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GENERAL RULE 17
ELECTRONIC TRANSMISSION

(a) Facsimile and Other Electronic Transmission Authorized; Exceptions.

(7) Except as set forth in subsection (a) (5) of Washington State Court General Rule 17, the Clerks of the court may accept for filing documents containing original signatures that have been sent directly to another by facsimile (fax) transmission or by other electronic means, including, but not limited to, a scan or photograph of the document sent via electronic messaging or email. The attorney or party sending the original signature by other electronic means shall retain the original signed document and/or the proof of sending method (e.g. email) until 60 days after completion of the case. Nothing in this provision shall be construed to address digital/electronic signatures as defined in RCW 19.34.030 or Washington State Court General Rule 30. Nothing in this provision shall be construed to address the ability to file documentation with the court clerk's office by email or other electronic means unless specifically addressed in other rules.

[Effective September 1, 2018]

GENERAL RULE 22
ACCESS TO FAMILY LAW COURT RECORDS

Rescinded.

[Amended September 1, 2015; amended September 1, 2019; rescinded September 1, 2020]

ADMINISTRATIVE RULE 1
DEPARTMENTS OF SUPERIOR COURT

(a) Departments. The Superior Court of Cowlitz County shall be divided into as many departments as there are judges authorized by law. Said departments are presided over and by the following judges, and each said judge shall be designated and known as judge of said department until otherwise changed by amendment of this local rule.

Department No. 1: Judge Gary B. Bashor

Department No. 2: Judge Thad E. Scudder

Department No. 3: Judge Michael H. Evans

Department No. 4: Judge Marilyn K. Haan

Department No. 5: Judge Patricia M. Fassett

[Emergency amendment effective January 1, 2019; amended September 1, 2019; amended September 1, 2020]

ADMINISTRATIVE RULE 8
COURT ORGANIZATION AND MANAGEMENT

(a) Management. The judges of the Superior Court shall elect, by majority vote, a Presiding Judge who shall serve for a period of two years. The election will take place in December of even-numbered years. The Presiding Judge's term shall commence January 1. That judge shall have all powers enumerated in GR 29.

At the same time, the judges shall elect an Acting Presiding Judge. The Acting Presiding Judge shall serve in the absence of the Presiding Judge or upon the request of the Presiding Judge in accordance with GR 29.

[Amended effective September 1, 1993; amended September 1, 1995; amended September 1, 1997; amended September 1, 2000; amended September 1, 2002; amended September 1, 2005; amended September 1, 2006; amended September 1, 2012; amended September 1, 2015; amended September 1, 2019]

ADMINISTRATIVE RULE 10
EMAIL COMMUNICATION

(a) Purpose: The purpose of this rule is to provide guidelines for the use of email in communicating with the judges and/or court staff. This rule does not apply to other forms of communication and does not establish a preference for email communication over any other form of communication. Email is another tool to provide information as may have been through a telephone call or delivery of documents but it is not intended to substitute as oral argument on any issue.

(b) Guidelines for Use of Email: The Court will accept electronic bench copies of pleadings prior to a hearing provided the following guidelines are followed. All parties, or their counsel, must be provided contemporaneous copies of the email. Attached documents to an email must be in a PDF format. A party must advise the Court and parties of any later updated or changed versions of a document previously sent via email. There shall be no editorial, comment or argument included in the emails; however, information as to the time, date and docket of the matter shall be permitted. The purpose of the rule is solely to permit electronic transmission of copies of pleadings.

(c) Appropriateness: Email communication with court staff is appropriate in the following typical situations:

(i) To obtain a date for an in-court hearing;

(ii) To submit proposed orders and/or bench copies of pleadings or trial aides;

(iii) To determine the judge's availability;

(iv) To determine the availability of equipment needed for trial (such as a projector, video/compact disc player or speaker phone);

(v) To advise the Court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e));

(vi) Other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

(d) Ex Parte Communication Prohibited: The prohibitions regarding ex parte contact with the Court are fully applicable to email communication. To avoid ex parte contact, all parties must be included in the email and appear as additional recipients in the email. If all parties are not included, the judge will not review the email or its content. If an attorney or party is communicating substantive information to court staff, the email must also be sent to all opposing attorneys/parties and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

(e) Electronic Service of Working Copies and Pleadings:

(1) Absent agreement of the opposing party or express permission of the Court, email may not be used for service of pleadings on opposing parties.

(2) Bench or work copies of pleadings may be transmitted to the assigned judge in advance of any hearing, provided that all parties to the case are copied on the email including any attachments. Any email which fails to copy all parties will be deleted without review.

(3) Submission by email is an accommodation and in no case shall it be a requirement for any party to submit any document via email, absent a specific order of the Court. Parties are still encouraged to provide a hard copy of any working papers for judges to Court Administration.

(f) Retention of Email: The Court is not obligated to retain any electronic communications.

[Adopted effective September 1, 2012; amended September 1, 2013; amended September 1, 2015; amended September 1, 2019; amended September 1, 2020]

ADMINISTRATIVE RULE 11
INTERPRETERS

(a) A written request must be made to the Interpreter Coordinator at least two weeks in advance if an interpreter is needed for a Superior Court hearing or trial. Requests can be emailed to the Interpreter Coordinator at Court Administration. (See Local Administrative Court Rule 10 for ex parte emailing rules and/or Superior Court's website at www.cowlitzsuperiorcourt.us for additional information). More advanced notice should be given for specialized and/or high demand languages, longer hearings or if multiple interpreters are needed. If these timelines are not followed, an interpreter may not be available for a hearing and may require the matter be continued to allow for the presence of an interpreter.

(b) The request for an interpreter should include the following information:

(i) Date, time, estimated length and type of hearing.

(ii) Language or other type of interpreter needed (for specialized/indigenous languages please indicate the city and/or region where the limited English proficiency person is from).

(c) Immediately notify the Interpreter Coordinator if a hearing is continued or set over. Failure to do so at least two days before the hearing may result in the party being charged for the cost of the interpreter if the interpreter cannot be cancelled without a fee.

(d) A confirmation of the request for the interpreter will be sent to the requesting party by the Interpreter Coordinator within five days of receiving the request. If the requesting party has not received confirmation of the request for an interpreter, then the requesting party should immediately contact the Interpreter Coordinator to verify the request has been received and the necessary interpreter is available for the scheduled hearing.

[Adopted effective September 1, 2012; amended January 1, 2013; amended September 1, 2013; amended September 1, 2015; amended September 1, 2019; amended September 1, 2020]

ADMINISTRATIVE RULE 12
EX PARTE DOCKET

(1) Ex parte matters, including ex parte protection order hearings, can be heard on the Ex Parte Docket. For a schedule of dates and times of Ex Parte Dockets, please visit our website at www.cowlitzsuperiorcourt.us. The judicial officer will remain on the bench for no less than 15 minutes from the start of the Ex Parte Docket.

(2) If the ex parte matter being presented requires notice to the opposing side and the opposing side appears at the Ex Parte Docket, the opposing side may be given time to file a responsive pleading. The responding party must provide a copy of any filed response to the judicial officer assigned to the Ex Parte Docket.

(3) All other ex parte matters not reviewed in accordance with the above stated process can be mailed or hand delivered to the Cowlitz County Clerk's Office. The Clerk's Office shall then deliver the document(s) to Superior Court Administration for review and consideration by a judicial officer. The Superior Court Clerk's Office may charge a fee for processing ex parte orders.

[Effective September 1, 2016; amended September 1, 2017; emergency amendment January 1, 2018; amended September 1, 2019]

CIVIL RULE 4.1
AUTOMATIC TEMPORARY ORDER

(c) Court's Automatic Temporary Order. Upon the filing of a Summons and Petition to establish a Residential Schedule/Parenting Plan, the Court, on its own motion, shall automatically issue a Temporary Order that will be served with the Summons and Petition that includes the following provisions:

(1) Except in cases to establish a Residential Schedule/Parenting Plan 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;

(2) Except in cases to Establish a Residential Schedule/Parenting Plan the parties be restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies and retirement assets 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;

(3) Except in cases to Establish a Residential Schedule/Parenting Plan 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;

(4) Except in cases to establish a Residential Schedule/Parenting Plan where no child support is requested both parties must have access to all financial records including tax, banking and credit card statements. Reasonable access to records shall not be denied without order of the court;

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

i. Absent proof of actual or imminent or threatened physical, mental or emotional harm each parent be restrained from changing the residence the child(ren) primarily resided in prior to the filing of the Petition for Dissolution 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;

ii. Each parent shall have full access to the child(ren)'s educational and health care records, unless otherwise ordered by the court and this order shall act as authority for any health care or educational institution to provide such records to a parent upon request. However, if a child is age 12 or older, permission must be obtained from the child before a health care provider must provide that child's records.

iii. Each parent shall insure that the child(ren) is (are) not exposed to negative comments about the other parent. Neither parent shall make or allow others to make negative comments about the other parent in the presence of the child(ren). Neither parent shall show the child(ren) any documents or pleadings generated by or for the court in connection with this action.

