Local Civil Rule 94.04W
DOMESTIC RELATIONS

(a) Family Court.

(1) Jurisdiction. All cases filed under Title 26 RCW shall be transferred to the Family Court for adjudication.

(2) Judicial Officers. Each of the judges and court commissioners of the Benton and Franklin Counties Judicial District are designated as Judges of the Family Court and Commissioners of the Family Court.

(3) Effective Dates. Sections (b) and (c), below, are effective and apply to all cases pending on January 1, 1999 or filed on or after January 1, 1999

(b) Automatic Mutual Temporary Order.

(1) Contents. Upon the filing of a summons and petition in any action subject to this rule, the court, on its own motion, shall automatically issue a mutual temporary order that includes the following provisions unless specifically otherwise ordered by the court:

(A) The parties are restrained from transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the immediate necessities of life or as agreed upon in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued.

(B) The parties are restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlements of any insurance policies of either or both parties, whether medical, health, life or auto insurance, except as agreed in writing by the parties.

(C) Each party is immediately responsible for any debts he or she incurs after the order is issued, whether by open account, credit card, loan, security interest or mortgage, except as agreed in writing by the parties.

(D) Each party shall have access to all tax, financial, legal and household records and reasonable access to such records shall not be denied.

(E) In every action in which children are involved:

(i) Each parent is restrained from changing the residence of the child(ren) until further order of the court, except as agreed in writing by the parties.

(ii) Each parent shall insure that the child(ren) not be exposed to negative comments about the other parent.

(2) Effective Date. The petitioner is subject to the order from the time of its entry upon filing of the summons and petition. The petitioner shall serve a copy of the order on the respondent. The respondent is subject to the order from the time that it is served. The order shall remain in effect until further order of the court.

(c) Case Schedule . Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new case file is opened, the Court Administrator will prepare a case schedule and the Superior Court Clerk will file the scheduling order (referred to in these rules as a "Case Schedule") and will provide one copy to the party filing the initial pleading.

(1) Waiver of Case Scheduling Order. The Court may order that the Case Scheduling Order be waived in Petitions to Modify Child Support, upon motion by either party.

(d) Effective Date. This rule shall apply to all cases filed on or after September 1, 2010.

(e) Service of Case Schedule on Other Parties. The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance or an answer.

(f) Amendment of Case Schedule. The Court, either on motion of a party or on its own initiative, may modify the Case Schedule for good cause. The Court shall freely grant a motion to amend the case schedule when justice so requires. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court Administrator will prepare and file the Amended Case Schedule and promptly mail it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the Court.

(g) Form of Case Schedule.

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors, including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) Form. A Case Schedule will be in generally the following form:

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES

Petitioner,	Case No.
and	DOMESTIC CASE SCHEDULE ORDER (ORSCS)
Respondent.	

I. SCHEDULE
(Week of _____)

1. Mandatory Status Conference	2 months
2. Assign GAL	4 months

3.	Final Parenting Plan	4 months
4.	Appraisal Report Due	4 months
5.	Additional Discovery Pursuant to LCR 94.04W(j)(4)(A-H)	4 months
6.	Additional Status Conference	4 months
7.	Mediation (with or without children)	6 months
8.	GAL Report Due	6 months
9.	Additional Discovery	6-1/2 months
10.	Written Settlement Proposal (Petitioner)	1 week (Prior to STLCON)
11.	Written Settlement Proposal (Respondent)	2 days (Prior to STLCON)
12.	Settlement/Pretrial Conference	7-1/2 months
13.	Trial Date	9 months

II. ORDER

IT IS ORDERED that all parties comply with the foregoing schedule.

Dated this_____day of_____, _____.

_____
SUPERIOR COURT JUDGE/COMMISSIONER

(h) Mandatory Status Conference.

(1) Scheduling. All dissolution actions shall be scheduled for a status conference to occur within 60 days of filing. The petitioner or joint petitioners shall note the dissolution action for status conference by serving notice of the conference with the original service of process or by timely service in the manner required for service and filing of pleadings and other papers pursuant to Civil Rule 5. The Notice of Status Conference will advise the respondent and the clerk of the date, time, and place of the status conference. Attendance by all counsel and parties to the action is mandatory absent any compelling reasons determined by the judicial officer. See Cancellation/Confirmation of Status Conference form LCR 94.04W(j).

(2) Preparation. At the status conference, both parties shall be present and shall be prepared to advise the court of the nature of all disputed issues, of the need for temporary orders, of the need for investigation by professionals, of allegations of domestic violence and/or child abuse and of any other issues affecting the timely disposition of the dissolution action.

(3) Financial Declarations. At the status conference all parties shall file and serve a financial declaration in the form prescribed by the Office of the Administrator for the Courts together with the following documents:

(A) Support Worksheets. If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

(B) Tax Returns. Complete tax returns for the past two calendar years together with all schedules and W-2 forms;

(C) Partnership and Corporate Tax Returns. Complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five percent or greater.

(D) Pay Stubs. All pay stubs showing income for the past six months or since January 1 of the Calendar year, whichever period is greater.

