

LSPR 94.04
FAMILY LAW ACTIONS

(a) Preliminary and Temporary Orders.

(1) Temporary Restraining Orders. When the court finds that irreparable injury could result and issues a temporary restraining order without requiring notice to the other party pursuant to CR 65(b), a show cause order shall be made returnable to the assigned Commissioner's family law motion calendar. If the case is not assigned a show cause order shall be made returnable to any family law motion calendar or paternity calendar as appropriate to determine whether the restraining order shall continue pending trial. A show cause order may also include notice of hearing of a motion for temporary order pursuant to LSPR 94.04(a)(3).

Amended effective 9/1/07

(2) Modification of Parenting Plans and Custody Orders. Motions for temporary custody under RCW 26.10 or a temporary parenting plan under RCW 26.09 will not be heard until adequate cause has been established pursuant to LSPR 94.04(f)(1). Once adequate cause is established the court may proceed immediately to the hearing of the motion for a temporary parenting plan or temporary custody or continue the same as justice requires.

(3) Other Temporary Orders. Any application for temporary support, attorney's fees, preliminary injunction pending trial or other similar relief in pending actions shall be by Motion and Declaration for Temporary Order and Notice of Hearing unless the application is included in an order to show cause issued under LSPR 94.04(a)(1).

Amended effective 7/1/01

(4) Financial Declaration. A party applying for temporary support, attorney's fees or other financial relief pending trial must serve and file with his or her motion or show cause order the mandatory financial declaration form. A party responding to a motion for temporary support, fees or other financial relief must file and serve a completed financial declaration with their response.

Amended effective 7/1/01

(5) Family Law Calendar. All family law motions under this rule and LCR 40(a)(1), all show cause orders seeking similar relief and adequate cause hearings shall be heard on the family law calendar on Tuesdays, Thursdays and Fridays of each week at 8:30 a.m.

Amended effective 9/1/07

(6) Paternity Matters.

(A) Motions. All motions shall be set for hearing on the paternity motion calendars on Monday or Wednesday. The dockets will be called at 8:30 a.m. The notice for hearing shall be on a form approved by the court.

Amended effective 9/1/07

(B) Trials. Trials will generally be set on the Wednesday Paternity Calendar. Lengthy trials may be assigned to a Family Law Judge for calendaring. The docket shall be called at 8:30 a.m. in conjunction with the motion calendar, for all trials set on the paternity calendar.

Amended effective 9/1/07

A trial date shall be requested by filing a Certificate of Readiness and Note for Paternity Trial Setting (Certificate) form together with proof of service. A copy of the Certificate shall be provided to the Family Law Coordinator.
Effective 7/1/01

The opposing party may file an objection to setting within ten days from the filing of the Certificate. The objection shall be accompanied by a note for hearing to be returned to the paternity motion calendar within 20 days. If the objection is denied, an order will be entered referring the matter to the Family Law Coordinator for setting. If the objection is granted, an order will be entered setting forth the terms and conditions under which the case may be set at a future date.

Effective 7/1/01

If no objection has been filed within ten days of the filing of the Certificate, the Family Law Coordinator will schedule the trial date.

Effective 7/1/01

The setting party shall contact the Family Law Department to obtain the trial date after the time for objection has run.

Effective 7/1/01

The setting party shall prepare a notice of the trial date and file a copy of the notice together with proof of service on all parties. Notice shall be served by the 10th day of the month preceding trial.

Effective 7/1/01

(7) Notice Requirements.

Amended effective 7/1/01

(A) Monday hearings. The notice of hearing shall be filed and served no later than the second Thursday preceding the hearing date. Any responding declarations shall be served no later than 4:00 p.m. on the Tuesday prior to the hearing date. Any reply or supplemental declarations must be served by 4:00 p.m. on the Thursday immediately preceding the hearing date.