(6) 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.

(7) 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 September 1, 2020]

CIVIL RULE 10
FORM OF PLEADINGS AND OTHER PAPERS

(a) Caption.

(4) Bench Copies of Pleadings.

(i) All courtesy copies of a pleading provided to the Court shall have the date and time of the pending hearing on the upper right corner of the first page of the pleading.

(ii) A courtesy PDF copy of a pleading may be emailed to a judge in accordance with CCLAR 10, but a hard copy should also be provided for the judge.

(e) Bottom Notation.

(3) All attorney and/or pro se party's signature lines shall also include their email addresses, if available.

(f) Date of Documents. All documents presented to a judge for signature shall provide for a date on which the document is signed immediately above the judge's signature.

(g) Pleadings to be Dated. All pleadings, motions and other papers to be filed with the Clerk shall be dated by the lawyer, party or individual preparing the same.

h) Unsuitable Materials Filed as Pleadings or Documents. The format requirements of GR 14 shall apply to all filings. The Clerk has the authority to reject items presented for filing that do not comply with CR 5 (e) and GR 14 (e.g. digital/audio media, thumb drives, and similar devices containing recorded information.) Parties may convert digital/audio and similar media to document form and may file documents in compliance with GR 14. Copies of reported cases, statutes or texts shall not be filed but may be furnished directly to the judge hearing the matter, and to all other parties. Copies of interrogatories and similar items shall not be filed absent a motion directly related to those items (e.g. Motion to Compel.)

(i) Sealed Pleadings. In all cases subject to GR 31, any request to seal a pleading or document shall be accompanied by the appropriate fee. The fee schedule is available from the County Clerk or online at www.co.cowlitz.wa.us/clerk. If payment is in the form of a check it should be made to Cowlitz County Clerk.

[Amended effective September 1, 1995; amended September 1, 2002; amended September 1, 2005; amended September 1, 2009; amended September 1, 2010; amended September 1, 2012; amended September 1, 2014; amended September 1, 2015; amended September 1, 2016; amended September 1, 2019; amended September 1, 2020]

CIVIL RULE 11
SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Address of Party Appearing Pro Se. A party appearing pro se shall state, on all pleadings filed, a mailing address for that party, a street address where service of process and other papers may be made on that party, an email address, and a telephone number where that party can be contacted during the day unless that information is made confidential by statute. When a party appears pro se without filing a pleading or other paper, the Clerk shall cause the party to insert in the file a paper, or other special indication, that the party has appeared without a lawyer and the party's mailing address, a street address where service of process or other papers may be made, a telephone number where the party can be contacted during the day and an email address.

[Amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

CIVIL RULE 16
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Whenever requested by a party, or at the discretion of the Court in the absence of such request and prior to obtaining a trial date, there shall be entered a Case Scheduling Order. The Case Scheduling Order form can be found at the following link: www.cowlitzsuperiorcourt.us.

If the parties cannot agree on compliance dates they shall place the matter before the Court on the appropriate motion calendar (docket) for entry of those dates.

[Amended September 1, 2002; amended September 1, 2012; emergency amendment January 1, 2013; amended September 1, 2014; emergency amendment January 1, 2015; amended September 1, 2017; amended September 1, 2019]

CIVIL RULE 40.
ASSIGNMENT OF CASES

(b) Methods.

(i) Trial Assignments: The moving party shall serve and file a Docket Notice. A Docket Notice can be found at the following link: http://www.co.cowlitz.wa.us/158/Clerk-of-Superior-Court. The parties shall appear on the appropriate trial assignment docket which corresponds with the type of case. Proof of service of the trial setting notice shall be filed with the Clerk by the moving party prior to the time of trial setting.

(ii) Application of Rule: Solely for purpose of this rule, "trial" includes trials, support modifications/adjustments, settlement conferences, RALJ appeals, motions for revision, summary judgment motions exceeding thirty minutes in length, motions with argument in excess of regular docket time limits and motions to be heard by a judge who does not have a normally scheduled docket.

(iii) No cause appearing on the assignment docket will be set for trial unless there is a response filed, there is compliance with this rule and at least one of the parties or their attorney either personally appears or contacts the Court on or before the commencement of the docket.

(iv) Should any party believe the case is not yet ready for trial, they shall file and serve an objection.

(v) If one or more parties (or their attorney) to the case fail to appear for trial setting after being given proper notice of the application by the movant and without advising the Court in writing of non-available trial dates, the trial date shall be assigned. The trial date set will not be reset absent approval of the Court. If no attorney or party appears for the trial assignment, the assignment request will be stricken. An attorney or party may have a trial set without personal appearance provided they furnish a letter to the file indicating their intention to not personally appear and suggesting time preferences, restrictions, estimated length or other relevant information.

(vi) The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform Court Administration promptly of any errors or changes in this list.

(vii) Trial Scheduling Orders: The Court shall file and send to the parties a Trial Scheduling Order for the case after Court Administration assigns a trial/MSC date. The Trial Scheduling Order may be amended only by leave of the Court upon motion. Motions for continuance, even if agreed, shall only be granted upon showing of good cause.

(viii) The requirement of this rule can be waived or modified upon a written motion.

(g) Pre-assignment of Cases.

(i) By the Court: The Judges may select those cases deemed appropriate for pre-assignment due to length of trial or complexity of issues.

(ii) By Motion: The parties, by stipulation, may request that a case be pre-assigned or any party may place a motion for pre-assignment upon the appropriate motion calendar.

(iii) All Matters to be Heard by Pre-Assigned Judge: After selection of the trial judge in the pre-assigned case, the trial, all motions, conferences and other matters and proceedings, except settlement conferences, should be heard before that Judge, if available.

(h) Notice to Court of Calendar and Trial Changes. Causes set for trial, as defined by 40(b)(ii), cannot be cancelled by the parties without a court order and a copy of such order provided to Court Administration. In instances where a case is settled, the parties shall include language of cancellation, or the parties shall file an Order of Cancellation with the Clerk's Office and provide a copy to Court Administration. A form for the Order of Cancellation can be found at https://www.cowlitzsuperiorcourt.us/.

(i) If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify Court Administration of that fact and of the time necessary to complete the trial.

(ii) The Court may assess actual costs or other sanctions for a violation of this rule.

(i) Trial Readiness Review:

(i) Criminal: In all criminal cases set for trial, the attorneys and self-represented parties shall appear on the readiness

review docket at 8:30 a.m. on the Thursday morning the week prior to trial. Final instructions, including the specific start date and time of the trial, will be given by the Court at the readiness review. Failure to appear may result in the striking of the assigned trial date and/or other sanctions as deemed appropriate by the Court.

(ii) Civil: In all civil cases set for trial (this includes child support modification on declarations) the parties, or their attorney, shall contact Court Administration between 2:00 p.m. and 4:00 p.m., the Thursday afternoon the week prior to the trial. Court Administration will give final instructions including the specific start date and time of the trial. Failure to call Court Administration as directed may result in the striking of the assigned trial date and/or sanctions as deemed appropriate by the Court.

(j) Call Calendar.

(i) The causes appearing on a motion docket shall be called and the movant, if no one appears in opposition, may take the order moved for, if approved by the Court. If no one appears for a motion or petition it shall be deemed waived and stricken.

(ii) A party, or their attorney, may appear on any Civil or Domestic Relations Motion Docket via CourtCall® (www.courtcall.com), except a party who has been properly served with an Order to Show Cause or other order requiring their personal appearance. The responding party in that circumstance must appear in person unless otherwise ordered by the Court.

[Effective September 1, 2002; amended September 1, 2005; amended September 1, 2006; amended September 1, 2012; amended January 1, 2013; emergency amendment January 1, 2016; emergency amendment January 1, 2019; amended September 1, 2019; emergency amendment January 1, 2020.]

CIVIL RULE 45.
SUBPOENA

(a) For Attendance of Witnesses. Subpoenas issued by pro se litigants must be approved by a Superior Court Judge. The judge may choose to require an ex parte hearing to determine if the witness has legally relevant information. This rule shall be liberally construed. The purpose of this rule is to prevent the abuse of the subpoena process.

(g) When Excused. A witness subpoenaed to attend in any case, criminal or civil, is dismissed and excused from further attendance as soon as they have given their testimony in chief for the party in whose instance they were called and have been cross-examined thereon, unless either party makes request in open court that the witness remain in attendance. Witness fees will not be allowed any witness after the day on which their testimony is given except when the witness has, in open court, been required to remain in further attendance and, when so required, the Clerk shall make a minute entry to that effect and the party making the request that the witness remain in attendance shall be solely responsible for any additional witness fees incurred by that witness as a result of that further attendance.

