

LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY

Originally effective September 1, 1974
Including amendments adopted through September 1, 2023

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NOTE REGARDING HYPERLINKS

NOTE: Some Local Rules may contain hyperlinks to forms, manuals containing specific procedural information, and other electronic resources as deemed appropriate. Hyperlinks are simply convenient mechanisms for accessing material in a document. The court accepts no responsibility for the availability, functionality, or accuracy of any hyperlink found in the Local Rules. See Local General Rule 14.2.

[Adopted effective September 1, 2020.]

KING COUNTY LOCAL GENERAL RULES (Cite as LGR)

LGR 2(d). JUDICIAL DAY

Judicial Day. A “judicial day” is a weekday that is not a legal holiday. See RCW 1.16.050; RCW 2.28.100.

[Adopted effective September 1, 2021.]

LGR 14.2. HYPERLINKS

Hyperlinks may be provided in the King County Superior Court Local Rules for the purpose of providing a convenient mechanism for accessing material cited in the document. The material provided by hyperlink is extraneous to any rule and its contents are not binding on any court. See LCR 7(b)(5)(iv). Parties shall refer to current local rules to determine if any later adoptions, amendments, or rescissions have been made by the court which may conflict with linked materials.

[Adopted effective September 1, 2020.]

LGR 15. DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

For “Respective Chief Judge” see LGR 29(h).

(c) *Sealing or Redacting Court Record.*

(1) Motions to Destroy, Redact or Seal Previously Filed Documents.

(A) Civil. Motions to destroy, redact or seal all or part of a previously filed civil or domestic relations court record shall be filed with the clerk and presented, in accordance with GR 15 and GR 22, to the assigned judge or if there is no assigned judge, to the Respective Chief Judge.

(B) Criminal. Motions for cases that are not pending trial shall be presented to the assigned judge or his or her successor or, if there is no trial assigned judge or successor, to the Respective Chief Judge.

(C) Guardianship, Trusts and Probate: (Title 11) Motions may be presented to any regularly sitting Ex Parte Commissioner. Pro tem commissioners are not authorized to seal documents.

(D) Vulnerable Adult Protection Order: (RCW 74.04) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

(E) Minor/Incapacitated Settlement: The motion shall be presented to the judicial officer who approved the minor settlement unless the judicial officer who approved the minor settlement is a pro tem commissioner, in which case the motion shall be brought before the assigned judge or any regularly sitting Ex Parte Commissioner.

(F) Name Changes Based on Domestic Violence: If no assigned judge, motion may be presented by the requesting party to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

(G) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 Cases: In a proceeding brought pursuant to RCW 26, “financial source document”, “personal health care record” and “confidential report” as defined under and submitted in accordance with GR 22 will be automatically sealed by the clerk without court order, if accompanied by the proper cover sheet. See, also, LFLR 5(d) and LFLR 11 with respect to family law court records in general. Motions to seal documents pursuant to GR 22 where the filing party did not attach the appropriate coversheet may be presented to a regular sitting Ex Parte commissioner. Pro tem commissioners are not authorized to seal documents.

(2) Motions to Seal/Redact when Submitted Contemporaneously with Confidential Document – Not to be Filed.

(A) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Criminal Cases Pending Trial. Submit to the Chief Criminal Judge, pursuant to the protocol in the Criminal Department Manual: <https://kingcounty.gov/courts/superior-court/criminal.aspx>.

(B) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Sexually Violent Predator Cases Pending Trial. Submit to assigned judge, pursuant to (E) below.

(C) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Dependency and Termination Cases Pending Fact Finding. Submit to the Lead Dependency Judge, pursuant to the published protocol available on the Court’s Website <https://kingcounty.gov/courts/superior-court/dependency.aspx>.

(D) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Juvenile Offender Cases Pending Trial. Submit to the Chief Juvenile Judge, pursuant to the protocol in the Juvenile Department Offender Manual: <https://kingcounty.gov/courts/superior-court/get-help/links-for-lawyers.aspx>.

(E) All Other Motions.

(i) The moving party shall provide the following directly to the hearing judge and not file:

a) The original unredacted copy of the document(s) the party seeks to file under seal to the hearing judge in an envelope for in camera review. The words “SEALED PER COURT ORDER DATED [insert date]” shall be written on the unredacted document(s). The following information shall be written on the envelope: The case caption and cause number; a

list of the document(s) under review; and the words “SEALED PER COURT ORDER DATED [insert date].”

b) A proposed redacted copy of the subject document(s).

c) A proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).

d) A self-addressed envelope with appropriate postage for the return of the document, should the party request said return.

(ii) If the hearing judge denies, in whole or in part, the motion to seal, the judge will return the original unredacted document(s) and the proposed redacted document(s) to the submitting party upon request to return if envelope with postage was provided and will file the order denying the motion to seal.

(iii) If the hearing judge grants the motion to seal the judge will file the sealed document(s) contemporaneously with a separate order granting the motion. If the judge grants the motion by allowing redaction, the judge shall write the words “SEALED PER COURT ORDER DATED [insert date]” in the caption of the unredacted document before filing.

(3) Motions to Conceal the Name of a Party to an Action. See LCR 10.

(e) *Motions to Unseal or Examine.*

Sealed Files. Applications to examine sealed files shall be made as follows: civil, domestic, parentage and dependency cases to the assigned judge, or Respective Chief Judge, and petitions to review or remove a will from the will repository to the Ex Parte and Probate Department, with oral argument, presented in person; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion establishing justification under applicable court rules and case law. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.

(f) *Orders to Destroy, Redact or Seal.* Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order other than a protective order in criminal cases. The clerk may call to the attention of the judicial officer any deviation from the requirements of the rule.

[Adopted effective September 1, 2008; amended effective January 1, 2009; January 1, 2009; September 1, 2009; September 1, 2010; September 2, 2013; September 1, 2015; September 1, 2017; September 1, 2018.]

LGR 18. JURY ASSIGNMENT AREA

(e) *Location for Jury Assignment Areas for Civil and Criminal Cases Filed in King County.*

(1) *Designation of Jury Assignment Areas.* The jury source list shall be divided into a Seattle jury assignment area and a Kent jury assignment area that consist of registered voters and licensed drivers and identocard holders residing in each jury assignment area. The area within each jury assignment area shall be identified by zip code and documented on a list maintained by the chief administrative officer for the court.

(2) *Where Jurors Report.* Individuals receiving a jury summons shall report for service to the Court facility in the jury assignment area identified on the face of the summons.

(3) Adjustment of Jury Assignment Area Boundaries. The jury assignment areas contained in this rule may be adjusted by the administrative office of the courts based on the most current United States census data at the request of the majority of the judges of the superior court when required for the efficient and fair administration of justice.

Comment

This rule implements RCW 2.36.055, which allows the jury source list in King County to be divided into jury assignment areas that consist of registered voters and licensed drivers and identocard holders residing in each jury assignment area. The purpose of the statute and this rule is to lessen the burdens borne by jurors in traveling long distances to attend court proceedings by narrowing the geographic area from which jurors are drawn while maintaining a random and proportionate jury pool.

[Adopted effective September 1, 2007; amended effective April 1, 2008; May 27, 2009.]

LGR 20. SECURITY IN HANDLING COURT EXHIBITS

(f) Identification of Exhibits Containing DNA

(1) RCW 5.70.010 mandates the preservation of certain DNA evidence admitted by a governmental entity in certain adult criminal or juvenile offender cases. To aid in compliance with these mandates parties must identify the exhibits, when presented to the clerk, as containing DNA evidence subject to the retention requirements of that statute.

(2) Upon presentation to the clerk of exhibits declared to contain DNA evidence subject to the requirements of RCW 5.70.010, the clerk shall identify the exhibit as one containing DNA evidence subject to special retention requirements.

(3) Upon resolution of the case and expiration of the period for any appeals, the party who offered such DNA evidence must retrieve the evidence admitted so the evidence may be preserved and/or maintained as described in RCW 5.70.010.

(i) --Exhibits – Narcotics. When narcotic or dangerous drugs have been admitted in evidence or have been identified, and are being held by the clerk as a part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the Court for an order directing the clerk to deliver such drugs to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the Court finds these facts, and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The clerk shall then deliver the drugs and take from the law enforcement agency a receipt which he/she shall file in the cause. He/she shall also file any certificate issued by an authorized federal or state agency and received by him/her showing the nature of such drugs. See also LCR 79(d).

[Adopted effective September 1, 2008; September 1, 2017.]

LGR 29. PRESIDING JUDGE IN SUPERIOR COURT

(a) *Election, Term, Vacancies, Removal and Selection Criteria.*

(1) Elections.

(A) General Provisions. Each elected position (Presiding Judge, Assistant Presiding, and Executive Committee) shall be handled by a separate election. The procedures set forth below shall be undertaken separately for each position in the following order: Presiding Judge, Assistant Presiding Judge and members of the Executive Committee.

(B) Solicitation of Candidate. Prior to each election, a questionnaire shall be circulated to every judge to determine whether that judge wishes to be a candidate for the position at issue. The solicitation for the position of Presiding Judge shall occur no later than October 1 of the year in which a Presiding Judge is to be elected. Immediately after a Presiding Judge has been elected, candidates for the position of Assistant Presiding Judge shall be solicited and an election for that position shall be held. Immediately after the election of an Assistant Presiding Judge, candidates for the Executive Committee shall be solicited. The questionnaire for each position shall include a description of the election process and the deadline by which the questionnaire must be returned.

(C) Candidate Information. A list of all judges who have responded affirmatively to the questionnaire shall be available from the Chief Administrative Officer throughout the nomination process. One week prior to the deadline for returning the questionnaires, the Chief Administrative Officer shall provide each judge with a list of all persons who have answered affirmatively regarding the race in question.

(D) Reconsideration of Previously Submitted Questionnaire. Up until the deadline for returning questionnaires, a judge may withdraw a previously submitted questionnaire and re-submit a new questionnaire indicating whether that judges wishes to be a candidate for the position in question.

(E) Distribution of Ballots. Except where there is only one candidate for a position, ballots will be immediately circulated to all judges after the deadline for returning the questionnaire for that position has passed. Each judge shall return the ballot in the time allotted. Voting may be by absentee ballot when necessary.

(F) Counting. Ballots shall be counted by the three most junior judges present at the King County Courthouse on the first judicial day following the return date specified in the ballot.

(G) Run-Off Elections. A candidate who receives a majority of votes cast shall be elected. If one candidate does not receive a majority of votes cast, there shall be a run-off election.

(H) Single Candidate. When only one candidate has submitted his or her name for consideration, that candidate shall be deemed elected without the need for the distribution and counting of ballots.

(2) Term.

(A) The Presiding Judge shall serve an initial term of two-years. Thereafter, the Presiding Judge may run for re-election for successive one-year terms. The term shall commence on January 1 of the year in which the Presiding Judge's term begins.

(B) The Assistant Presiding Judge shall serve a one-year term, commencing on January 1. A candidate for Assistant Presiding Judge who wishes to serve in the last year of the term of the Presiding Judge shall indicate an intention to seek the position of Presiding Judge for the following term.

(C) The elected members of the Executive Committee shall serve a two-year term. The terms are to be staggered such that approximately half the elected members are chosen in odd-numbered years and half in even-numbered years. Terms shall commence on January 1.

(3) Vacancies. If a judge who has been elected to any office resigns from office or is otherwise unable to complete a term, the Presiding Judge shall promptly establish an election process consistent with the method provided in these rules.

(g) Executive Committee.

(1) Membership of the Executive Committee.

(A) The Presiding Judge and Assistant Presiding Judge shall serve as members of the Executive Committee.

(B) The immediate past Presiding Judge shall serve as a member of the Executive Committee for the year following the judge's service as Presiding Judge.

(C) The following chief judges shall serve as members of the Executive Committee: (i) the Chief Criminal Judge; (ii) the Chief Civil Judge; (iii) the Chief Judge of Unified Family Court; (iv) the Chief Judge of the Maleng Regional Justice Center; and (v) the Chief Judge of the Clark Children and Family Justice Center.

(D) There shall be six additional members of the Executive Committee (seven if there is no immediate past Presiding Judge) elected at large. The member elected to fill the seventh position, in the absence of an immediate past Presiding Judge, shall be elected for a one year term, as determined by lot drawn from all newly elected members.

(E) When the Executive Committee is considering a report or recommendation made by a committee, the chair of that committee shall be invited to attend the meeting and may vote on issues pertaining to that committee.

(2) Powers and Duties of the Executive Committee.

(A) Decide matters of policy affecting the court, not reserved to the judges as a whole. Decisions shall be final unless referred to the judges as a whole pursuant to LCMR 3(a)(13) (<https://kingcounty.gov/courts/superior-court/get-help/links-for-lawyers/lcmr.aspx>). Provided, however, that decisions involving urgent matters may be implemented after notice to the judges.

(B) Make recommendations on policy matters to the judges at any meeting of the judges.

(C) Recommend the designation and duties of the committees of the court and receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chair of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.

(D) Act in an advisory capacity to the Presiding Judge.

(E) Review and advise the Presiding Judge concerning his or her decision, in the capacity of Presiding Judge, to report a judge or commissioner to the Judicial Conduct Commission.

(F) Determine whether disciplinary action of a commissioner, short of termination, is appropriate.

(G) Approve an expenditure budget and review and approve actual unfunded items.

(H) Determine the general qualifications of and establish a training program for pro tem judges and pro tem court commissioners. Training may be delegated to the relevant standing committee.

(I) Conduct the annual performance review of the Chief Administrative Officer and the Director of Judicial Administration.

(J) Meet at least once a month and provide written agenda and timely notice of the regular Executive Committee meetings to all judges and commissioners. If attachments are available in electronic form, they shall be distributed with the agenda.

(K) Promptly distribute to the judges written minutes of action taken by the Executive Committee.

(L) In the absence of the Presiding and Assistant Presiding Judge, the senior member of the Executive Committee shall serve as Acting Presiding Judge.

(h) **Respective Chief Judge.** In these Local Rules, “Respective Chief Judge” means:

(1) In a case that has a Seattle case-assignment-area designation (SEA) and is:

(A) a civil case or a family law case not involving children: the Chief Civil Judge;

(B) a criminal case: the Chief Criminal Judge;

(C) a juvenile offender case: the Chief Juvenile Judge;

(D) a family law case involving children: the Chief Judge of the Unified Family Court.

(2) In a case that has a Kent case-assignment-area designation (KNT) and is:

(A) a civil case, a family law case not involving children, or a criminal case: the Chief Judge of the Maleng Regional Justice Center;

(B) a family law case involving children: the Chief Judge of the Unified Family Court.

[Adopted effective September 1, 2016; September 1, 2017; September 1, 2023.]

LGR 30. MANDATORY ELECTRONIC FILING AND SERVICE

(b) **Electronic Filing Authorization, Exception, Service, and Technology Equipment.**

(4) **Electronic Filing and Service.**

(A) **Mandatory Electronic Filing.** Attorneys shall electronically file (e-file) all documents using the clerk’s online eFiling application unless this rule provides otherwise. Non-attorneys are not required to e-file but may do so.

(i) **Documents That Shall Not Be E-Filed.** The following documents must be filed in paper form rather than e-filed:

- Original wills and codicils that do not conform to the Electronic Wills Act;
- Documents for filing in an Aggravated Murder case;
- Interpleader or Surplus Funds Petitions;
- Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
- Affidavits for Writs of Garnishment and Writs of Execution;

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(ii) **Documents That May Be E-Filed.** The following documents may be e-filed:

- Documents presented for filing during a court hearing or trial.
- Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
- Answers to Writs of Garnishment.
- Appeals of lower court decisions.
- Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the

instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(iii) Working Copies for E-Filed Documents. Judges' working copies for e-filed documents may be electronically submitted to the clerk using the clerk's eFiling application and pursuant to LCR 7 unless this rule provides otherwise. The clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

(iv) Waiver of the Requirement to E-File. If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must make a showing of good cause and explain why he or she needs to file paper documents in that particular case. The clerk will make waiver request forms available. The clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

(v) Non-Compliance with this Rule. If an attorney files a document in paper form and does not have an approved waiver from e-filing, the clerk will assess a fee against the attorney pursuant to King County Code 4A.630.060 for each paper document filed.

(B) Mandatory Electronic Service.

(i) Effecting E-Service. When a party e-files a document, the party must electronically serve (e-serve) the document via the e-service feature within the clerk's online eFiling application. A related document that is not filed but which must be served —e.g., a proposed order or a document served to comply with LCR 7(b)(4)(F) — shall also be e-served via the eFiling application using the "Upload Additional Documents to E-Serve" feature. E-service under this subsection (b)(4)(B)(i) constitutes service under CR 5 and is complete as stated in CR 5(b)(7). *Exceptions:* This subsection (b)(4)(B)(i) does not apply when a statute or rule requires that a document be personally served on the receiving party, the receiving party is not represented by an attorney and has not registered to accept e-service, or the receiving attorney has a waiver under subsection (b)(4)(A)(iv) above.

