a) Civil Rules.** The computation of any period of time prescribed or allowed by these rules shall be as set forth in CR 6.

[Adopted effective September 1, 1992.]

### TITLE 2. SHELTER CARE PROCEEDINGS [RESERVED]

## TITLE 3. DEPENDENCY PROCEEDINGS

### RULE 3.4 NOTICE AND SUMMONS-SCHEDULING OF FACTFINDING HEARING [RESCINDED]

[Adopted effective September 1, 1992; rescinded effective September 1, 1993.]

### RULE 3.6 ANSWER TO PETITION

(a) A written answer to a petition shall be made by each party and shall be filed and served on counsel and parties without counsel no later than 7 days before the preliminary hearing.

[Adopted effective September 1, 1992.]

### RULE 3.6A PRELIMINARY HEARINGS

(a) In every matter set for a dependency, guardianship, or termination fact-finding hearing, a preliminary hearing shall first be had to resolve all undisputed facts and to consider matters of law. An estimate of the length of fact-finding hearing shall be made to determine whether the hearing should be rescheduled.

(b) Preliminary hearings shall be set at least 14 days prior to the date of the fact-finding hearing.

(c) Any party not appearing at the preliminary hearing in person or by counsel, after proper notice, may be adjudged in default.

(d) Written court reports setting forth the dispositional plan shall be prepared by the agency having or requesting custody and shall be filed and served on all counsel and parties without counsel 7 days prior to the preliminary hearing.

[Adopted effective September 1, 1992.]

## RULE 3.6B ALTERNATIVE DISPUTE RESOLUTION (ADR) PROCEDURE

**(a) ADR Procedure.** Any time after filing of an answer/response to a petition for dependency or to a petition for termination of parental rights, the dispute resolution process may be initiated by agreement of the parties or by court order. The alternative dispute resolution process "ADR" includes judicial assisted settlement conferences, non-judicial settlement conferences, mediation or formal family conferencing through the DSHS family group conferencing program.

**(b) Statement of Issues.** The parties to ADR shall provide to the court, mediator or facilitator and to each other a statement of the relief each party seeks and a statement of the issues each party want addressed and/or resolved. In a dependency "non-termination matter" this statement may take the form of a proposed order of individual service plan. All parties shall provide the statement of relief and issues at least five days prior to the ADR schedule or by agreement.

**(c) Confidentiality.** Alternative dispute resolution proceedings held pursuant to this rule shall be held in private and shall be confidential. Any person serving as a mediator shall sign a statement of familiarity with applicable statutory confidentiality provisions regarding dependency and termination matters and agreeing to be bound by such provisions.

[Adopted effective September 1, 1998.]

## RULE 3.9 DEPENDENCY REVIEW HEARINGS

**(a) Dependency Review Reports.** A written review report shall be prepared by the supervising agency which shall be filed and served on all counsel and unrepresented parties not less than 14 calendar days prior to any 6-month review or permanency planning hearings. Responsive documents shall be filed and served on said parties and counsel not less than 7 calendar days prior to any 6-month review or permanency planning hearing. Reply documents, if any, shall be filed and served on said parties and counsel not later than noon 2 court days prior to any 6-month or permanency planning hearing. Courtesy copies of all dependency review reports, responsive and reply documents shall be provided to the assigned judge at the time of filing with the court. The supervising agency shall mail a copy of the written review report to any represented party at the time it is filed with the court.

**(b) Non-contested Calendar.** All dependency reviews not being heard by the Foster Care Citizen Review Board shall be set for hearing on the non-contested calendar to be heard between 5 and 6 months after the beginning of the placement episode or entry of the order of dependency, whichever occurs first; and thereafter between 5 and 6 months after entry of the previous review order. The initial review hearing shall be an in-court review and shall be set 6 months from the beginning date of the placement episode or no more than 90 days from the entry of the disposition order, whichever comes first. A dependency review hearing order consistent with the agency court report may enter at the hearing, subject to court review.

