

Local Rules for the Superior Courts
of Ferry, Pend Oreille and
Stevens Counties

Effective Date: September 1, 2004

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LAR 1.
DEPARTMENTS OF COURT

The Superior Courts of Stevens, Ferry and Pend Oreille Counties shall be divided into as many departments as there are judges authorized by law. The departments shall be numbered consecutively in the order of the creation, as follows:

DEPARTMENT	CREATED
No. 1	June 13, 1860
No. 2	April 13, 1982

[Adopted September 1, 1991; amended effective September 1, 2004.]

LAR 2.
COURT SCHEDULE - MOTIONS

Motions and other pre-trial proceedings will be scheduled for hearing on a Law and Motion Docket, unless by prior arrangement through the court administrator.

The calendar shall be prepared and published by the court administrator and the presiding judge or his/her designee-judge on a monthly basis for the ensuing six months, and shall be distributed to the attorneys in each county and made available to the public from the Clerks' offices for each of the three counties. The Law and Motion Days and times may be changed by the court administrator as needed to accommodate the judges' schedules, jury terms in each county, and caseload demands. Attorneys and parties are advised to consult the calendar, the County Clerk, or the court administrator to confirm Law and Motion Docket dates and times prior to noting a motion.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LAR 3.
COURT MANAGEMENT

- (a) General Management. The general management of the court shall be vested in the presiding judge under policy established by the judges at regular and special meetings.
- (b) Presiding Court Rotation. The presiding judge shall be selected, serve, and, if necessary, be removed in accordance with GR 29. In the event of the lack of a majority vote of the judges, the Supreme Court shall be requested to appoint a superior court judge from another jurisdiction to participate in the decision.
- (c) Duties of the Presiding Judge. The presiding judge's responsibilities, duties and authority shall be as provided in GR 29 as now or hereafter amended.
- (d) Duties of the Court Administrator. The court administrator shall assist the presiding judge in his or her administrative responsibilities. Subject to the general supervision of the presiding judge, the court administrator's duties shall include:
- (1) Administrative control of all non-judicial activities of the court;
 - (2) Case setting and trial calendar management;

- (3) Preparation and administration of the budget;
- (4) Coordination with state Administrative Office of the Courts;
- (5) Assisting the presiding judge in dealing with county governments, bar associations, news media and other public and private groups having a reasonable interest in the administration of the court;
- (6) Preparation of such reports and compilation of such statistics as may be required by the judges or state Administrative Office of the Courts;
- (7) Making recommendations to the judges for the improvement of the administration of the court.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LAR 4.
JUVENILE COURT AND FAMILY LAW DEPARTMENT

Juvenile Department. There shall be a juvenile department of the court, in which shall be heard all matters arising under the juvenile court laws. Both judges are designated as judges of the juvenile and family courts. Each court commissioner of each of the three counties is authorized to hear juvenile cases and family law cases in his or her respective county in these departments as assigned by the presiding judge. See also LJUCRs below.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 5.
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(b) (2) Service by Mail, Facsimile or Email.

(A) By Mail. See CR 5(b) (2) (A) and (B).

(B) By Facsimile. Service by facsimile shall be allowed only under the following conditions consistent with GR17:

(i) The party or attorney of record to whom service is delivered has a publicly available fax number or has given written consent to receive fax service to the sending party or attorney;

(ii) The attorney or party sending the document via fax shall retain the

original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on (DATE) VIA FAX FOR FILING IN COURT.

(iii) Documents transmitted by fax shall be letter size (8-1/2 by 11 inches). Documents over 10 pages in length may not be served by fax without prior approval of the receiving party.

(iv) Any document transmitted by fax must be accompanied by a fax transmittal sheet in a form that includes the case number (if any), case caption, number of pages, the sender's name, and the senders voice and facsimile telephone numbers. Transmittal sheets are not considered legal filings.

(v) A document transmitted directly to the receiving party shall be deemed received at the time the receiving party's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(vi) Facsimile transmission is authorized for judge's working copies (courtesy copies), provided it does not exceed 25 pages in length, and provided, further, that the date, time and county of the hearing for which the transmittal is intended is clearly set forth on the facsimile cover sheet..

(vii) Facsimile Machine Not Required. Nothing in this rule shall require a party, an attorney or a Clerk of a court to have a facsimile machine.

