

**FRANKLIN COUNTY DISTRICT COURT
LOCAL COURT RULES**

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LCRLJ 55
DEFAULT JUDGMENT

Any party seeking a default judgment shall submit at least the following to the Court contemporaneously with the motion for default judgment, unless otherwise excused by the Court for good cause, regardless of whether any of these required documents have been filed with the Court prior to the motion:

- (1) A copy of the original proof of service shall be submitted with every motion for default judgment.
- (2) In Debt Buyer causes of action involving debt purchased on or after June 11, 2020: proof as set forth in RCW 19.16.260. An affidavit by counsel under CRLJ 55(b)(1) is sufficient as to the amount of the debt only.
- (3) In assigned causes of action: a copy of the assignment interest. If the debt was assigned more than once, each assignment or other writing evidencing transfer of ownership must be submitted to establish an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent sale.
- (4) In causes of action based on all contracts: sworn testimony to prove performance(s) may be required; a copy of the contract, if written; proof of the items of account and any credits; the factual basis for the breach; and the final amount of the principal owing (the final amount should be underlined and highlighted). In addition:
 - (i) In causes of action based on open account: a written statement of account setting forth all charges and credits and the dates thereof on the principal and separately listing any statement of any interest or surcharges; and a statement of the nature of merchandise or services furnished.
 - (ii) In causes of action based on a check as defined in RCW 62A.3-104 or a promissory note: the original or a document which comports with the Rules of Evidence (ER), including an attestation that the document is reliable.
 - (iii) In causes of action based on credit card debt: the original or a copy of billing statements in the debtor's name showing cumulative charges to the extent available, interest, interest rate, payments, credits and, if available, a statement of the nature of merchandise or services furnished; and a final billing statement proving the principal.

[Effective September 1, 2023]

LCRLJ 65
ISSUANCE OF JUDICIAL SUBPOENA PURSUANT TO RCW 50.13.070

A Judgment Creditor may request that the Court issue a judicial subpoena for employment records pursuant to RCW 50.13.070 upon the filing and service of a motion supported by an affidavit / sworn statement under penalty of perjury and notice directed to the Clerk of the Court and the Judgment Debtor.

The notice shall indicate that the Judgment Creditor holds an unsatisfied judgment against the Judgment Debtor, that the Judgment Creditor has requested the Court to issue a subpoena pursuant to RCW 50.13.070, that the motion will be granted unless the Judgment Debtor objects to the motion and demands a hearing within 13 days of the date of mailing of the notice. The notice shall indicate that the legal issue at the hearing on the motion is any privacy concern that the Judgment Debtor may have.

The Judgment Creditor shall also serve upon the Judgment Debtor a Demand and Notice of Hearing form which the Judgment Debtor may complete. The Demand and Notice shall also provide the Judgment Debtor with instructions regarding completing the form and service of the form on the Court and the Judgment Creditor.

The Demand and Notice of Hearing form shall contain a date for hearing on the Court's 2:30PM motion calendar held the fourth Tuesday of each month, which hearing shall not be less than 7 days from deadline to respond to the Motion. The forms provided in this rule are deemed to satisfy the requirements of this rule.

(1) **ISSUANCE OF SUBPOENA, EX PARTE.** If the Judgment Creditor files the motion, notice, and demand for hearing form along with evidence of service, and the Judgment Debtor fails to file the demand for hearing form, the Court may issue the subpoena without a hearing or further notice to the Judgment Debtor.

(2) **HEARING REGARDING ISSUANCE OF SUBPOENA.** If the Judgment Debtor files the Demand and Notice of Hearing form, the Clerk of the Court shall docket the matter for hearing on the date and time set out in the demand. The matter is deemed ready for hearing and the parties need not call the matter ready for the Court.

FORMS

1. MOTION

(Judgment Creditor), Judgment Creditor and Plaintiff in this matter, moves the Court for a Judicial Subpoena pursuant to RCW 50.13.070.

This motion is based on the fact that (Judgment Creditor) holds an unsatisfied judgment against (Judgment Debtor) and is in need of information which is deemed confidential by RCW 50.13.020, in order to obtain a source of assets to satisfy the judgment.

Dated: _____

/s/ Judgment Creditor's Attorney.
Judgment Creditor
(address)
(city, state)

2. SWORN DECLARATION FOR ORDER FOR SUBPOENA; RCW 50.13.070 Under penalty of perjury of the State of Washington the following is true and correct;

I am the (attorney for) (authorized agent of) the above-named Plaintiff;

Plaintiff has a judgment wholly or partially unsatisfied against the Defendant in the Court from which this order is sought;

Plaintiff has reason to believe and does believe that the Defendant below named is employed and/or has assets in excess of those exempt from garnishment under Washington law, to wit:

Defendant Name: (Defendant's name) SSN: ***-**-____)

Plaintiff believes the Department of Employment Security has information concerning Defendant's past and current employment. Plaintiff needs the information in order to collect this judgment which Defendant has not paid.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

Dated this __ day of _____, 201__.