**(c) Contested Calendar.**

i. If a party wishes a contested review hearing, he or she shall obtain a date from the clerk's office and serve a Notice of Contested Hearing on counsel and unrepresented parties at least 1 court day prior to the non-contested calendar date.

ii. The contested hearing date shall be at least 7 days later than the non-contested hearing date, but less than 6 months from the date of the prior review hearing.

iii. If the contested hearing is set for a time beyond the normal review period an order maintaining the status quo will be entered pending the contested hearing.

iv. The Notice of Contested Hearing shall contain the hearing date obtained from the clerk's office, the issues that are contested, and the estimated length of time needed for the hearing. The notice of contested hearing shall be accompanied by documents in support of the issue.

v. The court may set a case on the contested calendar with notice to all parties accompanied by a statement of the reasons for such action.

vi. Failure to timely note a contested review may result in entry of a dependency review hearing order on the non-contested calendar consistent with the agency's court report.

vii. Inability to contact one's client will not be deemed a basis to transfer a matter to a contested calendar. If desired, counsel can file a written statement as to non-contact as a basis for non-agreement, but the matter will be deemed non-contested.



**(d) Permanency Planning Hearing.** In all cases where a child has been placed in substitute care for at least 9 months and an adoption decree, guardianship order, or permanent custody order has not previously been entered, a permanency planning hearing shall be set on the "Permanency Planning Review" calendar no later than 12 months following commencement of the placement episode. Additional permanency planning hearings shall be held at 11 month intervals thereafter for so long as the child remains in substitute care. After receipt of the agency's court report, if a party or GAL contest any issue, they must file and serve on all counsel and unrepresented parties a Notice of Contested Issues no later than 7 calendar days before the hearing. The Notice of Contested Issues shall be accompanied by documents in support of the issue. Any reply documents must be filed and served on all counsel and unrepresented parties not later than noon 2 court days before the contested hearing. Courtesy copies of the Notice of Contested Issues and all reply documents shall be provided to the assigned judge at the time of filing with the court.

**(e) Motions.** Any party may note a motion for hearing on a regularly scheduled contested review calendar. A party wishing to note a motion for hearing shall obtain a date from the clerk's office and shall file and serve the motion, a calendar note, and all supporting documents to all counsel and unrepresented parties at least 6 court days prior to the date set for the hearing. Any reply documents must be filed and served on all counsel and unrepresented parties not later than noon 2 court days before the contested hearing. Courtesy copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court. Special settings shall be made only with the permission of the assigned judge. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 7 for civil motions.

[Adopted effective September 1, 1992; Amended effective September 1, 2000; Amended effective December 12, 2007]

## RULE 3.12. UNIFIED FAMILY COURT

**(a) Purpose of the UFC:** The purpose of the Unified Family Court is to promote effective judicial management over cases involving dependent children and their applicable family law case. UFC provides facilitation and case management promoting prompt and informed resolution of the family law matter.

**(b) UFC Case Manager.** The role of the case manager is to provide coordination for the cases. The case manager summarizes the current family law case for the judge, makes recommendations as to the family law actions needed for the dismissal of the dependency, circulates proposed orders, and tracks cases

for timeliness. All information summaries provided to the court shall also be provided to all parties.

**(c) Referrals to UFC.** (1) Referrals for UFC case management may be made by any judicial officer, the parties or attorneys, Court Appointed Special Advocates, and the Department of Social and Health Services (DSHS). A party referring a matter to UFC shall set it on a UFC Preliminary Hearing calendar and provide notice to all parties to the dependency. (2) A referral shall be made to UFC when a dependent child is returned to a parent. The party filing the order to return a child to a parent shall at the same time, file and circulate to all parties an Order Setting Unified Family Court Preliminary Hearing setting the case onto the UFC Preliminary Calendar. (3) The court, upon its own motion, may set any case on the UFC Preliminary Calendar or for a UFC initial hearing.

