

Local Rules for
Kittitas County Superior Court

Table Of Rules

General Local Rules (GLR)

GLR 1 Applicability in General
GLR 2 Superior Court Rule Making Procedure
GLR 3 Indigent Defense

Local Civil Rules (LCR)

LCR 7 Motions Practice
LCR 40 Trial Setting
LCR 47 Peremptory Challenges
LCR 54 Attorney Fees, Terms and Imposition Of Costs
LCR 56 Summary Judgments
LCR 59 Motion for New Trial, Reconsideration, and Amendment of Judgments
LCR 77 Sessions/Court Hours, Hearing Days
LCR 79 Books and Records

Special Proceedings Rules (KCLSPR)

SPR 94.04 Family Law Actions

Local Guardian Ad Litem Rule For Superior Court (LGALR)

LGALR 1 Guardian Ad Litem

Local Criminal Rules for Superior Court (LCrR)

LCrR 1 Mandatory Appearances
LCrR 2 Status Conference
LCrR 3 Motions in Limine

Exhibits

Exhibit A Note for Trial Setting
Exhibit B Note for Settlement Conference and Trial Setting
Exhibit C Note for Motion Docket
Exhibit D Guidelines for Domestic Relations Cases

GLR 1
APPLICABILITY IN GENERAL

A. Authority. These rules are made pursuant to CR 83.

B. Suspension of Rules. The court may modify or suspend any of these Rules, in any given case, upon good cause being shown therefore or upon the court's own motion.

GLR 2
SUPERIOR COURT RULE MAKING PROCEDURE

A. Initiation of Rules Changes. All suggestions for rules changes shall be sent to the members of the Kittitas County Bar Association and to other interested parties as determined by the presiding judge.

B. Consideration of Proposed Rules Changes. All suggested rules changes shall be considered by the judges of the Superior Court of Kittitas County in consultation with the Kittitas County Bar Association. If a proposed rule or rule change is approved, it will be published for comment as follows:

(1) By posting the proposed rule(s) on the bulletin board of the Office of the Clerk of the Court and of the Court Administrator's office.

(2) By transmitting the proposed rule(s) to the Kittitas County Bar Association, which shall publish the same to its members.

C. Consideration of Comments. All comments on proposed rules should be directed to the presiding judge. The court shall consider all comments, criticisms, objections and suggestions submitted within 30 days of the date for publishing for comment.

D. Final Adoption, Publication, and Effective Date. After the comment period, the court shall publish the rule changes as finally approved.

E. Limitation of Amendments; Exceptions. The court shall make rule changes only in accordance with this rule, except in cases of emergency or other circumstances justifying immediate changes.

GLR 3
INDIGENT DEFENSE

By this rule the Kittitas County Superior court hereby adopts standards for the delivery of public defender services consistent with RCW 10.101.030 and Kittitas County Code 2.09 et. seq.

LCR 7
MOTIONS PRACTICE

(1) Filing and Noting Motion for Hearing. A note for motion substantially in the form found in Exhibit C shall be filed with the Clerk at the time the motion is filed and served on the parties in accordance with CR 6(d). To assure that timely and complete delivery of the court file to the court, notes for motion calendars should be filed with the Clerk's office by noon on the Thursday preceding the Monday calendar on which hearing is requested.

(2) Failure of Party to Appear. If no one appears in opposition to a duly noted motion, the court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.

(3) Continuances of Motions. Counsel, by agreement, may continue any motion by executing a stipulation of continuance or by orally stipulating on the record in court to a continuance. Continuances shall not be granted by telephone. Upon agreement of counsel to continue or strike a hearing, counsel for the moving party shall advise the court of the agreement to continue or strike the hearing at the time of the agreement and no later than one day prior to the hearing.

(4) Time Allowed for Argument. Each side shall be limited to 10 minutes unless granted leave by the court. Parties anticipating argument that will require longer than 20 minutes total time shall obtain a special hearing date and time from the Court Administrator.

(5) Hearing of Ex Parte Matters.

(a) Scope. This rule applies to all temporary restraining orders, orders to show cause, and all other ex parte matters.

(b) Notice to Opposing Counsel. Unless notice is specifically excluded by statute, no ex parte order shall be presented without notice to opposing

counsel. If counsel for any party has appeared either formally or informally, notice is required. If necessary, notice may be by telephone.