Amended effective 7/1/01

(B) Tuesday hearings. The notice of hearing shall be filed and served no later than the second Friday preceding the hearing date. Any responding declarations shall be served no later than 4:00 p.m. on the Wednesday prior to the hearing date. Any reply or supplemental declarations must be served by 4:00 p.m. on the Friday immediately preceding the hearing date.

Amended effective 7/1/01

(C) Wednesday hearings. The notice of hearing shall be filed and served no later than the second Friday preceding the hearing date. Any responding declarations shall be served no later than 4:00 p.m. on the Thursday prior to the hearing date. Any reply or supplemental declarations must be served by 4:00 p.m. on the Monday immediately preceding the hearing date.

Amended effective 9/1/07

(D) Thursday hearings. The notice of hearing shall be filed and served no later than the second Monday preceding the hearing date. Any responding declarations shall be served no later than 4:00 p.m. on the Friday prior to the hearing date. Any reply or supplemental declarations must be served by 4:00 p.m. on the Tuesday immediately preceding the hearing date.

Amended effective 9/1/07

(E) Friday hearings. The notice of hearing shall be filed and served no later than the second Tuesday preceding the hearing date. Any responding declarations shall be served no later than 4:00 p.m. on the Monday prior to the hearing date. Any reply or supplemental declarations must be served by 4:00 p.m. on the Wednesday immediately preceding the hearing date.

Amended effective 9/1/07

(F) In the event of a Court holiday occurring during these notice periods, all deadlines will be 24 hours earlier than indicated above.

Amended effective 9/1/07

(G) The Notice of Hearing Family Law Calendar will be on a form approved by the court; the Note for Hearing Paternity Motion Calendar will be on a form approved by the court and the Notice of Hearing for Adequate Cause Determination will be on the mandatory state form.

Amended effective 9/1/07

(8) Hearing. All matters which will take more than ten minutes on either side shall be carried to the end of the calendar or rescheduled to another date. If the ten-minute limit is exceeded in a matter that has been estimated to be within the rule, the Court may terminate the presentation or continue the hearing to the end of the calendar or reschedule to another date. Matters shall be heard on declarations and arguments only, except that the Court may permit oral testimony.

Amended effective 7/1/01

(9) Special Notice - Extensive Declarations (Family Law and Paternity Motion Calendars). If the total narrative declarations on a motion, including response and reply declarations, equal or exceed twenty (20) pages, and/or a written Guardian ad Litem report must be reviewed by the court; the moving

party shall notify the Family Law Coordinator via voice-mail system by noon of the court day preceding the motion calendar. Failure to provide notice may cause the motion to be stricken or continued. Mandatory forms such as the financial declaration or other statewide forms will not be counted toward the twenty (20) page limit.

Amended effective 7/1/01

A party filing documents pertaining to a motion described above, on or after the last day allowed under local rule, shall furnish a bench copy to the Family Law Coordinator by noon of the court day preceding the motion calendar.

(10) Limitations on Declarations

(A) Application. This rule shall apply to all family law motions, motions in paternity actions and actions to establish residential schedule, and domestic violence and anti-harassment hearings.

(B) Formats.

1. All motions and pleadings in support thereof, shall use mandatory forms where applicable, follow the format required by GR 14, and meet the requirements of GR 31.

2. All declarations shall contain information that provides the court with foundational information such as the name of the declarant, relationship to one or both of the parties, age, education, city and state of residence, and occupation. This information shall be provided in summary fashion at the beginning of each declaration.

3. All filed documents shall be legible. If typed or computer printed, documents shall be in 11 point or larger type and double-spaced.

(C) Page limitations. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions, including any reply, shall be limited to a total of 15 pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 10 pages. This rule shall be qualified as follows:

1. Exhibits. Exhibits that consist of declarations, statements, affidavits or any narrative document of parties or witnesses shall count toward the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

Amended effective 9/1/07

2. Expert Reports and Evaluations. Declarations, affidavits, and reports from Guardians ad litem and similar expert witnesses shall not count toward the above page limit.