(C) By Email. Parties (or attorneys of record) may serve opposing parties by email only if they have written consent from the receiving party. Working copies may be emailed to the court as follows:

(i) Any document (except original actions and personal restraint petitions) may be emailed as an attachment to an email message if:

- (a) The body of the email message to which the document is attached is no more than 100 words and includes: case name, case number, name, phone number, bar number and email address of the person sending the document; and does not include prohibited ex parte communications.
- (b) Any appendices attached to a brief, motion or pleading do not exceed a total of 25 pages.
- (c) The attached document complies with the Civil Rules, except where these protocols provide otherwise.
- (d) The attached document is subscribed with the name and bar number of the sender and the original signed document is

retained in the sender's file.

- (e) The Email must be properly addressed to the email address provided by the court administrator for each of the counties in the judicial district.
- (f) The subject line must include "Working Copy for [Cause No.] [Case Name] for Hearing on [Date of Hearing] before [Name of Judge]."
- (g) The date and time the email was sent must be evident on the received email and show on any printout of that email.
- (h) The email must also be sent as a courtesy copy to any other party that has an email address and has so requested by filing a Request for Email Copies in substantially the following form: "[Party Name] requests that all working copies emailed to the court under LCR5(b)(2) also be emailed to the above at the following email address: [Email Address]."
- (ii) No signature is required on an attached document, if all protocols are followed.
- (iii) The date and time the attachment to email is deemed received will be no sooner than the date and time of actual filing of the document's original with the Clerk.
- (iv) The use of PDF format or Microsoft WORD is encouraged, but not required. If the conversion software used by the court is unable to convert a document, the party submitting the document will be notified to submit the document in written form.

(i) Documents Not to Be Filed. In addition to the discovery material specified in CR 5(i), photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise, but may be furnished directly to the judge hearing the matter; provided, any items submitted to the judge shall be provided to opposing parties or counsel at the same time.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 6.
TIME.

- (d) Motions and Other Papers.
 - (1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LCR 56 and LCR 94.04.
 - (2) Dates of Filing, Hearing and Consideration.
 - (A) Filing and Scheduling of Motion. The moving party shall serve and file all motion papers no later than six (6) court days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for

hearing on an appropriate motion docket for the type of matter to be heard.

- (B) Working Copies. Working copies of the motion and all papers in support or opposition, if provided, shall be delivered to the judge who is to hear the motion no later than the day they are to be served on all other parties, at 215 South Oak Street, #209, Colville, WA 99114, regardless of which county in which the motion is filed. The working copies of all papers shall be marked on the upper right corner of the first page with the date, time and county of hearing and the name of the judge.
- (C) Opposing Papers. Any party opposing a motion shall file the original responsive papers in opposition to a motion, serve copies on parties and deliver any working copies to the judge as in (B) above no later than 12:00 noon two court days before the date the motion is to be heard.
- (D) Reply. Any papers in strict reply shall be filed, copies served on parties, and any working copies delivered to the hearing judge as in (B) above no later than 12:00 noon on the court day before the date of the hearing.
- (E) Sanctions. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the Court over objection of counsel except upon the imposition of appropriate sanctions, unless the Court orders otherwise.

[Adopted effective September 1, 2004.]

LCR 16.
PRETRIAL PROCEDURES AND FORMULATING ISSUES

- (a) Hearing Matters Considered. Upon the motion of a party or the court's own initiative, the presiding judge or, in the case of a preassigned case, the judge so designated will decide whether any civil case would benefit from a pretrial scheduling conference.
- (b) Pretrial Order. The conference procedures and form of the pretrial order shall be determined by the judge to whom the matter is assigned.
- (c) Settlement Conference. Upon the motion of a party or the court's own initiative, the presiding judge or designated judge may order private mediation or a mandatory settlement conference with respect to any civil case.

Any settlement conference ordered will be held before a designated settlement judge at least thirty (30) days before the scheduled trial date. At least five (5) court days before the settlement conference

each party shall supply a confidential position statement to the settlement judge. The statement shall include:

- (1) A general factual summary of the case;
- (2) Disputed and admitted facts;
- (3) A statement of legal issues, together with authorities; and
- (4) A general position statement.
- (5) In domestic relations cases, the party's position, in precise terms, concerning issues of:
 - (a) property,
 - (b) debts,
 - (c) maintenance,
 - (d) child support,
 - (e) parenting plan, and
 - (f) any other matters requiring resolution.

The attorneys who will be in charge of each party's case shall attend the settlement conference personally and shall come prepared to discuss in detail and in good faith the issues of fact and law remaining, the evidence pertaining to liability and damages, or, in a domestic relations case, the various categories of issues subject to the court's jurisdiction, and the respective positions of the various parties on settlement. The attorneys shall be accompanied by their clients or representatives possessing authority to settle unless such clients or representatives are available by telephone or are otherwise excused by the judge, or unless the attorney himself or herself has full authority with respect to settlement.