[Effective September 1, 2003; amended September 1, 2019]

CIVIL RULE 56.
SUMMARY JUDGMENT

(c) Motion and Proceedings.

(3) Summary judgments shall be heard during the Court's regularly scheduled motion calendar/docket; PROVIDED, if the parties or their attorneys anticipate that the matter may exceed 30 minutes, the matter must be noted on the appropriate trial assignment docket for a special set hearing time.

(4) The attorney for the moving party (whether original motion or cross-motion) shall notify the Clerk of the Court and Court Administration, no later than ten (10) court days preceding the date set for hearing and advise whether the motion will in fact be argued. If such notification is not timely made, the motion will be stricken for resetting.

[Effective September 1, 1995; amended September 1, 2002; amended September 1, 2012; amended September 1, 2015; amended September 1, 2016; amended September 1, 2017; amended September 1, 2018; amended September 1, 2019;amended September 1, 2020]

CIVIL RULE 59.
NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(e) Hearing on Motion.

(3) Nature of Hearing.

(a) In Cowlitz County a motion for reconsideration shall be submitted on briefs and affidavits only, without oral argument, unless the trial judge, on written application from the attorney or on their own motion, allows oral argument. The original of such motion, which must be made within the time limits set forth in CR 59, shall be filed with the Superior Court Clerk's Office and a copy delivered to Court Administration, the opposing party and/or their attorney at the time of filing. The original and a copy of any response thereto shall be filed with the Superior Court Clerk's Office and thereafter a copy delivered to Court Administration, opposing party and/or their attorney, in accordance with CR 59. The trial judge shall either rule and advise the attorneys of the ruling or advise the attorneys of desired further proceedings pursuant to CR 59.

[Amended effective September 1, 2012; amended effective September 1, 2016; amended September 1, 2019]

CIVIL RULE 77
SUPERIOR COURT AND JUDICIAL OFFICERS

(d) Superior Court Hours of Operation.

(1) Trial Hours. Sessions of trial departments, except as otherwise provided for in these rules, shall be from 8:45 a.m. until 12:00 p.m. and from 1:00 p.m. until 4:30 p.m., Monday through Friday, unless otherwise ordered by the trial judge. Special sessions of any court may be held on Saturday, or at earlier or later times, at the discretion of the trial judge, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the judge shall fix.

(f) Sessions.

(1) Superior Court Sessions. There shall be one continuous session of court from January 1 until December 31 of each year.

(2) Jury Terms. Jury trials, both civil and criminal, shall be set throughout the year.

(k) Motion Day - Local Rules.

(1) Schedules. A copy of court dockets and hearing days is posted in the Clerk's Office and a copy may be requested from Superior Court Administration. Provided, however, in the event a legal holiday prevents the conduct of a docket or hearing day, the same may, on the order of the presiding judge, be rescheduled and notice thereof posted prominently in the Clerk's Office.

(2) Hearing Assignment. With the Court's approval, any matter set on a motion docket may be assigned a specific date and time for hearing.

(3) Presentation of Papers. At the commencement of hearing on each probate final report, the lawyer for the personal representative shall present a proposed Order Approving Final Report and Decree of

Distribution. For good cause, the Court may extend the time for presentation of such findings, conclusions, orders and decrees.

(4) Noted Cases. All materials to be considered on a motion docket, except domestic relations and adoption matters, must be filed in the Clerk's Office not later than 10:00 a.m. at least two (2) court days preceding the docket in question. A copy of any pleading filed less than five (5) working days prior to a scheduled hearing must be provided to the assigned judge or, if no judge is yet assigned, to the Court Administration with a note in the upper right corner of the first page indicating the date, time and type of hearing/calendar docket. If no copy is provided, those pleadings may not be considered, at the discretion of the judge.

[Effective September 1, 1993; amended September 1, 1995; amended September 1, 1996; amended September 1, 2000; amended September 1, 2002; amended September 1, 2003; amended September 1, 2005; amended September 1, 2012; amended September 1, 2015; amended September 1, 2016; amended September 1, 2019]

CIVIL RULE 83.
LOCAL RULES OF SUPERIOR COURT

(c) Suspension. The Court may modify or suspend any of these rules, in any given case, upon good cause being shown therefore or upon the Court's own motion.

[Amended September 1, 2019]

CIVIL RULE 88
CONTESTED DOMESTIC HEARINGS

The following rules shall apply to all contested hearings in domestic relations matters.

(a) Discretion of the Court. Domestic Relations matters shall be heard on declarations submitted in accordance with this rule. Oral arguments will only be heard with prior approval of the appropriate judicial officer.

(b) Filing and Service of Motions, Responses, Replies, and Declarations. Such matters shall not be heard unless declarations are served and filed as required by this rule and CR 6(a).

(1) The moving party shall serve and file supporting declaration(s) together with the petition, motion, or order to show cause.

(2) All domestic relations motions, including summary judgment motions, shall be filed and served upon all parties not later than twenty-one (21) days before the time specified for the hearing (including the day of service). Responses shall be filed and served on all parties not later than 3:00 p.m., fourteen (14) days before the time specified for the hearing. Replies shall be filed and served on all parties not later than 3:00 p.m., seven (7) days before the hearing.

(3) Any late pleadings may be considered if good cause for the delay appears within those written proceedings. The Clerk's Office will not be responsible for getting late pleadings into the court file prior to hearing. The Court will not consider late pleadings if no copy is provided to the assigned judge. All bench copies must have, in the upper right corner on the first page, a notation of date, time and type of hearing/calendar docket.

(c) Length and Format of Declarations. The following limits shall apply, unless waived by the Court upon written motion, which may be heard on the Ex Parte Docket with reasonable prior notice to the opposing party or their attorney.

(1) Declarations must be typed, double-spaced and on pleading paper. Declarations not in this format may not be considered.

(2) Each party is limited to four (4) initial or reply declarations. Initial and reply declarations of the petitioner and respondent will be limited to six (6) pages each (exclusive of exhibits) and each of the (up to three) witness declarations will be limited to four (4) pages in length. The moving party may also file and serve rebuttal declarations; however, all rebuttal declarations shall collectively be no more than four (4) pages. Each party is limited to a total of four (4) declarations in support of, in response to, or in rebuttal of a motion.

(d) Preparation and Presentation of Orders.

(1) All proposed orders will be prepared and filed by the moving party. A copy of any proposed order(s) by either party shall be provided to the Court and to the other party, or their attorney, not less than seven (7) days prior to the docket/decision date. Objections may be filed with the Court by the objecting party not less than five (5) court days prior to the presentation date.

(2) Objections to proposed orders will be considered by the Court on the pleadings only, without oral argument, unless the trial judge, on written application from the attorney or on their own motion, allows oral argument.

[Amended September 1, 2005; emergency amendment March 1, 2006; amended September 1, 2007; amended September 1, 2012; emergency amendment June 6, 2013; amended September 1, 2014; amended September 1, 2015; amended September 1, 2016; emergency amendment January 1, 2018; amended September 1, 2019; emergency amendment May 18, 2020]

CIVIL 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.

(c) 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 their attorney, that negotiations have been attempted between the parties.

(1) Form. The request shall be substantially in the form approved by the Court and available on the Court's website, www.cowlitzsuperiorcourt.us, or from the County Clerk's Office or Court Facilitator.

(d) Settlement Conference Declaration. 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 declaration. It is helpful if the parties can agree on a format for any proposed balance sheets. The declaration and supporting documents shall not be filed with the Clerk's Office. The declaration 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) Form. The Statement of Family Financial Status shall be substantially in the form approved by the Court and available on the Court's website, www.cowlitzsuperiorcourt.us, from the County Clerk or Court Facilitator.

(e) Sanctions. Failure to file the documents pursuant to sections (d) and (1) above may result in sanctions.

Failure to appear at the settlement 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.

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

(g) Completion of Settlement 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 settlement conference with the Clerk. A private mediator may also file the notice of completion of settlement conference if private mediation is used to comply with this rule.

(1) 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, www.cowlitzsuperiorcourt.us, from the County Clerk, Court Facilitator or from Superior Court Administration.

(h) 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 shall

immediately be given to Superior Court Administration and the Clerk's Office 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; amended September 1, 2019]

CIVIL RULE 92
FINALIZING FAMILY LAW CASES

(a) Review of Final Pleadings. All final decrees, final orders and accompanying Findings of Fact/Conclusions of Law, Parenting Plans, Orders of Child Support and Child Support Worksheets for family law cases involving children shall be reviewed for form and completeness, prior to presentation to a judicial officer, by an attorney of record in the case, an attorney who approved the pleadings as to form and completeness, the Courthouse Facilitator or a Limited License Legal Technician (LLLT). (Note: If the parties are proposing a Substantially Equal Residential Time plan, there must be a Guardian ad Litem (GAL) Report filed per LCR 98.)

(b) Pro Se Parties.