(c) Court File. Counsel is required to obtain the court file when presenting ex parte matters, except for agreed orders other than domestic relations decrees.

(6) Working Copies Are Required.

(a) When filing a motion, provide a conformed working copy to the judge. Working copies may not be emailed or faxed to the court.

(b) Any pleading filed with the Clerk of Court requiring affirmative action by the Clerk shall indicate the need for said action by placing under the caption of the pleading "(Clerk's Action Required.)"

LCR 40
TRIAL SETTING

A. Trial Setting. Civil cases may be noted for trial setting after the issues are joined. Criminal cases will be assigned a trial date at the time of arraignment.

1. Note for Trial Setting.

a. Anyone desiring to bring any issue to trial shall note the matter on the trial setting calendar. (Use Exhibit A.)

b. Counsel are required to ascertain from the Court Administrator the available trial date(s).

c. Counsel are also required to inform the Court Administrator of their available and unavailable dates.

d. Counsel must estimate the length of time needed for trial. Because the court trial calendar is preset, cases will not be permitted to continue beyond the time estimated for trial. If the non-setting parties do not agree with the estimate in the note up notice, they must file their own estimate before the trial setting date. Estimates shall include the total time for trial, not just one side.

2. Presence of Counsel. All trial dates will be assigned by the Court Administrator or the Court. If counsel previously have provided the Court Administrator with available and unavailable dates as required above and are otherwise agreeable to a setting on any particular date, then counsel's presence at the trial setting may be waived.

3. Visiting Judge Required. The Court shall be notified at the time of trial setting if an attorney is a party or a witness in any matter before the Court or of any other matter needing a visiting judge. If such notification is not provided, the case will lose any priority it may otherwise have had.

4. Continuances. Continuances of trial may not be granted by the court except for good cause shown after hearing on the motion filed by the party seeking the continuance, or by motion of the court. In the event good cause is shown and the court grants a motion for continuance, the case will be rescheduled by the Court Administrator and given the priority of a new case (in other words, the case loses any priority it had). In the event the court strikes the trial date on its own motion due to calendar congestion, the case shall receive a priority trial setting.

B. Special Settings. Any civil motions or other matters requiring a special setting will be set by the Court Administrator.

C. Mental Illness Hearings. Mental illness hearings will be set for hearing by the Court Administrator.

D. Change of Judge; Affidavit of Prejudice. Cases will be assigned to a judicial department under the direction of the presiding judge for the county. In all cases, parties shall be notified of the assignment upon the issuance of the Scheduling Order. That assignment shall serve as a pre-assignment/assignment for purposes of change of judge pursuant to CrR 8.9, CR 40, and RALJ 3.2(c). The presiding judge shall notify the local bar when changes in judicial assignments occur.

E. Notice to Court of Calendar and jury Trial Changes. Whenever a cause 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 immediately be given to the Court Administrator so the case may be removed from the court's calendar.

F. Domestic Relations-Case Management.

1. Settlement Conference. At the time the Court Administrator sets the case for trial, the Administrator shall also set a date and time for a settlement conference which shall not be earlier than 10 days from the date of notification and not later than 10 days prior to trial. After the settlement conference has been set, the parties, through written agreement or the court, after a motion made by one of the parties, may strike the settlement conference.

2. Support Modifications. All support modifications will be noted for hearing on the regular motion day. The support modification hearing will be heard by affidavit only, 10 minutes per side for argument. If a party desires live testimony, the request shall be made by motion and allowed by the court in its discretion. After the affidavits and/or financial information have been provided in accordance with the state statutes on child support modification, either party may note the matter for hearing on the regular motion docket. Settlement conferences are not required for support modification.

LCR 47
PEREMPTORY CHALLENGES

Unless good cause is show, all peremptory challenges shall be exercised in open Court at the side bar by marking the challenged juror's name on a form to be provided by the Court.

LCR 54
ATTORNEY FEES, TERMS AND IMPOSITION OF COSTS

If attorney fees or costs have been awarded, the prevailing party must itemize via affidavit the time expended, services rendered, or other detailed bases for the fees and costs requested and attach a copy thereof to the proposed order granting fees and costs.

