RULE NO. 7
DOMESTIC RELATIONS

I. Motions for Order Pending Trial

A. Local Rules 4 and 5 shall be followed for all motions and hearings on orders to show cause, except when an opposing party has not appeared in person or by an attorney, and except when temporary restraining orders are sought under CR 65.

B. Hearings in respect to temporary orders in domestic relations cases other than involving child custody shall be heard only upon affidavits. Testimony shall be allowed only by special permission of the Court, granted prior to the hearing.

1. The affidavits of the moving party shall be filed and served in the manner provided in LR 8 and other Rules of the Court. Responding affidavits and work sheets shall be served and filed no later than one day prior to the hearing unless the Court permits a later service and filing.

C. Residential Placement

1. Any motion concerning the temporary residential placement of children must be accompanied by a proposed parenting plan, unless one has been previously filed and serve D. Hearings involving questions of residential placement of a child requiring testimony shall be set on a date and time certain upon the request made to the Court Administrator.

D. Temporary Child Support

1. Any motion for temporary child support must be accompanied by a completed and signed child support work sheet in the form approved by the State Office of the Administrator for the Courts.

E. Temporary Maintenance or Attorney's Fees

1. Any motion for temporary maintenance or attorney's fees must be accompanied by an affidavit or sworn statement with information including a list of monthly living expenses, debts, employment information for the parties and net income of the parties. If a party is unemployed, the information shall indicate the length of unemployment and reasons why the party is unemployed and when and how much unemployment compensation, if any, will be received.

II. Child Support

A. The Washington State Child Support Schedule now in effect or as hereafter revised shall be used by the Court and counsel in all matters involving child support whether temporary or permanent unless good cause to deviate from it is established.

III. Non-Contested Dissolutions

A. Any non-contested dissolutions, separations, or invalidity action decrees, which have been approved for entry by both parties, or their counsel, may be presented for final hearing by setting the same on the regular civil motion calendar. Oral testimony will not be required at such hearings. Presentation of such agreed decrees may be by mail to the Clerk of the Court, however, the Judge or Court Commissioner hearing such ex parte matters may require that oral testimony or affidavits be provided prior to the entry of the final decree.

IV. Contested Dissolution Actions

A. In any action for dissolution of marriage, separation, or declaration of invalidity in which property division, parenting plan, spousal maintenance, or child support is an issue, each party shall serve on the other party and file with the Court a written summary setting forth:

1. Statement of the issues

2. A statement of the parties' proposed resolution issues

3. A description and value of the assets and liabilities of the parties together with a proposed division thereof

4. The parties' proposed parenting plan

5. Child support worksheet

6. Financial affidavit showing the income and expenses per month of the parties Petitioner's summary must be served and filed no later than ten days before the pre-trial conference, settlement conference, or trial date whichever occurs first. Respondent's summary shall be filed and served no later than five days before the pre-trial conference, settlement conference, or trial date whichever occurs first. Failure to timely file and serve the summary as required may result in appropriate sanctions which may include striking the trial settings and/or imposition of terms for any delay or inconvenience caused by the Court, counsel or other party.

V. Modification of Decree of Dissolution, Separation or Invalidity

A. Every action to modify a decree of dissolution, separation or invalidity shall be initiated by the filing of a properly verified petition to be entitled the same as the original decree sought to be modified.

B. If the petition to modify relates only to support, maintenance or minor adjustments to the parenting plan, then it shall be heard upon the pleadings only unless the petitioner has obtained leave of the Court to hear the matter upon oral testimony; however, if the petition to modify pertains to major adjustments to the parenting plan then it shall be heard upon oral testimony unless both parties stipulate that it may be heard on affidavits.

In any case involving the modification of a parenting plan where the original plan provides for alternate dispute resolution, a petition to modify said plan shall state whether alternate dispute resolution has been exhausted. The Court shall not modify a decree unless the alternate dispute resolution process has first been exercised in good faith. Failure to participate in the alternate dispute process in good faith may result in the imposition of terms. The Court shall determine on affidavits whether alternate dispute resolution has been exercised in good faith.

C. Where modification of a decree concerning child support or spousal maintenance is sought, a financial statement and, if applicable, a child support worksheet shall be filed and served with the petition to modify. A responding financial affidavit and, if applicable, child support worksheet shall be filed and served no later than one day prior to the hearing on the petition. Failure to timely serve and file the statements and worksheets as required will result in appropriate sanctions. Only those portions of the financial statements and worksheets applicable to the issues in the petition to modify need be completed.

D. Proceedings for modification of a dissolution decree or other custody decree shall be done strictly in accordance with RCW 26.09.270.

VI. Receipt of Public Assistance

A. In any action to establish or modify child support where any child affected is subject to receiving public assistance or if either party owes any past debt for child support to the State of Washington, then the Office of Support Enforcement shall be served with a copy of the petition to establish or modify child support at least twenty days prior to the hearing on any final order and at least five days prior to the hearing on any temporary order (RCW 26.23.130). Proof of service of said petition shall be filed with the Court prior to the hearing. In Skamania County, the petition shall be served on the Prosecuting Attorney's Office of Support Enforcement.

(Adopted effective September 1, 1996)