(1) In a non-contested dissolution or non-parental custody action where either party is proceeding without representation by an attorney, the party shall schedule and meet with the Courthouse Facilitator or a Limited License Legal Technician to review the final pleadings for completeness at least five (5) days prior to the scheduled hearing date. The Courthouse Facilitator or Limited License Legal Technician (LLLT) shall review all final pleadings and, if they appear appropriate, shall sign and file a "Certificate of Completeness" to that effect. The Clerk of the Court shall not accept for filing any such proposed final documents which appear to be incomplete; with specific reference to the child support computation worksheet, all sections and parts thereof must be fully completed or marked "not applicable" where such is the case. The Court will not conduct a final hearing in the matter unless the "Certificate of Completeness" has been signed by the Courthouse Facilitator, an attorney or a Limited License Legal Technician (LLLT). The Certificate of Completeness is available online at www.cowlitzsuperiorcourt.us.

(c) Presentation of Papers. At the commencement of a hearing upon a default or uncontested dissolution, invalidity, legal separation, parentage, or non-parental custody matter, the petitioner or petitioner's attorney shall present to the Court proposed Findings of Fact/Conclusions of Law and Decree.

(d) Filing Agreements and Contracts. All property settlement agreements or separation contracts reduced to writing and signed shall be filed as a part of the record of said cause.

(e) Finalization of Dissolutions by Declaration. Parties who come to a final agreement in their dissolution case may present final statutory testimony by declaration without further court appearance, unless a judge otherwise orders in-person testimony. The declaration must be in a form approved by the Court. The declaration shall accompany the final papers and shall be filed with the Clerk to be handled by the ex parte judge. If neither party is represented by an attorney, a Certificate of Courthouse Facilitator or a Limited License Legal Technician (LLLT), as set forth in 92(b)(1) above, must also accompany the final papers before consideration can be made by the ex parte judge. There shall be an ex parte fee for finalization of dissolution matters by way of declaration. The fee schedule is available from the County Clerk or online at www.co.cowlitz.wa.us/clerk.

(f) Form. The declaration and certification of Final Testimony by Declaration shall be substantially in the form approved by the Court. The approved Final Testimony by Declaration, per CCLR 92(e), can be found at the Court's website, www.cowlitzsuperiorcourt.us, or from the County Clerk or Courthouse Facilitator.

[Original CCLCR 94.08 adopted effective September 1, 2003; renumbered as CCLCR 92 and amended September 1, 2005; emergency amendment May 1, 2009; effective on a permanent basis September 1, 2009; amended September 1, 2010; amended September 1, 2012; amended September 1, 2014; emergency amendment November 10, 2014; emergency amendment November 24, 2014; amended September 1, 2016; amended September 1, 2018; amended September 1, 2019]

CIVIL RULE 95
WAIVER OF AGE TO MARRY

Applications for waiver of minimum age to marry, pursuant to RCW 26.04.010, shall be made through the Superior Court Clerk's Office. Upon application, the Court may appoint a guardian ad litem to investigate and make a recommendation to the Court on the application. Applicants shall provide such information and supporting documentation as may be prescribed by the guardian ad litem.

[Effective September 1, 1995; amended September 1, 2000; amended September 1, 2003; amended September 1, 2005; amended September 1, 2014; amended September 1, 2019]

CIVIL RULE 98.
GUARDIANS AD LITEM

(a) Appointment of Guardians ad Litem (GAL). When the appointment of a guardian ad litem is required, the appointee shall be from the appropriate Court approved Guardian ad Litem Registry maintained for Titles 11 or 26, respectively. Parties shall use the Order Appointing a Guardian ad Litem in Title 26 cases in compliance with the Court's required form found at the following link: www.cowlitzsuperiorcourt.us.

(1) Substantially Equal Residential Time or Third Party Custody Cases. When a parenting plan sets a residential schedule of substantially equal time or places the child(ren) with a person other than a parent, a guardian ad litem shall be appointed to investigate and report to the Court regarding the adoption of the schedule, unless otherwise ordered by the Court. This requirement may be waived at the discretion of the Court upon motion of either party; with consideration given to the child's age, status quo, and any other factors relevant to the child's best interest. The written report of the guardian ad litem shall be filed with the Court, a copy shall be provided to each party and the matter is to be noted on the docket for further direction from the Court. This rule applies whether or not the parties agree to the residential schedule.

(b) Fees. Fees to be paid to a guardian ad litem shall be at the rate set by Superior Court Administrative Policy. If additional fees are requested, a written motion for same, accompanied by supporting declaration(s), must be filed.

(c) Grievance and Discipline of GALs and CCCA. These rules apply to guardians ad litem and Cowlitz County Child Advocates (CCCA) appointed under Titles 11 or 26 of the Revised Code of Washington; including each being subject to the disciplinary procedures in CCLGALR 8.

(d) Guardian ad Litem Advisory Committee. The Court's Guardian ad Litem Advisory Committee, hereinafter referred to as the "Committee," will administer complaints about guardians ad litem in accordance with CCLGALR 8.

(e) Policies and Procedures. Such policies and procedures will be implemented as necessary to carry out this rule.

[Effective September 1, 2014; emergency amendment November 10, 2014; amended September 1, 2015; amended September 1, 2017; amended September 1, 2019; amended September 1, 2020]

CIVIL RULE 99
BINDING SETTLEMENT CONFERENCES

Parties requesting to set their matter, or convert a previously set matter, for Binding Settlement Conference (BSC), must obtain approval from the assigned judicial officer or, if not already assigned, any Superior Court Judge.

In order to obtain such approval, the parties must initially, jointly, contact Court Administration to obtain judicial approval. Parties shall provide an estimate of time needed for the actual BSC presentation. Parties shall also provide a listing of contested issues as well as a proposed list of documentary evidence and any additional witnesses being proposed (i.e. experts or other witnesses besides the parties).

Once judicial approval has been obtained the matter may be converted to a BSC.

[Effective September 1, 2019; amended September 1, 2020]

CRIMINAL RULE 3.1
RIGHT TO AND ASSIGNMENT OF ATTORNEY

(g) Appearance of Attorney. Attorneys representing defendants in criminal cases as a retained attorney must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the clerk of the court.

[Amended effective September 1, 2012; amended September 1, 2015.]

CRIMINAL RULE 3.9
HEARINGS UNDER CrR 3.6 and CrR 8.3(c)

No hearings pursuant to CrR 3.6 and CrR 8.3(c) may be noted until the moving party files the motion, affidavit, memorandum of authorities with the court and provides notice to the opposing party.

The moving party must file all documents at least 10 days prior to any set readiness hearing. The opposing party shall have 5 days to respond. The moving party (whether original motion or cross-motion)must confirm with the Clerk of the Court and Court Administration, no later than five (5) court days preceding the date set for hearing and advise whether the motion will in fact be testimony or argument. If such notification is not timely made, the motion will be stricken for resetting.

If the parties can work to set a hearing date for the motion they should do so and note it on accordingly. Otherwise, the moving party should add the case to the next available docket to have a hearing date set.

[Effective September 1, 2019; amended September 1, 2020]

CRIMINAL RULE 4.2
PLEAS

(i) Plea by Court Commissioner. Pursuant to RCW 2.24.040(15) a duly appointed Superior Court Commissioner may accept a guilty plea in felony matters. After the guilty plea is accepted, the matter shall be referred to a judge for disposition.

[Adopted on an emergency basis effective April 1, 2008; adopted on a permanent basis effective September 1, 2008.]

CRIMINAL RULE 4.11
MISCELLANEOUS

(a) CRIMINAL TRIAL CALENDAR REVIEW

In all criminal cases set for trial, the attorneys and self-represented parties shall appear on the criminal readiness review docket (in accordance with the schedule found at www.cowlitzsuperiorcourt.us/schedule) the week prior to trial, to determine if the case is ready to proceed to trial. Counsel for all parties shall appear and advise the Court of readiness for trial, the expected length of trial and any restrictions as to particular days of the week or Notice of Disqualification under RCW 4.12.050. Final instructions, including the specific start date and time of the trial, will be given by the Court at the readiness review. Failure to appear may result in the striking of the assigned trial date and/or other sanctions as deemed appropriate by the Court.

[Adopted effective September 1, 2012; amended September 1, 2015; amended September 1, 2020]

GUARDIAN AD LITEM RULE 3.
ESTABLISHMENT OF CCCA LOCAL RULES

(a) Title. These rules shall be known as the CCCA Local Rules for Cowlitz County, Washington.

(b) Scope. These rules shall be applicable to all dependency cases in Cowlitz County Juvenile Court. These cases include children who are alleged to be dependent, neglected, or abandoned; in all cases in which termination of parental rights is involved; or in any other appropriate dependency proceeding pending in Cowlitz County Juvenile Court. Once CCCA has been appointed for a child(ren), that appointment will continue until further order of the Court irrespective of the increasing age of the child(ren).

