

Asotin County District Court Local Rules

**County of Asotin District Court
City of Clarkston Municipal Court**

ASOTIN COUNTY DISTRICT COURT

ASOTIN COUNTY DISTRICT COURT LOCAL RULES

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ASOTIN COUNTY DISTRICT COURT

I. ADMINISTRATIVE RULES (LARLJ)

LARLJ 1

SCOPE OF RULES AND ADOPTION

(a) Effect of Local Rules. These rules shall be known as the Local Rules for the District Court of the State of Washington for Asotin County. These rules will be effective September 1, 2019. These rules conform with, to the extent possible, the numbering system and in format to the rules adopted by the Supreme Court of the State of Washington for Courts of Limited Jurisdiction. The provisions of these local rules are supplemental to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction, and shall not be construed in conflict with them.

(b) Adoption and Amendments. These rules are adopted and may be amended from time to time in accordance with GR 7, CRLJ 83, CrRLJ 1.7 and IRLJ 1.3 of the Washington Court Rules. The court may modify or suspend any of these local rules in any given case upon good case shown or upon the court's own motion.

[Amended and adopted effective September 1, 2019]

LARLJ 2

OPERATION

[Rescinded September 1, 2019]

LARLJ 3

FEEES

[Rescinded September 2, 2019]

LARLJ 4

DISCLOSURE OF PUBLIC RECORDS

(a) Confidential Records. The following records and files of this Court are declared confidential:

(1) Affidavits for probable cause for arrest warrants before the warrant has been served and returned.

(2) Mental health, psychiatric, and medical reports.

(3) Alcohol and drug evaluations and follow up reports.

(4) Unless admitted into evidence, certified copies of driving records, abstracts of driving records, and compiled reports of arrests and convictions;

(5) Judges notes and work sheets.

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(b) Access. Access to confidential records is limited to persons authorized by statute or who obtain a Court order.

[Amended September 1, 2019].

LARLJ 5

PRETRIAL RELEASE

[Rescinded September 1, 2019]

LARLJ 6

JURY FEES

[Rescinded September 1, 2019]

LARLJ 7

TELECONFERENCING

[See LCrRLJ 4]

II. CIVIL RULES (LCRLJ)

LCRLJ 1

NAME CHANGES

(a) Requirements. An applicant who applies to the court for a change of name pursuant to RCW 4.24.130 must meet the following requirements:

(1) **Minors: Parental Consent** - All applicants under eighteen (18) years of age must be represented by a parent or legal Guardian. The petitioner must file proof of service of petition and notice of hearing to either biological or legal parents or guardians if the applicant has not filed a written approval of change of name signed by both biological or legal parents and guardians. Said notices shall be served on other parties at least ten (10) days prior to the hearing.

(2) **Separate Applications** - Each applicant requesting a change of name must present a separate Change of Name Order and pay a separate filing fee and recording fee.

[Effective September 1, 2019]

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LCRLJ 2

SMALL CLAIMS

(a) Filing. Small Claims shall be filed by the Plaintiff in person on a form provided by the Court.

(b) Notice of Claim. The Notice of Claim shall give the date, time, and place of the trial, advising the Defendant that:

1. Attendance is mandatory;
2. Plaintiff's failure to attend may result in dismissal of the case without prejudice; and
3. Defendant's failure to attend will result in any answer filed being stricken and entry of a default judgment upon proof of valid service and venue.

(c) Proof of Service. Unless good cause is shown, Plaintiff's failure to provide proof of service of the Notice of Claim at the time of the trial will cause the court to dismiss the claim.

(d) Evidence. The parties shall provide legible copies of any evidence they intend to present at trial to the Court and opposing parties a minimum of seven (7) days prior to trial.

(e) Motion to Set Aside Default. A motion to set aside a Small Claims Default Judgment shall be governed by CRLJ 55.

[Effective September 1, 2019]

III. CRIMINAL RULES (LCrRLJ)

LCrRLJ 2

CITIZEN COMPLAINTS

Citizen Complaints. Any person filing a criminal citizen complaint pursuant to CrRLJ 2.1(c) must provide a sworn written statement of the probable cause supporting the crimes alleged. The judge will review the alleged crimes and the probable cause statement to determine whether the request should be granted or denied. At the discretion of the judge, a hearing may be set to hear additional evidence or to allow the named defendant or the prosecuting attorney an opportunity to present evidence in opposition to the filing of the complaint. If the judge grants or denies the filing of the complaint on the basis of the sworn affidavit without hearing, the judge shall state in writing the reasons for granting or denying the filing of the complaint.

[Effective September 1, 2019]

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LCrRLJ 4

TELECONFERENCING

Teleconferencing. Guilty pleas and sentencing may be heard by the Court using the teleconferencing system with the Defendant at jail if all parties agree.

[Amended September 1, 2019]

IV INFRACTION RULES (LIRLJ)

LIRLJ 3.5

DECISIONS ON WRITTEN STATEMENTS

Decisions on Written Statements. Mitigation and Contested hearings regarding infractions are authorized. The procedure set out in IRLJ 3.5 is adopted. In place of the defendant's personal appearance at a contested or mitigated infraction hearing, Defendants may submit their statement in writing (including email submissions). The sworn, written statements must be received by the Court no later than seven (7) calendar days before the scheduled hearing or it will not be considered. The Court shall examine the citing officer's report and any statements from the defendant. The examination shall take place within 120 days after the defendant filed a response to the notice of infraction. The examination may be held in Chambers and shall not be governed by the rules of evidence. Any Defendant electing to request that the Court hold a contested hearing under this rule waives the right to appeal the Court's decision to Superior Court under IRLJ 3.5. Upon reaching a decision, the court will notify the person of the Judge's determination. The person must remit any amount set by the Judge. If the amount set by the Judge is not paid by the specified date, the matter will be turned over to a collection agency. If the citation is a traffic infraction, the Department of Licensing will be notified if the person fails to respond or to pay.

[Effective September 1, 2019]

LIRLJ 3.6

Deferred Findings

(a) Deferred Findings. The court may defer findings regarding traffic infractions prior to a contested or mitigation hearing, or defer entry of an order following a mitigation for up to one year and impose conditions on that person.

(b) Written Request. A party may request entry of a deferred finding in writing prior to hearing.

(c) Limit. A person may not receive more than one deferral within a seven-year period for moving violations and one deferral within a seven year period for nonmoving violations.

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(d) Administrative Fee. An administrative fee of \$150 shall be charged.

(e) Dismissal. After the end of the deferral period, the court will dismiss the infraction if the person has met all the conditions of the deferral and has not committed another traffic infraction during the period.

(f) Subsequent Violation during the deferral period. If the Defendant is cited for any infraction during the deferral period, the Court will note the deferred violation as committed and transmit the Notice of Infraction to the Department of Licensing. The fine noted on the infraction shall be imposed and the matter turned over to a collection agency. The Court shall have no other obligation to the deferred person in this regard.

[Effective September 2, 2019]