The proceedings of the settlement conference shall be privileged and not recorded. If a settlement is not reached the settlement judge shall not make any order or preside at the trial on the merits without consent of all parties.

- (d) Pre-assignment to a Particular Judge. Upon written application of any party with notice to the other parties, or on the court's own motion, the presiding judge may preassign cases involving complex issues and/or extensive pretrial procedures to a particular judge for pretrial procedures and trial. The burden of establishing the need for pre-assignment shall be on the party or parties requesting the same. Pretrial conferences and hearings and trial scheduling shall be arranged directly with the preassigned judge and the court administrator.

- (e) Methods.

Summary Judgment. See LCR 56.

Filing of Motions, Memoranda and Affidavits-General. See LCR 6(d) for times for filing motions, responses and replies. The moving party shall file with the Note for Hearing - Issue of Law form the following: The motion being noted, all supporting affidavits and documentary evidence, and a brief or memorandum of authorities, unless the legal position is fully and adequately stated in the motion or issue of law form.

Copies of Briefs or Memoranda. A copy of the brief

or memorandum and supporting affidavits shall be furnished to the assigned judge at the time of filing. The judge's working copies, with a notation thereon as to the date and time of hearing on the motion, shall be delivered or mailed to the judge at 215 South Oak Street, #209, Colville, WA 99114, regardless of in which county the motion is being filed. Working copies of responsive materials should likewise note the date of hearing and be delivered or mailed to judge hearing the matter at the above address. Failure to comply with these requirements may result in a continuance and/or imposition of terms.

(4) Affidavits or Declarations. All affidavits or declarations shall be sworn or affirmed under penalty of perjury, made on personal knowledge, set forth such facts as would be admissible in evidence, and show affirmatively that the affiant or declarant is competent to testify to the matters stated therein.

(5) Motion Calendar Hearing Procedures. The Law and Motion calendar will commence at times designated in the respective county's court calendar as distributed by the court administrator and County Clerk's offices. Matters shall be noted for the particular time designated in the court calendar. Agreed orders and defaults will be heard at the beginning of the docket. Motions other than summary judgment shall be limited to ten (10) minutes each side. Motions which will exceed the time limit of this rule, if allowed by the motion judge, will ordinarily be placed at the end of the motion docket.

(f) Change of Judge. In the event that a motion is scheduled for hearing before a judge on a specified day and an affidavit of prejudice is filed against that judge, the scheduled motion will be transferred for hearing by the court administrator to another judge or court commissioner; provided, however, motions for summary judgment and any other motion which would be dispositive of a claim of any party shall be heard only by a judge, except as otherwise authorized under Rule 0.6.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 40.
ASSIGNMENT OF CASES

Notice of Trial and Certificate of Readiness. Any party desiring to bring an issue of fact to trial shall serve and file a properly completed Notice for Trial Setting and/or Settlement Conference and Certificate of Readiness on a form available from the court administrator. The party filing the Notice and Certificate shall, after conferring with opposing

counsel, specify (a) whether a settlement conference is requested and (b) whether a short notice setting will be acceptable. An attorney noting a case for trial and any party or counsel of record who does not file a timely objection to trial setting thereby certifies that the case is at issue, that there has been reasonable opportunity for discovery, that discovery will be complete by the trial date, that necessary witnesses will be available, and that the time estimated for trial is accurate. Any party contending the case is not ready for trial or that the estimated length of trial is not correct shall serve and file a counter notice of trial or objection to trial setting and notice of argument thereon within five (5) days of the date of service of the notice for trial setting which objection shall be noted for hearing on the next Law and Motion day.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 43.
TAKING OF TESTIMONY

(a) Testimony.

(3) Excusing Witnesses. A witness under subpoena is excused from further attendance as soon as testimony has been given, unless either party makes request in open court that the witness remain in attendance or be subject to recall. Witness fees will not be allowed on subsequent days unless the court has required the witness to remain in attendance, which fact shall be noted by the clerk in the court.

(4) Telephonic Testimony. Witnesses may not testify telephonically except upon prior court approval.

(e) Evidence on Motions.

(1) Generally. Motions for temporary support, attorney's fees and costs, restraining orders, injunctions, to dissolve injunctions and to quash or dissolve attachments shall be heard only on the pleadings, affidavits or declarations, published depositions and other papers filed unless the court otherwise directs.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 47.
JURORS

(e) Challenge.

