LOCAL COURT RULES FOR SNOHOMISH COUNTY

Effective September 1, 1989

Including Amendments Effective

September 1, 2019

TABLE OF RULES

PART I. ADMINISTRATIVE RULES (SCLAR)

RULE 0.01 Citation-Scope
RULE 0.02 Organization of the Court
- (a) Departments
- (b) Commissioners and Clerks
- (c) Disqualification of Judge
- (d) Judges Pro Tem
- (e) Order in the Court-Arms-Recording Devices
- (f) Appearances-Business by Mail or Messenger
- (g) Preassignments

RULE 0.03 Court Administration
RULE 0.04 Pilot Projects
RULE 0.05 Presiding Judge
- (a) Election and Term
- (b) Assistant Presiding Judge
- (c) Duties
- (d) Vacancies
- (e) Committees

RULE 0.06 Court Records

PART II. GENERAL RULES (SCLGR)

Rule 15 – Sealing and Redaction of Court Records

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

RULE 6. Time

III. PLEADINGS AND MOTIONS (RULES 7-16)

RULE 7. Pleadings Allowed; Form of Motions
- (b) Motions and Other Papers

RULE 9. Torrent Act Petitions
RULE 10. Form of Pleadings and Other Papers
RULE 11. Signing of Pleadings
- (a) Address of Party Appearing Pro Se
- (b) Notice of Rule Requirements

RULE 15. Amended and Supplemental Pleadings

(e) Interlineations
RULE 16. Status Conferences [Deleted]

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

V. DEPOSITIONS AND DISCOVERY (RULES 26-37)

RULE 26. General Provisions Governing Discovery
(k) Completion of Discovery

RULE 37. Failure to Make Discovery: Sanctions [Deleted]

VI. TRIALS (RULES 38-53.2)

RULE 38. Jury Trial of Right
(b) Demand for Jury
RULE 39 Trial by Jury or by the Court [Deleted]
RULE 40. Assignment of Cases; Setting of Trials-Filing of Pleadings-Time of Trials-Continuances-Settlement
(b) Methods; Noting of Non-criminal Cases
(c) Trials
(g) Reduction or Waiver of Jury
(h) Reporting for Trial
(i) Civil Trials; Reporting Voir Dire and Closing Arguments
RULE 41. Dismissal of Actions
(g) Request for Inactive Case Status
RULE 43. Telephonic Testimony [Deleted]
RULE 47. Jurors [Deleted]
RULE 50. Motion for a Directed Verdict and for Judgment Notwithstanding Verdict or for New Trial [Deleted]
RULE 51. Instructions to Jury and Deliberations
(a) Proposed [Reserved]
(b) Submission
RULE 52. Decisions, Findings and Conclusions

VII. JUDGMENT (RULES 54-63)

RULE 54. Judgments and Costs
(g) Interlineations
RULE 55. Default Judgments and Decrees; Except for Dissolutions [Deleted]
RULE 56. Summary Judgment
(c) Motion and Proceedings
(d) Time of Hearing
RULE 58. Entry of Judgment
(a) When
(b) Effective Time
RULE 59. New Trial, Reconsideration and Amendment of Judgments; Post-Trial Motions
(e) Hearing on Motion

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

RULE 65. Injunctions [Deleted]

RULE 69. Execution
(b) Supplemental Proceedings

IX. APPEALS (RULES 72-76) [Reserved]

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

RULE 77. Superior Courts and Judicial Officers
(f) Sessions
RULE 79. Books and Records Kept by the Clerk
(d) Other Books and Records of Clerk
(e) Destruction of Records-Reproduction of Records

XI. GENERAL PROVISIONS (RULES 81-86)

RULE 84. Forms [Deleted]

PART IV. MANDATORY ARBITRATION RULES (SCLMAR)

1. SCOPE AND PURPOSE OF RULES

RULE 1.1 Application of Rules
(a) Purpose
(b) "Director" Defined
RULE 1.2 Matters Subject to Arbitration
RULE 1.3 Relationship to Superior Court Jurisdiction and Other Rules-Motions [Deleted]

2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

RULE 2.1 Transfer to Arbitration
(a) Time of Transfer
(b) Note for Trial Setting and Initial Statement of Arbitrability
(c) Response to an Initial Statement of Arbitrability
(d) Failure to File Amendments
(e) By Stipulation
(f) Jury Demand
(g) Trial Calendar
RULE 2.2 Court May Determine Arbitrability
(a) Motions; How made
(b) Determination of Non-arbitrability
(c) Determination of Arbitrability
RULE 2.3 Assignment of Arbitrator
(a) Generally; Stipulations
(b) Response by Parties
(c) Response by Only One (1) Party
(d) No Response
(e) Additional Arbitrators for Additional Parties

3. ARBITRATORS

RULE 3.1 Qualifications
(a) Minimum Qualifications
(b) Arbitration Panel

(c) Refusal-Disqualification
RULE 3.2 Authority of Arbitrators

4. PROCEDURE AFTER ASSIGNMENT

RULE 4.2 Discovery
(a) Discovery Pending at the Time Case Is Transferred to Arbitration
(b) Additional Discovery
(c) Admissibility of Discovery

5. HEARING

RULE 5.1 Notice of Hearing
(a) Notice of Hearing-Time and Place-Continuance
(b) Confirmation Settlement or Other Disposition
(c) Waiver of Hearing-Child Support Modification Matters
RULE 5.2 Prehearing Statement of Proof-Documents Filed With Court
RULE 5.3 Conduct of Hearing-Witnesses-Rules of Evidence
(f) Offers of Settlement
(g) Length of Hearing

6. AWARD

RULE 6.1 Form and Content of Award
(a) Form
(b) Content
(c) Return of Exhibits
RULE 6.2 Filing of Award
RULE 6.3 Judgment On Award
(a) Presentation

7. TRIAL DE NOVO

RULE 7.1 Request for Trial De Novo
(b) Calendar
RULE 7.2 Procedure at Trial
RULE 7.3 Costs and Attorney Fees

8. GENERAL PROVISIONS

RULE 8.1 Stipulations; Effect on Relief Granted
RULE 8.4 Title and Citation
RULE 8.6 Compensation of Arbitrator
(a) Generally
(b) Form
RULE 8.7 Administration
(a) Director

PART V. SPECIAL PROCEEDINGS RULES (SCLSPR)

RULE 93.04 Disposition of Reports-Adoptions
(a) Proceedings to Dispense With Consent
(b) Ex Parte; Other Than Final Decrees

(c) Testimony Required
(d) Placement and Post Placement Reports
(e) Stepparent Adoptions
(f) Release of Adoption Information
RULE 94.04 Family Law Proceedings
(a) Applicability of the Rule
(b) Court's Automatic Temporary Order Upon Filing of Certain Family Law Cases
(c) Family Law Proceedings - Courtroom Calendars and Procedures
(d) Child Custody or Parenting Plan Proceedings
(e) Petitioner and Respondent - Affidavits of Income
(f) Restraining Orders
(g) Modification Proceedings
(h) Alternative Dispute Resolution Required in Family Law – see (c)(3)
(i) Notice of Settlement
(j) Surrogacy Agreements
RULE 94.05 – Parentage Actions – Temporary Parenting Plans and Child Support Orders Converted to Permanent Orders – [Rescinded]
RULE 95.00 Extreme Risk Protection Order Proceedings
RULE 96.01 Civil Contempt Proceedings; Requirements
(a) Warnings; Failure to Appear
(b) Personal Service
(c) Arrest or Other Remedies Upon Failure to Appear
RULE 96.02 Change of Name Procedure [Rescinded]
RULE 98.04 Estates-Probate
(a) Ex Parte; Files Required
(b) Notice Required
(c) Testimony for Certain Proceedings Required
RULE 98.16 Estates-Guardianships-Settlement of Claims of Minors
(a) Appointment of Representation
(f) Guardianships
(g) Minor Settlements
(j) Control and Orders for Remaining Funds