**(d) UFC Preliminary Calendar.** The case manager will circulate a proposed Preliminary Hearing Order indicating the family law status and proposed action electronically. The order will enter *ex parte* on the morning of the hearing and will be presumed agreed unless formal objection is noted. Parties can contest this order by noting their objection and serving all parties the Friday prior to the hearing. If the proposed Preliminary Hearing Order is contested, the parties shall attend the preliminary hearing for argument. If a case is accepted for UFC case management, the dependency case and all related family law cases concerning the family and the children, will be transferred to UFC and managed together as a case group by the judge assigned to hear the underlying dependency matter. When a case is transferred to UFC, the court shall enter an order transferring limited jurisdiction and linking the family law and dependency cases.

**(e) Planning Conference.** A planning conference is set in the UFC preliminary order when appropriate. At the planning conference the family may meet with a family law facilitator for assistance. Families that do not appear for this assistance will be expected to obtain their own assistance and complete necessary family law filings prior to the date set by the court. Social workers and guardians ad litem should attend the planning conference to give input into the parenting plan.

**(f) Motions.** Motions in a UFC case shall be scheduled and heard on the assigned judge's UFC calendar. Motions in the family law action shall comply with local rule SCLR 6(d)(2).

**(g) Concurrent Hearings.** If available, the UFC Case Manager shall electronically circulate courtesy copies of relevant family law documents to the dependency parties for their input as to the safety of the child. Parties to the dependency objecting to dismissal of the dependency because the family law orders will not adequately protect the child shall note their objection 6 court days prior to the hearing.

**(h) Nonparental custody actions.** If the court has adopted a permanent plan of nonparental custody as an option and has entered a transfer of limited jurisdiction, the parties may contact the case manager for further assistance on the case or may proceed without such assistance. All hearings in such cases shall be scheduled on the unified family court calendar for the judge assigned to the related dependency action.

**(i) Trials.** UFC Cases that need to be set for trial at the main courthouse will be set through the case manager to ensure expedited setting. Trials to be set at juvenile court will be set by the assigned dependency judge. All family law rules pertaining to trial apply to the parties.

[Adopted September 1, 2012]

## TITLE 4. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

### RULE 4.2 PLEADINGS

**(c) Answer.** A party shall answer a petition for termination as provided in SCLRJuCR 3.6 and 3.6(a) for answering a dependency petition.

[Adopted effective September 1, 1999.]

## TITLE 5. PROCEEDINGS FOR ALTERNATIVE RESIDENTIAL PLACEMENT [RESERVED]

[Amended effective September 1, 1993; rescinded effective September 1, 1997.]

## TITLE 6. JUVENILE OFFENSE PROCEEDINGS - DIVERSION AGREEMENTS [RESERVED]

## TITLE 7. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

### RULE 7.12 DISPOSITION HEARING

**(g) Disposition Order.** At or after a disposition hearing, a written Disposition Order shall be signed by the judge. Unless otherwise specifically provided for in said Order, the probation counselor is authorized to thereafter

fix and establish the amount of restitution and a schedule for the payment of any fines, restitution, court costs or attorney's fees, or the performance of any community service. Once such schedule is proposed in writing by the probation counselor and a copy given to the defendant, such shall be deemed to be incorporated into and a part of the Disposition Order, unless a written request for judicial review is filed within ten (10) days. Thereafter, any failure to comply with said schedule shall be deemed a violation of the Disposition Order

**(h) Fingerprints; When Required.** Unless otherwise ordered by the court, the fingerprints of a juvenile adjudged to have committed an offense which would be a felony if committed by an adult, shall be affixed to such Disposition Order in the form and manner authorized by R.C.W. 10.64.110.

## TITLE 8. DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER [RESERVED]

## TITLE 9. RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS [RESERVED]

### RULE 9.4 GAL/CASA Grievance Procedures

**(a) Scope.** This rule governs grievance procedures for volunteer guardian ad litem (VGAL/CASA) appointed pursuant to RCW 13.34.100, which are beyond the scope of RCW 13.34.100 (8) or RCW 13.34.102 (2) (c).