(4) Scheduling Order. At the initial status conference the Court shall review with the parties the nature of the issues in dispute and execute a scheduling order, which, except for good cause shown, shall set a settlement conference within 165 days of the status conference and a trial date within 45 days of the settlement conference.

(5) Guardian ad Litem. The guardian ad litem intake packet shall be completed and submitted to the court at the initial status conference.

(6) Mediation Required for All Disputed Issues. At the time of the initial status conference, or before a settlement conference, all disputed issues shall be submitted to mandatory mediation. All disputed child custody and visitation issues shall be submitted to mandatory mediation pursuant to LCR 94.06W. Mediation shall be completed (30) days prior to settlement conference.

(7) Evaluations. The court may for good cause order a custody or parenting evaluation, mental health evaluation, alcohol or drug evaluation, mediation, treatment, counseling, and/or physical examination. The Court will determine the need for appointment of professionals and direct either or both parties to pay for services deemed necessary.

The issue of costs shall be addressed in the order requiring said services and shall contain an hourly rate and maximum payment if costs are to be at public expense.

(4) Business Valuations. If the value of the community interest in a business or professional practice is in dispute, the court shall appoint an appraiser to report to the court and the parties on the value of the business or professional practice. The parties may agree upon an appraiser to be appointed by the court. If the parties are unable to agree, each party shall, at the status conference, designate a valuation expert, and the experts so designated shall, within ten days following the status conference, recommend to the court a valuation expert to be appointed as an appraiser by the court.

(i) Mandatory Settlement and Pretrial Conferences.

(1) Combined Settlement and Pretrial Conferences. A combined settlement and pretrial conference shall be held in all contested domestic relations cases. The purpose of the conference is to explore settlement of all issues and to identify disputed issues. Parties are not bound by the settlement recommendations of the Court, but are required to attend and participate. Attendance by all counsel and parties is mandatory. Failure to appear at the settlement conference, without prior permission of the court, shall constitute an act of default. The present party may move for default pursuant to CR 55

(2) Discovery; Filing Position Statements. All discovery shall be completed thirty (30) days prior to the settlement conference. Petitioner shall prepare his or her position statement and mail or deliver the same to respondent and the court administrator seven (7) days prior to the settlement conference. No fax copies will be accepted by the court. Respondent shall file with the court administrator and serve his or her position statement, in the same format as the petitioner, incorporating the petitioner's data, and mail or deliver the same to the petitioner and the court administrator two (2) days prior to the settlement conference. Position statements shall not be filed in the court file.

(3) Court Imposed Sanctions. Failure to appear at the settlement conference (without prior permission of the court) or failure to timely submit a Position Statement, shall subject the non-complying party and/or their attorney to a sanction of $200, paid to the Clerk of the Court. Payment shall be due within 20 days of the order. A party or attorney may petition the Court for relief from sanctions, which shall be filed within the same 20 day period and shall be noted for hearing.

(4) Position Statements.

(A) Form. Position statements for the purpose of the settlement conference shall be substantially in the form maintained by the Court Administrator's Office. The position statement will indicate the proposed disposition of assets and liabilities, proposed spousal maintenance, and residential placement of children, as applicable. The position statement shall not be used for any purpose at trial, unless otherwise agreed by the parties.

(B) Asset/Liability List. If distribution of assets or liabilities is an issue, each party shall file and serve a list of assets and liabilities known to the party, together with the position statement, and shall indicate the party's good faith opinion as to the fair market value of any asset as of the date of separation. The parties may also indicate the current fair market value if there is a significant difference. The list shall be signed by the party under penalty of perjury. This list may be used at trial, subject to the rules of evidence.

(C) Needs/Abilities Statement. If spousal maintenance or attorney's fees is at issue, each party shall file and serve a statement containing a list of all income and assets, including any retirement benefits, together with a list of current monthly living expenses and liabilities. The information regarding liabilities shall indicate the total amount owed as of the date of separation, the amount the party has paid on the debt(s) since the date of separation, and the monthly payment on the debt(s). The statement shall also include information concerning the needs and abilities of the party, including age, education, work experience, and mental and physical health. This statement shall be signed by the party under penalty of perjury. This statement may be used at trial, subject to the rules of evidence.

(D) At the time of the settlement conference or before, all exhibits intended to be used at trial will be disclosed and a copy provided to the opposing party.

(E) Pretrial Statement. At the conclusion of the settlement conference, if the case is not then settled, the parties shall complete a Joint Pretrial Statement, in the form maintained by the Court Administrator's Office. Both parties and attorneys shall sign the Joint Pretrial Statement.

(5) Discovery Required. In addition to discovery required under 94.04 W(i)(3)(A-D), the parties are required to file and exchange, as appropriate, the following documents no later than the discovery cut-off date:

(A) A copy of the most recent statement of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, and time payment accounts owed by or to the parties;

(B) The most recent employers' ERISA statement, and a statement of contribution since that statement, of any pension plan of either party;

(C) A written appraisal of any real estate, antiques, jewelry, or other items of special, unusual, or extraordinary value or a summary of the evidence which will be relied upon;

(D) A verified extract or copy of the most recent N.A.D.A. Official Used Car Guide or Appraisal Guide showing both average loan and wholesale and retail values for any automobiles.