PART VI. CRIMINAL RULES (SCLCrR)

1. SCOPE, PURPOSE AND CONSTRUCTION

RULE 1.1 Scope; Application of Civil Rules
RULE 1.2 Purpose and Construction

2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS

RULE 2.2 Warrant of Arrest and Summons
(b) Issuance of Summons

3. RIGHTS OF DEFENDANTS

RULE 3.1B Certificates of Compliance for Indigent Defendants
(c) Certificates
(d) All Notice of Appearance

RULE 3.2A Preliminary Appearance of Defendant
(a) Generally

RULE 3.3 Time for Trial
(c) Time for Arraignment and Trial
(b) Trial Settings/Confirmation Hearings
RULE 3.4 Presence of Defendant
(a) Required
(d) Record
RULE 3.7 Services Other Than a Lawyer
(f) Services Other Than a Lawyer

4. PROCEDURES PRIOR TO TRIAL

RULE 4.5 Omnibus Hearing
(a) Omnibus Calendar
(d) Criminal Motion Calendar

RULE 4.11 Mental Health Screening

5. VENUE [RESERVED]

6. PROCEDURES AT TRIAL

RULE 6.12 Witnesses
(f) Not Offered Exhibits

7. PROCEDURES FOLLOWING CONVICTION

RULE 7.1 Procedures Before Sentencing
(e) Sealing of Records
RULE 7.2 Sentencing; Conditions of Payment of Costs, Fees, Restitution and Fines [Repealed]

8. MISCELLANEOUS [RESERVED]

PART VII. MENTAL PROCEEDINGS RULES (SCLMPR)

RULE 1.1 Notice – General
RULE 2.4 Probable Cause Hearing

PART VIII. JUVENILE COURT RULES (SCLJuCR)

TITLE 1. SCOPE AND APPLICATION OF RULES

RULE 1.4 Applicability of Other Rules
(a) Civil Rules

TITLE 2. SHELTER CARE PROCEEDINGS [RESERVED]

TITLE 3. DEPENDENCY PROCEEDINGS

RULE 3.4 Notice and Summons-Scheduling of Factfinding Hearing [Rescinded]
RULE 3.6 Answer to Petition
RULE 3.6A Preliminary Hearings
RULE 3.6B Alternative Dispute Resolution (ADR) Procedure
(a) ADR Procedure

(b) Statement of Issues
(c) Confidentiality
RULE 3.9 Dependency Review Hearings
(a) Dependency Review Reports
(b) Non-contested Calendar
(c) Contested Calendar
(d) Permanency Planning Hearing

RULE 3.12 Unified Family Court
(a) Purpose of the UFC
(b) UFC Case Manager
(c) Referrals to UFC
(d) UFC Preliminary Calendar
(e) Planning Conference
(f) Motions
(g) Concurrent Holidays
(h) Non-parental custody actions
(i) Trials

TITLE 4. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP [RESERVED]

RULE 4.2 Pleadings
(c) Answer

TITLE 5. PROCEEDINGS FOR ALTERNATIVE RESIDENTIAL PLACEMENT [RESERVED]

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

TITLE 7. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

RULE 7.12 Disposition Hearing
(g) Disposition Order
(h) Fingerprints; When Required

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]

TITLE 10. JUVENILE COURT RECORDS

RULE 10.7 Sealing Juvenile Court Records

TITLE 11. SUPPLEMENTAL PROVISIONS

RULE 11.3 Pre-Trial Conference – [Rescinded]

RULE 11.4 VGAL/CASA Grievance Procedures

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

TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT

RULE 3.1 Notice of Hearing and Assignment
(a) Notice; Hearing; Action That May Be Taken

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

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

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) Forms of Decision

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

TITLE 11. SUPPLEMENTAL PROVISIONS [RESERVED]

PART X. GUARDIAN AD LITEM RULES (SCLGALR)

RULE 1. Applicability

RULE 2. Duties of the Guardian ad Litem

RULE 3. Roles and Responsibilities of Guardian ad Litem in Title 13 RCW Juvenile Court Proceedings

RULE 4. Authority of Guardian ad Litem
(a) Proposed. [Reserved.]

RULE 5. Registries

RULE 6. Limited Appointments

(a) Proposed. [Reserved.]

RULE 7. Grievance Procedures

****

BACK TO START OF TABLE OF RULES

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 following the first year of the term of the current Presiding Judge. Selection criteria will be in accord with those delineated in GR 29. The term of the Presiding Judge shall be three years and begin on January 1.

(b) Assistant Presiding Judge. The Assistant Presiding Judge shall serve as Acting Presiding Judge during the absence or upon request of the Presiding Judge. The immediate past Presiding Judge shall serve as Assistant Presiding Judge during year one of the current Presiding Judge's Term. The incoming Presiding Judge shall serve as Assistant Presiding Judge during years two and three of the current Presiding Judge's term.

(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; amended effective January 14, 2015; permanent effective September 1, 2015]

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)

RULE 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]

RULE 31.1. ACCESS TO ADMINSTRATIVE RECORDS

(i)Exemptions.

(6) Documents submitted to the Snohomish County Office of Public Defense or Superior Court related to an attorney's request for trial, adjudicatory hearing, or appellate court defense expert, investigator, or other services pursuant to SCLCrR 3.7, any report or findings submitted to the attorney, court, or Snohomish County Office of Public Defense by the expert, investigator, or other service provider, and the invoicing of the expert,

investigator or other service provider during the pendency of the case in any court shall be exempt from public disclosure pursuant to GR 31.1 and this local rule. Payment records are not exempt, provided they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.
[Effective January 1, 2017]

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.

(b) A party filing a petition to restore firearms rights must serve the Snohomish County Prosecutor, or his or her designee, at least 15 days before the scheduled hearing date. A petition that is not filed within the requirements of this rule will not be heard on the date noted for hearing.

(c) Service on the county prosecutor or his or her designee shall be made by (i) hand delivering a copy to the office of the prosecuting attorney and leaving it with the prosecutor, a deputy prosecutor, or clerk employed by the prosecutor's office or (ii) by mail. If service is by mail the provisions of CR5 (b)(2)(A)&(B) shall apply.

(d) The prosecutor may file a response to the petition to restore firearms rights. A response to the petition shall be filed and served at least two days before the scheduled hearing date.
[Adopted September 1, 2011; Amended September 1, 2014]

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 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, on the civil motions calendar pursuant to RCW 36.70C.080, within seven days after serving the LUPA petition on the parties identified in RCW 36.70C.040(2). At the same time the motion is noted, the party filing the petition shall deliver working copies for the Superior Court Presiding Judge to Court Administration for pre-assignment of a judge. The pre-assigned judge will handle the initial hearing. After pre-assignment, the matter shall then be stricken from the Civil Motions calendar. The motion and initial hearing will be set no sooner than 35 days and no later than 50 days after service of the parties.

(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.