3. Previously considered declarations. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file shall not count toward the above page limit. Such declarations or affidavits shall be counted, however, if the court is expected or is being requested to read such prior declarations and affidavits as a part of a present motion.

Amended effective 9/1/07

4. Basic pleadings and financial declarations. The above page limits shall not apply to basic pleadings and financial declarations.

(D) Children's Statements. Declarations by minors are disfavored and the court may in its discretion refuse to consider such declarations.

(E) Rules of Evidence apply. All submissions, including written materials in affidavits and declarations by the parties and witnesses, must comply with the rules of evidence. All declarations shall be based upon personal knowledge. Violations of this subsection may result in sanctions as set forth hereinafter.

(F) Inappropriate submissions. Unless prior permission of the court is obtained, the parties shall not submit inappropriate or pornographic materials. If permission to submit or file such material is granted, it should be filed in the confidential section of the file.

(G) Consequences of Non-Compliance. The court, if it finds that one or

both of the parties have violated this rule, may in its discretion assess terms, may require that the matter be stricken or continued, or may refuse to consider those materials that violate this rule.

(H) Procedure for Court Authorization to Exceed or Excuse Limitations. The court will not entertain any motion or objection with respect to a request to exceed or excuse the limitations of this rule unless counsel or the parties have first conferred with respect to the motion or objection. Counsel or the parties shall arrange for a mutually convenient conference in person or by telephone. If, after conferring, one or both of the parties believe that the limitations of this rule should be excused, then they shall arrange a telephone conference or appearance before the assigned Commissioner if they are reasonably available, or if the assigned Commissioner is not available then they shall arrange a telephone conference or appearance before the Ex Parte department to have the court determine if the rule should be excused.

Amended effective 9/1/07

(11) Court's Automatic Temporary Order. Upon the filing of a Summons and Petition for dissolution, legal separation or declaration of invalidity, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

(A) The parties be restrained from harassing or disturbing the peace of the other party;

(B) The parties be restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued. This order shall not preclude a party from accessing funds in a reasonable amount to retain counsel;

(C) The parties be restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent child(ren), whether medical, health, life or auto insurance, except as agreed in writing by the parties;

(D) Unless the court orders otherwise, each party shall be immediately responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties;

(E) Both parties must have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court;

(F) For those actions in which children are involved:

(i) each parent be restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supersede previously issued orders to the extent the orders may be inconsistent;

Amended effective 9/1/07

(ii) each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court;

(iii) each parent shall insure that the child(ren) is(are) not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).

(G) Each parent shall attend a SHARING THE CHILDREN seminar pursuant to LSPR 94.03 within 60 days of receipt of the court's temporary order.

After completion of the appropriate seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider;

(H) Upon motion of the court or any party, the parties may be required to participate in the mediation of unresolved disputes. Mediation is not required for child support disputes nor in cases involving domestic violence. If a case is to be tried before a judge, the parties may also be required to participate in a settlement conference and exchange settlement offers;

Amended effective 9/1/07

(I) A party's compliance with the provisions of this rule may be enforced upon Motion and Order to Show Cause. Unless compliance is waived by the court for good cause shown, the court may order appropriate sanctions including costs, attorney's fees, and adoption of the complying party's proposal;

(J) If a party believes that a Guardian ad Litem (GAL) needs to be appointed for the minor child(ren), the party must make a motion for the appointment of a GAL within 30 days of the filing or service of the petition;

(K) The Petitioner is subject to this order from the time of the filing of the Petition. The Petitioner shall serve a copy of this order on Respondent and file proof of service. The Respondent is subject to this order from the time that it is served. This order shall remain in effect until further court order or entry of final documents.

