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Kittitas County Superior Court

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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.

(3) Temporary Parenting Plans. Proposed parenting plans shall be filed whenever temporary parenting matters are at issue.

(4) Temporary Child Support. A motion concerning temporary child support must be accompanied by a child support worksheet, together with proof of income including most recent paystubs and tax returns.

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. Non-contested 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. 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: The court may require within 60 after service of a petition or initiating motion on the respondent, both parties to 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.

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

(6) Failure to Comply. If the court requires attendance of both parties at an Impact on Children Seminar, 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, on the internet, 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. 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.

I. 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.

(Amended effective September 1, 2015)

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