(c) Application. These rules shall supplement the existing local rules and the Washington Juvenile Court Rules (JuCR) which shall apply in addition to these rules. These rules may be modified or waived by the presiding Juvenile Court Judge by special order when, in the opinion of said Judge, such waiver or modification is necessary in order to do justice, or to arrive at the equities of the case between, or among, the parties involved. Each person appearing in this court is charged with the knowledge of all applicable rules.

(d) Definitions.

(1) Juvenile Rules Definitions. The definitions of JuCR 1.3 shall apply in these cases.

"CCCA" means The Cowlitz County Child Advocates (CCCA), which is the non-profit corporation that provides specially trained and sworn adults to the court as CCCA staff/volunteers. It is the designated CCCA organization for all Cowlitz County CCCA cases.

(A) A "CCCA Volunteer" means a responsible adult who has been specially trained as a child advocate/guardian ad litem and who has taken a special oath from a Superior Court Judge. The person is charged with making recommendations in the form of reports and testimony to the judge regarding the best interests of the child(ren).

(B) "CCCA Report" means any report prepared by CCCA addressed to the judge giving a thorough background investigation of the child(ren), including, but not limited to, information about the parents, relatives, and others who have knowledge about or concerning the child(ren). The report contains advisory recommendations as to the best interest of the child(ren).

(C) "CCCA Order" means the order signed by a judge, or a court commissioner, which appoints CCCA as guardian ad litem. The order remains effective until CCCA is ordered released from the child(ren)'s case or the case has been fully concluded.

(D) "CCCA Program Director" means the program director of the Cowlitz County CCCA, as hired by its executive director, or as designated by its executive director. The CCCA Program Director is the person charged with the supervision of all CCCA Volunteer Supervisors and CCCA volunteers, CCCA reports, and CCCA cases. The CCCA Program Director works with the CCCA Executive Director to ensure that all applicable laws, rules, and policies are followed by CCCA staff and volunteers.

(E) "CCCA Executive Director" means the executive director of the Cowlitz County CCCA, as hired by its board of directors, or as designated by its board of director. The CCCA Executive Director is the person charged with overseeing all CCCA staff and acts as CCCA's liaison to Cowlitz County Juvenile Court Administration.

(e) Establishment of CCCA Cases and Orders.

(1) Requests for CCCA. The court may appoint CCCA upon its own initiative, or a request for appointment of CCCA to a case or for a child(ren) may be made by any person or agency having knowledge of facts which indicate that CCCA is appropriate. A request for CCCA may be made by motion filed by any person or agency and a copy served upon CCCA. The court clerk shall accept the filing of the motion and note upon it the date and time of filing.

(2) CCCA Order. The CCCA order may be signed by the judge or a court commissioner in any case. The order shall be effective when signed and shall continue in full force and effect until a subsequent order is signed which orders CCCA released from the case or the case if fully concluded. CCCA shall continue to serve on a pending case so long as the child(ren) continues under the jurisdiction of the court. The CCCA order will also be served upon all parties or their attorney of record. Each time CCCA is appointed, a copy of the petition and a notice of the next scheduled hearing date, time, and location shall be provided to CCCA by the moving party.

(3) Scope of the CCCA Order. Upon entry of a CCCA order appointing CCCA to a case, all persons and agencies are under an obligation to cooperate with CCCA to assist in determining the best interest of the child(ren). The CCCA volunteer shall have access to the child(ren)(including any child(ren) in detention), the parents, any caretaker, or any other agency or party having information related to the child(ren). CCCA has the right to inspect and/or copy any documents deemed relevant to the child(ren)'s situation. CCCA shall maintain any information received during an investigation in a confidential manner. CCCA shall not disclose any such information except in reports to the Court and to parties to the proceeding, unless disclosure of any information has been limited by the Court pursuant to CCCA Rule 5(c). Nothing contained in these rules shall be construed as permitting any CCCA staff/volunteers to practice law before the Court.

(f) Guardian ad Litem Appointments.

(1) Legal Proceedings. The CCCA staff/volunteer may fully participate in any proceedings involving the child(ren) for whom CCCA has been appointed. If called as a witness by the Court or any party, CCCA staff/volunteer shall testify as a witness in any proceeding.

(2) Compensation. Individual CCCA volunteers shall not receive any compensation from the Court or from any party to the proceedings. The CCCA volunteer serves the Court and as such shall receive no compensation or remuneration.

(3) Release. If CCCA wishes to be released from a case, CCCA shall so motion the Court.

(g) CCCA Court Attendance and Reports.

(1) Attending Hearings. CCCA is charged with the notice of all hearings which involve the child(ren) assigned, and will attend all such hearings. In the event of a conflict, CCCA may request a continuance for good cause shown or may be excused by the Court from appearing. Any party may call the CCCA staff/volunteer as a witness in the proceeding. CCCA staff/volunteer may be compelled to attend by any party with the service of a subpoena for the CCCA staff/volunteer, made by service upon the staff/volunteer or by serving the CCCA Program Director, giving at least five (5) days' notice prior to the hearing, excluding Saturdays, Sundays, and legal holidays.

(2) Filing Reports. The CCCA representative shall, absent special circumstances or unless excused by the judge, submit a written report at least five (5) working days prior to each dispositional or review hearing involving the child(ren). The report shall be addressed to the judge and shall contain such attachments and documents as are relevant to the proceedings. The report, when filed, shall become a permanent part of the applicable Juvenile Court legal file. The staff/volunteer shall sign the report, but not under oath. The Court is in no way bound by or obligated to adopt any CCCA recommendations, the report being advisory in nature.

(3) Inspection of Reports; Confidentiality. Generally, the child(ren), the attorney, the parent, guardian or legal guardian, and any state or other agency involved in the proceedings, shall be entitled to inspect the CCCA report, and all documents attached thereto, except that information protected from disclosure by law. The Court shall issue such orders as are necessary to maintain the confidential nature of information so classified.

[Adopted May 1, 1994; amended September 1, 2000; amended September 1, 2005; amended September 1, 2006; amended September 1, 2012; amended September 1, 2018; amended September 1, 2019; amended September 1, 2020]

GUARDIAN AD LITEM RULE 7
GUARDIAN AD LITEM DISCIPLINARY PROCEDURES FOR CCCA STAFF/VOLUNTEERS

(a) There shall be a complaint review committee, hereinafter referred to as the "Committee," consisting of three (3) individuals designated by the Superior Court Judges of Cowlitz County. The Committee is empowered by the court to review all complaints made regarding the guardian ad litem services provided by CCCA staff/volunteers.

(1) One member of the Committee shall be a Superior Court Judge.

(b) All complaints must be in writing and must be submitted to the Committee. Complaints shall remain confidential until resolved.

(c) Upon receipt of a written complaint concerning a CCCA staff/volunteer, the Superior Court Judge shall advise the CCCA Program Director of the complaint. If the judge finds the complaint sufficiently serious, the matter will be referred directly to the Committee. Otherwise, the complaint will be forwarded to the CCCA Program Director who will meet with all parties involved in the dispute in an attempt to resolve the problem at the program director's level.

(1) A copy of the complaint and the resolution or lack of resolution shall be forwarded to the Juvenile Court Administrator.

(2) If the complaint is not resolved to the satisfaction of the complainant, the matter will move to (d) of this policy.

(d) Upon receipt of the written complaint (unresolved) and findings from the CCCA Program Director, or upon a direct referral from a judge, the Juvenile Court Administrator shall convene the Committee within ten (10) business days to review the complaint. Upon review of the complaint, the Committee shall either:

1) Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

2) Make a finding that the complaint does appear to have merit and request a written response from the CCCA staff/volunteer within ten (10) business days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the CCCA staff/volunteer with a copy of the original complaint. The failure of a CCCA staff/volunteer, subject to the complaint, to respond within the required ten (10) business days, in the absence of good cause shown, will result in the immediate suspension from the case assignment of the CCCA staff/volunteer.

In considering whether the complaint has merit, the Committee shall consider, but not be limited to, whether the complaint alleges the CCCA staff/volunteer has:

(1) Violated the Code of Conduct;
(2) misrepresented their qualifications to serve;
(3) not met the annual training update requirements set forth in the statute;
(4) breached the confidentiality of the parties;
(5) falsified information in a report to the Court or in testimony before the Court;
(6) failed to report suspected abuse or neglect of a child;
(7) communicated with a judicial officer ex parte;
(8) represented the Court in a public forum without prior approval of the Court;
(9) violated state or local laws, rules, or this policy in the person's capacity as a CCCA staff/volunteer; or,
(10) taken, or failed to take, any other action which would reasonably place the suitability of the person to serve as a CCCA staff/volunteer in question.