(9) Peremptory Challenges. The exercise or waiver of peremptory challenges shall be noted silently.

(k) Statement of Case. Each party in a civil case shall submit a brief statement of the case suitable to be read to the jury before the voir dire examination.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 49.
VERDICTS

(k) Receiving Verdict During Absence of Counsel. A party or attorney desiring to be present at the return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within 20 minutes of telephone notice to the attorney's office, home or other number, the court may proceed to take the verdict in the absence of such party or attorney. In such case the jury shall be individually polled and the identity of any dissenting jurors recorded.

[Adopted effective September 1, 1991.]

LCR 51.
INSTRUCTIONS TO JURY AND DELIBERATION

(a) Submission. Each party shall file with the Clerk the original proposed instructions, numbered and with citations, and shall provide the judge with one copy numbered and with citations and one copy unnumbered and without citations. One copy, numbered and with citations, shall be served on each other party.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 52.
DECISIONS, FINDINGS AND CONCLUSIONS

(a) Requirements.

(6) Time. Unless the judge has included formal findings of fact and conclusions of law in a written opinion or memorandum of decision pursuant to CR 52(a)(4) or they are otherwise unnecessary by reason of CR 52(a)(5), the attorney of record for the prevailing party shall prepare proposed findings of fact and conclusions of law, along with the proposed form of decree, order or judgment as required by CR 54(e). At the time of the decision the court shall enter an order fixing a date by which the proposed findings, conclusions and decree, order or judgment shall be prepared and served and establishing a date of presentation.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 54.
JUDGMENTS AND COSTS

(f) Presentation.

(3) Method - Ex Parte Judgments and Orders. Counsel presenting a judgment or seeking entry of an order shall be responsible to see that all papers pertaining thereto are filed and that the court file is provided to the judge by the Clerk. Counsel may present routine ex parte or stipulated matters based on the record in the file by mail addressed to the Clerk. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders, and the appropriate ex parte fee shall be submitted prior to presentation.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 56.
SUMMARY JUDGMENT

(c) Motion and Proceedings. In the event a motion for summary judgment, partial summary judgment or dismissal is to be argued, counsel for the moving party is required to confirm the motion with the court administrator by telephone by 4:30 p.m. at least four (4) court days before the hearing. Working copies of the motions, all accompanying documents, and all responsive and reply papers, shall be provided by the respective parties to the judge at the time of filing at 215 South Oak, #209, Colville, WA 99114, regardless of the county in which the motion is filed.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 69.
EXECUTION

- (a) Procedure - Delinquent Support. No writ of execution or attachment shall be issued for the collection of delinquent child support or spousal maintenance until a judgment determining the amount due has been entered.
- (b) Supplemental Proceedings. In all supplemental proceedings wherein a show cause order is issued requiring the personal attendance of the party to be examined in open court and in orders to show cause in re contempt, the order to show cause must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE AND PLACE SET FORTH IN THIS ORDER MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPEHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH WARRANT.

The failure to include such wording will be grounds for the court to refuse to issue a bench warrant for the apprehension of such person.

[Adopted effective September 1, 1991.]

LCR 77.
SUPERIOR COURTS AND JUDICIAL OFFICERS

- (o) Conference Calls. Motions or other matters may not, without the advance approval of the court, be heard by conference call. The specific time shall be arranged with the court administrator. Conference calls are discouraged for Law and Motion Docket days. Conference calls will be recorded only at the request of either party made to the court administrator at the time of scheduling the call.
- (p) Trial Status. Not less than ten (10) days prior to any scheduled trial, each counsel or self-represented party shall contact the court administrator to advise the status of the case and of settlement negotiations, if any, and whether it is anticipated trial will take place as scheduled.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 79.
BOOKS AND RECORDS KEPT BY THE CLERK

- (g) Other Books and Records of Clerk.
- (1) Exhibits. Exhibits shall be kept separately from the court file. Any inspection of an exhibit must be in the presence of the clerk or a deputy clerk unless authorized by a court order.
 - (2) Rejection of Unsuitable Materials. The Clerk shall not accept for filing in the court file material which should be filed as an exhibit or other materials not to be included by reason of CR 5(i) and LCR 5(i). When the Clerk is uncertain as to whether material is suitable for filing, he or she shall seek the advice of the presiding judge before filing the same.
 - (3) Return of Contraband Exhibits. When contraband, alcoholic beverages, tobacco products, controlled substances or fish or wildlife parts are being held by the Clerk as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the Clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. The Clerk shall then deliver the contraband and take from the law enforcement agency a receipt which shall be filed in the case. The Clerk shall also file any certificate issued by an authorized federal or state agency and received by the Clerk showing the nature of such contraband or substances.
 - (4) Return of Administrative Record on Appeal. When a case for review of an administrative record is finally completed, the Clerk shall treat the administrative record as an exhibit. The Clerk shall return the administrative record to the officer or agency certifying the same to the Court.
- (h) At the discretion of the Clerk, a file may be removed from the courthouse by a resident attorney, a representative of a title company with proper authorization, or a judicial officer. Authorization for an attorney to remove a file from the courthouse may be given in writing by the Clerk or Clerk's deputy and shall not exceed two (2) court days. Files may be withdrawn to be taken to a courtroom by the following persons: judicial officers, deputy clerks, bailiffs, the court administrator or his/her staff, and resident attorneys.