Amended effective 9/1/07

(L) The court's Automatic Temporary Order will not be entered in any law enforcement database. This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

Effective 9/1/05

(12) Mediation in Contested Cases. Except as provided in section (B) below, in all cases specified in LSPR 94.04(a)(11), the Court shall on motion of either party or, on its own motion, require the parties to engage in good faith mediation with an independent, neutral, trained, mediator. Unless otherwise ordered by the Court, the cost of mediation shall be shared by the parties in proportion to their respective incomes.

Amended Effective 9/1/09

(A) Procedure for Mediation. Any party may cause the matter to be subject to mediation by filing the Notice of Mediation and service to all parties. The Notice of Mediation is available at the Spokane County Superior Court website www.spokanecounty.org. The Notice shall provide that the matter shall proceed to mediation unless an objection to mediation is filed with the Court and served on the other party within ten (10) days of service of the Notice. Said Objection may be served in accordance with CR 5(b). Any party filing an Objection to mediation shall, at the time of filing, schedule a hearing on the objection that must be heard no later than ten (10) days after the filing of the objection. Notice of that hearing shall be timely if service is accomplished at least five (5) business/court days prior to the hearing. The hearing shall be before the ex parte department. The Objection to mediation shall state under oath the reasons for the objection. The only valid bases for objecting to mediation are listed in section (B) below. At the hearing, the court shall order mediation to proceed unless it finds one or more of those circumstances set forth in section (B) below.

Effective 9/1/06

(B) When Mediation is not Required. Mediation shall be required as provided above, except in the following cases:

1. Lack of financial resources based upon the financial declarations required by LSPR 94.04(a)(4), and/or lack of mediation resources in the community; or
2. Where a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties has been entered by a court at any time within the previous 12 months; or
3. Where a domestic violence no contact order exists pursuant to RCW 10.99; or
4. Where the court finds that domestic abuse has occurred between the parties and that such abuse would interfere with arms length mediation; or
5. For good cause otherwise shown.

Effective 9/1/06

(b) Trial of Family Law Actions-General.

(1) Effect of Juvenile Court Orders and Proceedings. No residential placement/time provision or custody order in any decree shall supersede an order of Juvenile Court or affect the power of the Juvenile Court in any proceeding. All parties to a proceeding pending before the Juvenile Court are obligated to disclose to the Superior Court the pendency of any such proceeding. The Juvenile Court must be timely served with copies of all motions, petitions and orders which purport to affect the custody of juveniles under its jurisdiction.

Amended effective 7/1/01

(c) Contested Family Law Actions-Settlement/Mandatory Parenting Issues Conferences.

(1) Settlement Conferences. In any contested family law action (except support modifications), a voluntary settlement conference may be held. A

conference may be requested in writing by the parties on a form approved by the court. Both parties or their counsel, if represented must join in the request. The court may also order the parties to attend a settlement conference. A Commissioner or Judge may preside over the conference. The Family Law Coordinator shall provide written notice to the parties of the date, place and time of the conference. The attorneys and the parties shall be present unless excused by the presiding judicial officer for good cause. The assigned judicial officer may authorize appearance by telephone when attendance might otherwise be logistically impractical or unduly burdensome.

Amended effective 7/1/01

The parties shall file and exchange the following documents per the Domestic Case Scheduling Order unless otherwise ordered by the court:

1. Financial Declaration.
2. Asset and Liability List.
3. Child Support Worksheet (if applicable).
4. Parenting Plan (if applicable).