**(b) Filing a Grievance.** A person with a grievance or complaint beyond the scope of RCW 13.34.100 (8) or RCW 13.34.102 (2) (c) shall file a written complaint or grievance with the Juvenile Court Community Services supervisor.

**(c) Investigating Grievances or Complaints.**

(1) The Juvenile Court community services supervisor shall investigate the complaint or grievance and make an initial determination as to whether the complaint or grievance has potential merit.

(2) If the grievance or complaint is determined not to have potential merit, the grievance or complaint shall not be further reviewed and the complainant shall be so notified.

**(d) Determination as to Potential Merit.** In determining potential merit of the grievance or complaint, the community services supervisor shall determine whether a complaint or grievance against a VGAL alleges:

- 1) Violation of a code of conduct;
- 2) Misrepresentation of qualifications to serve as a VGAL;
- 3) A breach of confidentiality of the parties;
- 4) Falsified information in a report or testimony to the court;
- 5) Gross negligence or recklessness in the preparation of a report to the court;
- 6) Failure to report child abuse, when required;
- 7) Violation of state or local laws or court rules;
- 8) Ex-parte communication with a judicial officer;
- 9) An actual or apparent conflict of interest or impropriety in the performance of VGAL responsibilities;
- 10) A lack of independence, objectivity, and the appearance of fairness in dealings with parties and professionals; and/or
- 11) Any other actions or failure to take action, which would reasonably place the suitability of the person to serve as a Volunteer Guardian Ad Litem in question.

**(e) Notification.** If the grievance or complaint is found to have potential merit, the GAL or appropriate party shall be notified in writing of the grievance or complaint. A copy of the grievance or complaint shall be provided to the VGAL or appropriate party. A written response shall be requested, to be received by the court within 10 business days of the date of the written notice.

**(f) Review of Complaint or Grievance.** Any complaints or grievances found to have potential merit shall be reviewed by the assistant administrator for Juvenile Court. The VGAL, complainant, and any relevant party named in the complaint shall be entitled to respond to the assistant administrator for Juvenile Court to present their position regarding the issues raised in the complaint. Upon receipt of a written response to a grievance or complaint, the assistant administrator shall issue a written determination making findings on the issues in the complaint or grievance.

**(g) Time to Resolution.**

(1) If the grievance or complaint relates to a pending case then it shall be resolved within 25 days of the receipt of the complaint

(2) If the grievance or complaint is made subsequent to the conclusion of a case, it shall be resolved within 60 days of the receipt of the complaint.

**(h) Remedies/Sanctions.** The assistant administrator for Juvenile Court may refer the VGAL for additional training, issue a written admonition, issue a written reprimand, suspend or remove the VGAL from the program, or impose other appropriate sanctions based on the findings. During the pendency of this process, the VGAL may continue on other appointed cases or continue to receive appointments unless otherwise specifically provided by the assistant administrator for Juvenile Court. The assistant administrator may impose an interim suspension during this process. In determining sanctions, any prior complaints or grievances which resulted in sanctions under this rule, RCW 13.34.100 (8), or RCW 13.34.102 (2) (c) or the lack of the same and any mitigating or aggravating factors found shall be considered.

**(i) Confidentiality.** The complaint, investigation, and any initial report shall be confidential until a finding of potential merit.

**(j) Finality of Disposition.** All resolutions to complaints or grievances by the assistant administrator for Juvenile Court shall be final and not subject to further appeal, except removal of a VGAL from the program.

**(k) Appeal.**

(1) A VGAL who has been removed from the program may appeal to the administrator for Superior and Juvenile Court.

(2) A VGAL shall notify the administrator in writing of such appeal within ten (10) days of receipt of a written notice of removal from the program. A notice of appeal shall clearly state the basis for appeal. The administrator for Superior and Juvenile Court, the Presiding Judge and the chair of the judges Juvenile Court Committee shall jointly make a determination on appeals under this rule.