(ii) Accepting E-Service. Attorneys must promptly register to accept e-service via the clerk's eFiling application in each case in which the attorney appears (unless the attorney has a waiver under subsection (b)(4)(A)(iv) above). Likewise, a party that is not represented by an attorney must promptly register to accept e-service via the clerk's eFiling application in each case in which the party e-files a document.

(d) Authentication of Electronic Documents.

(2) Signatures

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(ii) The Prosecutor by Karpel External View Portal is designated as a local and secure system for law enforcement to submit electronically signed documents to the King County Prosecuting Attorney for filing in Superior Court.

[Adopted effective June 1, 2009; amended effective September 1, 2010; September 1, 2011; September 1, 2012; January 1, 2014; April 1, 2014; June 27, 2014; September 2, 2014; September 1, 2015; September 1, 2016; September 1, 2022.]

LGR 31. ACCESS TO COURT RECORDS

(d) Access.

(2) Public online document review through the Clerk's electronic records system shall be restricted to cases filed on or after November 1, 2004 and limited to the case types listed in (i) through (v). These restrictions do not apply to onsite access in the clerk's office, to King County agencies, to government agencies approved by the clerk, to parties to a case, and to attorneys of record.

(i) All criminal cases, defined as those categorized with a number 1 as the third digit of the case number;

(ii) All civil cases, defined as those categorized with a number 2 as the third digit of the case number, with the exceptions of petitions for domestic violence protection orders and petitions for antiharassment protection orders;

(iii) All family law cases, defined as those categorized with a number 3 as the third digit of the case number and the unsealed portions of those cases categorized with a number 5 as a third digit.

(iv) All probate and guardianship cases, defined as those cases categorized with a number 4 as the third digit of the case number.

(v) Miscellaneous public records kept by the clerk and categorized with a 0 as the third digit of the case number.

(f) Distribution of Court Records Not Publicly Accessible

(2) Investigations by the Judicial Conduct Commission: Access to Sealed Files and Documents

(A) Confidential Use: Upon request, the clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

(B) Public Use: No materials in a sealed file may be made public, unless the Commission has first obtained an order pursuant to GR 15 and LCR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge.

Official Comment

1. Procedures, terms and conditions for on-line access are available in the clerk's office and online at <https://kingcounty.gov/courts/clerk.aspx>.

[Adopted effective November 5, 2004; amended September 1, 2005; February 23, 2006; September 1, 2015; September 1, 2016; September 1, 2018; October 23, 2019; September 1, 2019; September 1, 2020; September 1, 2021; September 1, 2022.]

KING COUNTY LOCAL ZERO RULES [Rescinded]

See LGR 29 and the King County Local Court Management Rules (LCMRs at the end of this document).

[Rescinded effective September 1, 2016.]

FOREWORD

[Rescinded]

[Effective September 1, 1986; rescinded effective September 1, 2016.]

LCR 0.1 DEPARTMENT NUMBER AND SENIORITY

[Rescinded]

[Effective September 1, 1986; amended effective September 1, 1994; November 21, 1996; September 1, 2008; rescinded effective September 1, 2016.]

LCR 0.2 COURT MANAGEMENT

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.3 DIVISION OF MANAGEMENT AUTHORITY

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; September 1, 2015; rescinded effective September 1, 2016.]

LCR 0.4 QUALIFICATIONS FOR PRESIDING OR ASSISTANT PRESIDING JUDGE

[Rescinded]

[Amended effective September 1, 2008; rescinded effective September 1, 2016]

LCR 0.5 MEMBERSHIP OF THE EXECUTIVE COMMITTEE

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.6 ELECTIONS

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.7 SPECIAL DEPARTMENTS

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.8 CHIEF JUDGES

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.9 STANDING AND SPECIAL COMMITTEES

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009, September 1, 2012; rescinded effective September 1, 2016.]

LCR 0.10 COMMISSIONERS

[Rescinded]

[Amended effective September 1, 2007; September 1, 2008, September 1, 2012; September 1, 2015; rescinded effective September 1, 2016.]

LCR 0.11 PRO TEMPORE JUDGES AND PRO TEMPORE COMMISSIONERS

[Rescinded]

[Adopted effective September 1, 2007; Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.12 CHIEF ADMINISTRATIVE OFFICER

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded effective September 1, 2016.]

LCR 0.13 DIRECTOR OF JUDICIAL ADMINISTRATION

[Rescinded]

[Amended effective September 1, 2008; rescinded effective September 1, 2016.]

LCR 0.14 BAILIFFS

[Rescinded]

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.15 SELECTION OF MEMBERS TO THE BOARD OF TRUSTEES OF THE SUPERIOR COURT JUDGES ASSOCIATION

[Rescinded]

[Amended effective September 1, 2008; rescinded effective September 1, 2016.]

LCR 0.16 PILOT PROJECTS

[Rescinded]

[Adopted effective September 1, 2000; amended effective September 1, 2008; rescinded effective September 1, 2016.]

**LCR 0.17 INVESTIGATIONS BY THE JUDICIAL CONDUCT COMMISSION:
ACCESS TO SEALED FILES AND DOCUMENTS**

[Rescinded]

[Adopted effective May 1, 2003; amended effective September 1, 2008; rescinded effective September 1, 2016.]

KING COUNTY LOCAL CIVIL RULES (Cite as LCR)

CONFORMING TO CR RULES AS REQUIRED BY CR 83

**II. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS,
MOTIONS AND ORDERS (Rules 3-6)**

LCR 4. CIVIL CASE SCHEDULE

(a) Case Schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed electronically the clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in paper form the clerk will provide two copies to the party filing the initial pleading.

(b) Cases not governed by a Case Schedule. Unless otherwise ordered by the Court, all other cases will not be issued a Case Schedule on filing. The cases that will be issued a Case Schedule are listed on the Clerk's Case Index Cover Sheets located at <https://kingcounty.gov/courts/clerk/forms.aspx>.

(c) Service of Case Schedule.

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR 30(b)(4), with proof of service to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(d) Amendment of Case Schedule. The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LCR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule

and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge, except as provided below:

(1) The deadline for Disclosure of Possible Primary Witnesses and/or the deadline for Disclosure of Additional Witnesses (LCR26 (b)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: “No party may assert this delay in the Disclosure of Witnesses as a basis for a continuance of the established trial date”.

(2) The discovery cutoff (LCR 37(g)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: “No party may assert this extension of the Discovery Cutoff as a basis for a continuance of the established trial date.”

(e) Form of Case Schedule.

(1) **Case Schedule.** A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing	0
Confirmation of Issues (LFLR 4(c) for dissolution and modification cases)..	F+16
Status Conference, if needed (Domestic Relations cases only-see LFLR 4(e))	F+20
Confirmation of Joinder (LCR 4.2(a) for civil cases)	F+23
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1)	F+23
Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases)	F+34
Disclosure of Possible Primary Witnesses (LCR 26(b))	T-22
Disclosure of Possible Additional Witnesses (LCR 26(b))	T-16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)(LCR 38(b)(2))	T-14
Discovery Cutoff (LCR 37(g))	T-7
Deadline for Engaging in Alternative Dispute Resolution	T-4
Deadline for filing “Joint Confirmation Regarding Trial Readiness” (LCR 16)...	T-3
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LCR 4(j))..	T-3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56, CR 56)	T-2
Deadline for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions	T-1

Joint Statement of Evidence (LCR 4(k))	T-1
Trial	T

IT IS ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in CR 37, may be imposed for noncompliance. IT IS FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated: _____

Judge

I understand that a copy of this document must be given to all parties:
 _____ (Signature)

Note: a number in the right column preceded by an “F” refers to the number of weeks after filing; a number in the right column preceded by a “T” refers to the number of weeks before trial.

(f) Monitoring. At such times as the Presiding Judge may direct, the clerk will monitor cases to determine compliance with these rules.

(g) Enforcement; Sanctions; Dismissal; Terms.

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

(h) Failure to Follow Schedule. The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for a status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

(i) Failure to Appear on Scheduled Trial Date

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall file their proposed final documents within thirty days of the trial decision.

(j) Exchange of Witness and Exhibit Lists. In cases governed by a Case Schedule pursuant to LCR 4, the parties shall exchange, no later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires. See LCR 26 (witness disclosure requirements.)

(k) Joint Statement of Evidence. In cases governed by a Case Schedule pursuant to LCR 4 the parties shall file, no later than five judicial days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

(l) Non-dispositive Pretrial Motions. All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LCR 7(b). Responsive documents shall also be served and filed pursuant to the requirements of LCR 7(b). In addition, working copies of all motion documents shall be provided pursuant to the requirements of LCR 7(b).

(m) Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions. Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a working copy submitted to the assigned Judge, no later than five judicial days before the scheduled trial date.

Official Comment

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or JuCR 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

3. Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

4. A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

5. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

6. The deadlines in the Case Schedule do not supplant the duty of parties to timely answer interrogatories requesting the names of individuals with knowledge of the facts or with expert opinions. Disclosure of such witnesses known to a party should not be delayed to the deadlines established by this rule.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008; June 1, 2009; September 1, 2010; December 1, 2010; March 1, 2011; June 1, 2011; September 1, 2011; September 1, 2012; September 2, 2013; September 1, 2017; September 1, 2020; September 1, 2021.]

LCR 4.2 CONFIRMATION OF JOINDER OF PARTIES AND ISSUES IN CIVIL AND FAMILY LAW CASES; COMPLETION OF TESTING IN PATERNITY CASES

(a) Civil Non-Family Law Cases; Confirmation of Joinder of Parties, Claims and Defenses; Form. This rule applies to all civil cases with a Case Schedule that are not governed by LFLR 1.

(1) Confirmation of Joinder; Form. No later than the designated deadline for joining additional parties and raising additional claims and defenses, as stated in LCR 4(e)(2), the plaintiff(s)/petitioner(s) shall, file and serve a report entitled "Confirmation of Joinder of Parties, Claims, and Defenses," which will be in substantially the following form:

CONFIRMATION OF JOINDER OF PARTIES, CLAIMS, AND DEFENSES

I. Plaintiff(s)/petitioner(s) makes the following representations:

1. This case is not subject to mandatory arbitration.

[If it is, this report should not be filed; instead, no later than the deadline for filing this report, a statement of arbitrability should be filed, pursuant to LMAR 2.1(a).]

2. All parties have been served or have waived service.

3. All mandatory pleadings have been filed.

II. Plaintiff(s)/petitioner(s) do not make the foregoing representations because (if appropriate, check both the box at left and every applicable box below). The Court may set a hearing.

This case is subject to mandatory arbitration, but not yet ready for the Statement of Arbitrability to be filed.

A party remains to be served.

A mandatory pleading remains to be filed.

Other explanation:

DATED: _____ SIGNED: _____

Plaintiff/Petitioner/Attorney (If attorney, WSBA #: _____)

Typed Name: _____

Address: _____

Phone: _____

Attorney(s) For: _____

(2) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to LMAR 2.1(a) is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims, and Defenses, the Confirmation of Joinder need not be filed and no show cause hearing will be held. See LFLR 4(c).

(b) Family Law Dissolution and Modification Cases; Confirmation of Issues; Referral to Mediation; Form. See LFLR 4(c).

(c) Paternity Cases; Confirmation of Completion of Genetic Testing; Form.
See LFLR 4(d).

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008; September 1, 2015.]

LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing. No motion for any order shall be heard unless the original documents pertaining to it have been filed with the clerk.

(k) Copies of Cases Not to be Filed. Working copies of cases shall be provided to a judge pursuant to LCR 7(b), but shall not be filed with the clerk. The copies provided to the judge and all parties should be in the same form, including but not limited to markings, highlights, and color copies.

[Amended effective September 1, 1994; September 1, 1999; September 1, 2002; June 1, 2009; September 2, 2013.]

III. PLEADINGS AND MOTIONS (Rules 7-16)

LCR 7. CIVIL MOTIONS

For "Respective Chief Judge" see LGR 29(h).

(b) Motions and Other Documents.

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LCR 12, LCR 26, LCR 40, LCR 56, and the LFLR's.

(2) Hearing Times and Places. Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration by telephone at (206) 296-9300 or by accessing <https://kingcounty.gov/courts/clerk.aspx>. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

(3) Argument. All nondispositive motions, motions for orders of default, and motions for default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revisions of commissioners' rulings:

(i) Motions for revisions of commissioners' rulings regarding involuntary commitment act proceedings, Title 13 proceedings, and proceedings where the underlying motion did not include oral argument shall be ruled on without oral argument.

(ii) All other motions for revision shall be noted with oral argument. The judge may strike oral argument. If the judge strikes oral argument, the court will notify the parties.

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions to be presented in person to the Ex Parte and Probate Department pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") issued by the clerk;

(E) Motions for which the Court allows oral argument.

(4) Dates of Filing, Hearing, and Consideration.

(A) Filing and Scheduling of Motions. The moving party shall serve and file all motion documents no later than 4:30 p.m. nine judicial days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases assigned to a judge, if the motion is set for oral argument on a nonjudicial day, the moving party must reschedule it with the judge's staff; for motions without oral argument, the assigned judge will consider the motion on the next judicial day.

(B) Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

(C) Oral Argument Requested on All Other Motions. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or opposition.

(D) Opposing Documents. Any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the hearing judge no later than 4:30 p.m. four judicial days before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

(E) Reply. Any documents in strict reply shall be similarly filed and served no later than 4:30 p.m. two judicial days before the hearing.

(F) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. The copies provided to

the judicial officer and all parties should be in the same form, including but not limited to markings, highlights, and color copies. Working copies shall be submitted as follows:

(i) Electronic Submission of Working Copies. Judges' working copies of an e-filed motion and all documents in support or opposition may be electronically submitted using the clerk's eFiling application. The clerk may assess a fee for the electronic submission of working copies.

(ii) E-Filed Documents for which Working Copies Shall Not be Electronically Submitted. Judges' working copies shall not be electronically submitted for any document of 500 pages or more in length or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

(iii) Delivery of Working Copies in Paper Form. The upper right corner of all judicial officers working copies submitted in paper form shall be marked "working copies" and note the date of consideration or hearing, the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented ("moving party," "opposing party," or other descriptive or identifying term), and shall be delivered to the judges' mailroom or appropriate department in the courthouse in which the judge or commissioner is located.

(G) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the court over objection of counsel except upon the imposition of appropriate terms, unless the court orders otherwise.

(H) Stipulated and Agreed Motions. Stipulated and agreed motions, except motions that shall be presented to the Ex Parte and Probate Department pursuant to LCR 40.1(b)(2)(A), shall be served and filed in accordance with this rule and noted for consideration before the hearing judge two judicial days after filing.

(I) Confirmation and Cancellation. Confirmation is not necessary, but if the motion is stricken, the parties shall immediately notify the opposing parties and notify the staff of the hearing judge.

(5) Form of Motions and Responsive Pleadings.

(A) Notice of Court Date. A Notice of Court Date shall be filed with the motion. The Notice shall identify the moving party, the names and service addresses of all parties requiring notice, the title of the motion, the name of the hearing judge, the trial date, the date for hearing, and the time of the hearing, if it is a motion for which oral argument will be held. A Notice of Court Date form is available from the clerk's office and online: <https://kingcounty.gov/courts/clerk/forms.aspx>.

(B) Form of Motions and of Responsive Pleadings. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the court is requested to grant or deny.

(ii) Statement of Facts. A succinct statement of the facts contended to be material.

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages must be attached to a declaration identifying the documents. Parties should highlight those

parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings. Responsive pleadings shall conform to this format.

(v) Authority. Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing judicial officer and to counsel or parties, but shall not be filed with the clerk. See LCR 5(k).

(vi) Word Limits. Absent prior authorization from the court, the initial motion and opposing memorandum shall not exceed 4,200 words; and reply memoranda shall not exceed 1,750 words. The word count includes all portions of the motion/memorandum, including headings and footnotes, except 1) the caption; 2) tables of contents and/or authorities, if any; and 3) the signature block. The signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains _____ words, in compliance with the Local Civil Rules."

(vii) Consecutive Page Numbering for Attachments. Attachments or exhibits to any filed document, **in excess of 25 pages**, including motions, oppositions, replies, briefs, declarations, and affidavits, whether in paper or electronic form, shall be numbered consecutively on the bottom center or right-hand corner of each document to aid the court and the parties in navigating through the document. The number shall not restart for each attachment but shall run consecutively through all of the attachments to the document. All motions, oppositions, replies and briefs shall cite to these page numbers. A party may include other citation information, such as exhibit numbers, corresponding exhibit pages or paragraph numbers, in addition to the consecutive page cite.

(C) Form of Proposed Orders; E-mail Addresses. The moving party and any party opposing the motion shall include with their submissions a proposed order. The original of each proposed order shall be submitted to the hearing judge along with any working copies. If the motion is to be considered without oral argument, the moving party shall at the time of filing the motion provide to the court e-mail addresses for the court's use in providing courtesy copies of entered orders. Where working copies are provided via the clerk's eWorking Copies application, the parties shall request courtesy copies of entered order(s) through the clerk's application.

(6) Motions to Reconsider or Change Prior Rulings; Renewed Motions.

(A) Applicability. LCR 59 governs motions for reconsideration of a final order terminating the dispute. Except when specifically provided in another rule, this rule governs all other motions to reconsider or change orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause, including by way of a renewed motion.