Amended effective 7/1/01

The parties shall also exchange the following documents one week in advance of the settlement conference and provide bench copies for the settlement conference:

1. Tax returns
2. Appraisals
3. Pension statements.

Effective 7/1/01

(A) [Deleted]

Amended effective 7/1/01

(B) [Deleted]

Amended effective 7/1/01

(C) [Deleted]

Amended effective 7/1/01

(D) [Deleted]

Amended effective 7/1/01

(E) [Deleted]

Amended effective 7/1/01

(F) [Deleted]

Amended effective 7/1/01

(G) [Deleted]

Amended effective 7/1/01

(H) [Deleted]

Amended effective 7/1/01

(I) [Deleted]

Amended effective 7/1/01

(J) [Deleted]

Amended effective 7/1/01

(2) Mandatory Parenting Conference. In any contested family law action involving parenting issues, the parties are required to attend a mandatory parenting conference as follows:

Effective 9/1/09

(A) In cases where a Guardian Ad Litem has not been appointed, the parties are required to attend a parenting issue conference with a neutral third party. The parties shall file a certificate of completion in compliance with the Domestic Case Schedule Order. Said conference shall not be required when the court finds (1) There is a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties has been entered by a court at any time within the previous 12 months; or (2) Where a domestic violence no contact order exists pursuant to RCW 10.99; or (3) Where the court finds that domestic abuse has occurred between the parties and that such abuse would interfere with arms length mediation; or (4) Good cause otherwise shown.

Effective 9/1/09

(B) In cases in which a Guardian Ad Litem has been appointed, the parties are required to attend a parenting issue conference that is scheduled by the Guardian Ad Litem in compliance with the Domestic Case Schedule Order.

Amended effective 7/1/01

(d) Noncontested Family Law Actions.

(1) Ex Parte Department. Uncontested proceedings under RCW Title 26 may be presented for entry of final decree before the assigned Commissioner or the Ex Parte Department during normal court hours. Unless requested by the court, oral testimony will not be required in marriage dissolution cases, provided the findings of fact are verified by a party.

Amended effective 9/1/07

(2) Pro Se Matters. A pro se party may present uncontested matters for final hearing at the Non-Contested Dissolution Calendar. They may obtain a date for presentment from the Family Law Department. The calendar will be heard each Wednesday at times set by the Family Law Department. Unless requested by the court, oral testimony will not be required in marriage dissolution cases, provided the findings of fact are verified by a party.

Amended effective 9/1/07

(3) [Deleted]

Amended effective 7/1/01

(4) [Deleted]

Amended effective 7/1/01

(e) Clarification of Visitation and/or Residential Time. Motions to clarify parenting plans as to minor children or to establish specificity in such orders shall be noted for the assigned Commissioner's family law calendar. This shall also apply to clarification of visitation in proceedings under RCW 26.10.

Amended effective 9/1/07

Motions to clarify a residential schedule or parenting plan in a parentage case (RCW 26.26) shall be noted on the paternity calendar.

Effective 7/1/01

(f) Modification of Orders or Decrees.

(1) Modification of Custody and/or Residential Placement. A proceeding for modification of the parenting plan of a decree of dissolution or other custody decree shall be commenced by filing or serving a Summons and Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule which may be supported by additional declarations. The court shall determine whether adequate cause for a modification exists in the following manner:

Amended effective 7/1/01

(A) Ex Parte. If the non-moving party fails to respond to the Summons within the applicable period after service thereof, that party may be held in default. The court shall then determine adequate cause based upon the pleadings of the moving party.

(B) Adequate Cause Hearing. A party may serve a Notice of Hearing for Adequate Cause Determination concurrently with the Summons and Petition or at any time subsequent thereto. The hearing date shall be after the time to respond, as per the Summons, has expired.

Amended effective 9/1/07

-If adequate cause for hearing is not established by the declarations, the petition will be denied;

Amended effective 7/1/01

-If adequate cause for hearing is established the matter will be assigned to a Family Law Judge for further management.

Amended effective 7/1/01

(2) Notice Requirements. A party setting or responding to an adequate cause hearing shall also comply with the filing and notice requirements for motion calendars set forth in LSPR 94.04(a) (7).

Amended effective 7/1/01

(3) Adjustment of Residential Schedule/Parenting Plan. An action to adjust a residential schedule/parenting plan pursuant to RCW 26.09.260(5) or (10) shall be commenced by filing and serving a Summons and Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule.