**(l) Notification.** The complainant, the VGAL, and any person named in the complaint over which the court has authority shall be notified in writing of the determination on appeal and any sanctions imposed.

**(m) Record.** The court shall maintain a record of complaints or grievances filed under this rule or under RCW 13.34.100 (8) or RCW 13.34.102 (2) (c) and the disposition of those complaints or grievances.

[Adopted effective September 1, 2005.]

## TITLE 10. JUVENILE COURT RECORDS

### RULE 10.7 SEALING JUVENILE COURT RECORDS

The right to request and obtain an order sealing and/or destroying records in the manner set forth in R.C.W. 13.50.150 shall be extended to those youth who have signed Diversion Agreements to the extent practicable in light of the Juvenile Court's limited involvement with the diversion process.

## TITLE 11. SUPPLEMENTAL PROVISIONS

### RULE 11.3 PRE-TRIAL CONFERENCE

**(a) How Initiated.** If it appears that in any hearing scheduled pursuant to the provisions of R.C.W. 13.04 through 13.40, inclusive, there are disputed issues of law or fact, the court may upon the ex parte motion of any party, or upon its own motion, order that a pre-trial conference be held as hereinafter provided.

**(b) How Conducted.** The attorney personally in charge of each party's case, or the party pro se, and guardian ad litem, if any, shall personally attend all pre-trial conferences, and shall come prepared to discuss in detail and in good faith, and to settle such matters as may aid in the disposition of the action, including, but not limited to the following:

1. An exchange of the names and addresses of prospective witnesses and the substance of their testimony;
2. Admit undisputed facts or legal principles and identify all disputed facts and legal principles;

3. Waive requirements for formal proof of documents and exhibits and submit intended exhibits so that they may be marked and listed in advance by the clerk; and

4. Determine if a written report of any witness shall be admitted in evidence by agreement of the parties or in the manner provided in CrR 6.13.

**(c) Presence of Parties.** All parties represented by counsel, parties pro se, and guardians ad litem, shall be present and readily available during the conference. If counsel cannot agree, the judge shall decide whether the parties are to be present in the conference room.

**(d) Presence of Judge.** The judge shall not be present during the conference, though the judge may attend if requested by any or all parties.

**(e) Pre-trial Order.** At the conclusion of the conference, counsel shall prepare a pre-trial order setting forth the disputed and undisputed facts and legal principles. At their option they may make such order on the record using Juvenile Court recording equipment if such is available.

## **PART IX. RULES OF APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (SCLRALJ)**

### **TITLE 1. SCOPE AND PURPOSE OF RULES[RESERVED]**

### **TITLE 2. INITIATING AN APPEAL**

#### **RULE 2.6 CONTENT OF NOTICE OF APPEAL**

**(a) Content of Notice of Appeal Generally.** The Notice of Appeal shall include a statement of the errors the appellant claims were made by the court of limited jurisdiction and must identify the locations and ending numerical count from the recording log. Respondent's brief must identify, in like manner,



the portions of the record requested to be considered by the court. Identification of the entire record or tape of proceedings will not be acceptable or considered unless a motion to prepare and file transcript is timely granted as hereinafter provided.

## TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT

### RULE 3.1 NOTICE OF HEARING AND ASSIGNMENT

**(a) Notice; Hearing; Action That May Be Taken.** After an appeal has been filed, the clerk shall note the case on the Wednesday 10:30 Criminal Hearings Calendar which follows a date eighty-five (85) days thereafter, and if a court holiday, the next judicial day. There shall be no continuances without court order. Notice of hearing shall be mailed to each party or counsel of record and shall notify them that at such hearing the following action may be taken:

1. If appellant's brief has not been timely filed, the appeal may be dismissed on either respondent's or the court's motion;
2. If respondent's brief has not been timely filed, the relief sought by the appeal may be granted on appellant's or the court's motion; or
3. The matter will be assigned to a trial department for hearing on a date certain and the parties so notified.