(B) Procedure. The moving party shall note the motion for hearing pursuant to LCR 7(b)(4). The court will consider the motion without oral argument unless the court orders otherwise. The motion must identify the prior ruling, the judicial officer who made it, any new matters being brought to the court's attention for the first time, and any modifications being sought regarding the court's prior ruling. Unless ordered otherwise, the prior ruling will remain in effect pending a decision on the motion.

(C) Response. No party may file a response unless requested by the court. The court will not grant a motion brought under this rule without such a request by the court. If the court requests a response, (a) the request will set a time when the response is due; (b) the request may limit briefing to particular issues; and (c) the moving party may file a reply within two judicial days of service of the response, or at a time otherwise directed by the court.

(7) Reopening Motions. See LCR 7(b)(6).

(8) Motions for Revision of a Commissioner's Order. For all cases except juvenile and involuntary treatment act proceedings:

(A) A motion for revision of a commissioner's order shall be filed within 10 days of entry of the written order, as provided in RCW 2.24.050. The motion shall only identify the error(s) claimed. No response shall be filed unless authorized by the court. If a response is called for, a reply may be filed within two judicial days of service of the response.

(B) A hearing on a motion for revision of a commissioner's order should be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Respective Chief Judge, orders otherwise.

(i) For cases assigned to an individual judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned judge.

(ii) For cases not assigned to an individual judge, the hearing shall be scheduled by the Respective Chief Judge. If the Respective Chief Judge assigns the revision motion to another judge the scheduling procedure outlined in sub (i) shall apply.

(iii) All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as the date, time, and courtroom location of the hearing, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(iv) The commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Respective Chief Judge.

(v) The party seeking revision shall, at least six judicial days before the hearing, deliver to the assigned judge or Respective Chief Judge working copies of the motion, notice of the hearing as scheduled pursuant to (i) and (ii) above, and copies of all documents submitted by all parties to the commissioner.

(vi) For cases in which a timely motion for reconsideration of the commissioner's order has been filed, the time for filing a motion for revision of the commissioner's order shall commence on the date of the filing of the commissioner's written order of judgment on reconsideration.

(9) Motion for Order to Show Cause. Without notice or oral argument, a party moving for an order to show cause shall present the motion to the judge or department that will hear the show-cause hearing. See LCR 40.1(b); LCR 60(e)(2); LFLR 5.

(10) Motions Shortening Time.

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other motion.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the motion must be noted at least two judicial days after it is filed and served on the opposing party and the court to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to

comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court.

(11) Motions for Stay of Proceedings. Motions for stay of proceedings shall be heard by the individual judge assigned or if there is no assigned judge, then by the Respective Chief Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; June 1, 2009; September 1, 2011; September 1, 2012; September 2, 2013; September 2, 2014; September 1, 2016; September 1, 2017; September 1, 2018; September 2019; September 1, 2020; September 1, 2021; September 1, 2022; September 1, 2023.]

LCR 10. FORM OF PLEADING AND OTHER PAPERS

(a) Caption

(1) Names of Parties.

(A) For criminal, protection order, family law, parentage, and all juvenile matters, case initiating document(s) shall include the name of all known parties in the caption. The clerk shall reject any case filed where the names of the parties are not included.

(B) For all other cases, in the case initiating document(s) the caption of the action shall include the names of all known parties. In the event the filing party seeks to conceal the name of a party, the filing party may file the case initiating document(s) using the initials of the party and must simultaneously file and note a motion, which shall not be stricken, for an order from the Respective Chief Judge per LCR 7 motion practice rules, and GR and LGR 15 sealing and redaction rules, allowing the case to proceed using initials. If no motion is filed and noted for hearing with the case initiating documents, the clerk shall reject the case. If the court denies the order to proceed using initials to identify a party, the order will instruct the clerk and the parties as to a new caption for the case using names of the parties, after affording the plaintiff the ability to file a CR 41 motion.

[Adopted effective September 1, 2018; amended affective September 1, 2022.]

LCR 11. SIGNING OF PLEADINGS

(a) Self-Represented Parties (Pro Se)

(1) Address of Party Appearing Pro Se. A party appearing pro se shall state on each document filed by him/her, a mailing address for that party, a street address where service can be made on that party and a telephone number where that party can be contacted during the day unless that information is made confidential by statute.

(2) Clerk's File to Indicate Pro Se Appearance. When a party appears pro se, without filing a pleading or other document, the clerk shall cause the party to insert in the file a document indicating that the party has appeared without attorney.

(3) Notice of Rule Requirements. When a party appears in court without an attorney and without filing a written pleading or other document, pursuant to process served upon him/her, the clerk shall deliver to him/her a printed form containing the substance of subsection (a) of this rule, together with appropriate blanks for the name, address and telephone number the party, and shall request the party to file his/her name, a mailing address, a street address where service of process or other papers may be made, and a telephone number where the party can be contacted during the day. The clerk shall make a minute entry that such printed form has been delivered.

[Amended effective September 1, 2001; September 1, 2004; September 1, 2008; September 2, 2014.]

LCR 12. DEFENSES AND OBJECTIONS

(d) Motions under CR 12(b) and CR 12(c) shall be subject to the word limitations and scheduling requirements of CR 56, LCR 56 and LCR 7(b)(4)(B). LCR 59 governs motions for reconsideration of an order granting a motion to dismiss that terminates the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause.

[Adopted effective September 1, 2012; amended effective September 1, 2016; September 1, 2023.]

LCR 16. PRETRIAL DEADLINES AND PROCEDURES

(a) *Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.*

(1) Mandatory Joint Confirmation of Trial Readiness. Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk, and provide a working copy to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

- (A)** Type of trial and estimated trial length;
- (B)** Trial week attorney conflicts;
- (C)** Interpreter needs;
- (D)** To what extent alternative dispute resolution has been used in the case;
- (E)** Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

(b) *Alternative Dispute Resolution (ADR) All cases.* See also LCR 4.

(1) Unless excused by (1) an order signed by the judge to whom a case is assigned or (2) a family law commissioner in the case of a family law matter, or (3) the Order Setting Case Schedule issued does not, itself, provide for a deadline for participating in ADR, the parties in every case governed by an order setting case schedule as set forth by LCR 4(b) shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party.

(2) Preparation for Conference.

(A) Attendance and Preparation Required. The attorney in charge of each party's case shall personally attend all alternative resolution proceedings and shall come prepared to discuss in detail and in good faith the following:

- (i) All liability issues.
- (ii) All items of special damages or property damage.
- (iii) The degree, nature and duration of any claimed disability.
- (iv) General damages.
- (v) Explanation of position on settlement.

(B) Family Law Cases--Requirements. See LFLR 16.

(3) Parties to Be Available.

(A) Presence in Person. The parties shall personally attend all alternative resolution processes, unless excused, in advance, by the person conducting the proceeding.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference or other dispute resolution process, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend in person with sufficient authority to bind the insurer to a settlement. If the representative is not available in King County, the representative shall be available by telephone at the parties' expense.

(4) Failure to Attend. Failure to attend the dispute resolution procedure in accordance with paragraphs (A) and (B) above may result in the imposition of terms and sanctions that the judge may deem appropriate.

(5) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in the matter, unless all parties agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990, September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004; September 1, 2004; September 1, 2007; September 1, 2008; June 1, 2009; September 1, 2012; September 2, 2013; September 2, 2014; September 1, 2015.]

LCR 22. INTERPLEADER

(c) Where Motions are to be Heard. Hearings on interpleader actions shall be set before the Respective Chief Judge. See LGR 29(h). If the matter is contested, it may be referred by the Chief Judge to the Clerk who will issue a case schedule and will assign the case to a judge.

[Adopted effective September 1, 2018]

V. DEPOSITIONS AND DISCOVERY (Rules 26-37)

LCR 26. DISCOVERY, INCLUDING DISCLOSURE OF POSSIBLE WITNESSES AND PROTECTIVE ORDERS

(b) Discovery Limits.

(1) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LCR 4.

(2) Interrogatories.

(A) Cases With Court-Approved Pattern Interrogatories. In cases where a party has propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) Cases Without Court-Approved Pattern Interrogatories. In cases where a party has not propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(3) Depositions. A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(4) Requests for Admission. A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(5) Modification.

(A) Stipulation of the parties. These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) Court order. If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to LCR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by LCR 37(f) shall be filed with the motion.

(6) Discovery requests in violation of rule.

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to those requests, in numerical order, that comply with LCR 26(b). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(7) Applicability. These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LCR 69(b) or other post-judgment proceedings.

(c) Motions to Seal/ Protective Orders. A motion to seal must be made separately pursuant to LGR 15 and cannot be submitted as part of a protective order. Motions for protective order, even if agreed, shall be presented to the assigned judge and not to the ex parte department. If the case is not assigned to a judge, the motion shall be made to the Respective Chief Judge. See LGR 29(h).

(e) Discovery Not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

(k) Disclosure of Primary Witnesses. Required Disclosures.

(1) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness' relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefore and a brief description of the expert's qualifications.

(4) Sanctions. Failure to comply with this rule or the court's Order Setting Case Schedule may result in sanctions, including the exclusion of witnesses.

Comment: See LGR 15 and LFLR 11 for procedures relevant to motions to seal.

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LCR 4(j) (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LCR 4 All Witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is when the party calling a witness could not reasonably anticipate needing that witness before trial.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section (e) the rule specifically provides to the contrary.

The prior version of Section 4 of this rule was, in essence, struck down by the Supreme Court in *Jones v. Seattle*, 179 Wn2d. 322, 314 P.3d 380 (2013). The *Jones* court emphasized that trial courts must follow the three-part test of *Burnet v. Spokane Ambulance*, 131 Wn2d. 484, 933 P.2d 1036 (1997) prior to entering an order excluding a witness.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001; September 1, 2003; September 1, 2005; September 1, 2007; September 1, 2008; September 1, 2010; September 1, 2011; September 2, 2014; September 1, 2015; September 1, 2017.]

LCR 33. INTERROGATORIES

(a) *Pattern Interrogatories for Specific Areas of Practice:* (Reserved)

Comment: The King County Superior Court will adopt a process for approving Pattern Interrogatories for use in discrete practice areas. The process and the pattern interrogatories will be available from the KCSC website: <https://kingcounty.gov/courts/SuperiorCourt.aspx>, as well as through the office of the King County Clerk.

(b) *Appropriate Use of Pattern Interrogatories.* It is not required nor recommended that all interrogatories contained in a pattern set be used in every case. It shall be the obligation of counsel or a party to determine which interrogatories are appropriate to the facts of the case.

(c) *Format.* All Pattern Interrogatories should be contained in a separate document. Although minor variations may be made to these interrogatories to fit the circumstances of a particular case, identifying the document as Pattern Interrogatories is a warranty by the attorney or party signing the interrogatories that such interrogatories are identical in substance to the Pattern Interrogatories approved by the court.

[Adopted effective September 1, 2005; amended effective September 1, 2008.]

LCR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS

(e) *Conference of Counsel.* See CR 26(i).

(f) *Certificate of Compliance.* See CR 26(i).

(g) *Completion of Discovery.* Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed no later than 49 calendar days before the assigned trial date (provided that deadlines shall be 28 days in all parentage cases and 35 days in all other family law proceedings as defined in LFLR 1). Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with this rule will not be enforced. Nothing in this rule shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

[Adopted effective January 1, 1983; amended effective September 1, 1986; January 1, 1990; September 1, 1992; September 1, 1999; September 1, 2001; September 1, 2007; September 1, 2008; September 1, 2010; September 1, 2015.]

VI. TRIALS (Rules 38-53.2)

LCR 38. JURY TRIAL OF RIGHT

(b) *Demand for Jury*

(1) Separate Document. The demand for jury trial shall be contained in a separate document.

(2) Deadline for Filing Demand. In cases governed by a Case Schedule pursuant to LCR 4 (excluding domestic and paternity cases), a jury demand shall be filed and served no later than the final date to change trial designated in the Case Schedule, which shall be deemed the date on which the case is called to be set for trial within the meaning of CR 38(b).

[Amended effective January 1, 1990; September 1, 1992; September 1, 2001; September 1, 2008.]

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

For “Respective Chief Judge” see LGR 29(h).

(a) Notice of Trial--Note of Issue.

(1) Assignment of case to Judge. The clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(b) Where motions and proceedings to be noted. See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) Motions for Default. See LCR 55 and LCR 40.1(b)(2)(G).

(2) Family Law Proceedings. See LFLR 5.

(3) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the clerk.

(4) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(5) Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions. See LCR 40.1

(6) Order Vacating Conviction. These motions shall be noted before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. See official comment.

(7) Frivolous Liens. If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Respective Chief Judge. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(8) Marriage Age Waiver Petitions. See LFLR 19.

(9) Involuntary Treatment Proceedings. The hearings in involuntary treatment proceedings shall be heard on the involuntary treatment act calendar.

(10) Receivership Proceedings. See LCR 40.1(b)(2).

(11) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(12) Work Permits/Variances for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Respective Chief Judge.

(13) Writs.

(a) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(b) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office.

(14) Adult Structured Settlements. Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Respective Chief Judge.

(15) Quash of Subpoena. Motions to quash subpoena from outside the jurisdiction shall be brought before the Respective Chief Judge.

(16) Restoration of Right to Possess Firearm. A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner must file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. For cases in which the loss of the right resulted from an involuntary commitment, the petitioner must file an original petition in a separate cause of action and the motion shall be noted without oral argument before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. [For cases in which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

(17) Interpleader Actions. See LCR 22.

(18) Administrative Law Review Actions. Parties should note any requests to supplement the record or to obtain certification for direct appeal without oral argument before the Respective Chief Judge pursuant to RCW 34.05.518. Exceptions to this are Petitions Seeking Review of a Land Use decision and Appeals Of Board Of Industrial Insurance Rulings which are governed by LCR 4. If an ALR is not subject to 34.05.518, parties should file a motion before the Respective Chief Judge seeking judicial assignment and a case schedule

(19) Requests to Restrict Abusive Litigation. See RCW 26.51 et seq.

(A) When a request to restrict abusive litigation is made in a proceeding before a judge, that judge shall decide the issue and shall set the hearing required by RCW 26.51.040(2) on their own calendar. When a request is made in a proceeding before a commissioner or pro tem judge, the commissioner or pro tem may make the threshold determinations as to whether the parties have a current or former intimate partner relationship and whether there has previously been a finding of domestic violence, but shall refer determination of the ultimate issue to the assigned judge if there is a pending case, or to the Respective Chief Judge if there is no pending case or if there is no assigned judge.

(B) When a separate motion to restrict abusive litigation is filed pursuant to RCW 26.51.030(1)(c), and the underlying order for protection was obtained in this county, the motion shall be filed under the protection order cause number.

(C) When an order restricting abusive litigation has been entered, and the restricted party seeks permission to file a new case or motion pursuant to RCW 26.51.070, the restricted party shall file the request in the case in which the order restricting abusive litigation was entered, and shall provide a working copy of the request to the judge who signed the order. If the judge who signed the order is no longer on the bench, the working copy of the request shall be provided to the Respective Chief Judge.

(c) Trial Dates. In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, the motion shall be made before the Ex Parte Department. In all other cases not assigned to a judge, the motions shall be made to the Respective Chief Judge. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Respective Chief Judge for assignment of a trial date and a case schedule.

(e) Continuances/Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For notices of disqualification see RCW 4.12.050.

Official Comment

Petitions for certificates of rehabilitation is a term sometimes used to describe the Order Vacating Conviction (LCR 40(b)(6)) and Restoration of Rights (LCR 40(b)(16)) process, though this is no longer part of Washington state law.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 1, 2011; September 1, 2012; September 2, 2014; September 1, 2015; September 1, 2017; September 1, 2018; September 1, 2022; September 1, 2023.]

LCR 40.1 EX PARTE AND PROBATE DEPARTMENT

This rule governs all matters presented to the Ex Parte and Probate Department and directs certain other matters elsewhere.

(a) Ex Parte and Probate Department.

(1) Ex Parte and Probate Department Presentation of Motions and Hearings Manual. The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual (“Motions and Hearings Manual”) is issued by the clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the clerk’s office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the clerk’s office. The Motions and Hearings Manual shall be made available online at <https://kingcounty.gov/courts/clerk/documents/ExParte.aspx> and in paper form through the clerk’s office and the Ex Parte and Probate Department.

(2) Argument. Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

(A) Matters With Oral Argument. Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

(B) Matters Required to be Noted. Those matters that require notice to another party and all matters listed under Local Rule 98.16, 98.04, and 98.20 must be noted for hearing with oral argument in the Ex Parte and Probate Department and served on all parties.

(C) Matters Without Oral Argument. All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the clerk’s office. Parties must submit their paperwork to the clerk’s office directly. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

(3) Certification to a Judge. At the judicial officer’s discretion, a case assigned to the Ex Parte and Probate Department may be certified for assignment to a judge. Upon certification, the clerk’s office will assign the case to a judge with a trial date. Once assigned to a judge, the entire case is before that judge, including all motions except as provided otherwise in these rules or by the Court.

(b) Motions and Other Procedures.