If the matter is contested by the filing of a response, the matter shall be placed on the assigned Commissioner's family law motion calendar or if the case is not assigned on any family law or paternity motion calendar as appropriate using standard notice procedure. A party seeking to present oral testimony shall file a written request and a declaration as to the basis with their notice of hearing or response.

Amended effective 9/1/07

At the time of the hearing the court shall:

- (A) Determine whether adequate cause exists to proceed, and
- (B) Rule on the merits, or
- (C) Grant the request for oral testimony and refer the matter to the Family Law Coordinator for setting or assignment to a Family Law Judge.

Effective 7/1/01

(4) Relocation of Children; Adjustment of Parenting Plan or Residential Schedule. A party filing a Notice of Intended Relocation of Children, or an Objection to Relocation based upon the failure of the party intending to move children to provide such Notice, shall provide a copy of the Notice or Objection to the Family Law Coordinator upon filing the same. In the event that the relocation issue has not been resolved by default or agreement within 30 days of filing, the matter shall be assigned to a Family Law Judge for final hearing.

Effective 7/1/01

- (A) Ex Parte Application. The following matters shall be presented to the assigned Commissioner or to the Ex Parte Department:

Amended effective 9/1/07

- i) those cases in which there has been no objection filed by the party entitled to notice within the 30-day period for objection;
- ii) cases in which the parties are in agreement regarding the intended relocation and
- iii) cases in which the party with whom the child resides the majority of the time is seeking to waive the requirement of the Notice of Intended Relocation pursuant to RCW 26.09.460.

Effective 7/1/01

(B) Motions for Temporary Orders. In those cases where a party is seeking to either restrain or permit an intended relocation of children pending a final hearing, once the matter is at issue, it shall be noted for hearing on the assigned Commissioner's family law motion calendar or if the case is not assigned on any family law or paternity calendar as appropriate, using standard notice and procedure. A party seeking oral testimony shall file a written request as to the basis with their notice of hearing or their response. At the time of the hearing the court in its discretion may:

Amended effective 9/1/07

- i) rule on the merits based upon the notice or objection and declarations;
- ii) grant a request for oral testimony and refer the matter to an available judicial officer to be set at a later date.

Effective 7/1/01

Following the court's decision on the matter of relocation the Family Law Judge who has been assigned the case will set the matter for a final hearing.

Effective 7/1/01

- (5) Child Support Modifications.

Amended effective 7/1/01

(A) Commencement. A proceeding for the modification for child support will be commenced by filing the state mandatory summons and petition forms. In addition, both the petitioning party and the responding party are required to prepare and file with their petition/response Child Support Worksheets.

Amended effective 7/1/01

(B) By Default. An order of modification by default shall be submitted, on motion, to the Ex Parte Department no sooner than 20 days after service (60 days if the respondent was served outside the

State of Washington).

Amended effective 7/1/01

(C) Contested Hearings. Either party, after the filing of the response and completed worksheets, may file a request to schedule a hearing on the mandatory state form. It shall be filed with the Clerk of the Court with proof of service thereof and the party requesting the hearing shall furnish a copy to the Family Law Coordinator.

Amended effective 7/1/01

If no objection has been filed within ten days of the issuance of the request to schedule hearing, the Family Law Coordinator will schedule a hearing with notice to the parties of not less than 20 days.

Amended effective 7/1/01

The party not requesting the hearing may file an objection to setting within the ten-day period referred to in the paragraph above. The objection shall be accompanied by a note for hearing to be returned to the Ex Parte Department with at least five days notice. If the objection is denied, an order will be entered referring the matter to the Family Law Coordinator for setting. If the objection is granted, an order will be entered setting forth the terms and conditions under which the case may be set at a future date.