[Amended effective September 1, 2017]

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; provided however, motions for summary judgment heard on the judges 9:30 a.m. civil motions calendar must be confirmed before 12 noon three (3) 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.

[Amended effective September 1, 2017]

10. Time and Place of Hearing.

(a) Times, days, and locations of various motions shall be as set forth in administrative order 11-12. A summary of common civil motions is set forth in Table A, below.

Table A

COMMISSIONER DEPARTMENTS 1st Floor of Courthouse	
Type of Motion	**Where Noted**
Family Law Domestic Motions	Family Law Domestic Motions Calendar
Child Support Modification Motions/Final Orders	Child Support Modifications Calendar
Motions to Waive, Compel or Order ADR in contested family law matters under SCLSPR 94.04(c) or Seek Reallocation of Costs of ADR	Family Law Domestic Motions Calendar
Motions for Summary Judgment to Establish Parentage	Family Law Domestic Motions Calendar
Motions to Establish Parentage (State Initiated)	State Paternity Calendar
Motions for Default	Commissioner Civil Motions Calendar
Discovery Motions and Enforcement thereof	Commissioner Civil Motions Calendar
Supplemental Proceedings	Commissioner Civil Motions Calendar
Unlawful Detainer/Eviction motions	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 rights to Possess Firearms	Commissioner Civil Motions Calendar
Probate Motions	Guardianship/Probate Calendar
Temporary Extreme Risk Protection Orders	Commissioner Ex Parte Calendar

SUPERIOR COURT JUDICIAL CALENDARS Assigned to Departments - Snohomish County Courthouse	
Type of Motion	**Where Noted**
All Civil Motions not otherwise described in this rule	Judge's Civil Motions Calendar*
Adoptions	Judge's Civil Motions Calendar**
Approval of Minor Settlements	Judge's Civil Motions Calendar**
All Summary Judgment Motions other than to establish parentage	Judge's Civil Motions Calendar
Initial Trust and Estate Dispute Resolution Act (TEDRA) motions under RCW 11.96A.100(8)	Judge's Civil Motions Calendar
Motions to Revise Court Commissioner Rulings	Judge's Civil Motions Calendar
Petitions for Non-Parental Visitation	Judge's Civil Motions Calendar

Motions for Pre-assignment	Presiding Judge
Motions regarding Trial Setting	Presiding Judge
Motions regarding the timeliness for the Demand for a Jury	Presiding Judge
Motions for Trial Continuance	Presiding Judge
Motions for Final Extreme Risk Protection Order	Presiding Judge 9 AM Trial Call Calendar
Motions to Terminate Extreme Risk Protection Orders	Assigned Trial Judge
Motions to Renew Extreme Risk Protection Orders	Assigned Trial Judge
Motions to Revise Juvenile Court Commissioner Rulings	Juvenile Judge's Offender Calendar***

*****The civil motions calendar rotates among the various Superior Court Judges and motions are heard in the assigned Judge's Department.

**These motions are to be noted for hearing on Mondays only.

***These motions are to be noted for hearing at the Denny Juvenile Justice Center.

(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 pre-assigned, 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.

[Adopted effective October 1, 1990; amended July 1, 1991; amended September 1, 1992; amended September 1, 1993; amended September 1, 1994; amended September 1, 1996; amended September 1, 1997 amended September 1, 1998; amended September 1, 1999; amended September 1, 2000; amended September 1, 2001; amended September 1, 2002; amended September 1, 2003; amended September 1, 2005; amended September 1, 2006; amended September 1, 2007; amended as emergent December 12, 2007; amended September 1, 2008; amended September 1, 2009, amended emergent January 13, 2010; amended September 1, 2010; amended September 1, 2012; amended emergent December 7, 2012, amended September 1, 2013, amended September 1, 2016; amended September 1, 2017; amended September 1, 2018]

RULE 9. TORRENS ACT PETITIONS (Chapter 65.12 RCW)

(a) Filing. A party filing an application for registration of title shall present a proposed order referring the application to an examiner of titles pursuant to RCW 65.12.110 to the commissioner ex parte department immediately upon filing of the abstract of title as required by RCW 65.12.085. The applicant shall notify the clerk of court, in writing, within 30 days of issuance of the examiner's opinion, if the applicant elects to proceed further. If no notice is provided within 30 days, the application shall be deemed withdrawn. If the applicant elects to proceed further, the clerk of the court shall issue a summons pursuant to RCW 65.12.120 in the format required by RCW 65.12.125.

(b) Hearing. If no person responds to the summons issued as set forth above, the applicant may bring a motion on the judge's civil motions calendar for entry of an order and decree confirming title pursuant to Chapter 65.12 RCW. If any person responds, then any party may bring a motion before the civil motions judge for hearing pursuant to RCW 65.12.160. If, in the determination of the civil motions judge, the matter should be set for a trial or evidentiary hearing, the civil motions judge shall set the matter to an available date on the Superior Court trial calendar.

[Adopted Effective February 1, 2019]

RULE 10. FORM OF PLEADINGS AND OTHER PAPERS

(h) Unsuitable Materials Filed as Pleadings or Documents. The format requirements of GR 14 shall apply to motions and attachments to pleadings and other papers filed with the clerk. Any item presented to and accepted by the clerk for filing that does not comply with GR 14 and is not a document, such as compact disks, digital video disks, audio tapes, thumb drives, and similar devices containing recorded information, shall be treated as an exhibit and may be converted to an exhibit without further order of the court. In order to make such recorded information part of the permanent court record, they must be transcribed by the filing party and filed as a document in paper format. All exhibits filed with the clerk are subject to the Secretary of State's exhibit retention schedule.

The clerk has the authority to reject filings that are not presented in proper form required by rules or practices pursuant to CR 5(e) and GR 14.

(i) 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 "Clerk's Action Required caption directly below the case number on the first page.

(j) Caption – Names of Parties.

(1) For all cases, including criminal, protection order, family law, parentage, and all juvenile matters, case initiating document(s) shall include the names of all known parties in the caption.

(2) In the event the filing party seeks to conceal the name of one or more party, the filing party may file the case initiating document(s) using the initials of the party and must immediately seek an order from the Presiding Judge or the Civil Motions Judge pursuant to motion practice rules, and GR 15 sealing and redaction rules, allowing the case to proceed using initials. If no motion is filed with the case initiating documents, the clerk shall reject the case. If the court denies the order to proceed using initials to identify a party, the order will instruct the clerk and the parties as to a new caption for the case using names of the parties, after affording the plaintiff the opportunity to file a motion to dismiss pursuant to CR 41.

[Amended September 1, 1993; Amended September 1, 1994; Amended September 1, 1997; Deleted September 1, 2001; Amended September 1, 2012; Amended effective September 1, 2019]

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 shall be completed no later than 14 calendar days prior to the trial date. Motions to compel shall be made before the discovery cutoff date except upon a showing of good cause.
[Adopted effective September 1, 2012; amended effective September 1, 2017; amended effective September 1, 2018; amended effective September 1, 2019]

(l) Disclosure of Expert Witnesses. In all family law and civil matters, expert witnesses shall be disclosed 30 days prior to the discovery cutoff date, unless otherwise ordered by the court.
[Adopted Effective September 1, 2018]

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, on the form approved by the court, is to be filed and served in the manner provided in CR 40. 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 form will be notified by mail of the trial date.

[Amended effective emergent January 1, 2019]

(2) If a party incorrectly asserts in the Note for Trial that a case is not arbitrable, the court may at any time prior to trial on its own motion transfer such case to civil arbitration and strike any scheduled trial date. Counsel of record and parties pro se will be notified by mail of the assignment to arbitration.