LCR 56
SUMMARY JUDGMENTS

Summary judgments require special settings and should be noted to be heard before the judge who is assigned to hear the trial. Motions and affidavits, and reply and response affidavits, must be filed in the manner and within the time limitations of CR 56. On any motion for summary judgment, counsel for movant is required to call the Court Administrator two business days prior to the date set for hearing to confirm that the motion will be heard.

LCR 59
MOTION FOR NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

A motion for new trial, reconsideration, or amendment/alteration of judgment shall be submitted on briefs and affidavits of the moving party only, without response or oral argument to the trial judge by the opposing party. The trial judge shall, within 10 days, either deny the motion or advise both counsel of

desired further proceedings pursuant to CR 59 and this rule. A motion under this rule shall be filed with the Clerk and a working copy shall be served on the trial judge at the Superior Court office at the time of the filing of the motion. A copy shall also be served on opposing counsel.

LCR 77
SESSIONS/COURT HOURS, HEARING DAYS

(1) There shall be one continuous session of court from January 1 through December 31 of each year. Court will be in session, unless otherwise ordered, on all judicial days, except Saturday. Court hours will be from 9:30 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m.

(2) Hearing times and days as well as Department assignments are subject to change to accommodate holidays, availability of judges and courtrooms, judicial conflicts and calendar size, but shall generally be as follows:

A. Civil Matters. Probate, guardianship and civil motions will be heard on Monday beginning at 9:30 a.m.

B. Criminal Matters. Arraignments, omnibus hearings, sentencing pursuant to guilty pleas, probation violations, bail hearings, and preliminary appearances will be heard on Mondays at 1:30 p.m. Pretrial hearings pursuant to CrR 3.5 and 3.6 will be heard on Fridays at 9:30 a.m. Status conferences will be heard on Fridays at 9:00 a.m. Criminal trials will be held Tuesday through Friday and will be set by the court at the time of arraignment.

C. Ex Parte Matters. Ex parte matters shall be heard Monday through Friday 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m. Contact Court Administrator to confirm availability of judge.

D. Domestic Relation Matters

(1) Settlement Conferences. Settlement Conferences will be heard on Friday beginning at 1:30 p.m.

(2) Show Cause and Temporary Relief. Show cause hearings and motions for temporary relief, including URESA contempt hearings will be heard on Mondays at 9:30 a.m.

(3) Uncontested Dissolutions. Uncontested dissolutions in which one or both parties are represented by counsel will be heard at 9:30 a.m. on Mondays. Uncontested dissolutions in which both parties are not represented by counsel will be heard on Mondays at 10:30 a.m. Regardless of representation, jurisdictional testimony may be submitted by affidavit and is encouraged.

E. Protection Orders. Domestic Violence and Protection Orders not otherwise filed under a related case between the parties shall be heard on Mondays at 9:30 a.m. (10:30 a.m. if both pro se).

F. Adoptions. Any adoptions requiring notice, including pro se adoptions, will be heard on Monday at 9:00 a.m.

G. Civil Trial Settings. Trial setting dockets shall be every Monday at 9:00 a.m. (See also LCR 6.)

H. Juvenile Matters.

(1) Offenders. Arraignments, pleas, dispositions and probation violations will be heard on Monday at 10:00 a.m. Offender trials will be heard on Thursdays and scheduled by the court at the time of arraignment.

(2) Dependencies. Stipulated fact-finding hearings and review hearings will be heard on the 2nd and 4th Tuesdays of each month. Contested fact-finding hearings and shelter care hearings will be scheduled by the Court Administrator.

(3) Truancy/At-Risk Youth. Adequate cause, show cause, review hearings and fact-findings will be heard on Monday afternoon at 4:00 p.m.

SPR 94.04
FAMILY LAW ACTIONS

A. Ex Parte Restraining Orders. Personal appearance of a party may be required upon the judge's request if a party requests an ex parte order be entered immediately restraining the other party from the family home.

B. Temporary Orders. The initial show cause hearing for temporary relief shall be heard on affidavits only unless, after appropriate motion, the court allows live testimony. The following shall apply to all contested hearings in which temporary relief is sought:

(1) Responsive Affidavits. Responsive affidavits shall be served and filed no later than one business day prior to hearing pursuant to CR 6(d). To ensure that pleadings are available in the court file for timely review by the court, parties are encouraged to file pleadings before noon two days prior to the hearing.