(1) Cases Not Assigned. Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing shall be presented to the Ex Parte and Probate Department. The following cases or motions are heard by the Ex Parte and Probate Department:

(A) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a

hearing on the appropriate calendar. All other matters shall be presented via the clerk.

(B) Agreed and Default Family Law Decrees and Modifications. See LFLR 5.

(C) Antiharassment, Domestic Violence, Sexual Assault and Vulnerable Adult Protection Orders:

(i) Antiharassment Petitions. Applications for temporary antiharassment protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final antiharassment protection orders shall be set by the clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(ii) Domestic Violence Protection Orders. See LFLR 12.

(iii) Sexual Assault Protection Orders. Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders shall be set by the clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(iv) Vulnerable Adult Protection Orders. Applications for temporary vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final vulnerable adult protection orders shall be set by the clerk or Judicial Officer before the Ex Parte and Probate Department.

(D) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors. All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the clerk's office. If the matter is contested, it may be referred by the judicial officer to the clerk who will issue a trial date and will assign the case to a judge.

(E) Judgments on Arbitration Awards. Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

(F) Orders to Show Cause. All Motions for Show Cause on cases not assigned a case schedule or judge at filing shall be presented to the Ex Parte and Probate Department. For all cases where the return on the order to show cause is to a calendar, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5. For cases assigned a case schedule or judge at filing, see LCR 40.1(b)(2)(H).

(G) Orders Waiving Filing Fees. In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/courts/clerk/fees.aspx>.

(H) Orders to Remove Non-ECR Files. Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

(I) Orders Vacating a Dismissal. Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

(J) Receivership Proceedings. If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(K) Sealed Files. See LGR 15, LCR 26(b) and LFLR 11.

(L) Unlawful Detainer Actions. The orders to show cause, any agreed orders, and any orders that do not require notice, shall be presented without oral argument through the clerk's office to the Ex Parte and Probate Department. The moving party shall obtain the order to show cause first before filing the note for hearing. The initial hearing on order to show cause shall be

heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(M) Writs. For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office. The moving party shall obtain a date from the assigned trial court for the return hearing before presenting the motion to the Ex Parte and Probate Department. For other writs, see LCR 40 (b)(13).

(N) Post-Foreclosure Motions. Following the entry of the order of foreclosure by the assigned judge, motions to confirm the sale and/or motions for an order to disburse funds shall be set in the Ex Parte and Probate Department and be presented in person with notice pursuant to LCR 7 (b) to all parties who have appeared.

(2) Cases Assigned to a Judge, But Heard in the Ex Parte and Probate Department

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, provided that the order does not affect the case schedule, direct the clerk to seal a document or file, provide for a protective order pursuant to LCR 26(c) or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed word limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated person or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

(F) Temporary Restraining Orders. Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

(G) Unopposed Matters. Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the Respective Chief Judge in accordance with LCR 7 and LGR 29(h).

(H) Orders to Show Cause. For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See LFLR 5. For all family law cases where the return hearing is before the assigned judge, the moving party shall comply with LFLR 5(b)(1). For all other civil proceedings where the return hearing is before the assigned judge, the moving party shall present the motion to show cause to the assigned judge as required by LCR 7(b)(9).

(c) Matters Not Presented to the Ex Parte and Probate Department. Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case

management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

(1) Matters Presented to the Clerk

(A) Requests to Waive Ex Parte via the Clerk and ECR On-Line fees. Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website:

<https://kingcounty.gov/courts/clerk/fees.aspx>. See LCR 78 regarding the waiver of ECR On-line fees.

(2) Matters Presented to the Assigned Judge

(A) Orders Waiving Other Fees. Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website:

<https://kingcounty.gov/courts/clerk/fees.aspx>.

[Adopted effective January 1, 2009; amended effective September 1, 2009; September 1, 2010; September 1, 2012; September 1, 2015; September 1, 2017; September 1, 2018; September 2019; September 1, 2020; September 1, 2022; September 1, 2023.]

LCR 41. DISMISSAL OF ACTIONS

(b) *Involuntary Dismissal.*

(2) Dismissal on Clerk's Motion.

(A) Failure to Appear for Trial. If the court has been notified that the trial is no longer necessary and the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LCR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

(B) Failure to File Final Order on Settlement. If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional period of time. If an order disposing of all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal without prejudice.

(C) Failure to File Final Orders after a Certificate of Settlement Without Dismissal is Filed. If an order disposing of all claims against all parties is not entered by the date the parties agreed to in the certificate of settlement without dismissal, the clerk shall notify the parties that the case will be dismissed without prejudice. If a party makes a written application to the court within 21 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case be continued for an additional period of time. If an order disposing all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal without prejudice.

(D) Failure to File Judgment or Appeal Following an Arbitration Award. At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

(E) Lack of Action of Record. The Court may enter an order of dismissal without prejudice for failure to take action of record during the past 12 months. The clerk shall issue notice to the attorneys of record that such case will be dismissed by the court unless within 45 days following such issuance a status report is filed with the court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received or if the status is disapproved by the court, the case shall be dismissed without prejudice.

(F) Failure to Return from Stay. If after 90 days beyond the review date no renewing stay order has been filed and there are no future hearing dates, the case shall be dismissed without prejudice by the court for want of prosecution upon further notice to the parties.

(G) Failure to complete an Unlawful Detainer. If no action of record is taken for 45 days, and no future hearing date is scheduled, then the case may be administratively closed by the clerk.

(c) Dismissal of Counterclaim, Cross-Claim, or Third Party Claim. No local rule.

(d) Costs of Previously Dismissed Action. No local rule.

(e) Notice of Settlements.

(1) Advising the Court of Settlement. After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual judge and such written notice cannot be filed with the clerk before the trial date, the assigned judge shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days.

(2) Notice of Settlement with Prompt Dismissal. If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LCR 41(e)(3), the case may be dismissed on the clerk's motion pursuant to LCR 41(b)(2)(B).

Date

Attorney for Defendant

WSBA No.

Date

Attorney for Plaintiff

WSBA No.

(Signatures by attorneys on behalf of all parties.)

(3) Settlement with Delayed Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody
of: _____
at: _____.

2.3 No further court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as
of: _____.
Date: _____

III. SIGNATURES

Attorney for Plaintiff(s)/Petitioner Attorney for Defendant(s)/Respondent
WSBA No. _____ WSBA No. _____

Attorney of Plaintiff(s)/Petitioner Attorney for Defendant(s)/Respondent

WSBA No. _____

WSBA No. _____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, if the parties do not dismiss their case, the clerk will notify the parties that the case will be dismissed by the court for want of prosecution unless within 14 days after the issuance a party makes a written application to the court, showing good cause why the case should not be dismissed.

Official Comment

1. Notice of Settlement. Subsections (b)(2) and (e)(1) are intended to prevent a case from entering a state of suspended animation after the parties reach a settlement. The rule creates a mechanism for a settled case to be formally closed by judgment or dismissal. A case will not be removed from the trial calendar on the basis of a settlement unless the settlement resolves all claims against all parties.

[Adopted effective September 1, 1993; amended effective September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2008; September 1, 2011; September 2, 2014; September 1, 2020.]

LCR 42. CONSOLIDATION; SEPARATE TRIALS

(a) *Motions to Consolidate.* Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Respective Chief Judge. (See LGR 29(h)). Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion. The assigned judicial officer will hear motions to consolidate on cases where both or all cases are assigned to that judge. *Note:* The court may order cases linked for administrative tracking and judicial efficiency. Linking cases does not consolidate the cases, issues, or parties.

[Adopted effective September 1, 2012; amended effective September 1, 2017; September 1, 2022.]

LCR 53.1 REFEREES

(a) *Orders of Reference.* Before the Court can order a matter referred to a referee under RCW 4.48, a complaint or petition shall be filed with the clerk. If an order of reference by consent is sought under RCW 4.48.010, the motion requesting the reference, including a summary showing the referee is qualified under RCW 4.48.040, and the written consent shall be filed with the clerk, and the action shall be exempt from Local Rule 4. If assignment without consent is sought by a party under RCW 4.48.020 a motion requesting that a case be referred to a referee shall be brought for hearing before the department to which the case has been assigned, or, if not assigned to a particular department, to the Respective Chief Judge. See LGR 29(h).

(b) Public Proceedings. All proceedings before a referee pursuant to RCW 4.48 shall be open to the public unless the Court orders otherwise.

(c) Posting of Notice of Trial. At least five days before the date the case is scheduled for trial before a referee, counsel shall provide the clerk with two copies of a notice, suitable for posting, that sets forth the caption, cause number, name of referee, and the date and place of trial. If the Court has ordered that the proceedings shall be closed to the public, the notice shall so state. One copy of the notice shall be posted by the clerk; the other copy shall be filed in the court file.

(d) Termination of Case. If a case referred to a referee is terminated without the filing of a final judgment, the parties shall have an order of dismissal entered or file with the clerk a notice or certificate of settlement as provided in LCR 41(e).

[Adopted effective September 1, 1993; amended effective September 1, 2003; September 1, 2008; September 1, 2017.]

LCR 53.2 COURT COMMISSIONERS

(f) Affidavits--Court Commissioners. Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Adopted effective September 1, 2012.]

VII. JUDGMENT (Rules 54-63)

LCR 54. JUDGMENTS AND COSTS

(f) Presentation.

(3) Presentation by Legal Assistant. Legal assistants who are duly registered with the King County Bar Association or any local bar association of this state may personally present ex parte orders based solely upon the documents presented and the record in the file.

(g) Interlineations.

(1) Orders and Judgments. Any interlineations, corrections, and deletions in orders and judgments signed by the judge/commissioner must be initialed by the judge/commissioner.

[Amended effective September 1, 1984; amended effective September 1, 1993; September 1, 2008; January 1, 2009.]

LCR 55. DEFAULT AND JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate

Department through the clerk's office. When there has been an appearance by any non-moving party or more than one year has elapsed since service of the summons with no appearance made, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Respective Chief Judge (see LGR 29(h)). The Motion in support of the Order for Default shall affirmatively state: (A) whether or not there has been an appearance by any non-moving party, and (B) how service of the summons complied with CR 4(d) and applicable state statute(s), and provide supporting documentation of proof of service. Failure to so state shall result in the denial of the motion for default without prejudice.

(2) Late Appearance or Answer. When a non-moving party has appeared or answered before consideration of the Motion for Order of Default, the moving party shall notify the hearing judge or commissioner.

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party shall submit a motion for entry of judgment against the party in default to the judicial department that entered the Order of Default (the Ex Parte and Probate Department through the clerk's office, the assigned judge, or the Respective Chief Judge, as provided in LCR 55(a)(1) above).

(1) Testimony Needed. If testimony is required pursuant to Civil Rule 55(b), the moving party shall schedule a hearing as follows:

(A) Ex Parte and Probate Department. If the motion is before the Ex Parte and Probate Department, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.

(B) Assigned Judge. If the motion is before the assigned judge, the moving party shall contact the judge's bailiff to schedule the matter to be heard.

(C) No Assigned Judge. If there is no assigned judge, the moving party shall file a motion before the Respective Chief Judge for assignment of the case to a judge. After the case has been assigned to a judge, the moving party shall contact the judge's bailiff to schedule the matter to be heard.

(2) Minimum Requirements for Submission. Parties are required to present proof of all elements of their claim, including, but not limited to:

(A) Assigned Causes of Action. In debt collection cases where the cause of action has been assigned, a declaration from the assignor for each assignment and a declaration executed by an individual with personal knowledge of the records supporting the judgment amount.

(B) Negotiable Instruments. In cases based upon negotiable instruments: the original negotiable instrument or a certified copy with an attestation that the original has been destroyed, or a facsimile of the original instrument or proof provided by a bank as defined in RCW 62A.4-105.

(g) Family Law Cases. In family law proceedings (see LFLR 1), motions for default and for default judgment are governed by LFLR 5 and 15, not by LCR 55.

[Adopted effective September 1, 1996; amended effective September 1, 2003; September 1, 2004; September 1, 2008; January 1, 2009; September 1, 2015; September 1, 2016; September 1, 2017; September 2019; September 1, 2020; September 1, 2023.]

LCR 56. SUMMARY JUDGMENT

(c) Motions and Proceedings

(1) Argument. The court shall decide all summary judgment motions after oral argument, unless the parties waive argument. The assigned judge shall determine the length of oral argument.

(2) Dates of Filing and Hearing. The deadlines for moving, opposing, and reply documents shall be as set forth in CR 56 and the Order Setting Case Schedule. In all other regards, parties shall file and deliver documents and the court shall set all hearings in conformance with LCR 7.

(3) Word Limits. Absent prior authorization from the court to file an over-length brief, moving and opposing memoranda shall not exceed 8,400 words and reply memoranda shall not exceed 1,750 words. The word count includes all portions of the memorandum, including headings and footnotes except 1) the caption; 2) tables of contents and/or authorities, if any, and 3) the signature block. The signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains _____ words, in compliance with the Local Civil Rules."

(4) Motions to Reconsider. LCR 59 governs motions for reconsideration of a summary judgment order terminating the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action but only decide some intervening matter pertaining to the cause.

(5) Reopening. Reopenings are subject to the requirements of LCR 7(b)(6).

(e) Form of Affidavits; Nonconforming Evidence. A party objecting to the admissibility of evidence submitted by an opposing party must state the objection in writing in a responsive pleading, a separate submission shall only be filed if the objection is to materials filed in the reply.

[Note: Judgment upon multiple claims or involving multiple parties, see CR 54(b).]

Official Comment

[Amended effective September 1, 2011, Subsection (e) is added to obviate the filing of motions to strike objectionable evidence, to relieve parties of the need to file such motions nine days in advance and thus, under LCR 7, to file an accompanying motion to shorten time for a timely consideration of the objection. This rule is intended to clarify local practice and to conform to *Cameron v. Murray*, 151 Wn. App. 646,658, 214 P.3d 150 (Div. I, 2009.)

[Amended effective September 1, 1983; September 1, 1984; May 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2004; September 1, 2005; September 1, 2008; September 1, 2011; September 1, 2016; September 1, 2022; September 1, 2023.]

LCR 58. ENTRY OF JUDGMENT

(a) When.

(1) Judgments and Orders to Be Filed Forthwith. Any order, judgment or decree which has been signed by the Court shall not be taken from the Courthouse, but must be filed forthwith by the attorney obtaining it with the clerk's office or with the clerk in the courtroom.

(b) Effective Time.

(1) Effective on Filing in Clerk's Office. Judgments, orders and decrees shall be effective from the time of filing in the Clerk's central office.

(2) Evaluation and Treatment Orders. Orders issued pursuant to RCW 71.05.150(2) to detain a person to a designated evaluation and treatment facility for not more than seventy-two-hour evaluation and treatment period, shall be effective immediately from the time of issuance.

[Amended effective January 22, 2008, September 1, 2011; September 1, 2015; September 1, 2022.]

LCR 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) Applicability. This rule governs motions for reconsideration of a final order terminating the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause.

(b) Motion and Notice of Hearing. The form of motion and notice of hearing shall conform to LCR 7(b). The motion will be considered without oral argument unless called for by the court.

(c) Response and Reply. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. If a response is called for, a reply may be filed within two judicial days of service of the response.

(d) Form of Proposed Order. The moving party and any party given leave to file a memorandum in opposition shall attach an original proposed order to the working copies submitted to the hearing judge. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

[Adopted effective September 1, 2008; amended effective June 1, 2009; September 1, 2018; September 1, 2021; September 1, 2023.]

LCR 60. RELIEF FROM JUDGMENT OR ORDER

(e) Procedure on Vacation of Judgment.

(2) Notice. When a party moves to vacate a judgment, the party shall schedule the show-cause hearing on the motion (i) before the judge that signed the judgment if the judge is still on the court; (ii) before the Ex Parte and Probate Department if a commissioner signed the judgment in that department; or (iii) before the Respective Chief Judge if (i) and (ii) do not apply. See also LCR 7(b)(9) (presenting motion for order to show cause). If a judicial officer grants the motion to vacate and a new trial date is necessary, the officer will, as appropriate, set the new trial date or refer the case to the Respective Chief Judge for assignment of a judge and trial date.

(5) Family Law Cases. In family law proceedings (see LFLR 1), motions to vacate a judgment are governed by LFLR 5, not by LCR 60.

[Adopted effective September 1, 2004; amended effective September 1, 2007; September 1, 2008; September 1, 2016; September 1, 2017; September 1, 2019.]

VIII. PROVISIONAL AND FINAL REMEDIES (Rules 64-71)

LCR 65. INJUNCTIONS

(b) Temporary Restraining Order

(1) Where heard: Except for family law cases, a party seeking a temporary restraining order shall present the motion for temporary restraining order to the Ex Parte and Probate Department through the clerk's office. For family law cases, see the LFLR's (Local Family Law Rules).

(2) Calendaring requirement: Prior to appearing in the Ex Parte and Probate Department on a motion for a temporary restraining order, the moving party shall obtain a date for hearing on the motion for preliminary injunction from the trial department to which the case is assigned. The hearing shall be set in conformance with the timing requirements of CR 65(b).

[Amended effective September 1, 2008; January 1, 2009.]