[Amended effective emergent January 1, 2019]

(3) The parties may amend a Note for Trial from non-arbitrable to arbitrable at any time prior to trial by written stipulation served on the Arbitration Coordinator and filed with the clerk.

[Amended effective emergent January 1, 2019]

(4) 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) (2).

[Amended effective emergent January 1, 2019]

(d) 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(c)(3).

[Amended effective September 1, 2017; Amended effective emergent January 1, 2019]

(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, 1991; September 1, 1992; September 1, 1993; September 1, 1995; September 1996; September 1, 1997; September 1, 1999; September 1, 2000; amended emergency October 3, 2005; amended permanent September 1, 2006; September 2009; amended emergency January 13, 2010; amended permanent September 1, 2010; September 1, 2012; September 1, 2017; Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 41. DISMISSAL OF ACTIONS

(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) *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.

(3) Removal from Inactive Case Status. Except for family law cases identified in SCLSRP 94.04, 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. Any family case may be removed from inactive status by the filing of any document other than a notice of unavailability.

[Adopted effective: September 1, 1993; amended effective September 1, 1999; amended on emergency basis effective October 3, 2005; amended as permanent effective September 1, 2006; amended effective September 1, 2009; amended effective September 1, 2010, September 1, 2018]

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 blood borne 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) Blood borne 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) *Identification of Exhibits Containing DNA*.

(A) RCW 5.70.010 mandates the preservation of certain DNA evidence admitted by a governmental entity in certain adult criminal or juvenile offender cases. To aid in compliance with these mandates, parties must identify each exhibit that contains DNA evidence when it is presented to the Clerk. Preservation of certain DNA evidence is subject to the retention requirements of RCW 5.70.010.

(B) Upon presentation to the clerk of exhibits containing DNA evidence subject to the requirements of RCW 5.70.010, the clerk shall label the exhibit as one containing DNA evidence subject to special retention requirements.

(C) Upon resolution of the case and expiration of the period for any appeals, the party who offered such DNA evidence must retrieve the evidence admitted so the evidence may be preserved and/or maintained as described in RCW 5.70.010.
[Amended effective September 1, 2019]

(3) *Improper or Inappropriate 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 directing the document or material to be retained by the clerk as an exhibit in the cause. The court may order that the document or material be sealed, in which event the requirements of GR 15 shall apply.

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

(5) *Withdrawal of Exhibits*.

(A) 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 their official 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.

(B) Failure to Return Exhibits; Sanctions. If any person fails to return any 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 exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(C) 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.

(D) 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.

(E) 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.

(6) *Sealed Files and Materials.* The clerk shall not permit the examination of any sealed file or other sealed materials except by order of the court. Such order shall include findings to meet the requirements of GR 15 and any applicable statutes.

(7) *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.

[Amended effective September 1, 2019]

(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 effective September 1, 1992; September 1, 1993; June 23, 2008; amended effective September 1, 2019]

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 arbitration of civil actions under Chapter 7.06 RCW, 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 under one hundred thousand dollars ($100,000), 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; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) "Arbitration Coordinator" Defined. In these rules, "Arbitration Coordinator" means the Judicial Coordinator for the Snohomish County Superior Court assigned to facilitate arbitration actions. The appointment of the Arbitration Coordinator and other administrative matters are addressed in SCLMAR 8.7.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 1.2 MATTERS SUBJECT TO ARBITRATION

Pursuant to the authority granted by statute, a claim filed prior to January 1, 2019 is subject to civil 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.

A claim filed after January 1, 2019 is subject to civil arbitration only if it does not exceed one hundred thousand dollars ($100,000), 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; Amended effective emergent January 1, 2019; permanent September 1, 2019]

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 Initial Statement of Arbitrability.
[Amended effective emergent January 1, 2019]

(b) Initial Statement of Arbitrability. In every civil case the party filing a notice for arbitration shall serve the Arbitration Coordinator and all parties and file with the clerk an Initial Statement of Arbitrability on the form prescribed by the court.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(c) Response to an Initial Statement of Arbitrability. Within fourteen (14) days after the Initial Statement of Arbitrability has been served and filed, any party disagreeing with the Initial Statement of Arbitrability shall serve the Arbitration Coordinator and all parties and file with the clerk a Response to Initial Statement of Arbitrability on a form prescribed by the court. In the absence of such response, the Initial Statement of Arbitrability shall be deemed correct and a non-responding party shall be deemed to have stipulated to arbitration if the Initial Statement of Arbitrability provides that the case is arbitrable. If a party asserts that a claim exceeds either the fifty thousand dollar ($50,000) or one hundred thousand dollar ($100,000) limit, whichever is applicable, 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.

[Amended effective September 1, 2007; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 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 Response from non-arbitrable to arbitrable at any time prior to trial by written stipulation served on the Arbitration Coordinator and filed with the clerk.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 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 Arbitration Coordinator.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) Determination of Non-arbitrability. If upon motion the court determines that a case is not arbitrable, the moving party shall serve all parties and file a Note for Trial Setting with the Clerk on the form prescribed by the court.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(c) Determination of Arbitrability. If upon motion the court determines that a case is arbitrable, the prevailing party shall serve upon the Arbitration Coordinator an order transferring the case to arbitration and if a non-jury trial date has been set, it shall be stricken by Arbitration Coordinator subject to being renoted pursuant to SCLMAR 7.1.
[Amended October 1, 1990; Amended October 1, 1997; Amended September 1, 2012; Amended effective emergent January 1, 2019; permanent September 1, 2019]

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 Arbitration Coordinator will appoint an arbitrator from among those not stricken by either party.
[Amended effective emergent January 1, 2019]

(c) Response by Only One (1) Party. If only one (1) party responds within fourteen (14) days, the Arbitration Coordinator will appoint an arbitrator nominated by that party.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(d) No Response. If neither party responds within fourteen (14) days, the Arbitration Coordinator will appoint one (1) of the five (5) proposed arbitrators.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(e) Additional Arbitrators for Additional Parties. If there are more than two (2) adverse parties, such parties may request the Arbitration Coordinator 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 Arbitration Coordinator, subject to review by the Presiding Judge.
[Amended effective October 1, 1993; Amended effective emergent January 1, 2019; permanent September 1, 2019]

3. ARBITRATORS

RULE 3.1 QUALIFICATIONS

(a) Minimum Qualifications.

(i) 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.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(ii) An arbitrator must have completed a minimum of three credits of Washington State Bar approved continuing education credits on arbitrator professional and ethical considerations per RCW 7.06.040(2)(a). Completion of this is waived if arbitrator has ruled on five (5) or more Snohomish County arbitration cases.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(iii) 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 Arbitration Coordinator.

[Amended emergency effective December 8, 2010; Amended September 1, 2011; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Arbitration Coordinator 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 certifying the person has completed the continuing education requirements or is requesting a waiver. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Arbitration Coordinator'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.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 Arbitration Coordinator 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 Arbitration Coordinator.

[Amended September 1, 1993; Amended effective emergent January 1, 2019; permanent September 1, 2019]

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.