(e) Upon receipt of a written response to a complaint from the CCCA staff/volunteer, the Committee shall, within ten (10) business days, make a finding as to each of the issues delineated in the Committee's letter to the CCCA staff/volunteer that either there is no merit to the issue based upon the response of the CCCA staff/volunteer or that there is merit to the issue. The Committee may, at its discretion, extend the time for entering findings to conduct additional investigation if necessary; however, in no case shall that extension be for more than twenty (20) business days and the CCCA staff/volunteer shall be notified of such extension.

(f) The Committee shall have the authority to issue a written admonishment, written reprimand, refer the CCCA staff/volunteer to additional training, recommend to the presiding Juvenile Judge that the Court, upon its own motion, remove the CCCA staff/volunteer from the current case or suspend or remove the CCCA staff/volunteer from serving as a guardian ad litem in Cowlitz County. In considering a response, the Committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the CCCA staff/volunteer from a particular case, or suspension or removal from a registry. If a CCCA staff/volunteer is listed on more than one registry, the suspension or removal may apply to each county registry the CCCA staff/volunteer is listed on at the discretion of the Committee.

(g) The complainant, the CCCA staff/volunteer, and the CCCA Program Director, shall be notified in writing of the Committee's decision within ten (10) business days of receipt of the response of the CCCA staff/volunteer or longer if additional time for investigation is necessary pursuant to paragraph (e) above.

(h) A CCCA staff/volunteer may, within five (5) business days of receipt of notification that he/she has been suspended or removed from the Cowlitz County registry, request a hearing on the Committee's decision. The presiding Juvenile Judge shall designate a hearing officer. The sole purpose of the hearing shall be to review the appropriateness of the suspension or removal from the Cowlitz County registry. The hearing officer shall review the written record of the instant complaint and any prior complaints the Committee considered, and hear oral arguments from the CCCA staff/volunteer or their representative and a representative of the Committee. Said hearing shall be conducted within twenty (20) days of the receipt of the request for the hearing. The decision of the hearing officer shall be final and binding upon the parties.

[Adopted September 1, 2002; amended September 1, 2012; amended September 1, 2018; amended September 1, 2019; amended September 1, 2020]

GUARDIAN AD LITEM RULE 8.
GUARDIAN AD LITEM DISCIPLINARY PROCEDURES

(1) Guardian ad Litem Advisory Committee. The Court's Guardian ad Litem Advisory Committee, hereinafter referred to as the "Committee," will administer complaints about guardians ad litem.

(2) Submission of Complaints: All complaints must be in writing and must be submitted to the Superior Court Administrator. All complaints must bear the signature, name and address of the person filing the complaint.

(3) Review of Complaint: Upon receipt of a written complaint, the Court Administrator shall convene the Committee to review the complaint. Upon review of the complaint, the Committee shall either:

(a) Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances the Committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the report or testimony of the guardian ad litem. In such cases the Committee and its members shall perform its role in such a manner as to assure that the trial judge remains uninformed as to the complaint; or

(b) make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

(c) make a finding that the complaint appears to have merit and request a written response from the guardian ad litem within 10 business days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the guardian ad litem with a copy of the original complaint. In considering whether the complaint has merit, the Committee shall consider whether the complaint alleges the guardian ad litem has:

(1) Violated a Code of Conduct;
(2) misrepresented their qualifications to serve as a guardian ad litem;
(3) breached the confidentiality of the parties;
(4) falsified information in a report to the Court or in testimony before the Court;
(5) failed, when required, to report abuse of a child;
(6) communicated with a judicial officer ex parte concerning a case for which they are serving as a guardian ad litem;
(7) violated state or local laws or court rules; or,
(8) taken, or failed to take, any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

(4) Response and Findings.

(a) Upon receipt of a written response to a complaint from the guardian ad litem, the Committee shall make a finding as to each of the specific issues in the complaint to which the Committee desires a response, as delineated in the Committee's letter to the guardian ad litem. Such findings shall state that either there is no merit to the issue based upon the response of the guardian ad litem or that there is merit to the issue.

(b) The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the guardian ad litem to additional training, or recommend to the Presiding Judge that the Court suspend or remove the guardian ad litem from the registry. In considering a response, the Committee shall take into consideration any prior complaints that resulted in an admonishment, reprimand, referral to training, or suspension or removal from a registry. If a guardian ad litem is listed on more than one registry, the suspension or removal may apply to each registry the guardian ad litem is listed on, at the discretion of the Committee.

(c) The complainant and the guardian ad litem shall be notified in writing of the Committee's decision following receipt of the response of the guardian ad litem.

(5) Confidentiality.

(a) A complaint shall be deemed confidential for all purposes unless the Committee has determined that it has merit under CCLGALR 8(4) above.

(b) Any record of complaints filed which are not deemed by the Committee to have merit shall be confidential and shall not be disclosed except by court order.

(6) Complaint Processing Time Standards

(a) Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending.

(b) Complaints shall be resolved within sixty (60) days of the date of receipt of the written complaint if the complaint is filed subsequent to the conclusion of a case.

(7) Removal from Registry.

(a) When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the Court Administrator shall send a notice of such removal to the Administrative Office of the Courts.

(b) When the Court Administrator receives notice from the Administrative Office of the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington Superior Court, the Court Administrator shall advise the Presiding Judge of such removal.

[Adopted September 1, 2002; amended September 1, 2012; amended September 1, 2018; amended September 1, 2019]

SUPERIOR COURT CIVIL ARBITRATION RULE 1.1
APPLICATION OF RULES - PURPOSE AND DEFINITIONS

The purpose of arbitration of civil actions under RCW 7.06 as implemented by the Superior Court Civil Arbitration Rules (SCCAR) is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of $100,000 or less. Claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments shall not be subject to Superior Court civil arbitration. The Superior Court Civil Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to be informal and expeditious, consistent with the purpose of the statute and rules.

[Adopted effective September 1, 2011; amended September 1, 2018; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 1.2
MATTERS SUBJECT TO ARBITRATION

By implementation of these rules the Superior Court of Washington for Cowlitz County authorizes Superior Court civil arbitration under RCW 7.06.010, and approves such arbitrations in civil actions in which no party asserts a claim in excess of $100,000, exclusive of interest and costs under RCW 7.06.020.

[Effective September 1, 2011; emergency amendment January 1, 2019; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 2.1
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case after a response has been filed and at any time thereafter that a case meets Superior Court Civil Arbitration guidelines, the parties shall, upon the form approved by the Court (please find the form at www.cowlitzsuperiorcourt.us) request the case be transferred to arbitration. The party requesting arbitration shall serve a Request for Transfer to Arbitration and Statement of Arbitrability on the opposing party. The Court may transfer a case to arbitration on its own motion if it determines a case meets the requirements of the Superior Court Civil Arbitration Rules.

An endorsed copy of the Request for Transfer to Arbitration and Statement of Arbitrability shall be promptly provided to the Superior Court Administration by the requesting party.

(b) Response to Request for Transfer to Arbitration and Statement of Arbitrability. Any party disagreeing with the Request for Transfer to Arbitration and Statement of Arbitrability shall file and serve a response stating their objections within ten (10) days of service.

A copy of the statement and response shall be furnished or served upon Superior Court Administration by the responding party at the time of filing. In the absence of such a response, the Request for Transfer to Arbitration and Statement of Arbitrability shall be deemed correct and a non-responding party shall be deemed to have stipulated to arbitration if the Request for Transfer to Arbitration and Statement of Arbitrability provides that the case is subject to arbitration. Otherwise, the case will not be subject to arbitration except by stipulation of the parties or court order.

The approved forms identified in these LSCCARs can be found at www.cowlitzsuperiorcourt.us.

A fee will be charged for all cases assigned to arbitration. Business checks or money orders should be made payable to the Clerk's Office. No arbitrator will be assigned until the fee is paid in full.

(c) Failure to File Amendments. A party failing to serve and file an original response to a Request for Transfer to

Arbitration and Statement of Arbitrability within the time prescribed may do so later only upon leave of Court. A party may amend the Request for Transfer to Arbitration and Statement of Arbitrability, or response thereto, at any time prior to assignment of an arbitrator and thereafter only by leave of Court for good cause shown.

[Effective September 1, 2011; amended September 1, 2012; emergency amendment January 1, 2013; amended September 1, 2013; emergency amendment January 1, 2019; amended September 1, 2019; amended September 1, 2020]

SUPEROR COURT CIVIL ARBITRATION RULE 2.3
ASSIGNMENT TO ARBITRATOR

(a) Generally, Stipulations. When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator using a form prescribed by the Court(please find the form at www.cowlitzsuperiorcourt.us). In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within fourteen (14) days after a list of proposed arbitrators has been furnished to the parties, nominate up to two (2) arbitrators and strike up to two (2) arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by either party, a judge will appoint an arbitrator from among those not stricken.

(c) Response by Only One Party. If only one party responds within fourteen (14) days, a judge will appoint an arbitrator nominated by that party.