LCR 66. RECEIVERSHIP PROCEEDINGS

(a) Generally.

(1) Petition and Notice. A petition for appointment of a receiver may be filed in an underlying proceeding, as provided in RCW 7.60 or as a new action as otherwise provided by statute. Reasonable notice of the time and place of the hearing to determine the appointment of a receiver and the name of any proposed receiver recommended by the petitioner shall be served upon all parties. If the petition is filed as a new action, the initial hearing shall be noted in the Ex Parte and Probate Department, be presented directly by the parties, and an order to show cause shall be served on all parties. Contested proceedings may be referred by the commissioner to the assigned Judge. Petitions filed in a pending action shall be heard by the assigned Judge, and do not require an Order to Show Cause if all parties have been served and appeared in the action. Upon the appointment of a receiver, the receiver shall notify all parties of the appointment.

(2) Procedure. Court rules for motion practice will apply to applications for appointment of a receiver.

(3) Status Conference. After the appointment of a receiver, any party may note a status conference before the assigned Judge for the purpose of determining the course of proceedings in the receivership, including amending the case schedule and such other matters as may be appropriate for the receivership.

(4) Ancillary Proceedings. Any actions filed by or against a receiver shall be assigned to the Judge overseeing the receivership, unless otherwise ordered by that Judge.

[Amended effective September 1, 1997; September 1, 2008; January 1, 2009.]

LCR 69. EXECUTION

(b) Supplemental Proceedings.

(1) Obtaining Order Setting Supplemental Proceedings. A judgment creditor seeking an order compelling a judgment debtor or third party to appear to provide testimony supplemental to a judgment under RCW 6.32.010 or 6.32.030 shall file a motion in the Ex Parte

and Probated Department for an order setting the supplemental proceeding. The motion may be submitted ex parte and the proposed order shall set the supplemental proceeding to be held before the Respective Chief Judge. See LGR 29(h).

(2) Time. Supplemental proceedings shall be set at the time and day specified for supplemental proceedings on the court's schedule, by location. See the clerk's website (<https://kingcounty.gov/courts/clerk/calendars.aspx>).

[Adopted effective September 1, 1984; amended effective September 1, 1996; September 1, 2003; September 1, 2008; September 1, 2018.]

LCR 72 RETURN OR MANDATE FROM APPELLATE COURT

Except in criminal, juvenile or dependency cases, upon the issuance of a mandate from an appellate court, returning a case to the King County Superior Court, either party may file a motion with the Respective Chief Judge for a judicial assignment and the issuance of a case schedule. If no party files such a motion within 90 days, the matter may be dismissed by the clerk for lack of prosecution.

[Adopted effective September 1, 2018.]

X. SUPERIOR COURTS AND CLERKS (Rules 77-80)

LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions.

(1) Continuous Session. There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

(2) Court Hours.

(A) Presiding Department. The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday. When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's Office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

(B) Trial Departments. Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4 PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

(C) Ex Parte Department. The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday. See LCR 40.1

(i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

(1) Presiding Judge; Duties. The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of

all communications intended for the Superior Court not personally addressed to any judge nor relating to business which has been assigned to any particular department.

(2) --Same; Jurors. The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the determination for requests for excuse from jury service to senior jury staff.

(3) --Same; Liaison with Departments. If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle case assignment area cases and the Chief Maleng Regional Justice Center Judge for Kent case assignment area cases, for hearing or reassignment.

(4) --Same; Criminal Arraignments, Emergency Orders and Writs. The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to the most senior UFC Judge at the Maleng Regional Justice Center. Applications for emergency and miscellaneous applications on criminal or infraction matters shall be presented to the Chief Criminal Judge or Chief Judge of the Maleng Regional Justice Center. No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center, or except as provided in LCR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

(5) --Same; Ex Parte Orders. The Chief Civil Department or Chief Judge of the Maleng Regional Justice Center may hear any matters assigned to or arising out of the Ex Parte Department.

(6) --Same; Judges Pro Tempore. All judges pro tempore shall be appointed by the Presiding Judge.

(7) --Same; Absence. The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

(8) --Same; Delegation of Duties. The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

(9) Orders to Show Cause. The court shall make orders to show cause returnable in not less than five judicial days except for good cause shown.

Comment: See also LFLR 5. Where to Schedule Specific Motions in Family Law Proceedings.

[Amended effective September 1, 2001; September 1, 2003, September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2012; September 1, 2015; September 1, 2016; September 1, 2018; September 1, 2021.]

LCR 78. CLERKS

(c) Orders by Clerk.

(1) Commission to Take Testimony in Probate and Adoption Proceedings. Upon the filing of a request the Clerk shall issue a commission to take testimony in any probate or adoption proceeding, unless otherwise ordered by the Court.

(f) Bonds.

(1) Cash Bonds; Minimum Amount. Cash bonds ordered to be posted with the Clerk in probate and other matters will be in the amount of at least \$25 and shall be paid in cash.

(2) --Same; Withdrawal. The party posting a cash bond, promptly at the conclusion of the matter to which it relates, shall present to the Court an order authorizing withdrawal.

(g) Waiver of ECR On-Line fees. Requests to waive fees for ECR On-line shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/courts/clerk.aspx>.

[Amended effective September 1, 1996; September 1, 2008; September 1, 2009; September 1, 2016; September 1, 2020.]

LCR 79. BOOKS AND RECORDS KEPT BY CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits; Filing and Substitution. All exhibits and other documents received in evidence on the trial of any cause must be filed at that time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other document to be filed or substituted in the files, in lieu of the original.

(A) Exhibit Files. The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(B) Exhibits--Inspection. No exhibits shall be inspected in the clerk's office except in the presence of the clerk or one of his/her deputies.

(C) Original Court Record--Copies. No original court record shall be admitted as an exhibit, but a copy thereof may be so admitted.

(D) Cardboard Exhibits. Pictures and diagrams shall not be permanently affixed to large cardboards used for display. The clerk is permitted to remove pictures and diagrams from the cardboard for storage purposes.

(2) Inappropriate Materials for Filing.

(A) Unsuitable Materials. Whenever there is presented to the clerk for filing in a cause any document or other material that is deemed by the clerk to be improper or inappropriate for filing (e.g., explicit photos), the clerk may apply to the court for a determination of the propriety of filing the material presented. If the court determines that the document or material should not be made a part of the file, an order shall be entered to that effect and the material shall be converted to a file exhibit. File exhibits are not retained as part of the permanent record and are eligible for destruction per RCW 36.23.070. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court except as specified in the order to seal.

(B) Unscannable Material. Whenever there is presented to the clerk for filing in a cause any item such as tapes, CD's, DVD's, USB drives and oversized items such as blueprints or plat maps that cannot be scanned, it shall be converted to a file exhibit. File exhibits are not retained as part of the permanent record and are eligible for destruction per RCW 36.23.070.

(3) --Same; Not Evidence Unless Ordered. Exhibits filed pursuant to subsection (2) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(4) Withdrawal of Files and Exhibits.

(A) Files. The clerk shall permit no original paper documents to be taken from his/her office or from his/her custody, by anyone other than court personnel, unless written authority has first been obtained. All of the clerk's files which are in the hands of an attorney for the purposes of any trial or hearing must be returned by the attorney to the clerk at the close thereof. The clerk, or a designated_deputy, may in his/her discretion and on application in writing, grant written authority to the applicant to withdraw one or more original paper files from the clerk's custody for a period not exceeding ten days. The court may, upon written application showing cause therefore, authorize the withdrawal of specified clerk's files for a period in excess of ten days. For case files maintained electronically, no person may remove the electronic media on which the record is kept from the custody of the Clerk, but copies of a file or of the documents therein may be obtained from the Clerk as provided by law and rule.

(B) --Same; Statement of Facts. Statements of facts in cases where the original record remains in paper form, after having been settled and signed, shall not be withdrawn from the clerk's office.

(C) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the Clerk only by:

(i) The Judge having the cause under consideration;
(ii) Official court reporters, without court order, for use in connection with their duties;

(iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel. The Clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibit or exhibits they shall be checked by the Clerk against the original receipts. The Clerk shall keep all receipts for such exhibits for the period of three years from date.

(D) Failure to Return Files or Exhibits; Sanctions. In the event that an attorney or other person fails to return files or exhibits which were temporarily withdrawn by him/her within the time required, and fails to comply with the Clerk's request for their return, the Clerk may, without notice to the attorney or other person concerned, apply to the Presiding Judge for an order for the immediate return of such files or exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(E) Exhibits; Permanent Withdrawal. After final judgment, the time for appeal having elapsed, and no appeal having been taken, the Court, on application of any party or other person entitled to the possession of one or more exhibits, and for good cause shown, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

(i) --Exhibits; Narcotics. See LGR 20.

(F) Return of Exhibits and Unopened Depositions. In any civil cause on a stipulation of the parties that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, the Clerk may return all exhibits and unopened depositions, or may destroy them. The Court may enter an order accordingly.

(5) Document or File Sealed by Court Order. The Clerk shall not permit the examination of any sealed document or file except by order of the Court entered pursuant to LGR 15(e).

(6) Documents Sealed By Court Order. Once the court order has been signed, the filing party shall place the words "Sealed document per (date) court order" in the caption of any document to be sealed. The filing party must then place the sealed document in a manila envelope marked "Sealed document" on the outside before delivering it to the clerk for filing.

(7) Documents Redacted by Court Order. Once the court order has been signed allowing redaction, parties shall file redacted copies of the entire document with the words “Redacted copy pursuant to (date) Order” in the caption.

[Amended effective September 1, 2001; September 1, 2003; September 1, 2004; September 1, 2007; September 1, 2008; September 2, 2014; September 1, 2017; September 1, 2018; September 1, 2021.]

LCR 80. COURT REPORTERS AND TRANSCRIPTS

(a) Scope of Rule. The provisions of this rule apply to official court reporters, visiting judge court reporters and, court reporters *pro tempore* and to anyone who produces an official transcript, for example a transcript used for appellate purposes.

(d) General Reporting Requirements.

(1) Separate Civil and Criminal Notes. Court reporters shall keep separate notes for civil and criminal cases.

(2) Arguments; Voir Dire; Information Discussion. Unless expressly requested by a party or directed by the trial Judge, the following matters will not be reported or recorded:

(A) Opening statements and closing arguments in civil cases, both jury and nonjury.

(B) Voir dire in civil jury cases.

(C) Informal discussions relating to proposed instructions.

(D) Administrative Law Reviews

(3) Oral Rulings and Decisions. If the Judge orders in a minute entry that the judge requests to review a transcript of the oral decision before the transcript is filed, the transcriptionist shall electronically transmit a copy of the oral decision to the Judge. The Judge’s corrections, if any, shall be returned to the transcriptionist within 14 days of transmittal. If the Judge does not return corrections within 14 days, the transcript shall be filed as presented to the Judge, without further notice.

(4) Verbatim Report of Proceedings. Preparation of an official transcript of electronically recorded proceedings conducted in Superior Court (including videotape, audiotape, and digital recordings) shall be completed by a court-approved transcriber in accordance with procedures developed by the King County Superior Court Clerk.

(A) To be included on the King County Superior Court Approved Transcriber List, reporters must complete the Affidavit Requesting Transcriber Status provided by the Superior Court Clerk.

(e) Transcripts and Statements of Fact.

(1) Transcripts; Notice to Opposing Counsel. Subject to making satisfactory arrangements for payment of cost, reporters shall furnish promptly all transcripts ordered by counsel. Upon request by one counsel for a transcript of any portion of the record, the reporter shall give prompt notice of the request to opposing counsel.

(2) Statements of Fact; Ordered in Writing. Counsel ordering statements of fact shall make a timely request, in writing. Subject to making satisfactory arrangements for payment of the cost, reporters shall furnish promptly all statements of fact on written order from counsel.

(3) Substitution of Reporters. In the event there is a substitution of reporters, counsel may order the transcript or statement of facts from the reporter first assigned, who shall notify the substitute reporter of the order.

(f) Filing of Notes.

(1) Separate Civil and Criminal Notes. Reporters shall file their notes for civil and criminal cases separately with the clerk's office within thirty days after the conclusion of the trial or proceeding unless governed by SPRC 3.

(2) Index. Reporters shall attach and file an index, with the numbers and titles of all trials reported, for each set of notes.

(3) Withdrawal of Notes; Return. After filing the notes, reporters may withdraw them for such time as is necessary to prepare transcripts, by giving a receipt therefore to the Clerk. Reporters shall return notes to the clerk's office as the transcripts are completed, or on demand of the Clerk.

[Amended effective September 1, 1989; September 1, 2011; September 27, 2011; September 1, 2012; September 1, 2017.]

XI. GENERAL PROVISIONS (Rules 81-86)

LCR 82. CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LCR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Juvenile Offender cases and Involuntary Treatment Act cases are all designated to the Seattle Case Assignment Area. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

(2) Where Proceedings Held. All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing as follows:

(i) Family Law, Paternity and Adoption Cases. For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all

other family law cases, the area where either the petitioner or respondent resides or if neither party resides in King County, in the Seattle case assignment area.

(ii) Probate, Guardianship and Trust cases. For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located. If no principal residence or estate is located in King County, the action may be filed in either case assignment area.

(iii) Orders for Protection and Orders for Antiharassment. For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

(iv) Other Civil Cases. For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where the property is located; for all other civil cases, including administrative law reviews, the area where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

(v) Appeals from Courts of Limited Jurisdiction. For cases subject to RALJ, the case assignment area in which the court of original jurisdiction is located.

(vi) Transcripts of Judgment. For transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

(vii) Small Claims Appeals. For small claims appeals, the case assignment area where the court of original jurisdiction is located.

(viii) Appeals from Department of Licensing Orders of Suspension. For appeals from Department of Licensing Orders of Suspension, the case assignment area of the residence of the petitioner.

(ix) Actions filed pursuant to RCW 36.01.050. For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

(x) Domestic Modifications and Support Adjustments. Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall proceed in the original case assignment area until an order of transfer is entered.

(xi) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW. Seattle if the primary residence or estate of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent. If no principal residence or estate is located in King County, the action may be filed in either assignment area.

(xii) Actions brought pursuant to RCW 84.64.050, For actions filed pursuant to RCW 84.64.050 (real property tax foreclosure), either case assignment area.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be presented to the Respective Chief Judge. Such motions shall be made in writing as required by LCR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LCR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LFLR 4(c). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Documents Filed. Pursuant to LGR 30, all pleadings and documents for any civil action in King County must be electronically filed with the Clerk using the Clerk's e-filing application. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of documents for the judge or commissioner must be submitted pursuant to the requirements of LCR 7(b).

(6) Ex Parte Proceedings. Proceedings in the Ex Parte Department shall be heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

(7) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LCR 82(e)(1)) for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(8) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

Attachment to Case Indexing Cover Sheet

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

_____ Seattle Area, defined as

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

_____ Kent Area, defined as

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

Date

or

Signature of Attorney for
Petitioner/Plaintiff

Date

WSBA Number

(9) Jury Assignment Area. See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identocard holders residing in each jury assignment area.

[Effective September 1, 1995; amended effective September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2004; September 1, 2006; September 1, 2007; September 1, 2008; June 1, 2009; September 8, 2009; September 1, 2012; September 2, 2013; September 2019; September 1, 2020.]

LCR 83. LOCAL RULES OF SUPERIOR COURT

Except in case of emergency or other circumstances justifying immediate change, and except for rules that describe only the structure, internal management and organization of the court as provided in GR 7(a), the court shall submit to the Bar proposals for amendment of local rules so that members of the bar may submit comments or objections prior to the adoption of proposed amendments.

[Amended effective September 1, 2001; September 1, 2008.]

LCR 84. "FORMS"

(a) Requirements.

(1) All original pleadings or other documents with proper caption and cause number will be file stamped, docketed and secured in the legal file by the Clerk of the Superior Court in the order received.

(2) Action documents. Pleadings or other documents requiring action on the part of the Clerk/Court (other than file stamping, docketing and entry in the court file) shall be considered action documents. Action documents must contain a special caption of "Clerk's Action Required" directly below the document title and specify the action required on the first page.

[Adopted effective September 1, 1984; September 1, 2004; September 1, 2007; September 1, 2008.]

XII. SPECIAL PROCEEDINGS RULES

LCR 93.04 ADOPTION PROCEEDINGS

(a) Where Hearings are to be Held. All adoption hearings shall be heard in the Ex Parte and Probate Department of the case assignment area designated for that case unless specially set before a Judge. All hearings shall be noted in conformity with paragraph (b) of this rule.

(b) Notice of Hearing. All adoption hearings requiring notice shall be noted for hearing, on an approved Notice of Court Date form, no later than 14 days in advance of the hearing date unless otherwise required for the hearing by law. The moving party shall serve and file all motions documents no later than 14 days in advance of the hearing date.

(c) Notice to Adoption Service. Upon noting a hearing, the petitioner shall immediately notify King County Adoption Services, by delivering a copy of the Notice of Court Date no later than 14 days in advance of the hearing date to Adoption Services.

(d) Court's Working Copies. Working copies of pleadings and Notice of Court Date shall be submitted to the hearing judge or commissioner, pursuant to the requirements of LCR 7(b), no later than 12:00 noon two judicial days prior to the date set for hearing.