6. List the amount of each defendant's liability insurance policy limit(s), including any umbrella or excess insurance policy limit(s) applicable to each cause of action in plaintiff's complaint.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

7. For each non-party individual or entity that you allege is at fault, list the name, address and phone number of each such non-party and state the factual basis as to why such non-party is at fault.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 Arbitration Coordinator and all parties.
[Amended emergency effective December 8, 2010, amended effective September 1, 2011; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 five (5) calendar days after the date of the arbitration hearing and shall be addressed by the arbitrator in the arbitration award.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 Arbitration Coordinator, ex parte. The Arbitration Coordinator may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

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(f) 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.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(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 Arbitration Coordinator and all other parties.

[Amended effective September 1, 2002; Amended effective emergent January 1, 2019; permanent September 1, 2019]

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 civil arbitration under SCLMAR 1.2 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.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

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 Arbitration Coordinator a request for payment on a form prescribed by the court. The Arbitration Coordinator shall determine the amount of compensation and costs, if any, to be paid. The decision of the Arbitration Coordinator 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. Written explanation of excess hours required.

[Amended effective September 1, 1993; amended effective September 1, 2007; Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 8.7 ADMINISTRATION

(a) Arbitration Coordinator. The Presiding Judge shall designate a person to serve as Arbitration Coordinator. The Arbitration Coordinator, 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; Amended effective emergent January 1, 2019; permanent September 1, 2019]

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; and
2. Contested matters.

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) 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) At the time of filing a family law case (except establishing parentage actions, Modifications-Support Only): The petitioner will receive a Compliance Schedule that sets required dates for 1) Proof of service of the Summons, Petition and Notice of Compliance Requirements for the case 2) Alternative Dispute Resolution/Mediation 3) ADR Compliance hearing. The petitioning party is required to have the Compliance Schedule served on the respondent/s with the summons and petition, or if service has already occurred, within 5 court days of filing the case. If any respondent is served by publication, the petitioning party will have the Compliance Schedule served within 5 days of the respondents filing a response or notice of appearance.

(2) Service: In all family law cases, if 180 days after filing the petition, no proof of service, no joinder by the respondent, or no response to the petition has been filed, the case may be dismissed by the Court on its own motion without further notice to the parties. In lieu of dismissal, the Court may order the case placed on inactive status or set the case for a domestic status conference.

[Amended effective September 1, 2017]

(3) Alternative Dispute Resolution Required In Family Law.

(A) *Alternative dispute resolution required in family law*. All contested issues in the following cases shall be submitted to mediation, or a judicial settlement conference: 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.

(B) *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.

(C) *Alternative dispute resolution timing*. In all matters in which ADR is required, the parties must comply with the requirement prior to trial

confirmation. In all matters filed after September 1, 2018, in which a Compliance Schedule is set, the parties must file proof of compliance with the ADR requirement by filing a Notice of ADR Compliance no later than 8 months from filing the case or prior to confirming the trial, whichever comes first. Compliance may be accomplished by both parties attending ADR/Mediation, ADR/Mediation being waived by court order or establishing that the case is exempt from this requirement. The parties may also advise the court of any attempted ADR/Mediation. However, an attempt does not satisfy the compliance requirement.

[Amended effective emergent September 12, 2018; permanent September 1, 2019]

(D) *Failure to comply*. Failure to file the Notice of ADR Compliance and also establish compliance with the requirements of ADR will result in your case being dismissed, unless you appear at your compliance hearing and the judge allows a continuance for ADR compliance. If you have attempted ADR/Mediation, but the other party would not participate, you should appear for your compliance hearing to explain the circumstances. 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.

(E) *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.

(F) *Motions*. Motions to waive or compel ADR, motions to continue the date for the ADR/Mediation compliance or motions to change the allocation of the cost of the ADR as set forth in this rule, shall be set on the Commissioner's Domestic Motions calendar. The above motions shall be noted a minimum of 45 days prior to the date of the ADR/Mediation required date set on the Notice of Compliance (8 months from date of filing) or the date for trial Either party may, by motion on the Commissioner's Domestic Motions Calendar, seek a court order requiring ADR in a case where it would not be required as set forth in (3) (b), (3) (c) or (32) (d) above, if the moving party believes that the parties would be able, through ADR, to resolve their dispute fairly under the particular circumstances of the case. If the Commissioner orders a new ADR/Mediation date, the ADR compliance hearing will be rescheduled to 2-4 weeks after the date ordered for ADR/Mediation compliance.

[Amended effective September 1, 2016]

(4) ADR *Compliance Hearing.* At the time of filing, the case shall be set for an ADR compliance hearing at 37 weeks or the next available session. All cases that enter all final orders or file a notice of settlement pursuant to SCLSPR 94.04 (i) seven (7) calendar days prior to this date will have their ADR compliance hearing stricken automatically. If final orders or notice of settlement are filed less than seven (7) calendar days prior to the ADR compliance hearing, the parties should also provide a copy of the document to SSC-ADR.Compliance@snoco.org to ensure the court is aware of the completion of the case or settlement.

If the parties have satisfied the ADR requirement and filed their Notice of ADR Compliance two (2) days prior to the ADR compliance hearing date, they do not need to appear for the hearing and the case will be set for a court confirmed trial. Parties that have not satisfied the ADR requirement shall appear at the ADR compliance hearing to explain their lack of compliance. Failure to appear may result in dismissal of the case.

[Amended effective September 1, 2019]

(5) Trials. Parties may file a note for trial setting per Rule 40 (b) (1) prior to their compliance hearing to receive an earlier trial date. If the trial date assigned by court administration is after the ADR compliance hearing date, the trial will be court confirmed. Parties who have obtained their own trial date must still follow the above requirements regarding the need to appear at the ADR compliance hearing or the case will be dismissed.

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.

[Amended September 1, 2012]

(6) 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. Each motion and supporting or opposing documents shall be independently filed as a separate document. 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, 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.

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

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

(9) Formal Proof Required. A party shall provide oral testimony in support of final pleadings in a legal separation or marriage dissolution matter unless waived by the court on written motion and upon good cause shown. Good cause may include burdensome cost if both parties are geographically distant or involuntarily unavailable. If oral testimony is waived, written declaration testimony shall be submitted.

[Adopted September 1, 2015, amended effective September 1, 2017]

(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) 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.

(4) 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 the parties filing a certificate of attendance/completion with the court. This document shall be filed separately and not as an attachment to other documents.

(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.

(5) *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 background check form to Snohomish County Superior Court Family Law Programs Office. 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 background check form, Superior Court staff shall complete a search of the Judicial Access Browser System and Odyssey 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, amended effective September 1, 2017]

(6) *Visitation pursuant to RCW 26.10.*

A Petition to Establish, Modify, or Terminate Visitation, pursuant to RCW 26.10 shall be initiated by the filing and service of a summons and petition. The initial hearing to determine whether or not it is likely visitation will be granted,

modified, or terminated shall be noted on the Judge's Civil Motion calendar, in the same manner as a family law motion, at 9:30 AM, except that if there is a pending Dependency action, this hearing shall be scheduled by contacting the law clerk of the appropriate Dependency Judge. If it is determined that it is more likely than not visitation will be granted, modified, or terminated, the matter shall be set for a hearing on the Presiding Judge's Trial Call calendar. Any motion for fees shall be brought before the Judge who shall have made the original determination regarding establishment of visitation, modification of visitation, or termination of visitation, unless the request for attorney fees is made at the time of the hearing on the merits.
[Amended effective emergent May 9, 2018]

(e) Petitioner and Respondent- Declarations 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, child support, attorney's fees, or any other financial relief, shall be by motion and shall include a Financial Declaration in the form approved by the court. In order to provide sufficient income information to the court, each party shall file separately and under seal pursuant to GR 22, complete copies of the last two (2) years for federal income tax returns, which shall include copies of all W-2 forms, 1099 forms and all schedules, 1040 forms and either a copy of the most current paystub with the year-to-date information included within the same or, if such information is not available, all paystubs for the prior six (6) months.

