

RULE 91
MANDATORY SETTLEMENT CONFERENCES IN DOMESTIC RELATIONS ACTIONS

(a) Policy Statement. It is the finding of the court that settlement conferences are a valuable tool to promote the amicable resolution of disputes and promote the efficient use of court resources. Settlement conference time is also a valuable resource. It is expected that all parties who participate in settlement conferences as mandated by the court be prepared to participate when scheduled and not squander this valuable resource.

(b) Settlement Conferences Required. A settlement conference is mandatory in all contested actions in which a dissolution/declaration of invalidity/legal separation of marriage or domestic partnership is sought. A settlement conference may be requested in any family law matter with the agreement of all parties. No trial date will be set unless the required settlement conference has occurred or has been waived by a judge for good cause.

Parties may comply with this rule by participating in a mediation or settlement conference using a court approved mediation service, and filing a certificate from that service with the court. Should parties choose to go through private mediation to comply with this rule, they shall be responsible for all costs of said mediation. Approved mediators shall be listed on the Court's website, and are available from the Court Administration, the Clerk and the court facilitator's office.

(c) Request for Settlement Conference. A request to schedule a settlement conference may not be made until after a response to the petition has been filed, the parties have engaged in settlement negotiations and the Guardian ad Litem report, if applicable, has been filed. The request for settlement conference shall be signed and filed with the clerk.

(1) Form. The request shall be substantially in the form approved by the court and available on the Court's website, from the county clerk or court facilitator, or from superior court administration.

(d) Readiness Statement. A party shall complete the Certificate of Readiness Statement and Mandatory Settlement Conference / Trial Setting Notice which shall be signed and filed with the clerk. This document will include a statement, verified by the party or his/her attorney, that negotiations have been attempted between the parties. Please see <http://www.cowlitzsuperiorcourt.us/rules-and-forms/family-law-forms>.

(1) Form. The request shall be substantially in the form approved by the court and available on the Court's website, from the county clerk or court facilitator, or from superior court administration.

(e) Settlement Conference Affidavit. Each party must complete a statement of family financial status. If the parenting plan or child support is at issue, each party will provide a proposed parenting plan and child support worksheets. Appraisals, bluebook printouts, or other documents supporting contested issues should be included with the affidavit. It is helpful if the parties can agree on a format for any proposed balance sheets. The affidavit and supporting documents shall not be filed with the superior court clerk. The affidavit and supporting documents shall be served on the opposing attorney or party if not represented by an attorney, and an additional copy will be provided to the Superior Court Administration for the use of the presiding judicial officer conducting the settlement conference, no later than 4:00 p.m. five (5) court days prior to the scheduled conference.

(1) If the state has filed a Notice of Appearance in a domestic relations case in which child support is involved and the only states interest is medical assistance provided for the children of the parties and preservation of state's collections of child support arrears owed to it, the state may not appear at the Mandatory Settlement Conference if the following language is included in the Mandatory Settlement Conference Affidavit:

Petitioner/Respondent agree to include in the Order of Child Support preservation of the state's right to collect arrears owed to it and the statutorily mandated language regarding medical insurance coverage contained in Paragraph 19 and uninsured medical expenses in Paragraph 21 as requested by the state in this matter and (check the applicable box):

___ 1. The Court is not ordering how health insurance must be provided for the children because the Court does not have enough information to determine the availability of accessible health insurance for the children (insurance that could be used for the children's primary care). The Division of Child Support (DCS) or either parent can enforce the duty to provide or pay for health insurance.

___ 2. Petitioner/Respondent must pay the premium to provide health insurance coverage for the children. The Court has considered the needs of the children, the cost and extent of coverage, and the accessibility of coverage.

The other parent must pay his/her proportional share* of the premium paid.

Health insurance premiums (check one):

___ a. are included on the Worksheets (line 14). No separate payment is needed.

___ b. are NOT included on the Worksheets. Separate payment is needed. A parent or non-parent custodian may ask DCS or the Court to enforce payment for the proportional share.

*Proportional share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.

The state shall be served with the final proposed Order of Child Support and Child Support Worksheets for review and approval within the statutory time limits required by RCW 26.23.130 for the state's review prior to entry of final orders. If the medical or other provisions do not comply with the state's requests for medical insurance coverage language and arrears preservation, these issues shall remain contested and shall be set for hearing.

(2) Form. The request shall be substantially in the form approved by the court and available on the Court's website, from the County Clerk or court facilitator, or from Superior Court Administration.

(f) Sanctions. Failure to file the documents pursuant to sections (d) and (e) above may result in sanctions.

Failure to appear at the conference shall subject a party and/or attorney to additional sanctions upon motion of the opposing party. A party in compliance with this rule may seek fees and costs against a non-compliant party by way of motion to the court and such terms shall be at the discretion of the court.

(g) Conference Procedure. Participation in the settlement conference shall be mandatory. All parties, and their attorneys if represented, shall appear at the settlement conference

(h) Completion of Conference. If the settlement conference results in a partial or full settlement of the case, a record of the settlement shall be made, either by a written CR 2A settlement agreement, signed by both parties and their attorneys, or by placing the agreement on the record in open court. If the settlement conference is not successful, the supervising presiding judicial officer shall file a notice of completion of the conference with the clerk. A private mediator may also file the notice of completion of conference if private mediation is used to comply with this rule.

Form. The completion notice and/or the CR2A agreement cover page shall be substantially in the form approved by the court and available on the court's website, from the county clerk or court facilitator, or from superior court administration.

(i) Notice of Settlement or Change. Whenever a cause has been set for mandatory settlement conference and thereafter is settled or will not proceed for any reason, notice (available from the superior court administration) shall immediately be given to the court and the clerk by the close of the next business day. In the event of a violation of this Rule, the court may, in its discretion, assess actual costs incurred, as a result of the violation, plus such other sanction as appears appropriate against the offending attorney and/or party.

[Adopted September 1, 2005; amended September 1, 2007; repealed on an emergency basis May 1, 2009; repealed on a permanent basis effective September 1, 2009; reinstated as amended effective January 19, 2010; amended September 1, 2010; amended September 1, 2012; amended September 1, 2015; amended September 1, 2016; amended September 1, 2018.]