(e) Post Placement Reports and Services. No person shall provide post-placement services in a private or independent adoption until authorized by the Court. Unless otherwise specifically ordered by the Court, the adoption agency having legal custody of the child may be appointed to prepare the post-placement report required by statute. In independent adoptions, the motion to appoint a qualified person to provide post-placement services shall be supported by a written curriculum vita or resume.

(f) Case Schedule. If the matter is certified for trial, the petitioner shall promptly contact the assigned judge to schedule a LCR 16 conference.

(g) Confirmation of Consent. Except where legal custody of the adoptee is held by a licensed child placing agency, King County Family Court Services shall investigate and provide to the Court a report confirming the voluntariness of any consent to relinquish parental rights. Subject to the following exceptions, no consent to relinquish parental rights shall be approved until the Court has received a report complying with this rule:

i) Where minors are appointed GALs or Birth Parents have attorneys that can validate the consent, and,

ii) Where parents have signed irrevocable consents from other states.

The Court may waive this rule in contested proceedings in which the consent is signed before the trial judge.

(h) File Review. Adoption Services shall review and forward to the Court the adoption checklist not less than two judicial days prior to any properly noted hearing. Adoption Service shall notify the Court and parties of any deficiencies noted in the court file.

[Amended effective September 20, 1990; September 1, 1996; September 1, 1999; September 1, 2004; September 1, 2008; June 1, 2009; September 1, 2018; September 1, 2021; September 1, 2022.]

LCR 98.04 ESTATES-PROBATE-NOTICES

(a) Probate Hearings. Probate matters shall be presented to the Ex Parte and Probate Department in accordance with the policy guidelines in the probate manual issued by the Court and the Motions and Hearings Manual issued by the Clerk. The judicial officer may refer contested proceedings to the Clerk who shall issue a case schedule and assign a judge.

(b) Clerk's File and Noticed Hearings Required. The following matters shall be noted for hearing at least 14 days in advance:

(1) All guardianship and decedent's estate matters involving the approval of periodic reports, final accounts or the expenditure of funds;

(2) Petitions for Nonintervention Powers, unless notice has been waived by the parties or is not required by law;

(3) Interim accounts in estate matters;

(4) Motions for confirmation of sale of real estate;

(5) Motions for approval of minor settlements; or

(6) Any other matter in which the court is requested to find that certain procedural steps have been taken.

(7) Working copies of all documents in contested matters and those matters requiring notice must be submitted to the Ex Parte and Probate Department, hearing judge, or commissioner, not later than seven days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk, copies shall be served on all parties, and working copies shall be submitted to Ex Parte, the hearing judge, or commissioner, no later than noon four judicial days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two judicial days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(c) Bonds to be Signed by Principal. All bonds required of personal representatives shall be signed by the principal and shall contain the address of the surety.

(d) Order for Production of Wills. Upon filing any petition showing jurisdictional facts as to the estate of a deceased person and alleging that it is believed that a will exists and is in a safety deposit box to which the deceased had access, any person having control of such safety deposit box may be directed by court order to open such box in the presence of the petitioner, and if a document purporting to be a will of the deceased is found, the custodian of such safety deposit box shall deliver the same to counsel for the petitioner for immediate filing or to the clerk of the court.

(e) Appointments; Eligibility of County Employees. No county employee shall be appointed guardian or administrator in any matter in which compensation is allowed, unless he/she has an interest or blood kinship, or as an heir, or of a financial nature.

(f) Probate Homesteads; Prior Claims. In all cases where a petition for allowance in lieu of homestead or in addition thereto is filed by the surviving spouse, vouchers showing the payment of funeral expenses, expenses of last sickness and of administration including fees of appraisers, or a signed written statement by the creditor that such payment has been provided for, must be filed at or before the time of the hearing of said petition.

(g) Oaths. The Personal Representative(s) name must be typed or printed on the oath as it appears in the order. When a Personal Representative in an estate changes his or her name, he or she must obtain an order for new letters and file an oath under the new name in order to receive new letters.

(h) Order Appointing Personal Representative. The order shall contain the name(s) of the Personal Representative as it appears in the oath.

(i) Notification of Change of Address. Any person appointed as Personal Representative or Administrator of an estate must file a notice of change of address with the court within 30 days of the change.

[Amended effective September 1, 1984; September 1, 1999; September 1, 2001; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; June 1, 2009; September 1, 2018; September 1, 2021; September 1, 2023.]

LCR 98.14 TRUST AND ESTATE DISPUTE RESOLUTION ACT AND POWER OF ATTORNEY

(a) Applicability. This rule shall apply to all judicial proceedings under RCW 11.96A.090 or 11.96A.300. All documents filed under this rule shall be captioned as *In re Estate of*. Documents may be further sub-captioned to identify specific parties as circumstances warrant.

(b) Hearings. Judicial proceedings shall be assigned to the Ex Parte and Probate department. Hearings shall be noted at least 14 days in advance and at least 20 days after service and filing of the TEDRA petition. See also LCR 98.04(b)(6). If a need for an extended hearing arises, the matter will be certified for trial. The clerk's office will issue a judicial assignment and a trial date.

(c) Performance requirements. All issues initiated under TEDRA that pertain to an estate must be resolved before the estate can be closed. If the TEDRA proceeding was filed as an incidental action under a separate cause number, when all issues are resolved and the case is ready to be closed, a document shall be filed in the matter indicating that a complete resolution has been achieved.

[Adopted effective September 1, 2006; September 1, 2008.]

LCR 98.16 SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) Representation and Report Date.

(1) File Number Case Type. All actions for approval of minor settlements shall be filed with a type '4' cause number. Petitions shall include the full name and date of birth of the minor pursuant to SPR 98.16W.

(2) Independent Counsel. A plaintiff attorney representing the incapacitated person may be found to be an independent attorney upon application to the Court and entry of findings per SPR 98.16W. An attorney may not be specially retained by the parties for the purpose of serving as independent counsel, but may be appointed by the Court.

(3) Appointment. The appointment of settlement or litigation guardians ad litem, trust drafters, and independent counsel are subject, as appropriate, to the provisions of LGALR 1-7.

(4) Performance of Requirements; Review. If there is no general guardian at the time a settlement is authorized, the Court shall thereupon follow procedures for review and checking on the case until all requirements of the Court incident to the settlement have been complied with and appropriate receipts have been placed on file.

(5) Report Date. Upon signing of the order appointing a settlement guardian ad litem or independent counsel, the Court will note on the order when the report is due.

(b) Control and Orders for Remaining Funds. For all settlements in which the funds will be retained in a blocked account, a receipt must be submitted on a form approved by the court. The Order approving Minor Settlement shall note a date by which an order to disburse funds will be presented to the court. The court will review the case 60 days after the 18th birthday of the

minor, or other date as determined by the court, for purposes determining whether the funds have been or should be disbursed.

(c) Motions.

(1) Ex Parte and Probate Department to Hear. All matters requiring the attention of the Court shall be presented to the Ex Parte and Probate Department.

(2) Reports and Accounting. Periodic reports and accountings required of guardians ad litem who are custodians of an incapacitated person's estate shall be filed and noted for hearing at least 14 days before the scheduled date.

(3) Motions. Motions shall be filed and noted in the Ex Parte and Probate Department on 14 days notice (LCR 98.04(b)).

(4) Working Copies. Working copies of reports of the settlement guardian ad litem, independent counsel, and of the general guardian in regard to the proposed settlement shall be provided to the Ex Parte and Probate Department not later than seven days preceding the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

[Amended effective September 1, 1984; September 1, 1993; September 1, 1996; September 1, 1999; September 1, 2006; September 1, 2008; June 1, 2009; September 1, 2018.]

LCR 98.20 GUARDIANSHIPS AND TRUSTS

(a) Hearing Date (Initial Appointment). Upon application, the clerk shall set a date and time for hearing on petitions for the appointment or removal of a guardian, limited guardian or trustee. Unless otherwise directed by court order, the date for an appointment hearing shall be not less than 45 days nor more than 60 days from the date of filing of the petition.

(b) Service and Filing of Reports (Initial Appointment). The report of the guardian ad litem, medical or psychological report, proof of service and other documents offered in support of the petition or in anticipation of the hearing shall be served and filed not less than 15 days in advance of the hearing date. Working copies of the guardian ad litem report, medical or psychological report, and any additional affidavits shall be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, not later than 15 days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk, copies must be served on all parties, and working copies must be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, no later than noon four judicial days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two judicial days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(c) Report Date.

(1) Upon signing of the order appointing guardian or declaring a trust and appointing a trustee, the next report shall be within 90 days of the anniversary of the appointment. The order shall include a Clerk's Action Summary on the first page in a format approved by the Court and posted on the King County Superior Court Clerk's website.

(2) Guardianships in which venue is changed to King County shall retain the reporting period established by the previous jurisdiction until the next accounting is reviewed by the court.

(3) Guardianships with multiple guardians and/or trustees shall have all reports due on the anniversary of the appointment of the first guardian/trustee. The court may designate a different term (i.e. annual, biennial or triennial) for the guardian or trustee report.

(4) If a successor guardian or trustee is appointed, reports shall be due on the anniversary of that appointment.

(5) Any changes to the reporting cycle of a guardian or trustee shall be approved by the court on a form provided by the clerk's office.

(d) Reports and Accountings and Contested or Noted Matters. Periodic reports and accountings required of guardians and trustees and other contested or noted matters shall be filed and noted for hearing at least 14 days before the scheduled date. Working copies of all reports, accountings, and contested matters otherwise noted or requiring notice must be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, not later than 14 days preceding the hearing. Response documents, including briefs, if any, must be filed with the clerk and copies served on all parties and submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, no later than noon four judicial days prior to the hearing time; documents in strict reply thereto shall be similarly filed and served no later than noon two judicial days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(e) Delinquency Calendar. The clerk of the court will track and notify the court of cases in which accountings are delinquent. The court will conduct an internal interview and direct the guardian, trustee, and counsel to take action to bring the case into compliance or appear at a hearing in which other corrective action may be ordered, including but not limited to, imposition of sanctions or removal of the named guardian or personal representative.

(f) Mailed Reports. Guardianship and trust reports and accountings may be presented for approval by mail without the necessity of noting the case on the appropriate motion calendar, provided that if any person has requested special notice of proceedings or is entitled to notice pursuant to any court order or notice of appearance, the party submitting an order by mail must obtain the approval and signature of the party entitled to notice on any proposed order of approval.

(g) Oaths. The guardian name(s) must be typed or printed on the oath as it appears in the order. When a guardian changes his or her name he or she must obtain an order for new letters and file an oath under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

(h) Order Approving Guardian's Report and Accounting. The order shall include a Clerk's Action Summary on the first page in a format approved by the Court and posted on the King County Superior Court Clerk's website. The order shall also contain the name(s) of the guardian and address as it appears in the oath and clearly identify whether acting full or limited guardian over the person and/or estate. The order shall be obtained within sixty (60) days of filing the report and accounting.

(i) Vulnerable Adult Protection (VAP) Petitions. Any petition protecting a vulnerable adult shall be filed as a civil matter separate from any guardianship matter. If there is an existing guardianship case when the VAP is filed, a copy of the Protection order may be placed in that file.

(j) Loss of Voting Rights

(1) In accordance with RCW 11.88.010(5), if an incapacitated person loses the right to vote, the Order Appointing Guardian or Approving Report shall include a specific finding on the loss of the right to vote.

(2) The Guardian Ad Litem shall also submit a Notice of Loss of Voting Rights to the court that shall include the name, address, and date of birth of the incapacitated person and that shall direct the Clerk to forward the Notice of Loss of Voting Rights to the County Auditor.

(3) If the guardianship is terminated by a determination of competency of the individual, the court shall direct the Clerk to send to the County Auditor a certified copy of the Order Restoring Voting Rights including the same personal identifiers as the Notice of Loss of Voting Rights.

[Adopted effective September 20, 1990; amended effective September 1, 1996; September 1, 1999; September 1, 2001; September 1, 2003; September 1, 2004; September 1, 2005; January 1, 2006; September 1, 2008; June 1, 2009; September 1, 2009; September 1, 2015; September 1, 2021; September 1, 2022.]

LCR 98.22 MINOR GUARDIANSHIPS

(a) **Applicability.** This rule applies to petitions for guardianship of a minor pursuant to RCW 11.130 and to modifications and terminations of nonparental custody orders pursuant to RCW 26.10.

(b) **Forms.** The statewide guardianship pattern forms (GDN M 001-605) shall be used for all court filings in these matters unless there is a specific local form. If there is a local form, parties shall use the local forms. The pattern forms can be found at <https://www.courts.wa.gov>. The Party Information Form is a local form—available here: <https://kingcounty.gov/courts/clerk/forms.aspx>. For cases filed on or before December 31, 2022, parties must file a Party Information Form (PIF). For cases filed after January 1, 2023, parties must file a Confidential Information Form (CIF)(GDN M 410).

(c) **Proceedings.**

(1) **How Initiated.** An action for Guardianship of a minor brought by a nonparent must be filed under a new cause number. The case is started by the filing of a Summons (GDN M 001), Petition (GDN M 102), and Declaration Explaining the Reasons for Minor Guardianship (GDN M 103). If there are multiple minors involved who do not have the same parents, a separate case must be filed for each minor or group of minors, who have the same parents.

(A) **Documents Required at Filing.** The petitioner must file a Summons (GDN M 001), Petition (GDN M 102), Declaration Explaining the Reasons for Minor Guardianship (GDN M 103), and the Party Information Form (if filed on or before December 31, 2022) or the Confidential Information Form (GDN M 410) (if filed after January 1, 2023) At the time of filing, the petitioner shall also submit the Motion and Order Directing DCYF/CPS to Release Information (GDN M 404 & 405), the Party Information form, if filed on or before December 31, 2022 or the Confidential Information Form (GDN M 410), if filed after January 1, 2023 to Ex Parte via the Clerk.

Immediately after receiving the Order Setting Case Schedule from the clerk, the petitioner **must** complete the Notice of Hearing (**GDN M 101**) with the date and time that the court has set, making sure to add to the Notice of Hearing the list of people entitled to notice (GDN M 101 Notice Attachment). The hearing shall be noted on the Ex Parte Guardianship calendar, not with the assigned judge. The Notice of Hearing (GDN M 101), Summons (GDN M 001), Petition (GDN M 002), Declaration Explaining Reasons for Minor Guardianship (GDN M 003), and Case Schedule must be served on all parties entitled to service.

(B) **Other Documents to Submit at Filing.** Although not required for filing, it is highly recommended that the following documents be submitted at the time of filing or as soon after filing as possible. If applicable, the Petitioner shall submit the Motion and Order to Withhold Certain Documents (GDN M 404 and 405) from the Minor to Ex Parte via the Clerk. The initial Orders appointing a Guardian ad Litem and/or Court Visitor (GDN M 409), and/or Motion and Order appointing a Lawyer (GDN ALL 021 and 022), as applicable to each case

shall be presented through Ex Parte via the Clerk. The forms are located here:

<https://kingcounty.gov/courts/superior-court/ex-parte-probate/Minor-Guardianships.aspx>.

(2) Requirements. The petitioner(s) shall promptly obtain and file a Washington State Patrol check (see <https://www.wsp.wa.gov/crime/criminal-history> for the WATCH background check) and obtain an order for Child Protective Services (CPS) background check on the proposed guardian and all adult household members of the proposed guardian. The Motions and Order to DCYF to Release CPS information (GDN M 404 and 405) shall be presented through Ex Parte via the Clerk. The proposed Guardian shall attend the mandatory lay guardian training within 60 days of filing. See <https://www.courts.wa.gov/guardianportal/> for mandatory guardianship training information.

(3) Case Assignment. All Minor Guardianship actions shall be assigned to the Unified Family Court judge(s) designated by the Chief UFC Judge. All motions will be heard in the Ex Parte Department on the Ex Parte Guardianship Calendar unless this rule provides otherwise or otherwise ordered by the court.

(4) Finalization. Agreed or default Minor Guardianship finalizations shall be noted on the Ex Parte Guardianship Calendar or may be completed at the Status Hearing.

(d) Notice and Hearing. Except as otherwise noted in this rule, all hearings shall be scheduled with a Note for Calendar (King County form "Notice of Court Date" for either Seattle or Kent depending on Court assignment) on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note for Calendar shall be filed at least 14 days prior to the scheduled hearing date. Any party opposing a motion shall file and serve responsive pleadings to a motion no later than noon four judicial days before the date the motion is scheduled for hearing. Any pleadings in strict reply shall be served no later than noon two judicial days before the date the motion is scheduled for hearing. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed for the hearing. Working papers can be submitted to Ex Parte by following the instructions here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>.