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.
[Amended effective September 1, 2017]

(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. Moved to (c) Family Law Proceedings-Courtroom Calendars and Procedures (3) Alternative Dispute Resolution Required in Family Law.

[Emergent effective August 31, 2019]

(i) Notice of Settlement. When all issues in a Title 26 matter have been settled, the mediator, if any, or the attorneys or parties shall file within seven (7) days of settlement, a Notice of Settlement of All Issues in the form prescribed by the court. Facsimile or scanned image signatures are allowed. If final documents are not filed and entered within sixty (60) days after the filing of the Notice of Settlement, the Court may order the parties to appear and show cause why the matter should not be dismissed, or may take further actions as it deems appropriate.

[Amended effective September 1, 2019]

(j) Surrogacy Agreements.

(1) Where Presented. Any request to validate a genetic surrogacy agreement, any request for a determination as to whether or not the parties and the surrogacy agreement comply with RCW 26.26A, any issues regarding the rights and duties of the parties to any surrogacy agreement whether or not compliant with RCW 26.26A, any issues related to parentage under a surrogacy agreement, or any issues related to the termination of a surrogacy agreement, shall be set for hearing at 9:00 AM before the Juvenile Offender Judge or other Judge as designated by the presiding Judge.

(2) Procedure. A party may request a hearing date by sending an email to surrogacy@snoco.org requesting a specific date for a hearing. There shall be no need to appear for the hearing for the matters listed in section one (1) above unless requested to appear by the Judge. Accompanying all of the working copies shall be an original copy of all proposed orders. If a Judge determines that the proposed surrogacy agreement is non-compliant with the statute, any request to determine the rights and duties of the parties shall be

noted before the same Judge who determined the agreement was not compliant with the statute. For any motions to be heard specifying the rights and duties of a party to a non-compliant surrogacy agreement, the matter shall be heard on affidavits only unless the court requests testimony and/or oral argument.

(3) Time. The deadline for filing pleadings for any of the matters enumerated in section one (1) above, shall be the same as those set forth in CR 6(d).

[New effective emergent January 1, 2019]

[Adopted October 1, 1990; amended September 1, 1992; amended September 1, 1993; amended September 1, 1994; amended September 1, 1995, amended September 1, 1996; amended September 1, 1997; amended ;amended September 1, 1999; amended September 1, 2002; amended September 1, 2005;amended emergent November 14, 2007; amended September 1, 2008; amended emergent October 14, 2009; amended permanent effective September 1, 2010; amended effective September 1, 2010; amended effective September 1, 2011, amended effective September 1, 2012; amended effective September 1, 2015, amended effective September 1, 2016, amended effective September 1, 2017, amended effective September 1, 2018; amended emergent effective September 12, 2018; amended effective September 1, 2019]

RULE 94.05 – Parentage Actions – Temporary Parenting Plans and Child Support Orders Converted to Permanent Orders [RESCINDED]

.

[Rescinded effective January 1, 2015]

RULE 95.00 Extreme Risk Protection Order Proceedings

(a) Petitions – where heard. A petition for a temporary extreme risk protection order filed in Superior Court pursuant to Chapter 7.94 RCW will be heard on the day the petition is filed or the next judicial day on the Ex Parte Calendar in the Commissioners Department. A petition for a final temporary extreme risk protection order filed in Superior Court pursuant to Chapter 7.94 RCW will be set on the Presiding Judge's 9:00 a.m. trial call calendar.

(b) Review hearing – where heard. Where a final extreme risk protection order has been granted, the judge granting the order shall retain jurisdiction over the matter and set a review hearing within three judicial days, requiring the Respondent to appear and provide proof of compliance with the order to surrender firearms. If proof of compliance is provided prior to the hearing, the matter may be stricken from the Court's calendar.

(c) Motions to Terminate or Renew Extreme Risk Protection Orders – where heard. A motion to terminate or renew an extreme risk protection order shall be noted for hearing before the same judge who issued the original order or their successor.

[Adopted effective emergent September 1, 2018]

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. Applications by mail should be in conformance with SCLAR 0.02(f)(2). A death certificate or comparable documentation of the death of the decedent shall be filed with any petition to open a probate matter.

(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; amended emergency effective January 14, 2015; permanent effective September 1, 2015; amended effective September 1, 2019]

RULE 98.05 ESTATES – WILLS – WITHDRAWAL OF WILLS FILES UNDER SEAL

A non-testator request to withdraw a will filed with the court under seal pursuant to RCW 11.12.265 shall be granted only upon a hearing and good cause shown, after notice to the testator unless deceased and, in that case, to the named personal representative(s), heirs and legatees as the court shall determine appropriate under the circumstances of the case.
[New effective September 1, 2017]

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; Working Copies 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 court working copies of 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: _____

(6) Reporting Date.

(a) Upon signing of the order appointing Guardian or declaring a trust and appointing a trustee, the next report (and all reports thereafter) shall be due no later than 90 days after the anniversary date of the appointment, unless otherwise ordered by the court. The order shall include a Clerk's Action Required summary on the first page in a format approved by the Court.

(b) Guardianships in which venue is changed to Snohomish County shall retain the reporting period established by the previous jurisdiction until the next accounting is reviewed by the court.

(c) Guardianships with multiple guardians and/or trustees shall have all reports no later than 90 days after the anniversary of the appointment of the first guardian/trustee, unless otherwise ordered by the court.

(d) If a successor guardian or trustee is appointed, reports shall be due no later than 90 days after the anniversary of that appointment, unless ordered by the court.

(e) Any changes to the reporting cycle of a guardian or trustee shall be approved by the court.

(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; amended effective September 1, 1993; amended effective September 1, 1997; amended effective September 1, 1999; amended effective September 1, 2001; amended effective September 1, 2003; amended effective emergent November 9, 2011, permanent September 1, 2012; amended effective September 1, 2018]

PART VI. CRIMINAL RULES (SCLCRR)

1. SCOPE, PURPOSE AND CONSTRUCTION

RULE 1.1 SCOPE, APPLICATON 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.]

RULE 3.7 SERVICES OTHER THAN A LAWYER

(f) Services Other Than a Lawyer. Pursuant to CrR 3.1(f) and JuCR 9.3, all requests and approval for expert services expenditures are hereby delegated to the Snohomish County Office of Public Defense (OPD). Upon finding that investigative, expert, or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the OPD shall authorize the services. The OPD shall set both the hourly rate and total remuneration for such expert(s) or other services based upon usual and

customary rates in the community for such services at public expense. Where, after review by the Director of the OPD, services are denied in whole or in part, the defendant may move for de novo review before the Judge designated by the Presiding Judge to review denial of requests for services under CrR 3.1 (f) and JuCR 9.3.
[Effective January 1, 2017]

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 ten minutes to be heard shall be confirmed by 12:30 p.m. one day prior to the hearing by sending an email message to the law clerk for the assigned criminal hearings judge at: hearings.ssc-criminal@snoco.org. 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; amended effective September 1, 2016]

RULE 4.11 MENTAL HEALTH SCREENING

(a) Initial Mental Health Screening.