In instances of mail or telephonic requests by non-resident attorneys, the file will be mailed by certified mail to the Clerk of the county where such applicant attorney is a resident. All costs of mailing shall be borne by the applicant attorney. All files so withdrawn must be returned to the Clerk's office within the period specified by the

Clerk, but in no event will this period exceed two (2) court days. The court may, upon written application showing cause therefor, authorize the withdrawal of specified Clerk's files for a period in excess of two (2) court days.

Any person found in violation of the provisions of this rule shall be subject to sanctions as ordered by the court.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 80.
REPORTING OF COURT PROCEEDINGS

(c) General Reporting Requirements.

- (1) Electronic Recording. All proceedings required to be on the record shall be recorded by electronic recording pursuant to CR 80. The original tapes or compact disks shall be kept by the clerk of the court.
- (2) Oral Decision. Oral decisions or rulings by a judge which are transcribed shall first be submitted to the judge for review prior to delivery and a final copy shall be furnished to the judge for his/her file.
- (3) Transcripts. With the exception of transcripts provided under RALJ 6.3A, the official transcript or verbatim report of proceedings of any matters shall be prepared by or under the direction of the court administrator. Anyone wishing to order an official transcript or verbatim report of proceedings shall make such request to the court administrator and shall at the same time make arrangements for payment thereof. With the exception of RALJ appeal matters, transcripts or verbatim reports of proceedings not obtained through the court administrator are subject to being stricken from the record upon the request of any party or on the court's own motion.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 94.04
DOMESTIC RELATIONS ACTIONS.

(a) Preliminary and Temporary Orders.

- (1) Affidavit or Declaration of Financial Affairs. A party applying for temporary support, maintenance, debt or income-producing property allocation, attorney's fees or other

financial relief pending trial must serve and file with his or her motion an affidavit or declaration under penalty of perjury respecting financial affairs. The responding party, if contesting the motion, shall likewise submit such an affidavit or declaration which shall be served and filed. The notice of hearing or show cause order shall notify the responding party of this requirement.

- (b) Ex Parte Hearing. Non-contested actions for marriage dissolution, separation or invalidity decrees, and paternity decrees, which have been approved for entry by all parties or their counsel may be presented for final hearing before the judge assigned to hear ex parte matters on any regular court day. Except as required by the judge or judicial officer reviewing the proposed decree, oral testimony will not be required at such hearings. The attorney or party shall request that the clerk present the original court file to the ex parte judge at the time of presentment, together with the proposed findings of fact, conclusions of law and decree. Presentation of such agreed decrees may be by mail to the Clerk of the Court. The appropriate ex parte fee and return, postage paid and pre-addressed envelopes for any conformed copies shall be submitted prior to presentation. The person submitting the ex parte request shall assure proof of compliance with LCR 95.04, if applicable.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCR 95.04
MANDATORY PARENT EDUCATION WORKSHOP

The Ferry, Stevens and Pend Oreille Counties Superior Courts find that it is in the best interest of any child whose parents or custodians are involved in specific court proceedings to provide such parents with an educational workshop concerning the impact family restructuring has on their child. The workshop offers parents tools to help ensure that their child's emotional needs will not be overlooked during the legal processes, to encourage parents to agree on child-related matters, and to aid in maximizing the use of court time.

(1) Types of Proceedings Required. Each person named as a party in the following types of proceedings filed after October 1, 1999, must comply with Local Rule 95.04:

1. Dissolution of marriage with child(ren) under 18 years old;
2. Legal separation or declaration of invalidity of marriage with child(ren) under 18 years old;
3. Petition to establish custody or visitation including paternity; and/or
4. Post-judgment petition involving custody or visitation.