(d) No Response. If neither party responds within fourteen (14) days, a judge will appoint one of the five proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than two (2) adverse parties, all represented by different attorneys, two (2) additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 3.1
QUALIFICATIONS

(a) Minimum Qualifications. An arbitrator must be a member of the Washington State Bar Association who has been admitted to the Bar for a minimum of five (5) years, or who is a retired Washington State Judge or Commissioner and will conform to the Superior Court Policy and Procedures for Superior Court Civil Arbitration. By stipulation, the parties to a case may agree to an arbitrator not on the Cowlitz County arbitration panel if the arbitrator so chosen is a duly qualified member of an arbitration panel established under Local Superior Court Civil Arbitration Rules of another county in the State of Washington. The parties may stipulate to a non-lawyer arbitrator upon approval of a judge.

(b) Application. A person desiring to serve as an arbitrator shall complete an application on a form prescribed by the Court. The form shall contain a list of areas of law subject to arbitration whereby the applicant marks the area they are willing to be considered as an arbitrator. A copy of said application will be available upon request by any party considering the person as an arbitrator and will be mailed to a requesting party at the party's own expense. The oath of office on the form prescribed by the Court must be completed and filed prior to an appointed applicant being placed on the arbitration panel.

(c) Refusal, Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Superior Court Administration immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Cannon (3) governing the disqualification of judges.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2015; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 3.2
AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(a) Motions. Determine a reasonable time, place and procedure to present a motion before the arbitrator, excluding motions for summary award and involuntary dismissal.

(b) Expenses. Require a party, or attorney advising such party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court with proof of service on each party. The aggrieved party shall have ten (10) days thereafter to appeal the award of such expenses in accordance with the procedures described in RCW 2.24.050. If, within ten (10) days after the award is filed, no party appeals, a judgment shall be entered in a manner described generally under SCCAR 6.3.

(c) Attorney's Fees. Award attorney's fees as authorized by these LSCCARs, by contract or by law.

[Effective September 1, 2011; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 4.2
DISCOVERY

(a) Additional Discovery. In determining when additional discovery, beyond that directly authorized by SCCAR 4.2, is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Superior Court civil rules, except that motions concerning discovery shall be determined by the arbitrator.

(b) Discovery Pending. Discovery pending at the time the case is assigned to an arbitrator is stayed, pending order from the arbitrator, or except as the parties may stipulate, or except as authorized by SCCAR 4.2.

[Effective September 1, 2011; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 5.1
NOTICE OF HEARING - TIME AND PLACE - CONTINUANCE

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator; except by stipulation with permission of the arbitrator, the hearing shall be scheduled to take place not later than ninety (90) days from the date of assignment to the arbitrator. The arbitrator may grant a continuance without Court approval. The arbitrator shall give reasonable notice of the hearing date on a Notice of Arbitration Hearing Date form approved by the Court, and any continuance on an Order of Continuance of Arbitration Hearing Date form approved by the Court to the Superior Court Administration. Forms can be found on the Court's website at www.cowlitzsuperiorcourt.us.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 5.2
PREHEARING STATEMENT OF PROOF - DOCUMENTS FILED WITH THE COURT

Generally. In addition to the requirements of SCCAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the County Clerk. The arbitrator shall strictly enforce the provisions of SCCAR 5.2 and is encouraged to withhold permission to present evidence at the time of hearing if the parties have failed to comply with this rule.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 6.1
FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on an Arbitration Award form approved by the Court and filed with the County Clerk, along with proof of service on the parties. The form can be found on the Court's website at www.cowlitzsuperiorcourt.us.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Effective September 1, 2011; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 6.2
FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award shall be presented to Superior Court Administration for review by a judge; the filing of an extension may be extended up to an additional fourteen (14) days. The arbitrator shall give the parties notice of any extension granted. Recurring delays in the filing of awards will result in the removal of the arbitrator from the panel.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 6.3
JUDGMENT ON AWARD

Presentation. A judgment on an award shall be presented at the Ex Parte Docket by any party on notice in accordance with SCCAR 6.3 no sooner than twenty (20) days after the award is entered if no party has sought a trial de novo.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 7.1
REQUEST FOR TRIAL DE NOVO

Request. The Request for Trial de Novo and Sealing of Award shall be filed with the County Clerk on such form as approved by the Court. Form can be found on the Court's website at www.cowlitzsuperiorcourt.us. A copy of these forms being filed shall be provided to the Superior Court Administration.

[Effective September 1, 2011; amended September 1, 2012; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 8.1
STIPULATIONS - EFFECT ON RELIEF GRANTED

If a case, not otherwise subject to Superior Court civil arbitration, is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge. Stipulated arbitrations are not governed by these rules unless expressly agreed to by the parties. Compensation of arbitrators performing stipulated arbitrations is the responsibility of the parties.

[Effective September 1, 2011; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 8.4
TITLE AND CITATION

These rules are known and cited as the Cowlitz County Superior Court Civil Arbitration Rules. LSCCAR is the official abbreviation.

[Effective September 1, 2011; amended September 1, 2019; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 8.5
COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of Superior Court. The maximum compensation is capped at ten (10) hours times the applicable hourly rate as provided by the Administrative Office of the Courts, unless otherwise approved by a Superior Court Judge.

(b) Form. When the award is filed, the arbitrator shall submit, to the Superior Court Administrator, two original requests for payment on a form prescribed by the Court within sixty (60) days of the filing of the award. The appropriate form can be found on the Court's website, www.cowlitzsuperiorcourt.us. The Superior Court Administrator shall determine an amount of compensation and costs to be paid, subject to final review and approval by a judge. Compensation to the arbitrator and cost reimbursement shall be pursuant to paragraph 8.5(a)(above) and standards set by the Court.

[Adopted effective September 1, 2011; amended effective September 1, 2012; amended September 1, 2020]

SUPERIOR COURT CIVIL ARBITRATION RULE 8.6
ADMINISTRATION

(a) Generally. The Court Administrator, under the Superior Court Judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

(b) Administrative Committee. There shall be an Administrative Committee composed of two (2) judges chosen by the Presiding Judge and three members of the Washington State Bar Association with two (2) chosen by the Cowlitz-Wahkiakum Bar Association and one (1) chosen by the Presiding Judge. The members of the Committee shall serve for staggered three-year terms and may be re-appointed.

(c) Powers and Duties. The Administrative Committee shall have the power and duty to:

(1) Select its chairperson and provide for its procedures;

(2) Make recommendations to the Presiding Judge for removal of a person from a panel of arbitrators. Such recommendation for removal must be in writing and state the basis for the request;

(3) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

[Effective September 1, 2011; amended September 1, 2019; amended September 1, 2020]

Rules for Appeal of Decisions
of Courts of Limited Jurisdiction RULE 2.4
HOW TO INITIATE AN APPEAL

(b) Filing Fee.

(1) If the party seeking to appeal has had judgment rendered against him or her in an infraction or other civil matter and has not been declared indigent in a court of limited jurisdiction, any application for a waiver of filing fee in Superior Court must be approved by a judge of the Superior Court. The County Clerk's Office will furnish application forms for such fee waiver.

[Amended effective September 1, 2005; amended September 1, 2019]

Rules for Appeal of Decisions
of Courts of Limited Jurisdiction RULE 2.6
CONTENT OF NOTICE OF APPEAL

(c) Designation of Claimed Errors.

(1) Identification. The appealing party shall identify, in writing, as to each claimed error by reference to the numerical (digital) count on the electronic record as disclosed by the log, the beginning and the end of each portion of the recorded proceedings relevant to the claimed error.

[Amended effective September 1, 2019]

SPECIAL PROCEEDINGS RULE 93.05
ADOPTION HEARINGS

The following rules shall apply to all hearings in adoption matters.

1) UNCONTESTED - In all uncontested hearings the requesting party shall note the matter and file all supporting pleadings and/or documents a minimum of five (5) court days prior to the day of hearing.

2) CONTESTED - In all contested hearings:

(a) Filing and Service of Motions, Responses, Replies, and Affidavits. Such matters shall not be heard unless affidavits are served and filed as required by this rule and CR 6(a).

(i) The moving party shall serve and file supporting affidavit(s) together with the petition and/or motion.

(ii) All motions shall be filed and served upon all parties no later than nine (9) court days before the time specified for the hearing. Responses shall be filed and served on all parties no later than 3:00 p.m., four (4) court days before the time specified for the hearing. Replies shall be filed and served on all parties no later than 3:00 p.m., two (2) court days before the hearing.

(iii) Pleadings filed later than 3:00 p.m. three (3) court days before the hearing may be considered if good cause for the delay appears within those pleadings. A copy of any pleading filed after 3:00 p.m. five (5) court days prior to the hearing must be given to the assigned judge. The Clerk's Office will not be responsible for getting late pleadings into the court file prior to hearing. The Court will not consider pleadings that are filed after 3:00 p.m. three (3) court days prior to hearing deadline if no copy is provided to the assigned judge. All bench copies must have in the upper right corner on the first page a notation of date, time and type of hearing/calendar docket.