(e) Status Hearing. At the time of filing, the court will set a hearing in the Ex Parte Department approximately 60 days after filing. Before the 60-day hearing, the Petitioner must complete and file the 60-day hearing checklist. The form is located here:

<https://kingcounty.gov/~media/courts/superior-court/docs/ex-parte-probate/guardianship-forms/UGA%20implementation/60-day-checklist.ashx?la=en>. Parties shall submit working

papers to the Ex Parte Department of all pleadings they filed including the 60-day checklist. Working papers can be submitted to Ex Parte by following the instructions here:

<https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>. The parties shall appear at that hearing to address whether service has been completed on all individuals requiring notice, background and CPS checks have been completed, any necessary court visitor, GAL, or attorney has been appointed, and any other issues necessary for the case to move forward. If neither the petitioner nor the proposed guardian appears at the scheduled hearing, the case may be dismissed. The court will determine whether the case is likely to be resolved by agreement, by default, or should be set for trial. After a determination that a case is contested, the case will be referred to the assigned judge to set a trial date and case schedule. If a case is assigned to a judge for trial, all motions and other proceedings shall be set before the assigned judge. There is no discovery in guardianship cases until the case is set for trial.

(f) Petitions and Motions for Emergency Minor Guardianship.

(1) Petition for Emergency Guardianship. A party may file a Petition for Emergency Guardianship (GDN M 202) only if there is no pending Minor Guardianship case and the petitioner will not file a Minor Guardianship case. When an Emergency Minor Guardianship Petition (**GDN M 202**) and a Notice of Hearing About an Emergency Minor Guardianship Petition (GDN M 201) is filed, the clerk will issue a case schedule setting a hearing before the assigned judge on the first Friday that is at least 14 days after filing. Any motions to extend an

Emergency Guardianship order by 60 days shall be set before the assigned judge with 14 days' notice. Motions to extend an emergency guardianship pending the outcome of a full guardianship, if one has been filed, may be set before the Ex Parte Department. If the full guardianship has been referred to an assigned judge for trial, all motions to extend any emergency guardianship, must be set before the assigned judge with 14 days' notice.

(2) Motions for Emergency Guardianship. A party may file a Motion for Emergency Guardianship (GDN M 206) at the same time a Minor Guardianship Petition is filed or if a Minor Guardianship case is already pending before the court. Hearings on the Motion for Emergency Guardianship or to extend an Emergency Minor Guardianship until the Minor Guardianship is concluded shall be set before the assigned judge with 14 days' notice.

(3) Motion for Immediate Order (Emergency Guardianship). A party may file a Motion for Immediate Order (Ex Parte) Emergency Minor Guardianship and Restraining Order (GDN M 204) either at the same time as filing a Minor Guardianship Petition (GDN M 102) or an Emergency Guardianship Petition (GDN M 202) or after filing either petition. The Motion for Immediate Order (GDN M 204) shall be heard in the Ex Parte Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The return hearing will be set before the assigned judge on the first Friday that provides at least three calendar days' notice to responding parents. The moving party shall submit a proposed Immediate Minor Guardianship Order (Ex Parte) and Hearing notice (GDN M 205) with the Motion.

(g) Petitions for Standby Guardians. Following expiration of the required statutory 60 days, a hearing regarding appointment of a standby guardian may be noted in the Ex Parte Department on the guardianship calendar with at least 14 days' notice.

(h) Consolidation of Cases. All petitions for guardianship must be filed as separate cases. The court may consolidate all separately filed emergency and standby guardianship petitions into the Minor Guardianship Petition when all petitions are regarding the same child(ren). Petitions for modification of existing Title 11 minor guardianships may be filed within the existing case.

(i) Motions for Temporary Child Support, Temporary Restraining Orders and to Restrain or Permit Relocation. Motions to set temporary child support, for a temporary restraining order, or to permit or restrain relocation, shall be set before the assigned judge on at least 14 days' notice. Parties may petition the court for temporary restraining orders entered on an emergency basis to prevent immediate injury, loss, or damage. See also CR 65. The moving party shall present the Motion for Ex Parte Restraining Order to the Ex Parte Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The Order to Show Cause shall schedule a return hearing before the assigned judge within 14 days, unless extended for good cause.

(j) Domestic Violence, Anti-Harassment, or other order seeking protection under another defined statute. Any matter related to issuance of a protection order that includes protecting a child subject to any minor guardianship matter shall be filed separately from the Minor Guardianship matter under a new cause of action. The court shall set full protection order hearings before the assigned judge to be heard concurrent with these proceedings.

(k) Acceptance of Appointment. The guardian name(s) must be typed or printed on the acceptance of appointment (GDN ALL 003) as it appears in the order. If a guardian changes their name, they must obtain an order for new letters and file an acceptance of appointment under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

(l) Modifications and Terminations. All petitions to modify or terminate an existing Title 11 Minor Guardianship order or an existing Title 26 Non-Parent Custody order shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order

(GDN M 502) along with a copy of the custody or guardianship order. All petitions to terminate or change a non-parent custody order shall be filed under a new cause number. The clerk will issue a new Title 11 cause number for all Petitions to Modify or Terminate a Title 26 Nonparental Custody Order. Petitions to modify or terminate an existing Title 11 Minor Guardianship granted by this court shall be filed under the existing cause number. All hearings in modification and termination matters are heard by the assigned judge.

(m) Non-Parent Custody Post-Order Motions. A party who needs to file a motion related to a Non-Parent Custody Order must file a Petition to Assign a Title 11 Cause Number under a Minor Guardianship Conversion cause of action. This form is available on the clerk's website at <https://kingcounty.gov/courts/clerk.aspx>. A copy of the Non-Parent Custody order must be attached to the Petition. Upon the filing of the complete Petition, the clerk will assign a Title 11 cause number. Any motion must then be filed in the new Title 11 cause number and will be heard in the Ex Parte Department, or if a judge has been assigned, by the assigned judge.

[Adopted effective September 1, 2021; amended effective September 1, 2023.]

LCR 98.40 WRITS OF REVIEW, MANDAMUS, PROHIBITION

(a) Applicability. This rule shall apply to a writ filed pursuant to ch. 7.16, RCW.

(b) Notice to Adverse Party. Except in extraordinary circumstances, no writ shall issue unless the adverse party has been given timely notice pursuant to CR 6, LCR 7, of the application for writ. If the notice was not given in a timely manner, the hearing on the application for writ shall be continued. No stay of proceedings shall issue without notice to all parties to the underlying cause from which the writ is sought. No stay of proceedings shall be issued by a judge *pro tempore* absent express written authority of the presiding judge or, in her or his absence, the assistant presiding judge.

(c) Contents of Application for Writ. The following documents must be filed with the application for the writ:

- (1) Statement of relief requested;
- (2) Legal memorandum explaining why there is no adequate remedy at law;
- (3) Declaration or affidavit in support of the factual assertions in the writ;
- (4) Declaration of notice to adverse party or statement as to why notice should be excused.

(d) Scheduling of Hearing on Application for Writ: The hearing on a writ from a criminal or infraction case shall be noted before the Chief Criminal Judge for Seattle case assignment area cases. The hearing on a writ in any other case shall be noted before the Chief Civil Judge for Seattle case assignment area cases. All hearings for Kent case assignment area cases shall be noted before the Chief RJC Judge. Where a stay of proceedings has been entered, the dispositive hearing on the writ shall be heard within thirty days of the issuance of the writ.

(e) Motion to File Writ in forma pauperis. The Chief Criminal Judge, in criminal and infraction cases, or the Chief Civil Judge in other cases shall review a motion to file *in forma pauperis* before a hearing on the application for a writ shall be scheduled. If the motion is granted, the clerk shall accept the application for filing without requiring a filing fee and shall assign a case number.

(f) Issuance of Case Schedule. When the court has found adequate cause for issuance of a writ, the filing party shall obtain a trial date and a case schedule from the clerk who will also assign the case to a Judge.

[Adopted effective September 1, 2001; amended September 1, 2002; September 1, 2003; September 1, 2005; September 1, 2008.]

LCR 98.50 SEXUALLY VIOLENT PREDATOR—Office of Public Defense

Pursuant to RCW 71.09.055, requests for expert services are funded by the Washington State Office of Public Defense (WSOPD). A request for funds in excess of those authorized by WSOPD or for a second evaluator shall be addressed to the assigned trial judge. If the assigned trial judge disqualifies him or herself on the motion for expert services, the judge will refer the motion to the Chief Civil Judge.

The motion may be made *ex parte*, and, upon a showing of good cause, the moving papers may be ordered sealed by the court, and shall remain sealed until further order of the court. Respondent shall provide a copy of the motion to seal and proposed order to the petitioner.

Nothing in this rule limits requirements for the timely disclosure of experts intended to be called by the respondent at trial.

[Adopted effective September 1, 2008; September 1, 2015.]

KING COUNTY LOCAL CIVIL ARBITRATION RULES (Cite as LCAR)

I. SCOPE AND PURPOSE OF RULES

LCAR 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITIONS

(a) Purpose. The purpose of arbitration of civil actions under RCW 7.06 as implemented by the Civil Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims up to one hundred thousand dollars (\$100,000). The Superior Court Civil Arbitration Rules as supplemented by these local rules are not designed to address every question that may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) “Supervisor” Defined. In these rules, “Supervisor” means the Supervisor of Arbitration for the King County Superior Court or the Supervisor’s designee.

[Amended effective June 10, 1982; September 1, 2008; September 1, 2009; September 1, 2020.]

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

LCAR 2.1 TRANSFER TO ARBITRATION

(a) Matters Subject to Arbitration. A claim filed prior to September 1, 2019 is subject to civil arbitration if it does not exceed fifty thousand dollars (\$50,000), exclusive of attorney fees, interest and costs. A claim filed after September 1, 2019 is subject to civil arbitration if it does not exceed one hundred thousand dollars (\$100,000), exclusive of attorney fees, interest and costs.

(b) Response to a Statement of Arbitrability. A party believing a case to be suitable for civil arbitration pursuant to SCCAR 1.2 shall file a statement of arbitrability upon a form prescribed by the Court before the case schedule deadline. After the date indicated on the case schedule has passed, the party wishing to transfer a case to arbitration must obtain an order from the Court upon a showing of good cause.

(c) Response to a Statement of Arbitrability.

(1) Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion before the assigned judge.

(d) Filing Amendments. A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

(e) By Stipulation. A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, by leave of the Court.

(f) Case Schedule Stricken. Upon transfer of the case to arbitration, the case schedule is stricken.

[Amended effective September 1, 1981; June 10, 1982; January 1, 1990; September 1, 1992; September 1, 2003; September 1, 2009; September 1, 2017; September 1, 2019; September 1, 2020.]

LCAR 2.3 ASSIGNMENT TO ARBITRATOR

(a) Generally. When a case is set for arbitration, a list of proposed arbitrators will be furnished to the parties. The number of proposed arbitrators is based upon the number of adverse parties in the case. The number of adverse parties shall be determined by the Supervisor, subject to review by the Presiding Judge.

(b) Stipulations. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the proposed arbitrators in the manner defined by this rule.

(c) Response by Parties. Each party may, within 14 days after the list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators

from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Supervisor will appoint an arbitrator from among those not stricken by either party.

(d) Response by Only One Party. If only one party responds within 14 days, the Supervisor will appoint an arbitrator nominated by that party.

(e) No Response. If neither party responds within 14 days, the Supervisor will appoint one of the proposed arbitrators.

[Amended effective September 1, 1981; September 1, 2008; September 1, 2009; September 1, 2020.]

III. ARBITRATORS

LCAR 3.1 QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators who qualify under RCW 7.06.040 and SCCAR 3.1. A person desiring to serve as an arbitrator shall complete an oath of office and information sheet on the form prescribed by the Court. The Arbitration Department will maintain and make available a list of arbitrators available to hear cases.

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Supervisor 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 Rule 2.11 governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Supervisor.

[Amended effective November 27, 2007; September 1, 2009; September 1, 2018; September 1, 2020.]

LCAR 3.2 AUTHORITY OF ARBITRATORS

See SCCAR 3.2(a)(1)-(9). In addition to the authority granted to arbitrators by SCCAR 3.2 (a), an arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney or both to pay the reasonable expenses, including attorney 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 of a party on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under SCCAR 6.3.

(c) See SCCAR 3.2 for the relationship between the arbitrator's and judge's authority over a case in arbitration.

[Amended effective January 1, 1990; September 1, 1992; September 1, 2009, September 1, 2012; September 1, 2020.]

IV. PROCEDURES AFTER ASSIGNMENT

LCAR 4.2 DISCOVERY

(a) 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 civil rules except that motions concerning discovery shall be determined by the arbitrator.

(b) *Discovery Pending at the Time Arbitrator is Assigned.* 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.

[Amended September 1, 1981; September 1, 2020.]

LCAR 4.4 NOTICE OF SETTLEMENT

(a) *Notice of Settlement.* After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five judicial days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the Court. Where the notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone prior to the hearing, and the written notice shall be filed and served within five judicial days after the settlement.

(b) *Form of Notice.* The notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in SCCAR 4.4(d), the case may be dismissed on the Clerk's motion pursuant to SCCAR 4.4(c).

Date Attorney for Plaintiff

WSBA No.

(c) Dismissal on Clerk’s Motion. See LCR 41(b)(2).

(d) Settlement Without Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to postpone dismissal beyond the period set forth in section (c) above, the parties may, within 30 days after filing the Notice of Settlement of All Claims, file a Certificate of Settlement Without Dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rules for Mandatory Arbitration 4.4(a), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody
of: _____
at: _____.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of : _____.

Date: _____

III. SIGNATURES

Attorney for Plaintiff/Petitioner
WSBA No. _____

Attorney for Defendant/Respondent
WSBA No. _____

Attorney for Plaintiff/Petitioner

Attorney for Defendant/Respondent

WSBA No. _____

WSBA No. _____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled hearing date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties that the case will be dismissed by the Court for want of prosecution, unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 2004; September 1, 2009; September 1, 2020; September 1, 2021.]

V. HEARING

LCAR 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 or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the assignment of the case to the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Supervisor.

[Amended effective September 1, 2008; September 1, 2020]

LCAR 5.2 PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT

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 that the party deems relevant.

[Amended effective September 1, 2009; September 1, 2020.]

VI. AWARD

LCAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the Court.

(b) Return of Exhibits. After an award is filed, the arbitrator shall make available to, and parties shall collect, any exhibits offered during the hearing.

[Amended effective September 1, 2009; September 1, 2020.]

LCAR 6.2 FILING OF AWARD

(a) Extension of Time. A request by an arbitrator for an extension of time for the filing of an award under SCCAR 6.2 shall be presented in writing to the Supervisor, ex parte. The Supervisor may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

[Amended effective September 1, 1999; September 1, 2008; September 1, 2009, September 1, 2012; September 1, 2020.]

LCAR 6.3 JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Ex Parte Department, by any party, on notice in accordance with SCCAR 6.3.

VII. TRIAL DE NOVO

LCAR 7.1 REQUEST FOR TRIAL DE NOVO-CALENDAR-JURY DEMAND

(a) Assignment of Trial Date. If there is a request for a trial de novo, the Court will assign an accelerated trial date no later than 240 days from date of assignment.

(b) Jury Demand. Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

(c) Case Schedule. Promptly after the request for trial de novo is filed, the Court will issue to all parties a Notice of Trial Date together with the Trial De Novo Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

	Weeks Before Trial
Disclosure of Possible Witnesses (LCR 26):	12
Discovery Cutoff (LCR 37(g)):	7
ADR Requirement:	4

Pretrial Conference (individual calendar option only) (LCR 16):
..... [may be ordered by preassigned Judge]
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LCR 4): ..3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56):.....2
Joint Statement of Evidence (LCR 4):1
Trial (LCR 40):0

(d) Motion to Change Trial Date. No later than 21 days after the date of the filing of the Notice of Trial Date, any party may move to change the trial date, but no such motion will be granted unless it is supported by a showing of good cause. If a motion to change the trial date is made later than 21 days after the filing of the Notice of Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice.

[Amended September 1, 1981; March 21, 1985; amended effective January 1, 1990; September 1, 1992; September 1, 2004; September 1, 2008; September 1, 2009; September 1, 2020.]

VIII. GENERAL PROVISIONS

LCAR 8.1 STIPULATIONS-EFFECT ON RELIEF GRANTED

If a case not otherwise subject to 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.

LCAR 8.4 TITLE AND CITATION

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

LCAR 8.5 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as Judges pro tempore of the Superior Court. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the arbitrator shall submit to the Supervisor a request for payment on a form prescribed by the Court. The Supervisor shall determine the amount of compensation to be paid. The decision of the Supervisor will be reviewed by the Presiding Judge at the request of the arbitrator.

[Amended effective September 1, 2008; September 1, 2020.]

KING COUNTY LOCAL GUARDIAN AD LITEM RULES (Cite as LGALR)

LGALR 1. APPLICABILITY

These rules for guardians ad litem shall be referred to as LGALR. These rules apply to guardians ad litem appointed by the court pursuant to Title 11, Title 13 or Title 26 RCW, and to guardians ad litem appointed pursuant to Special Proceeding Rule (SPR) 98.16W, RCW 4.08.050 and RCW 4.08.060.

These rules do not apply to guardians ad litem or Special Representatives appointed pursuant Chapter 11.96A RCW; Court Appointed Special Advocates (CASA) with respect to whom other grievance procedures apply; persons appointed to serve as Custodians for Minors pursuant to Chapter 11.114 RCW, or guardians ad litem to hold funds for incapacitated persons under Title 11 RCW.