1. Upon receiving a representation that there may be reason to doubt the competency of an in custody criminal defendant, the court shall order an

initial mental health screening by a mental health professional at Snohomish County Corrections.

2. The initial Mental Health Screening Report shall be provided in writing to the court, the Prosecuting Attorney and defense counsel within three (3) court days of the entry of the entry of the Initial Mental Health Screening Order.

3. The assessment and report required by this rule shall be conducted and prepared by qualified professionals in the mental health field at Snohomish County Corrections.

(b) Court Action. At the hearing following receipt of the initial Mental Health Screening Report, the court shall, along with the Report, consider the arguments and any factual information from the Prosecuting Attorney and the defendant's counsel and may either:

1. Find that there is not a reason to doubt the competency of the in custody defendant and deny the Motion for a further evaluation of the defendant's competency pursuant to RCW 10.77.060, or

2. Find that there is reason to doubt the competency of the in custody defendant, and provided that the defendant has not indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, stay further criminal proceedings, and order an evaluation of the mental health condition (competency) of the in custody defendant at state expense pursuant to RCW 10.77.060, by a qualified community expert, who has been preapproved by the court (subject to available funding). Such competency evaluation shall be in writing and returned to the court not later than 15 days from the entry of such order, or

3. Find that there is reason to doubt the competency of the in custody defendant, stay further criminal proceedings, and order that a qualified expert from Western State Hospital evaluate and report on the mental health condition (competency) of the defendant pursuant to RCW 10.77.060.

4. Find that there is reason to doubt the competency of the in-custody defendant, stay further criminal proceedings, and, finding that circumstances involving the health of the defendant require, order that the defendant be transported to Western State Hospital for an evaluation and preparation of a report on the mental health condition (competency) of the defendant, pursuant to RCW 10.77.060.

(c) Waiver of Initial Mental Health Screening/Rescreening.

1. The Initial Mental Health Screening required by this local rule may be waived by the court upon the agreement of both the Prosecuting Attorney and the defendant's attorney that such screening is unnecessary in a particular case.

2. An in custody defendant may be ordered by the court to be rescreened at any time, upon finding that it is likely that the mental condition of the defendant has changed since the last screening.

(d) Defendant rights.

1. Any time the defendant is being assessed by court appointed experts or professional persons pursuant to the provisions of this local rule, the defendant shall be entitled to have his or her attorney present.

2. In an initial mental health screening conducted under this chapter, the defendant may refuse to answer any question if he or she believes his or her answers may tend to incriminate him or her or form links leading to evidence of an incriminating nature.

3. No provision of this local rule shall abrogate any right guaranteed or provided by the Constitution of the United States or of the State of Washington, Washington statutes or Washington State Court Rules.

[Adopted effective March 5, 2015; permanent effective September 1, 2015, amended effective September 1, 2019]]

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)

RULE 1.1 NOTICE - GENERAL

(d) Notice regarding proceedings under RCW 71.05 and RCW 71.34:

(i) No later than 8:30 am, the day prior to any intended court proceeding under RCW 71.05 and RCW 71.34, the hospital/facility shall prepare a preliminary calendar indicating the matters the hospital/facility intends to be placed on the court calendar for the next judicial day for ITA hearings. The representatives of all necessary parties shall be provided timely copies of the preliminary calendar.

(ii) No later than 3:00 p.m. of that same day a final calendar shall be prepared by each hospital/facility indicating all matters to be heard the following day together with an indication of the nature of the anticipated proceeding. A timely copy shall be provided to the representatives of all necessary parties. The calendar shall be in the same format and include the same information as contained in the attached Form 1 which is a sample calendar.

(iii) No later than 3:00 pm of the day prior to the proceeding any new Petitions shall be filed with the Clerk's Office and notice to the representatives of all necessary parties. Any Petitions filed after 3:00 pm will not be heard on the following day.

RULE 2.4 PROBABLE CAUSE HEARING

(c) Telephonic testimony at hearing:

There shall be a presumption that all witnesses other than case evaluators will be permitted to testify telephonically, unless the judicial officer presiding over the hearing determines there is good cause to require the testimony to be presented in person.

[Adopted as emergent effective July 1, 2019]

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 dependency and termination 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 September 1, 1992; amended effective September 1, 2015]

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 that 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. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 7 for civil motions.

(i) Motion with oral argument. 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 five (5) court days prior to the date set for the hearing. Any responsive documents must be filed and served on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Any document in reply to the response must be filed and served on all parties no later than noon of the court day prior to the 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 6 &7 for civil motions.

(ii) Motion without oral argument. Non-dispositive motions which a party reasonably believes can be resolved on pleadings alone may be noted without oral argument in the same manner as other motions except that:

A. The moving party may note the motions for any court day without obtaining a date from the Clerk’s Office.

B. The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument. The proposed order must also be distributed to all counsel and unrepresented parties at the time of filing, and shall be clearly marked “PROPOSED.”

C. Any party opposing the motion must file and serve their responsive materials, including an alternative proposed order, on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Working 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.

D. Any party may request that the motion be heard with oral argument by clearly noting “oral argument requested” on the first page of their opposition materials.

E. If the court determines that oral argument is necessary, either on request of a party or on its own determination it will issue an order re-setting the hearing to occur with oral argument not more than three court days after

the initially noted date for consideration. Examples of a motion which a party may reasonably believe can be resolved on pleadings alone include: Medical/dental care authorizations requiring a court order where the parents agree to the treatment; travel requests requiring a court order where the parents agree to the travel; requests for youth authorization to participate in Driver's Education; Motions for court-determination of visitation schedule (e.g. around holidays); any proceeding where a parent's agreement is unable to be secured after reasonable attempts to contact.

[Adopted effective September 1, 1992; amended effective September 1, 2000; amended emergency effective December 1, 2007; amended permanent effective September 1, 2007; amended permanent September 1, 2008; amended permanent September 1, 2010; amended permanent September 1, 2015]

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 exparte 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

[RESCINDED]

[Adopted effective September 1, 1999; rescinded emergent effective January 1, 2015; rescinded permanent effective September 1, 2015]

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]

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 ch. 13.50 RCW, GR 15 and SCLGR 15 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.
[Amended effective September 1, 2015]

TITLE 11. SUPPLEMENTAL PROVISIONS

RULE 11.3 PRE-TRIAL CONFERENCE

[RESCINDED]

[Rescinded effective September 1, 2015]

RULE 11.4 VGAL/CASA Grievance Procedures

(a) Scope. This rule governs grievance procedures for volunteer guardians ad litem(VGAL/CASA) appointed pursuant to RCW 13.34.100, which are beyond the scope of RCW 13.34.100 (10) or RCW 13.34.102 (2) (c).

(b) Filing a Grievance or Complaint. A person with a grievance or complaint beyond the scope of RCW 13.34.100 (10) or RCW 13.34.102 (2) (c) shall file a written complaint or grievance with the Superior Court Administrator. The complaint shall be in writing and must bear the signature, name and address of the person filing the complaint. The complaint shall set forth specific facts to support a determination of potential merit. The complaint shall also indicate whether or not the complaint is in reference to a case then pending in court.