(2) Exhibits and Worksheets. Financial exhibits and support worksheets shall be filed in the form as provided by these rules whenever financial matters are in issue.

C. Child Support. The Washington State Child Support Schedule as adopted and amended from time to time by the legislature shall be applied by the Court and Counsel in all matters involving child support, temporary or permanent.

D. Settlement Conferences. Settlement conferences shall be mandatory in domestic relations cases with the exception of a petition to modify child support. The Court Administrator shall set a time and date for a settlement conference at the time the matter is set for trial. The settlement conference shall be scheduled no earlier than 10 days from the notification and no later than 10 days prior to trial. The settlement conference shall be set before the judicial department of the superior court not assigned to hear the trial. The conference must be confirmed by each party before 12:00 p.m. the day prior to the scheduled conference.

E. Position Statements. In all final hearings or trials in domestic relation matters, each party shall file and serve on the opposing party and the court a written domestic relations position statement, which shall include the Washington Pattern Form financial declaration (WPF 01.0550). The petitioner is required to file his/her position statement three (3) business days prior to the scheduled final hearing. The respondent shall file his/her position statement two (2) business days prior to the scheduled final hearing, trial, or settlement conference. In preparing the position of a party to a domestic relations matter, the assumptions and alternate residential guidelines set forth on Exhibit D to these rules should be considered.

F. Noncontested Marriage Dissolutions - Delivery of Decree to Other Party. In default dissolution cases at the time of entry of the decree, the moving party or counsel shall immediately deliver to or mail to the other party, at their address if known, (or to their counsel), a conformed copy of the decree, with the date of filing indicated on each copy so delivered or mailed.

G. Date of Support Payments. If, in any marriage dissolution case, support, whether temporary or permanent, is to be paid, the order or decree shall specify the day upon which said order becomes effective and the day or days certain upon which said support shall be due.

H. Support Paid Through Registry of Court. Payments still required to be made through the Registry of the Court shall be by certified check, cash or money order. Child support payments shall be paid in the form of money order or cashier's check made payable to the Kittitas County Clerk, directly to the registry of the Kittitas County Superior Court Clerk who will forward the amounts received to recipient at recipient's mailing address, or such other address as recipient shall provide the clerk's office in writing.

I. Mandatory Impact on Children Seminar.

(1) Definition of Applicable Cases. This rule applies to all domestic cases including dissolutions, legal separations, major residential modifications and paternity actions in which paternity has been established, where the parties are parents of a child or children under the age of 16, or where a party is not a parent but is seeking custody, and where a parenting plan or residential plan involving more than purely financial issues is required.

(2) Impact on Children Seminars; Mandatory Attendance. Unless waived pursuant to paragraph 4 below, within 60 days after service of a petition or initiating motion on the respondent, both parties shall participate in, and

successfully complete, an approved Impact on Children Seminar. Standards for a court-approved Impact on Children Seminar are set forth in sections (7) and (8) below. Successful completion shall be evidenced by a certificate of attendance filed by the provider agency with the court. The petitioning party shall provide notice to the other party, in or with the petition, of the requirements of this rule. In the event that a party complies with this rule through the use of an alternative seminar not issuing a certificate of completion, that party shall file an Affidavit of Attendance setting forth at a minimum the date(s) and place of attendance, the sponsor or agency holding the seminar, and the title or description of the seminar.

(3) Permissive Application. The court may require parties with children living in the household in domestic violence actions brought under RCW 26.50, and non-parent parties in any domestic case, to attend an Impact on Children Seminar.

(4) Special considerations/waiver. In no case shall opposing parties be required to attend a seminar together, nor more than one seminar. Parties may use equivalent services offered by another courts, private agencies or religious organizations, upon approval by the judge in the individual case. The court may waive the seminar requirement for one or both parties in any case for good cause shown, or may approve an alternative program or seminar to enable the party affected to receive the same or similar child impact information.

(5) Fees. Each party attending a seminar shall pay a fee charged by the approved provider agency directly.