(attorney / authorized agent)

3. NOTICE

TO THE CLERK OF THE COURT, and
TO (Judgment Debtor), JUDGMENT DEBTOR:

Please take notice that (Judgment Creditor) has requested that the above entitled court issue a Judicial Subpoena directed to the Washington State employment Security Department, in order to obtain your employment records. In order for the Court to issue the subpoena, the Court must find that (Judgment Creditor) holds a judgment against you, that the judgment has not been paid in full, and that (Judgment Creditor's) need for the information outweighs concerns you have regarding the privacy of this information.

You may do two things:

(1) If you choose not to act, the Court will issue the Subpoena without notice to you.

(2) If you choose to demand a hearing, you must complete the enclosed Demand and Notice of Hearing form and file it with the Franklin County District Court and mail it to the Judgment Creditor at the addresses below within 13 days of the date of mailing of this notice to you. The Date, Place and Time for your hearing is contained in the Demand and Notice of Hearing. Please keep a copy of the Demand for your records. This is your opportunity to be heard and this is the only notice you will receive. The motion will be granted unless you object to the motion and demand a hearing as described herein. Your deadline to file and serve the Demand and Notice of Hearing is (Date).

At the hearing, you will have an opportunity to present privacy concerns that you may have.

Dated: _____

/s/ Judgment Creditor's Attorney

Clerk of the District Court
1016 N 4th
Pasco, WA 99301

Judgment Creditor
(address)
(city, state)

4. DEMAND AND NOTICE OF HEARING (RCW 50.13.070)

TO THE CLERK OF THE COURT and
TO THE JUDGMENT CREDITOR:

Please take notice that the Judgment Debtor hereby demands a hearing regarding the issuance of a Judicial Subpoena for Employment Records pursuant to RCW 50.13.070.

The Hearing shall be on the fourth Tuesday of (Month) (Month/day/year), at 2:30PM or as soon thereafter as it may be heard at the Franklin County District Courthouse, Room 224, 1016 N 4th, Pasco, Washington.

This is the only notice you will receive of this hearing.

This Demand and Notice of Hearing must be filed with the Clerk of the Court and mailed to the (Judgment Creditor) on or before (Date) at the following addresses:

Clerk of the Court
1016 N 4th
Pasco, WA 99301

Judgment Creditor
(address)
(city, WA 99200)

Dated: _____

/s/ Judgment Debtor

5. SUBPOENA

The Court considered the file herein and the Plaintiff's motion. The Court finds that the Plaintiff is a Judgment Creditor in this matter. The Plaintiff's need for employment information in order to allow the Plaintiff to discover a source to satisfy that judgment outweighs the privacy concerns of the Defendant/Judgment Debtor. The information is otherwise accessible through a proceeding under RCW 6.32.010.

Finding that the requirements of RCW 50.13.070 have been met, the Court orders as follows:

TO THE EMPLOYMENT SECURITY DEPARTMENT OF WASHINGTON:

You are hereby directed to provide employment information to (Judgment Creditor) for the following individuals for a period of 2 years from the date this Judicial Subpoena is issued:

(Judgment Debtor)

Issued on: _____

Judge
Franklin County District Court

[Effective August 1, 2016]

LCRLJ 66
Name Changes

(a) Separate Petitions Required. A separate petition shall be filed for each name a party wishes changed.

(b) Hearing. All hearings on petitions for name changes shall be in open court and on the record.

(c) Minors.

(1) Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.

(2) Parental Notification.

(a) A person petitioning to change the name of a minor child or ward must establish that both parents consent to the change in writing, or that the non-petitioning parent has been served at least ten days before the hearing with a notice that includes the hearing date, the minor's current name, the name the petitioner desires the minor to assume, and the reasons for requesting the change of name.

(b) A person petitioning to change the name of a minor child may move the court for an order authorizing notice to a parent by publication. The requesting parent must certify under penalty of perjury that the whereabouts of the other parent are unknown. If authorized by the court, notice by publication one time in a newspaper of general circulation in the county of the non-petitioning parent's last known address shall be deemed sufficient if it satisfied the requirements of CRLJ 5.

