

SCLCR 7(b)(2)(d)(10) TIME AND PLACE OF HEARINGS

Comments

Commenter: Shelia Postle

Date Received: 5/21/2021

Comment:

On the table where it lists out where different matters are heard it indicates that motions to dismiss, motions for default, and motions to change venue should be set on the commissioner's civil motions calendar. Would it be possible to get clarification whether that is strictly for civil cases? We have always noted dismissals, defaults, and change of venue in family law cases on the family law motions calendar.

Commenter: Patricia Baugher

Date Received: 5/27/2021

Comment:

Table A to this rule has an asterisk (*) after it which in the text to which the asterisk is directed to seems to indicate that discovery motions are NOT heard on the family law calendar, whereas I have been informed by the family law department to, in fact, note motions concerning discovery in a family law case ON the family law calendar and not the commissioner civil motion calendar (which the table seems to indicate). I have not only successfully had my motions to compel discovery heard by the family law motions calendar, but I have also been present in the courtroom while motions concerning discovery in other cases were being heard on by a family law commissioner in courtroom B or C. The procedure for where to note discovery motions in family law and that practitioners note them on the family law calendar is essentially how it is done. This leads to a complete lack of clarity in the procedural rules for a lawyer who does not consistently practice in Snohomish County and would be impossible for a pro se litigant to discover and note correctly.

IF it is now intended that discovery motions in FL cases are to ONLY be heard on the commissioner's civil motion calendar going forward, that should be noted as a CHANGE, with the understanding it will be enforced.

Commenter: Family Support Deputy Prosecuting Attorneys

Date Received: 6/10/2021

Comment:

Table A to SCLCR 7: According to Table A, Parentage cases initiated by the State may heard on the State Paternity calendar. But it is silent about Modifications initiated by the State, which means they fall under Child Support Modification Motions, which are heard on the Family Law Domestic Motions calendar. We respectfully request that Modification cases initiated by the State should continue to be heard on the State Parentage calendar.

Also, I will suggest that the Court re-name and refer to the State Paternity Calendar to the State Parentage Calendar.

Another DPA specifically commented, "The way this is currently proposed, a bunch of motions which used to be heard on the family law calendar, are being moved to civil motions calendar. I don't know if this is intentional division of labor for the commissioners, but I think personally will cause confusion. Also our cases, [the Family Support Division] usually [handles] all motions related to parentage on our state calendars...I'd hate to have to go to three different calendars to do the work. So see below.

This proposed rule, as currently worded, greatly implicates not only our parentage cases, but modifications to those cases and the following associated type of motions (if on state-initiated cases):

- *Motions for Default/to vacate Default
- *Discovery Motions and Enforcement therefo
- *Motions to dismiss

- *Motions to change venue
- *Motions to amend pleadings
- *Motions to disqualify counsel
- *Motions to consolidate/ bifurcate

--Suggestion for a simple fix is to add this language before or after Table A : All State-initiated family law actions shall be heard on the State Parentage Support Calendars