(2) Service on Parties. The Clerk of the Court shall provide a copy of this rule (LR 95.04) to the

initiating party for service upon all parties against whom relief is sought, together with a statement describing the program including contact telephone numbers, addresses, statement of costs, and an explanation of how to request a waiver or deferral of the program registration fee.

(3) Mandatory. Each party who files an appearance in a proceeding of the types described above in Section (1) shall complete the program unless exempted by the court. No final order approving any residential or parenting plan shall be entered without proof of completion of such education program by the parents or legal guardians unless otherwise ordered by the court.

(4) Ninety (90) Day Deadline. Each party shall attend and complete an approved parenting workshop within ninety (90) days of filing a proceeding specified in Section (1) above.

(5) Exemption. The Court may exempt one or both parties from completion of the program if, after reviewing the requesting party's motion and supporting affidavit, the Court determines that participation is unnecessary.

(6) Approved Program. The parent education program sponsored by the Washington State University (WSU) Extension Service is an approved program. Other programs may be approved by application to the Court.

(7) Proof of Completion. Upon completion of the program, the workshop provider shall issue a certificate of completion to each program participant. The certificate of completion shall be filed with the Clerk of the Court.

(8) Non-Complying Parties - Attorney's Fees Sanctions. A party who has completed the program shall have the right to request entry of an order from the court compelling the non-complying party's completion of the program. Should the non-complying party fail to complete the program in a timely manner without good reason, the court shall enter an award of reasonable attorney's fees and costs incurred for obtaining an order for compliance in favor of the complying party who uses this option to force the non-complying party into compliance. Other sanctions as set forth in Section (9) below may also be ordered.

(9) Other Sanctions. If upon order of the court a non-complying party continues to refuse participation, the refusal may be considered by the court in making its rulings on issues which are in dispute and may be grounds for contempt, striking of pleadings, and/or default.

(10) Fees. Each party shall pay the fee charged by the approved provider. The court shall reduce the fee to fifteen dollars (\$15.00) whenever the superior court filing fee has been waived. The court may further reduce or waive all of the fee upon special application to the court.

LCR 99.
LOCAL RULES OF SUPERIOR COURT

Local Rules Committee. There shall be a standing rules committee composed of the presiding judge, at least one member of the bar from each county to be appointed by the Bar Association of each county, and one of the three County Clerks to be appointed by them. The rules committee will meet as determined by the presiding judge, but not less frequently than once every six months.

[Adopted September 1, 1991; amended effective September 1, 2004.]

LCrR 3.1.
ARRAIGNMENT, TRIAL AND OTHER HEARINGS.

- (a) Arraignment Order. Criminal trials shall be set at the time of arraignment. At the same time, the court shall schedule an omnibus hearing and a trial status conference. The order on arraignment shall specify whether defendant shall be required to appear at omnibus hearing.
- (b) Omnibus Hearing. Unless an agreed omnibus order has been submitted by both sides prior to or at the time of the omnibus hearing, defendant's attorney of record shall appear personally at the omnibus hearing. If the order on arraignment has required defendant's personal attendance at omnibus, defendant shall personally appear, or a bench warrant may issue.
- (c) Status Hearing. Both defendant and defendant's attorney of record shall appear personally at the status hearing. Failure to appear at status hearing is grounds for sanctions and/or issuance of a bench warrant for defendant's arrest.

[Adopted effective September 1, 2004.]

LCrR 6.1.
TRIAL BY JURY.

Notice to Court of Calendar and Jury Trial Changes; Sanctions for Late Notice. Whenever a case has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice shall be given by the defendant's attorney of record to the court administrator, no later

than two working days prior to the scheduled trial date. Failure to give notice as required in this rule may be grounds for assessment of actual costs. Actual costs shall include jury venire mileage and fees, bailiff wages, clerk overtime costs incurred in contacting jury venire persons, and witness fees paid by the court.

[Adopted effective September 1, 2004.]

LJuCR 2.5.
AMENDMENT OF SHELTER CARE ORDER.

Hearings to review an existing shelter care order shall be set for hearing no later than thirty (30) days after the prior shelter care hearing. When the Department of Social and Health Services is the petitioner, the Department shall submit for entry a continuing shelter care order, maintaining the existing orders, no more than three (3) judicial days prior to the date of the shelter care review hearing unless: (1) a party files and serves an objection to continued shelter care on or before three (3) judicial days prior to the hearing date for the shelter care review hearing; (2) any party formally notes a shelter care hearing; or (3) the entry of a court order (such as an order of dependency) has made continued shelter care unnecessary.

[Adopted effective September 1, 2004.]

LJuCR 3.8.
DISPOSITION HEARINGS.