This procedure shall be followed in both civil and criminal matters.

**(b)** If, two days prior to the hearing above scheduled, all parties notify the Law Clerk and certify in writing that the briefs are filed and the matter is ready for hearing, then the presence of the parties or counsel at the hearing is not required.

[Amended effective September 1, 1997, amended effective September 1, 2011]

## TITLE 4. AUTHORITY OF COURT OF LIMITED JURISDICTION AND OF SUPERIOR COURT PENDING APPEAL-STAYS

### RULE 4.1 AUTHORITY OF COURTS PENDING APPEAL

**(a) Motions Made in Superior Court Prior to Assignment for Trial.** All motions made prior to assignment to a trial department shall be brought on the Civil Motion Calendar.

[Amended effective September 1, 1997.]

## TITLE 5. RECORDING PROCEEDINGS IN COURT OF LIMITED JURISDICTION [RESERVED]

### TITLE 6. RECORD ON APPEAL

#### RULE 6.3A TRANSCRIPT OF ELECTRONIC RECORD

**(h) Transcript Required.**

(1) Exceptions. By order of the Superior Court no transcript of the electronic proceeding shall be required unless:

1. The appellant shall serve and file, together with the notice of appeal, a motion to prepare and file transcript;
2. Another party serves and files such motion within ten (10) days of the service upon such party of the notice of appeal; or
3. The party filing and serving such motion notes the same for argument within ten (10) days thereafter.

(2) Contents of Order. The order granting any such motion will:

1. State what the transcript shall contain;
2. State the time when it shall be served and filed; and
3. State who shall provide the transcript.

## TITLE 7. BRIEFS [RESERVED]

## TITLE 8. ORAL ARGUMENT [RESERVED]

## TITLE 9. SUPERIOR COURT DECISION AND PROCEDURE AFTER DECISION

### RULE 9.1 BASIS FOR DECISION ON APPEAL

**(f) Form of Decision.** At the time of oral argument both parties must submit proposed written decisions containing the reasons therefore, supporting their respective positions, and allowing adequate space for interlineations or additions, for immediate entry.

## TITLE 10. VIOLATION OF RULES - SANCTIONS AND DISMISSAL [RESERVED]

## TITLE 11. SUPPLEMENTAL PROVISIONS [RESERVED]

## **PART X. GUARDIAN AD LITEM RULES (SCLGAR)**

## **RULE 1. APPLICABILITY**

These rules for guardians ad litem shall be referred to as SCLGALR. These rules apply to guardians ad litem appointed by the court pursuant to Title 11, attorney guardians ad litem appointed by the court pursuant to Title 13 and guardians ad litem appointed by the court pursuant to Title 26 RCW, and to guardians ad litem appointed pursuant to Special Proceeding Rule (SPR) 98.16W, RCW 4.08.050 and RCW 4.08.060.

These rules do not apply to guardians ad litem or Special Representatives appointed pursuant Chapter 11.96A RCW; Volunteer Guardians ad Litem (VGAL) (CASA) in RCW Title 13 cases, with respect to whom other grievance procedures apply; persons appointed to serve as Custodians for Minors pursuant to Chapter 11.114 RCW, or guardians ad litem to hold funds for incapacitated persons under Title 11 RCW.

Complaints by guardians ad litem or by other persons against guardians ad litem (also referred to as "grievances") covered by this local court rule shall be administered under this local court rule.

## **RULE 2. DUTIES OF THE GUARDIAN AD LITEM**

In addition to compliance with GALR 2 (General Responsibilities of Guardian ad Litem, a guardian ad litem (GAL) shall comply with the court's instructions as set out in the order appointing a guardian ad litem, and shall not provide or require services beyond the scope of the court's instructions unless by motion and on adequate notice to the parties, a guardian ad litem obtains additional instruction, clarification or expansion of the scope of such appointment. An attorney guardian ad litem may assist unrepresented parties with the preparation of final documents in a case for which they were appointed. Non-attorney guardians ad litem may submit a proposed Parenting Plan for the convenience of the court.