(6) Failure to Comply. Non-participation, or default, by one party does not excuse participation by the other party. A party's refusal, delay or default shall not delay the progress of the case to a final decree. Willful refusal or delay by either party may result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings, and/or refusal to entertain post-decree motions and petitions.

(7) Seminar Location/Content. A court-approved Child Impact Seminar shall be available in a designated Kittitas County meeting location, or may occur at such other sites as may be approved by the court and shall provide, at a minimum, information on:

- (a) The developmental stages of childhood;
- (b) Stress indicators in children;
- (c) Age appropriate expectations of children;
- (d) The impact of divorce on children;
- (e) The grief process;
- (f) Reducing stress for children through an amicable resolution of disputes;
- (g) The long-term impact of parental conflict on children;
- (h) Importance of child's relationships with both parents, and with extended family members, and fostering those relationships;
- (i) Communication skills for divorced parents;
- (j) Practical skills for working together; and
- (k) The impact on children when step-parents and blended families enter their lives;
- (l) Parenting children with limited time (alternate residential time limits) and fair parenting (impact on child when parent abstains from discipline/showers child(ren) with gifts/"sides" with child against other parent/succumbs to guilt feelings (whether self-imposed or brought on by child(ren), etc.); and
- (m) Involvement of extended family.

(8) Qualifications of Instructors. Child Impact Seminars should be conducted by a team of not less than two instructors, including one male and one female. Instructors should be familiar with the required provisions of parenting plans, and have the following minimum credentials and experience:

- (a) A Master's Degree in Social Work, Psychology or other related behavioral science;
- (b) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;
- (c) Experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;
- (d) Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- (e) Substantial knowledge of the impact on children of alcohol/drug abuse by family members;
- (f) An ability to work with other agencies as part of a collaborative program; and
- (g) Strong oral communications skills.

When parties choose to use agencies or religious organizations which have not received prior approval by the court, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

(9) Conduct of Parties. The Court shall not consider a party's conduct,

demeanor, or level of participation at the seminar in determining the provisions of a parenting plan.

J. Mandatory Settlement Conferences. In each contested action for dissolution, declaration of invalidity or legal separation, or when ordered by the court, counsel and the parties shall participate in a conference presided over by a judge, judge pro tem or court commissioner.

(1) Excused Attendance. A party may be excused from attendance or a settlement conference may be stricken when compelling attendance would be unduly burdensome. Request for non-attendance should be made at least 24 hours in advance to the Court and opposing counsel.

(2) Proceedings Confidential. Proceedings of said settlement conference shall, in all respects, be confidential. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may in his discretion, order any agreement to be placed on the record.

(3) Disqualification of Judge. A judge presiding over a settlement conference is presumed to be disqualified from hearing any other matter regarding the action, but this presumption may be overcome by stipulation of the parties.

(4) Preparation Required. Prior to said conference, each party shall have submitted to the other party and to the court a completed position statement in accordance with LCR 11(e) above.

LGALR 1
GUARDIAN AD LITEM

The Court Administrator maintains and administers the Title 26 Guardian Ad Litem Registry. Contact the Superior Court Administrator for appointments.

LCrR 1
MANDATORY APPEARANCES

Each criminal defendant shall be required to attend all scheduled pretrial hearings, including the omnibus hearing, the 3.5/3/6 hearing and the status conference, unless excused by the court.

LCrR 2
STATUS CONFERENCE

Every criminal case shall be set for a status conference prior to trial to determine whether a scheduled case is still on track for trial.

LCrR 3
MOTIONS IN LIMINE

Motions in limine shall be filed and served at or before the date set for status conference. Motions in limine requiring extensive argument or testimony shall be heard on the date set for the pretrial hearing or by leave of the court through the Court Administrator.

EXHIBIT A NOTE FOR TRIAL SETTING

The contents of this item are only available [on-line](#).

EXHIBIT B NOTE FOR SETTLEMENT CONFERENCE AND TRIAL SETTING

The contents of this item are only available [on-line](#).

EXHIBIT C NOTE FOR MOTION DOCKET

The contents of this item are only available [on-line](#).

EXHIBIT D GUIDELINES FOR DOMESTIC RELATIONS CASES

The contents of this item are only available [on-line](#).