(E) A summary of the source and tracing of any property asserted to be the separate property or obligation of either party.

(F) A statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans on the cash value.

(G) A written appraisal of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence which will be relied upon.

(H) Expert witnesses shall be disclosed at or before the pretrial conference.

(j) Entry of Decree.

(1) Non-contested Calendar. The clerk shall not place any dissolution case on the non-contested calendar unless proof is filed that summons was served more than ninety (90) days before the date selected for hearing and that the case has been on file more than ninety (90) days.

(2) Time of Presenting Documents for Signature. At the time of hearing of a non-contested dissolution case, the necessary documents to be signed must be presented to the Court for signature. If signed, they shall be filed with the clerk forthwith. For good cause shown, the Court may extend the time for presentation.

(3) Disposition of Issues. No decree of dissolution shall be entered unless the decree disposes of all issues over which the Court has jurisdiction.

(k) Copy of Decree to be Delivered. In default dissolution cases, at the time of filing the decree, the attorney for the prevailing party shall immediately deliver to his or her client and deliver to or mail to the other party, at his or her address, if known, or to his or her attorney, a conformed copy of the decree with the date of filing the original indicated on each copy so delivered or mailed. The decree shall be filed forthwith upon granting the dissolution.

(l) Orders Pendente Lite. Ex parte orders in domestic relations matters which restrain one party from the family home or from contact with the other party or children shall not be entered unless the Court finds (and the order provides) that irreparable injury could result if the order is not entered. No ex parte orders shall be issued changing the custody of minor children without a clear showing of present danger to a child (children) and/or that the custodial person will, unless custody change is immediate, remove the said child (children) from the State of Washington. The attorney presenting the order shall specifically advise the Court that the order presented contains such a provision.

(m) Modification of Divorce Decree - Re: Support. If a petition to modify any order, judgment or decree is with regard only to support of minor children, then it shall be heard upon affidavit only, which shall concern change of circumstances and other appropriate matters, unless the petitioner therein has obtained leave of Court to hear said matter upon oral testimony, in which event the notice of hearing shall so provide. The respondent, prior to the return date, may obtain leave of Court to present oral testimony.

(n) Actions for Modification of Custody. A motion for modification of the custody provisions of a decree of dissolution or other custody decree shall be brought on by noting the adequate cause hearing required by RCW 26.09.270 on the motion calendar. The notice shall inform the other party of the time and place of hearing, the right of the other party to file opposing affidavits, and that the Court will take the following action:

(A) If adequate cause for hearing is not established by the affidavits, the motion for modification of the custody decree will be denied.

(B) If adequate cause for hearing is established by the affidavits, an order will be issued fixing a trial date and requiring the other party to show cause why the motion for modification should not be granted.

(C) If venue or jurisdiction is an issue, either party may apply to the Presiding Judge for an expedited hearing on this issue, which shall be heard promptly prior to a hearing on the merits.

(2) Motions for Temporary Custody. Except with respect to pending actions for dissolution, legal separation, or a decree of invalidity, motions for temporary custody will not be heard until adequate cause has been established.

Once adequate cause is established, the Court may proceed immediately to the hearing of the motion for temporary custody or continue the same, as justice requires.

(3) Actions for Modification of Visitation. Actions to clarify or change established visitation rights shall not require an adequate cause hearing.

(o) One Day Trailing of Trial Dates. Except for good cause shown, all domestic cases shall trail for one day. For example, if a domestic trial is set to be begin on Wednesday, the parties must be prepared to begin trial on Thursday as well.

(p) Cancellation/Confirmation of Status Conference. The following form is to be used for Cancellation/Confirmation of Status Conference.

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES
IN RE THE MARRIAGE OF:

Petitioner	)	Case No.
V.	)	CANCELLATION OF STATUS CONFERENCE
Respondent	)	

I. CANCELLATION

The parties make the following joint representations and hereby cancel the

Status Conference(s) scheduled on _____ and _____ (dates):

1. All parties have been served or have signed an acceptance of service.
2. All mandatory pleadings and financial information have been filed.
3. All parenting seminars have been completed (certificates attached) or are not required.
4. No unresolved issues remain for the court's intervention.
5. This matter has been placed on the uncontested domestic docket for entry of final documents on _____. (Notice for Docket attached)
6. A copy of this document will be provided to Court Administration.

PETITIONER OR PETITIONER'S ATTORNEY

DATED: _____ Signed: _____

Typed Name: _____ WSBA #: _____

Address: _____

Phone: _____

Attorney for: _____

RESPONDENT OR RESPONDENT'S ATTORNEY

DATED: _____ Signed: _____

Typed Name: _____ WSBA #: _____

Address: _____

Phone: _____

Attorney for: _____

[Adopted effective April 1, 1986; Amended effective September 1, 1998; September 1, 1999; September 1, 2001; September 1, 2003; September 1, 2005, September 1, 2007, September 1, 2009, September 1, 2010, September 1, 2011, September 1, 2012, September 1, 2013]