## **RULE 3. ROLES AND RESPONSIBILITIES OF ATTORNEY GUARDIAN AD LITEM IN TITLE 13 RCW JUVENILE COURT PROCEEDINGS**

Attorneys appointed as attorney guardians ad litem (AGALS) pursuant to Title 13 RCW in Juvenile Court proceedings shall comply with the terms and conditions for appointment to the AGAL registry as established by the Juvenile Court Committee of the Superior/Juvenile Court. The qualifications and processes for application, selection, education, compensation and retention of

AGALs shall be as set forth in policies adopted by the court. These policies may be obtained by contacting the Programs Manager at Juvenile Court.

## RULE 4. AUTHORITY OF GUARDIAN AD LITEM

**(a) Proposed.** [Reserved.]

## RULE 5. REGISTRIES

The court shall establish registries for the appointment of guardians ad litem for whom this Rule applies. Absent a finding of good cause the court shall appoint from the registry. The qualifications and processes for application, selection, education, compensation, and retention for guardians ad litem on each of the registries shall be as set forth in administrative policies adopted by the court. These administrative policies may be obtained by contacting the Superior Court Program Administrator.

## RULE 6. LIMITED APPOINTMENTS

**(a) Proposed.** [Reserved.]

## RULE 7. GRIEVANCE PROCEDURES

### **(a) Filing a Grievance.**

A person with a grievance or complaint against a Guardian Ad Litem (GAL) under RCW Title 26 or RCW Title 4 or an Attorney Guardian Ad Litem (AGAL) appointed pursuant to RCW Title 13 or a GAL or AGAL with a grievance or complaint shall file the complaint with the Superior Court Program Administrator. (See Rule 7.2 for complaint against a Non Professional Guardian or Certified Professional Guardian under RCW 11.88).

### **(b) Processing Grievances or Complaints.**

(1) All complaints must be in writing directed to the attention of the Programs Administrator. Upon receipt of such a complaint, the Programs Administrator shall immediately deliver the complaint to the Chair of the Superior Court GAL Committee or the Presiding Judge in the absence of GAL Committee Chair.

(2) The GAL Committee Chair or Presiding Judge shall cause the complaint or grievance to be investigated and make an initial determination as to whether the complaint or grievance has potential merit. If the grievance or complaint is determined not to have potential merit, the grievance or complaint shall not be further reviewed and the complainant shall be so notified.

(3) If the grievance or complaint is found to have potential merit, the grievance or complaint shall be referred to the Superior Court GAL Committee for resolution.

(4) Any conduct of a GAL or AGAL pertaining to his/her performance of duties in a specific case, during the pendency of that case, which does not implicate the suitability of the person to continue to serve as a GAL/AGAL or involve a violation of the GAL or AGAL Rules or Code of Conduct, shall be addressed by a judicial officer in hearings in that specific case.

**(c) Determination as to Potential Merit.**

In determining potential merit of the grievance or complaint, the GAL Committee Chair or Presiding Judge shall determine whether a complaint or grievance against a GAL or AGAL alleges:

- 1) Violation of a code of conduct;
- 2) Misrepresentation of qualifications to serve as a GAL or AGAL;
- 3) A breach of confidentiality of the parties;
- 4) Falsified information in a report or testimony to the court;
- 5) Gross negligence or recklessness in the preparation of a report to the court;

- 6) Failure to report child abuse, when required;
- 7) Violation of state or local laws or court rules;
- 8) Ex-parte communication with a judicial officer;
- 9) An actual or apparent conflict of interest or impropriety in the performance of GAL or AGAL responsibilities;
- 10) A lack of independence, objectivity, and the appearance of fairness in dealings with parties and professionals; and/or
- 11) Any other actions or failure to take action, which would reasonably question the suitability of the person to serve as a GAL or AGAL.