(d) Contents of Petition. A petition for change of name must be sworn under oath and state the following:

- (1) The Petitioner's full present name and the full name the petitioner wishes to assume;
- (2) The Petitioner's date of birth;
- (3) That the Petitioner resides in Franklin County;
- (4) The reason for the request;
- (5) The application is not made for any illegal or fraudulent purpose;
- (6) The name change will not be detrimental to the interests of any other person;

(7) The name of the Petitioner's father and mother, or, if brought on behalf of a minor, the name of the minor's father and mother;

(8) Whether the Petitioner is subject to the jurisdiction of the Washington State Department of Corrections and, if so, that Petitioner has provided a copy of the Petition to the Department at least five days before any hearing on the name change request;

(9) Whether the Petitioner is subject to the sex offender registration laws of the State of Washington and, if so, that Petitioner has provided copies of the Petition to the county sheriff and the Washington State Patrol at least five days before any hearing on the name change request.

(e) Contents of proposed Order. A Petitioner for change of name must file a proposed Order Changing Name that includes the following:

(1) The Petitioner's full name;

(2) The full name Petitioner seeks to assume;

(3) If the Petition is brought on behalf of a minor, a finding that both parents or guardians' consent to the change, or that a non-consenting parent was served with notice of the proposed change as required by these rules, or that a non-consenting parent's legal rights were previously terminated by court order;

(4) A finding whether the Petitioner is subject to the jurisdiction of the Washington State Department of Corrections and, if so, whether Petitioner provided a copy of the Petition to the Department at least five days before the Order is to be entered;

(5) A finding whether the Petitioner is subject to the sex offender registration laws of the State of Washington and, if so, whether Petitioner provided copies of the Petition to the county sheriff and Washington State Patrol at least five days before the Order is to be entered;

(6) A finding that the Petition is not made for illegal or fraudulent purposes;

(7) A finding that the change of name will not be detrimental to the interests of any other person;

(8) If the Petition is brought on behalf of a minor, a finding that the name change is in the best interests of the minor.

[Effective August 1, 2016; Amended Effective September 1, 2019]

LCRJ 75
Small Claims

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

(b) Mediation. Every Small Claim shall be set for a mandatory mediation conference before trial. The purpose of mediation is to settle the case if possible; if no settlement is reached at mediation, the case will go to trial.

(c) Notice of Claim. The Notice of Claim shall give the date, time, and place of the conference. Information about the mediation process provided by the court shall be served with the Notice of Claim 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.

(d) 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 mediation conference will cause the court to dismiss the claim.

(e) Motion to vacate Default Judgment. A motion to vacate a Small Claims Default Judgment shall be governed by CRLJ 59.

(f) Settlement. All settlements of Small Claims pursuant to this rule shall be placed on the record and incorporated into a Small Claim judgment. If the settlement is not reduced to a judgment, the case may be dismissed. Any action to enforce a settlement reached pursuant to mandatory mediation, which was not incorporated into a Small Claims judgment, shall require the filing of a new Small Claims action unless the court, in its discretion rules otherwise.

(g) Trial if no Settlement. If the parties are not able to mediate to settlement, the court shall be so advised and the case will be set for trial on the next available Small Claims docket.

[Effective September 1, 2018]

LIRJ 3.5
DECISION ON WRITTEN STATEMENTS

(a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(1) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(2) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.

(3) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(4) No appeal Permitted. There shall be no appeal from a decision on written statements.

(b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers.

[Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective September 1, 1997; amended effective January 3, 2006.]

LIRLJ 6.6.1
CERTIFICATION OF SCALES USED IN THE MEASUREMENT OF WEIGHT FOR
COMMERCIAL MOTOR VEHICLES

(a) GENERAL. This rule applies only to contested hearings in traffic infraction cases.

(b) SCALE CERTIFICATION. Evidence given under oath (including testimony given in person or the written report of an officer as provided in IRLJ 3.3) of the results of a measurement of the weight of any commercial motor vehicle or portion thereof shall be admissible without additional foundation. A sworn statement setting forth the results of any inspection, test and/or certification of any scale used primarily for the purpose of measuring the weights of commercial motor vehicles shall likewise be admissible in evidence without foundation and shall not be subject to objection on grounds of hearsay, provided such document is maintained in a manner consistent with subsection (d) of this rule. Any party may present evidence supporting or attacking the result of any such measurement of weight or the inspection, test and/or certification of any such scale.

(c) [Reserved]

(d) MAINTAINING CERTIFICATES AS PUBLIC RECORDS. Any document of inspection, test and/or certification of any State scales as set forth in subsection (b) of this rule may be filed with the court and maintained by the court as a public record. The documents will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The documents are available without a formal request for discovery.

In the alternative, or in addition, such documents may be maintained on a web site established for that purpose by the Washington State Patrol. The court is entitled to take judicial notice of the fact that the document has been filed with the court or maintained on the web site. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document.

[Effective August 1, 2016]