Amended effective 7/1/01

The case shall be set for a hearing on declarations only. By filing a request for hearing a party indicates that they have served and filed their child support worksheets and initial declarations to be considered by the court. They also must have provided the other party with tax returns as required by the state guidelines. The other party shall have 14 days from service of the request for hearing to file and serve their responsive declarations and provide required tax returns. The party requesting the hearing shall then have an additional seven days to file declarations in strict reply.

Amended effective 7/1/01

If either party wishes to present oral testimony, they shall file a motion and affidavit for oral testimony and serve it on the opposing party together with a note for hearing with five days notice returnable to the Ex Parte Department. The motion must be filed within ten days of the issuance of the initial notice setting the matter for hearing on declarations only. If the motion is denied, the case will go to hearing as originally scheduled on declarations only. If the motion is granted, an Order on Motion to Present Oral Testimony will be entered. The matter may be heard on the same docket or may have to be rescheduled but arrangements should be made with the Family Law Coordinator, in advance, to secure additional time if it is reasonably anticipated that the hearing will exceed 45 minutes in length. Matters reasonably expected to exceed three hours will be specially set.

Amended effective 7/1/01

The moving party shall confirm the ready status of the hearing by telephone to the Family Law Department:

For Monday hearings by noon on Wednesday of the week preceding the scheduled hearing date.

Effective 9/1/07

For Wednesday hearings by noon on Friday of the week preceding the scheduled hearing date.

Amended effective 9/1/07

Hearing dates not confirmed shall be stricken. Notice of any foreseeable request for a continuance shall be provided to the Court and opposing party at least seven days prior to the hearing.

(D) Supporting Financial Documents. The parties are not required to file tax returns, pay stubs, or bank statements with the Clerk of the Court prior to hearing. However, this information must be made available to the court at the time of the hearing and to the opposing party and/or counsel at least seven days prior to the hearing. If appropriate, these documents may be filed at the time of hearing at the discretion of the judicial officer conducting the hearing.

Amended effective 7/1/01

Nothing in these rules or applicable statutes precludes a petitioning or responding party from requesting additional information and/or documentation pursuant to CR 26-37 Depositions and Discovery.

(6) Spousal Maintenance. An action to modify a decree as to spousal maintenance shall be commenced by filing and serving a Summons and Petition, together with the Financial Declaration and Asset and Liability List. The form shall be completed by each party. However, they need not complete that portion of the form showing a proposed distribution of assets and liabilities between husband and wife. The responding parties' form shall be due at the time required for the response. If the matter is placed at issue by the filing of a response, a party may request a hearing by filing a Notice to Request Hearing (Maintenance Modification) on a form approved by the court. The Court will set a hearing according to procedures used for child support modifications. The matter will be heard on declarations only unless a party obtains an order permitting oral testimony. A party may object to the setting of a hearing in the same manner as a child support case. If the responding party files a response, but fails to file the Financial Declaration and Asset-Liability List when due as set forth above, the petitioner may file a motion to compel before the Ex Parte Department and seek sanctions.

Amended effective 7/1/01

(g) Interstate Support Proceedings. Show cause orders relating to matters under RCW 26.21, the Uniform Interstate Family Support Act, (UIFSA), shall be heard on the paternity motion calendar.

Amended effective 7/1/01

(h) Residential Schedule. The Court shall make available suggested child centered residential schedules for minor children whose families are not intact. The Guidelines shall be distributed through the Spokane County Bar Association Office. These may assist the parties in formulating the residential provisions of a parenting plan, domestic violence protection order or decree of custody, visitation or parentage in accord with the applicable statutory criteria. A reasonable fee, approved by the court, may be charged for the printing and distribution of the guideline. This rule will be effective starting January 1, 1997.

(i) Third Party Custody Actions. In any action brought under RCW 26.10, the petitioning party, upon filing, shall be required to complete a declaration on a form approved by the court providing information about their criminal and social history and that of all persons in their household. The failure to submit such declaration and release shall result in denial of the relief requested by the petitioning party.

Effective 11/1/02