(c) Evidence. At disposition, review and permanency planning hearings, the court shall consider the social file, social study (Individual Service and Safety Plan), and other appropriate predisposition studies, including diagnostic, treatment and progress reports and recommendations from service providers who have provided services to parties under prior court order. Any predisposition study shall be made available to the other parties a reasonable time prior to the hearing.

[Adopted effective September 1, 2004.]

LJuCR 3.9.
REVIEW HEARINGS.

(a) Testimony. All contested review hearings, including permanency planning reviews, shall be held without oral testimony, unless a motion is properly and timely made by a party with due notice to all other parties, and the motion is granted by the court to allow oral testimony. The parties may present further evidence in written affidavit or declaration form, and the social file and other appropriate diagnostic, treatment and progress reports and recommendations from service providers shall also be considered at the request of any party. Any written materials shall be made available to the other parties at a reasonable time prior to the hearing.

(b) Parties to Be Heard. Unless the court orders further testimony pursuant to subsection (a) above, the only persons who may be heard at review hearings shall be the current caseworker, the parent(s) or guardian/custodian of the child, the guardian ad litem, and any foster or relative caregiver entitled to an opportunity to be heard under state or federal law.

[Adopted effective September 1, 2004.]

LRGAL 1.
GUARDIAN AD LITEM COMPLAINT REVIEW COMMITTEE.

There shall be a complaint review committee (hereinafter referred to as the "committee"), consisting of a judge, as designated by the presiding judge, the court administrator or Clerk, and a representative of the county bar association designated by its president, to administer complaints about guardians ad litem involved in Titles 11, 13 and 26 RCW.

[Adopted effective September 1, 2004.]

LRGAL 2.
SUBMISSION OF COMPLAINTS.

All complaints shall be in writing, signed by at least one individual with his/her address and phone number, and submitted to the court administrator.

[Adopted effective September 1, 2004.]

LRGAL 3.
REVIEW OF COMPLAINT.

Upon receipt of a written complaint, the court administrator shall convene the complaint review committee within ten (10) business days to review the complaint. Upon review of the complaint, the committee shall either:

- (a) Make a finding that the complaint concerns a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances, the committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by motion seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony. In such cases, the committee and its members shall perform their roles in such a manner as to assure that the trial judge or court commissioner remains uninformed as to the complaint; or
- (b) Make a finding that the complaint has no merit on its face, and decline to review it and so inform the complaining party; or
- (c) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem within ten (10) business days detailing the specific issues in the complaint to which the committee desires a response. The committee shall provide the guardian ad litem with a copy of the original complaint. A guardian ad litem's failure to respond within the required ten (10) business days shall result in the immediate suspension of the guardian ad litem from all registries. In considering whether the complaint has merit, the committee shall consider whether the complaint alleges the guardian ad litem has:
 - (1) Violated the Rules of Professional Conduct;
 - (2) Misrepresented his or her qualifications to serve as a guardian ad litem;
 - (3) Not met the annual training requirements set forth in the registry requirements;
 - (4) Breached the confidentiality of the parties;
 - (5) Falsified information in a report to the court or in testimony before the court;
 - (6) Failed to report abuse of a child;
 - (7) Communicated with a judge/commissioner ex parte, except as allowed by law (such as in obtaining an emergency restraining order);
 - (8) Purported to represent the court in a public forum without prior approval of the presiding judge;

- (9) Violated state or local laws, or court rules in the person's capacity as guardian ad litem;
- (10) Taken or failed to take any other action which would reasonably call the suitability of the person to serve as guardian ad litem into question;
- (11) Failed to keep information confidential from non-parties or disclosed protected information to a party;
- (12) Intentionally lied or presented information in a false light to the court, another party or a third party; or
- (13) Talked about a case for which the guardian ad litem was appointed to the media or public without the permission of all parties and/or the court.

[Adopted effective September 1, 2004.]

LRGAL 4.
RESPONSE AND FINDINGS.

Upon receipt of a written response to a complaint from the guardian ad litem, the complaint review committee shall, within ten (10) business days, make a finding as to each of the issues delineated in the committee's written request to the guardian ad litem that based on the response, there is either no merit to the issue, or there is merit to the issue. In any case where the committee finds that there is merit to an issue, the committee may conduct further investigation, including the examination of witnesses, documents, and such other evidence as the committee may, in the exercise of its discretion, choose to examine. The committee may extend the time for entering findings of fact during such examination, provided, however, that no such extension shall exceed thirty (30) days beyond the date the committee determined that there is merit to any issue.

[Adopted effective September 1, 2004.]