(c) Review of the Grievance or Complaint. Upon receipt of a written complaint or grievance, the Superior Court Administrator shall deliver the written complaint or grievance to the Chair of the Superior Court VGAL Committee or his/her designee. The VGAL Committee Chair or designee shall review the complaint and either:

(1) Make a finding that the complaint/grievance is with regard to a case then pending in the court and either decline to review the complaint/grievance, and so inform the complainant or process the complaint/grievance pursuant to (2) or (3). If the determination is made to decline to review the complaint/grievance due to the case pending in court, the Chair or designee shall advise the complainant that the complaint/grievance should be addressed in the context of the case at bar, either by seeking removal of the VGAL or by contesting the information or recommendation contained in the VGAL's report or testimony. In such cases the Chair or designee shall perform its role in such a manner as to assure that the trial judge remains uninformed as to the complaint/grievance; or

(2) Make a finding that the complaint/grievance has no merit on its face, and decline to review the complaint/grievance and so inform the complainant; or

(3) Make a finding that the complaint/grievance appears to have potential merit and refer the matter to the VGAL Committee. The Committee shall request a written response from the VGAL to be received by the Committee within 10 business days of the date of the written notice of potential merit, detailing the specific issues to which the Committee desires a response. The Committee shall provide the VGAL with a copy of the original complaint. The complaining party will be provided with the response and given an opportunity to reply to the response. The reply will be due to the committee within 5 business days of the Committee's written request for a reply.

(d) Determination as to Potential Merit. In determining potential merit of the grievance or complaint, the Chair or designee shall determine whether a complaint or grievance against a VGAL alleges sufficient facts to support a determination that there has been:

(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) Response and Findings. Upon receipt of a written response to a complaint/grievance from the VGAL, and a reply if any, the Committee shall make a finding as to the issues raised in the complaint/grievance. Such findings shall be in writing and shall state that there is no merit to the issue or issues or that there is merit to the issue or issues. The Committee shall have the authority to request additional information from the complainant or the VGAL prior to making its findings if the Committee deems it appropriate.

The Committee shall have the authority to issue any or all of the following responses: a written admonishment, a written reprimand, refer the VGAL to additional training, suspend or remove the VGAL or take other action 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 Committee. The Committee may impose an interim suspension during this process. In determining its response, the Committee shall consider any prior complaints or grievances which resulted in corrective action under this rule, RCW 13.34.100 (10), or RCW 13.34.102 (2)(c), or the lack of the same, and any mitigating or aggravating factors.

The complainant and the VGAL shall be notified in writing of the Committee's decision following receipt of the VGAL's response.

(f) Confidentiality. A complaint/grievance, investigation, and any initial report shall be confidential unless the Committee has determined that it has merit pursuant to section (e). However, a complaint/grievance which has been found to have potential merit shall be provided to the VGAL for response, and the response shall be provided to the complaining party pursuant to section (c)(3). Any record of complaints filed which are not deemed by the Committee to have merit shall be confidential and shall not be disclosed except as required by law.

(g) Time to Resolution. Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within sixty (60) days of the receipt of the written complaint/grievance if the complaint is filed subsequent to the conclusion of a case.

(h) Finality of Disposition. All resolutions to complaints/grievances by the Committee shall be final and not subject to further appeal. Except that a VGAL who has been removed from the program may appeal to the Presiding Judge. The VGAL shall notify the Superior Court Administrator in writing of such appeal within 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 Presiding Judge or his /her designee shall make a determination on appeals

under this rule. The complainant and VGAL shall be notified in writing of the determination on appeal and of any corrective action taken.

(i) Record. The court shall maintain a record of complaints/grievances filed under this rule or under RCW 13.34.100(10) or RCW 13.34.102(2) (c), and the disposition of those complaints or grievances.

[Adopted effective September 1, 2005; moved to Title 11, Rule 11.4 effective September 1, 2015, amended effective emergent June 1, 2016, effective permanent September 1, 2016]

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 where the appellant serves on all parties and files, together with the notice of appeal, a certified copy of the electronic record from the lower court in CD format, or other format if specified by the Court. In that case, the appellant shall designate that portion of the record relevant to the issue(s) on appeal according to the time stamp on the electronic record. The designation shall include the date, time, and nature of the hearing for which review is sought.

(2) Another party may request that the appellant be required to provide a written transcript or CD of the electronic record by serving and filing such motion within ten (10) days of the service upon such party of the notice of appeal. The party filing and serving such motion shall note the same for argument within ten (10) days thereafter.

(3.) Contents of Order. The order granting any such motion shall:

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

[Amended effective September 1, 2017]

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 7.1 GRIEVANCE PROCEDURES

(a) Filing a grievance.

A person with a grievance or complaint against a Guardian Ad Litem (GAL) under RCW Titles 4, 11, 26, 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). The complaint must contain specific assertions of fact and must be signed by the complainant under the penalty of perjury.

A complainant may bring a grievance or complaint against a GAL/AGAL if he or she has a sufficient connection in the case such that his or her rights are impacted by a decision or order or if the complainant is a subject of the GALs/AGALs report.

(b) Processing Grievances or Complaints.

(1) All complaints must be in writing, signed under penalty of perjury, directed to the attention of the Programs Administrator and must bear the signature, name and address of person filing the complaint. Upon receipt of such a complaint, the Programs Administrator shall 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 review the grievance or complaint and make an initial determination as to whether the grievance/complaint has potential merit. If the grievance/complaint is determined not to have potential merit, the grievance/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/complaint shall be referred to the Superior Court GAL Committee for resolution. The GAL/AGAL or appropriate party shall be notified in writing of the grievance/complaint. A copy of the grievance/complaint shall be provided to the GAL/AGAL or appropriate party. A written response shall be requested, detailing the specific issues to which the GAL committee desires response. The response is to be received by the court within ten (10) business days of the date of the written notice.

(4) If a case in which a grievance or complaint 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 or designee shall appoint another judicial officer to serve on the GAL Committee for the resolution of that specific case.

(5) 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/complaint, the GAL Committee Chair or Presiding Judge shall determine whether a

grievance/complaint against a GAL or AGAL alleges sufficient facts to support a determination that there has been:

1) A violation of a code of conduct;
2) A 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;
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 or contain sufficient facts to support allegations, the matter shall be closed. If the complainant has no significant interest in the outcome, then the matter may be closed.

(d) Response and Findings.

(1)Upon receipt of a written response to a grievance or complaint from GAL/AGAL or appropriate party, and a reply if any, the Committee shall make a finding as to the issues raised in the grievance/complaint. The Committee shall issue a written determination of such findings and sanctions to the complainant, GAL/AGAL or appropriate party within the timeframes listed in section (e). The Committee shall have the authority to request additional information from the complainant, GAL/AGAL or appropriate party prior to making its findings, if the Committee deems it to be appropriate.

(2) If the complaint is sustained, the GAL Committee may impose the following sanctions which include but are not limited to: 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 grievances or complaints which resulted in sanctions

authorized by this rule or the lack of same and any mitigating or aggravating factors found by the Committee.

(e) 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.

(f) Confidentiality.

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

(g) Finality of Disposition.

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

(h) Appeal.

(1) A GAL/AGAL who has been removed from a registry may appeal to the Presiding Judge.

(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 Presiding Judge shall make a determination on appeals under this rule and notify the complainant and GAL/AGAL in writing of the determination on appeal and of any corrective action taken.

(i) Notification of Removal from Registry.

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 Administrative Office of the Courts. Upon removal of an AGAL from the AGAL registry, the court shall promptly send notice of the removal to the Juvenile Court Program Manager.

(j) Record.

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

[Adopted effective September 1, 2004; amended effective April 13, 2005; amended effective February 13, 2008; amended and renumbered 7.1 effective September 1, 2012; amended effective September 1, 2017]