Practical Example of CCSPR 93.05 (b):

Below is an example of the practical application of CCSPR 93.05 (b):

Tuesday, May 1 - Moving party serves and files motion.
Tuesday, May 8 - Responding party serves and files response.
Thursday, May 10 - Moving party serves and files reply.
Tuesday, May 15 - Hearing date.

(iv) Preparation and Presentation of Orders. All orders will be prepared by the moving party. The Court will set a presentation date at the time of the hearing on the motion. A copy of the proposed order shall be provided to the Court and to the other party, or their attorney, no less than five (5) court days prior to the presentation date. Objections, along with the original proposed order, shall be filed with the Court by the objecting party no less than two (2) court days prior to the presentation date.

(b) Adoption hearings anticipated to take more than forty-five (45) minutes must be scheduled by placing on the family law trial assignment docket.

[Adopted effective September 1, 2016; amended September 1, 2019; amended September 1, 2020]

SPECIAL PROCEEDINGS RULE 93.06
FINALIZING ADOPTION CASES

(1) When a party is proceeding without representation by an attorney, the party shall schedule and meet with the Court Facilitator or a Limited License Legal Technician to review the final pleadings and required forms for completeness at least five (5) days prior to the scheduled hearing date. The Courthouse Facilitator or Limited License Legal Technician shall review all final pleadings and required forms and, if they appear appropriate, shall sign and file a "Certificate of Completeness" to that effect. The Clerk of the Court shall not accept for filing any such proposed final document which appears to be incomplete or which is not accompanied by the required forms. The Court will not conduct a final hearing in the matter unless the "Certificate of Completeness" has been signed by the Courthouse Facilitator, an attorney or a Limited License Legal Technician (LLLT).

(2) When a party is proceeding without representation by an attorney, the party must, five (5) days prior to the scheduled hearing date to complete the adoption, must i) provide to the Court Clerk's Office a check in the amount to cover the total costs to finalize the adoption. The costs are to include the amount needed by the Court Clerk's Office to send the documents to the State of Washington and for any requested certified copies of the final Decree of Adoption; ii) provide a completed Application for Adoption Registration form that will be provided to the State of Washington, and/or other appropriate state, if applicable; and iii) provide a completed Adoption Data Card (for adoptees that are minors). If the check and forms have not been provided as required by this rule, then the final hearing shall not be set, or stricken if set, by the Court Clerk.

[Effective September 1, 2019]

SPECIAL PROCEEDINGS RULE 93.07
ASSIGNMENT OF CONTESTED ADOPTION/TERMINATION TRIALS

A. Methods.

(1) Trial Assignments: The moving party shall serve and file a Docket Notice (Adoptions) substantially in the form set forth at the County Clerk's website, found at the following link: http://www.co.cowlitz.wa.us/158/Clerk-of-Superior-Court . The parties shall appear on the family law trial assignment docket. The case on the Trial Setting docket shall only be identified by case number and attorney name/s. Proof of service of the trial setting notice shall be filed with the clerk by the moving party prior to the time of trial setting.

(2) Application of Rule: Solely for purposes of this rule, "trial" includes trials and settlement conferences.

(3) No cause appearing on the assignment docket will be set for trial unless there is a response filed, there is compliance with this rule and at least one of the parties or their attorney either personally appears or contacts the court on or before the commencement of the docket.

(4) Should any party believe the case is not yet ready for trial, they shall file and serve an objection.

(5) If one or more parties (or their attorney) to the case fail to appear for trial setting, after being given proper notice of the application by the movant, and without advising the court, in writing, of non-available trial dates, the trial date shall be assigned. The trial date set will not be reset absent approval by the Court. If no attorney or party appears for the trial assignment, the assignment request will be stricken. An attorney or party may have a trial set without personal appearance provided they furnish a letter to the file indicating their intention not to personally appear and suggesting time preferences, restrictions, estimated length or other relevant information.

(6) The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform Court Administration promptly of any errors or changes in this list.

(7) Trial Scheduling Orders (Adoption/Termination): The Court shall file and send to the parties a Trial Scheduling Order (Adoption/Termination) for the case after Court Administration assigns a trial. The Trial Scheduling Order shall be substantially in the form approved by the Court, which is found at the following link: www.cowlitzsuperiorcourt.us. The Trial Scheduling Order may be amended only by leave of the Court upon motion. Motions for continuance, even if agreed, shall only be granted upon showing of good cause.

(8) The requirement of this rule can be waived or modified upon a written motion.

B. Pre-assignment of Cases.

(1) By the Court: The Judges may select those cases deemed appropriate for pre-assignment due to length of trial or complexity of issues.

(2) By Motion: The parties by stipulation may request that a case be pre-assigned or any party may place a motion for pre-assignment upon the appropriate motion calendar.

(3) All Matters to be heard by Pre-assigned Judge: After selection of the trial judge in the pre-assigned case, the trial, all motions, conferences and other matters and proceedings, except settlement conferences, should be heard before that Judge, if available.

(4) Notice to Court of Calendar and Trial Changes. Cases set for trial cannot be cancelled by the parties without a court order, except instances wherein the case is settled. Thereafter the parties shall file a Notice of Cancellation with the Clerk's Office and provide a copy to Court Administration.

(5) If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify the Court Administration of that fact and of the time necessary to complete the trial.

(6) The Court may assess actual costs or other sanctions for a violation of this rule.

C. Trial Readiness Review.

(1) In all civil cases set for trial, the parties, or their attorney, shall contact Court Administration between 2:00 p.m. and

4:00 p.m. the Thursday afternoon the week prior to the trial. Court Administration will give final instructions, including the specific start date and time of the trial. Failure to call Court Administration as directed may result in the striking of the assigned trial date and/or sanctions as deemed appropriate by the Court.

D. Call Calendar.

(1) The causes appearing on a motion docket shall be called and the movant, if no one appears in opposition, may take the order moved for if approved by the court. If no one appears for a motion or petition it shall be deemed waived and stricken.

(2) A party or their attorney may appear on any Civil or Domestic Relations Motion Docket via CourtCall llc (www.courtcall.com) or other electronic platform approved by the Court, except a party who has been properly served with an Order to Go to Court or other order requiring their personal appearance. The responding party in that circumstance must appear in person unless otherwise ordered by the Court.

[Effective September 1, 2019; amended September 1, 2020]

JUVENILE COURT RULE 3.12
TIMING OF FILING DOCUMENTS IN DEPENDENCY/TERMINATION PROCEEDINGS

(1) A written motion, other that one which may be heard ex parte, notice of the hearing thereof, and all other related pleadings shall be served, and filed with the Court, not later than 5:00 p.m., five (5) court days before the time specified for the hearing, unless otherwise agreed by the parties. All responsive documents, as well as any reports or other documents to be filed, must be served on the parties and filed with the Clerk no later than 3 p.m., three (3) court days before the scheduling hearing. All rebuttal documents, including any reports or other documents to be filed, must be served on the parties and filed with the Clerk no later than 12 p.m., two (2) court days before the scheduled hearing, as well as a copy of such rebuttal documents emailed by that same time to the judicial officer hearing the matter.

(2) Timeline example for a Wednesday court appearance at 9:00am. The motion shall be filed the week before on Wednesday no later than 5:00p.m., the response shall be filed the week before on Friday no later than 3:00pm, and the rebuttal shall be filed on Monday the same week as the hearing no later than 12:00pm.

(3) The Court may not consider any documents, agreed to by the parties or not, filed after this time unless it is an initial shelter care matter or there is a showing that an emergency existed that necessitated a late filing of such documents.

[Effective September 1, 2017; amended September 1, 2019; amended September 1, 2020]

JUVENILE COURT RULE 3.13
ELECTRONIC/TELEPHONE APPEARANCE
IN DEPENDENCY/TERMINATION PROCEEDINGS

1) If a party to the case, parent, attorney, CCCA, or other individual that is needed for a court case cannot appear in person, then appearance by a court approved electronic/telephone platform must be set up.

2) Cowlitz County Superior Court uses various electronic/telephone platforms. The attorney, or parent, if not represented, must contact the Court to determine the appropriate platform to use for the assigned court day.

3) If using CourtCall LLC, the appearance must be set-up 48 hours in advance of any court appearance.

4) In the event there is a request to waive the CourtCall fee for telephonic appearance this fee waiver must be provided to the Court and Clerk 72 hours before any court appearance. For example: If the court hearing is on a Wednesday at 9:00am, the fee waiver must be filed with the Court Clerk no later than the Friday before by 9:00am. This is to ensure that the Clerk can gain judicial approval of the court fee waiver and fax the document to CourtCall for waiver approval.

[Effective September 1, 2020]