LRGAL 5.
CONFIDENTIALITY.

- (a) A complaint shall be deemed confidential for all purposes unless the committee has determined that it has merit under LRGAL 1.3(c).
- (b) Any record of complaints filed which are found by the committee not to have merit shall be and remain confidential and shall not be disclosed except by court order.

[Adopted effective September 1, 2004.]

LRGAL 6.
COMPLAINT PROCESSING TIME STANDARDS.

- (a) Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending.
- (b) Complaints shall be resolved within sixty (60) days of the date or receipt of the written complaint if the complaint is filed subsequent to the conclusion of the case.
- (c) The complainant and the guardian ad litem shall be notified in writing of the committee's decision within ten (10) business days of the entry of the committee's findings and decision.
- (d) Complaints filed under this rule must be filed within three (3) years from the date of the occurrence of the matters complained of. The committee shall find complaints filed after this time not to have cause to proceed. This limitation applies to all complaints, whether filed during the pendency or after the conclusion of a case.

[Adopted effective September 1, 2004.]

LRGAL 7.
SANCTIONS.

The committee shall have the authority to issue a written admonishment, issue a written reprimand, refer the guardian ad litem to additional testing, recommend to the presiding judge either that the court, on its own motion, remove the guardian ad litem from the instant case, or that the presiding judge suspend or remove the guardian ad litem from the registry. In considering a sanction, the committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the guardian ad litem from a particular case, or suspension or removal from a registry. If a guardian ad litem is listed on more than one registry, at the discretion of the committee, the suspension or removal may apply to each registry on which the guardian ad litem is listed. When a guardian ad litem is removed from a registry pursuant to the disposition of a grievance, the court shall send notice of such removal to the state Administrative Office of the Courts (AOC).

[Adopted effective September 1, 2004.]

LRGAL 8.
REQUEST FOR RECONSIDERATION BY GUARDIAN AD LITEM.

A guardian ad litem may, within five (5) business days of receipt of notification that he or she has been suspended or removed from a registry, request a hearing for reconsideration of the committee's decision. The presiding judge shall designate a hearing officer to preside over and conduct such review. The sole purpose of the review shall be to review the appropriateness of the suspension or removal from the registry. The hearing officer shall review the written record of the instant case and any prior complaints upon which the committee relied and hear oral argument from the guardian ad litem and a representative of the committee. Said hearing shall be conducted within twenty (20) days of receipt of a request for the hearing.

[Adopted effective September 1, 2004.]

LRGAL 9.
MAINTAINING RECORDS OF GRIEVANCES.

The superior court administrator shall maintain a record of grievances filed and of any sanctions issued pursuant to the grievance procedure.

[Adopted effective September 1, 2004.]

LRGAL 10.
UNAVAILABILITY OF PRESIDING JUDGE.

In the event the presiding judge is not able to sit on the committee, issue an order or make an assignment as required by these rules, on account of being the judge who is assigned to a particular case, or is recused or may otherwise be disqualified, the other sitting judge shall act in the place and stead of the presiding judge. In the event both judges are unable to so act, the court administrator shall arrange for a court commissioner or visiting judge, so to act.

[Adopted effective September 1, 2004.]

(a) Scheduling. When a notice of appeal has been filed, the Clerk shall provide the presiding judge with a suggested schedule of dates for filing the transcript, for submission of briefs as provided by RALJ 6.3A and 7.2, and for oral argument. The presiding judge shall then enter an order which requires the parties to comply with a schedule for such filings and to appear for a hearing for oral argument. The Clerk shall give notice of the appeal scheduling order to all parties, which notice shall include a notice sent directly to any criminal defendant, even if represented by counsel. The scheduling order shall bear the following legend above the judge's signature:

ATTENTION APPELLANT: You are ultimately responsible for ensuring that your appeal is prosecuted in a timely manner, even if you have an attorney assisting you in preparing your appeal. You must maintain contact with your attorney and the court to ensure that this scheduling order is being followed. If you or your attorney fail to meet the deadlines set out in this scheduling order, or fail to timely seek an extension of time pursuant to RALJ 10.3, sanctions may be assessed against you, or your appeal may be involuntarily dismissed pursuant to RALJ 10.2(a).

(b) Transcripts. In the event the transcript or briefs are not timely filed, a party or the Clerk may note the matter on the motion docket either for dismissal for want of prosecution or for order of reversal.

(c) Argument. Arguments on appeal will be limited to 20 minutes per side, except on prior order of the court.

[Adopted September 1, 1991; amended effective September 1, 2004.]