If the complaint does not allege any of these factors, the matter shall be closed.

**(d) Notification.**

If the grievance or complaint is found to have potential merit, the GAL/AGAL or appropriate party shall be notified in writing of the grievance or complaint. A copy of the grievance or complaint shall be provided to the GAL/AGAL or appropriate party. A written response shall be requested, to be received by the court within 10 business days of the date of the written notice.

**(e) GAL Committee Review.**

The GAL/AGAL, Complainant, and any relevant party named in the complaint shall be entitled to respond to the GAL Committee to present their position regarding the issues raised in the complaint. All such responses must be filed within ten (10) days of the responding individual's notification of the complaint. The Committee shall issue a written determination making a finding on the issues in the complaint or grievance within the timeframes listed in section (f). If a case in which a complaint or grievance is made is pending before a judicial officer serving on the GAL Committee, that judicial officer shall be deemed recused. The judicial officer shall not be informed as to the content of the complaint. In such cases, the

Presiding Judge shall appoint another judicial officer to serve on the GAL Committee for the resolution of that specific case.

**(f) Time to Resolution.**

(1) If the grievance or complaint relates to a pending case then it shall be resolved within 25 days of the receipt of the complaint.

(2) If the grievance or complaint is made subsequent to the conclusion of a case, it shall be resolved within 60 days of receipt.

**(g) Remedies/Sanctions.**

If the complaint is sustained, the GAL Committee may issue a written admonition, a written reprimand, refer the GAL/AGAL to additional training, suspend or remove the GAL/AGAL from the registry, or impose other appropriate sanctions based on the committee's findings. A suspension or removal may apply to each registry on which the GAL/AGAL is listed, at the discretion of the GAL Committee. During the pendency of the complaint process, a GAL/AGAL may continue to receive appointments and shall continue to serve in appointed cases, unless otherwise specifically prohibited by the GAL Committee. The GAL Committee may impose an interim suspension during this process. In its determination of sanctions, the GAL Committee shall take into consideration any prior complaints or grievances which resulted in sanctions authorized by this rule or the lack of same and any mitigating or aggravating factors found by the Committee.

**(h) Confidentiality.**

The complaint, investigation, and any initial report shall be confidential until a finding of potential merit.

**(i) Finality of disposition.**

All resolutions of complaints or grievances by the GAL Committee shall be final and not subject to further appeal. An action to remove a GAL/AGAL from a registry may follow the entry of a final disposition.

**(j) Appeal.**

(1) A GAL/AGAL who has been removed from a registry may appeal to the Superior Court bench.

(2) A GAL/AGAL shall notify the Presiding Judge in writing of such appeal within ten (10) days of receipt of a written notice of removal from a registry. The notice of appeal shall clearly state the basis for the appeal.

(3) The Superior Court bench shall consider the written material considered by the GAL Committee and any written communication from the GAL/AGAL relevant to the issues considered by the GAL Committee. Neither the GAL/AGAL nor any complainant may personally appear to argue issues to be considered by the Superior Court bench on such appeal. The Presiding Judge shall respond to the appeal in writing, on behalf of the Superior Court Bench.

**(k) Notification.**

The complainant, the GAL/AGAL, and any person named in the complaint over which the Committee has authority shall be notified in writing of the GAL Committee determination and any sanctions imposed. Upon the removal of a GAL from the GAL registry pursuant to the disposition of a grievance, the court shall promptly send notice of the removal to the AOC. Upon removal of an AGAL from

the AGAL registry, the court shall promptly send notice of the removal to the Juvenile Court Program Manager.

**(I) Record.**

The court shall maintain a record of complaints or grievances filed and of the disposition of those complaints or grievances.

[Adopted effective September 1, 2004; amended effective April 13, 2005; amended effective February 13, 2008; amended effective September 1, 2012.]