Complaints by guardians ad litem or by other persons against guardians ad litem (also referred to as “grievances”) shall be administered by this process.

[Adopted effective September 1, 2003.]

LGALR 2. REGISTRIES

The court shall establish rotational registries for the appointment of guardians ad litem to whom this Rule applies. Absent a finding of good cause the court shall appoint from the registry in rotational sequence. The qualifications and processes for application, selection, education, compensation, and retention for guardians ad litem on each of the registries shall be as set forth in Administrative Procedures adopted by the court.

These administrative procedures may be obtained from the King County Superior Court Clerk’s website or by contacting the Court’s Guardian Ad Litem Registry Manager.

[Adopted effective September 1, 2003.]

LGALR 3. DUTIES OF THE GUARDIAN AD LITEM

A guardian ad litem (GAL) shall comply with the court’s instructions as set out in the order appointing a guardian ad litem, and shall not provide or require services beyond the scope of the court’s instructions unless by motion and on adequate notice to the parties, a guardian ad litem obtains additional instruction, clarification or expansion of the scope of such appointment.

[Adopted effective September 1, 2003.]

LGALR 4. COMPENSATION

Each order appointing a Guardian ad Litem shall specify a limit on the hourly rate and total compensation for the GAL. These amounts may be increased or modified only upon application to the court in advance of the GAL providing further services. All fee requests are subject to

review and approval by the court. An application to increase the fee limits shall be presented upon notice to all parties.

An order authorizing an increase in the fee limits shall set forth a specific new limit or amount of increase, and shall indicate generally the duties to be provided during such additional time.

[Adopted effective September 1, 2003.]

LGALR 5. GRIEVANCES MADE BY OR AGAINST GUARDIANS AD LITEM

(a) *Filing a Grievance.* A guardian ad litem having a complaint or a person having a grievance against a guardian ad litem shall complete a complaint in a form approved by the court and file it with the Registry Manager.

(1) The Registry Manager shall immediately deliver the complaint to the presiding judge or to such person designated by the presiding judge to resolve such complaints. Such designee shall be a judge of the King County Superior Court.

(2) Upon receipt of the complaint, the Presiding Judge may retain the matter for decision or assign it to a designee for decision.

(b) *Procedure for Processing Complaint.* The presiding judge or designee will make an initial determination as to whether the complaint has potential merit. If potential merit is found, a response to the complaint will be requested, and the complaining party will be given an opportunity to reply to the response. The Presiding Judge or designee may schedule a hearing, request additional materials, or enter a decision based upon a review of the record alone. The decision of the presiding judge or designee shall be the final resolution of the complaint. If the complaint relates to a pending case the complaint shall be resolved within 25 days of the receipt of the complaint. If the complaint is made subsequent to the conclusion of a case, the complaint shall be resolved within 60 days of receipt.

(c) *Remedies.* If the complaint is sustained, in whole or in part, the court may suspend or remove of the guardian ad litem from the Registry; or impose other appropriate sanctions. During the pendency of this process the Guardian ad Litem may continue to receive appointments and shall continue to serve in appointed cases, unless otherwise provided by order of the Presiding Judge or designee.

(d) *Fair Treatment of Grievances.* All notices, proceedings and other activities taken pursuant to the grievance process shall observe provisions for fair treatment, due process, notice, the right to be heard and the appearance of fairness.

(e) *Confidentiality.* The complaint, investigation, report and all aspects of the grievance process shall remain confidential until merit is found.

(f) *Records of Grievances.* The court shall maintain a record of grievances filed and of any sanctions issued pursuant to the court's grievance procedure.

(g) *Notice to the Administrative Office of the Courts (AOC).* When a Guardian ad Litem is removed from a Registry pursuant to the disposition of a grievance, the Registry Manager shall promptly send notice of the removal to AOC.

[Adopted effective September 1, 2003.]

LGALR 6. ACTUAL OR APPARENT CONFLICTS OF INTEREST

(a) Representation of More Than One Person in the Same Proceeding. A Guardian ad Litem may represent the interests of two or more persons in the same family or class when expressly permitted by court order. Such multiple representation may be reviewed by the court upon request of the Guardian ad Litem or any other party who requests a review of the propriety of the multiple representation or further instruction, such as when a conflict, actual or apparent, arises as among those whose best interests are represented by the Guardian ad Litem.

(b) Disclosures in Statement of Qualifications. A Guardian ad litem shall include in the Statement of Qualifications filed pursuant to RCW 11.88.090 a statement as to whether the guardian ad litem currently represents any professional guardians, and if so, the name(s) of such guardian(s).

(c) Multiple Roles in Same Proceeding; Self-Dealing. Absent written order, a Guardian ad Litem shall not solicit or accept employment in any other capacity in the same cause or which pertains to the party on whose behalf the Guardian ad Litem was appointed during or after the Guardian ad Litem's service. Other capacities include, without limitation, attorney for another party, estate planner, guardian, trustee, fiduciary appointee, mediator, arbitrator, adjudicator, or care provider. A GAL may, upon court order, be re-appointed subsequently in the proceeding. With court order, Guardians ad Litem who are attorneys may draft pleadings to initiate related proceedings, in fulfillment of the duties in the proceeding for which they were first appointed.

(d) Recommendations Made in the Self-Interest of the Guardian ad Litem. A Guardian ad Litem shall not recommend the appointment or employment of a person or entity in which the Guardian ad Litem, a member of the Guardian ad Litem's family, or a business associate of the Guardian ad Litem has any interest. A Guardian ad Litem may recommend a person or entity who is or has been a client of the Guardian ad Litem only upon full written disclosure of the material facts to all parties, interested persons and the court; and provided that such disclosure does not violate any privilege or confidence of the client.

[Adopted effective September 1, 2003.]

LGALR 7. EFFECTIVE DATE

This rule shall apply to all appointments or reappointments of guardians ad litem made after the effective date of this rule.

[Adopted effective September 1, 2003.]

KING COUNTY LOCAL CRIMINAL RULES (Cite as LCrR)

LCrR 0.1 GRAND JURY

A grand jury shall be under the direct charge and supervision of the Judge, or Judges, to whom the Court may assign that duty by a majority vote of the Judges.

LCrR 0.2 COMMISSIONERS

When so assigned by the Presiding Judge or the Chief Criminal Judge for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases, commissioners may preside over arraignments, preliminary appearances, initial extradition hearings, noncompliance hearings pursuant to RCW 9.94A.200, accept guilty pleas, appoint counsel, make determinations of probable cause, set and review conditions of pretrial release, set bail, set trial and hearing dates, and hear continuance motions.

[Adopted effective September 1, 2001; amended effective September 1, 2003.]

LCrR 1.1 LOCAL PROCEDURES

The current procedures for handling and processing criminal cases in King County Superior Court are contained in the Criminal Department Manual. Copies of the Manual are available from the courtrooms of the Chief Criminal Judge in Seattle and Chief RJC Judge in Kent. A link to the Manual can be found on the Court's web site at: <https://kingcounty.gov/courts/superior-court/criminal.aspx>.

[Amended effective September 1, 2001; September 1, 2003; September 1, 2007.]

LCrR 2.2 WARRANT UPON INDICTMENT OR INFORMATION

(a) *Warrant of Arrest.*

(4)(a) *Bail at Filing.* If a preliminary appearance was held, the State files an information within the time period set forth in CrR 3.2.1(f)(1) or CrRLJ 3.2.1(f)(1), and at the time of filing the State requests bail to be set at an amount higher than set at the preliminary appearance, the Court shall not increase bail prior to a hearing with all necessary parties. To set a hearing, the State shall contact the Court to set a bail hearing to be heard in Superior Court the next court day, absent exigent circumstances, following the filing of the case in Superior Court. The State shall provide notice to the defendant or the defendant's attorney upon the filing of the case or at the time of the second appearance calendar, whichever is sooner. Any request by the State for a bail amount higher than set at preliminary appearance must be supported by information that was not provided to the court at the preliminary appearance and the Court must find good cause for the increase in bail.

(b) Absent a specific request from the State, if the Court sets bail at an amount higher than set at preliminary appearance when the Court signs the information and motion for a warrant/summons, the Court shall hold an expedited bail hearing upon defense request and no later than three (3) court days, absent exigent circumstances, after the defendant's request for a hearing.

(b) *Issuance of Summons in Lieu of Warrant.*

(1) When Summons Must Issue. Absent a showing of cause for issuance of a warrant, a summons shall issue for a person who has been released on personal recognizance by a magistrate by the exercise of discretion on the preliminary appearance calendar. The person shall be directed to appear on the arraignment calendar.

(g) Information to Be Supplied to the Court. When a charge is filed in Superior Court and a warrant is requested, the court shall be provided with the following information about the person charged:

(1) The pretrial release interview form, if any, completed by either a bail interviewer or by the defense counsel.

(2) By the prosecuting attorney, insofar as possible.

(A) A brief summary of the alleged facts of the charge;

(B) Information concerning other known pending or potential charges;

(C) A summary of any known criminal record;

(D) Any other facts deemed material to the issue of pretrial release;

(E) Any ruling of a magistrate at a preliminary appearance.

[Amended effective September 1, 2001; September 1, 2022.]

LCrR 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) Assignment of Lawyer.

(4) Appointed and assigned counsel shall file quarterly, with the Clerk, on the form recommended by the Supreme Court, a certificate declaring that counsel is in compliance with the applicable Standards for Indigent Defense promulgated by the Supreme Court of Washington. An appointed or assigned attorney who is not in compliance with the applicable standards, or who has not filed a certificate prior to appearing or filing a notice of appearance, shall so advise the court at every hearing.

(f) Services Other Than Counsel. Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the King County Department of Public Defense (DPD). Upon finding that investigative, expert or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, DPD shall authorize the services. Where services are denied in whole or in part, the defendant may move for *de novo* review to the Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center. Should defendant seek an order sealing the moving papers, defendant shall present, along with the moving papers, a motion and proposed order sealing the documents to the DPD. DPD shall submit the motion to seal and proposed order with the moving papers regarding request for expert services and DPD's order on the motion for expert services to the Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center.

[Adopted effective January 1, 1996; Amended effective September 1, 2008; September 1, 2011; November 29, 2011; March 2, 2012; September 1, 2012; September 27, 2012; December 21, 2012; May 17, 2013; July 1, 2013; September 2, 2013.]

LCrR 3.2 PRETRIAL RELEASE

(b) Showing of Likely Failure to Appear – Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- 1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- 2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- 3) Require the execution of an unsecured bond in a specified amount;
- 4) Require the execution of a bond with sufficient sureties, or the deposit of cash, which need not be the same amount as the bond, in lieu thereof;
- 5) Require the accused to return to custody during specified hours or be placed on electronic monitoring, if available; or
- 6) Impose any condition other than detention deemed reasonably necessary to assure appearance as required. If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

[Amended effective September 1, 2001; September 1, 2015; December 1, 2015; March 1, 2016; June 15, 2016; September 1, 2016; September 1, 2021.]

LCrR 4.5 OMNIBUS HEARINGS

(d) Motions. All rulings of the Court at omnibus hearings or otherwise made in the criminal motion department shall be binding on the parties and shall not be relitigated at trial.

(i) Waiver. If there will be no pretrial motions or hearings in a case, and all parties agree that an omnibus hearing would not be beneficial, waiver of the hearing may be requested by written stipulation on a form provided by the Court. Such a request constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial.

(j) Preparation. Discovery shall be completed to the extent possible during the plea bargaining period following initial arraignment. The parties shall have completed and furnished to the criminal motion Judge and to counsel copies of their respective omnibus applications before the hearing.

LCrR 4.11 VIDEO CONFERENCE PROCEEDINGS

(a) Criminal. Preliminary appearances as defined by CrR 3.2(b) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings, as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court Judge. Any party may request an in-person hearing which may, in the Judge's discretion, be granted.

(b) Agreement. Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the Judge.

(c) Standards for Video Conference Proceedings. The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants.

[Effective September 1, 1996.]

LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA

(d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each criminal case filed in the Superior Court shall be accompanied by a designation of the Case Assignment Area.

(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; the unincorporated areas of King County Sheriff's Precinct 4; and including all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(3) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area designation of the case.

(B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.

(C) Exceptions to Standard Designation.

(i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;

b) Where multiple offenses charged were committed in more than one area of the county;

(ii) The following case categories shall be designated to the Seattle Case Assignment Area:

- a) Fugitives from justice.
- b) Juveniles charged as adults.
- c) Co-defendants of juveniles charged as adults.

(iii) When a defendant has an action pending, any new action filed against that defendant shall be assigned to the same case assignment area as the pending case.

(D) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action.

(E) Assignment or Transfer on Court's Motion. The Court on its own motion or on the motion of a party may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(F) Motions by Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing, with proper notice to all parties. Motions to transfer shall generally be heard prior to trial setting only. All cases shall proceed in the original case assignment area until an order of transfer is entered.

(G) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(H) Pre-Filing Requests for Exceptions. The Prosecutor in advance of filing a particular case, for good cause shown, may apply ex parte to the Chief Criminal Judge for an exception to the normal case assignment area.

(4) Where Pleadings and Documents Filed. Pursuant to LGR 30, all pleadings and documents for any criminal action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Service of documents on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

(5) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the case assignment area code. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(6) Jury Assignment Area. See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identocard holders residing in each jury assignment area.

[Adopted effective June 1, 1996; amended effective September 1, 2001; December 1, 2001; September 1, 2004; September 1, 2007; June 1, 2009; September 8, 2009; December 14, 2017; February 28, 2018; May 29, 2018; September 1, 2018.]

LCrR 7.1 PRESENTENCE INVESTIGATION

(a) Presentence Reports; Time of Service. Unless otherwise directed by the court, in all cases where a person is to be sentenced for commission of a felony, the prosecuting attorney and the defendant's attorney shall, not less than three days before the sentencing date, serve a copy of his/her presentence report upon the opposing party and the original to the sentencing judge. The Department of Corrections shall serve a copy of its report when ordered upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than three days before the sentencing date.

(b) *Exceptional Sentences.* Any party requesting that the court impose an exceptional sentence shall serve on the opposing counsel and provide a working copy to the court of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing. When exceptional sentences are agreed, the parties shall jointly submit proposed findings in support of the request for an exceptional sentence no later than seven days before the date scheduled for sentencing. Working copies shall be submitted pursuant to LCR 7(b)(4)(F) to the extent not inconsistent with this rule.

(c) *Penalties for Violation.* A violation of this rule may result in the refusal of the court to proceed with the sentencing until after reports and/or proposed findings have been provided as directed herein, and in the imposition of terms; or the court may proceed to impose sentence without regard to the violation.

[Amended effective September 1, 2001; September 1, 2002; June 1, 2009; September 1, 2020.]

LCrR 9.1 IN FORMA PAUPERIS-APPEAL-COURT REPORTER LOG

The Motion for Order of Indigency shall contain the names and dates of appearance for all court reporters who recorded sessions for which authorization for transcription is requested.

[Adopted effective September 1, 1999.]

KING COUNTY LOCAL MENTAL PROCEEDING RULES (Cite as LMPR)

LMPR 1.5 TRIAL SETTINGS OR OTHER ADMINISTRATIVE HEARINGS

(a) *Video Conferencing of Administrative Hearings.* The Court may conduct hearings to set trial dates on petitions for 90- or 180-day involuntary treatment or other administrative hearings by video conference.

[Adopted effective September 2, 2014.]

LMPR 1.6 PRESENCE WAIVERS

(a) *Presence Waivers.* The respondent may waive his or her presence at any hearing through a written presence waiver or, for good cause, through an oral presence waiver presented by respondent's counsel.

[Adopted effective September 2, 2014.]

LMPR 1.7 GUARDIANS AD LITEM

(a) Appointment of a Guardian ad Litem. Upon representation by the respondent's counsel that a Guardian ad Litem is needed in a case, the Court may appoint a Guardian ad Litem on behalf of the respondent without requiring the respondent to appear in court. In the event the petitioner objects to the appointment of a Guardian ad Litem in the respondent's absence or if respondent's counsel requests, the Court may require the respondent to appear to allow the Court to conduct an inquiry with the respondent to determine that a Guardian ad Litem should be appointed.

(b) Discharge of a Guardian ad Litem. Upon representation by the respondent's counsel that the Guardian ad Litem has concluded that his or her services are no longer necessary and that respondent's counsel has been able to communicate with the respondent, the Court may discharge the Guardian ad Litem.

[Adopted effective September 2, 2014; amended effective September 1, 2019.]

LMPR 1.8 TAKING TESTIMONY VIA VIDEO OR TELEPHONE

(a) General. The Court may take testimony from any witness, including the respondent, via video, telephone, or other electronic means consistent with statute and court rules. The testimony shall be taken in open court with the respondent appearing either in-person or by video, unless the respondent or his or her guardian ad litem, if the court has appointed one, waives his or her presence.

(b) Specific. The Court will conduct all evidentiary non-jury hearings via video for respondents detained at those facilities designated by general order. For a current list of health care facilities participating in video Involuntary Treatment Act hearings, see the relevant King County Superior Court general order available from the Clerk's Office by telephone at (206) 296-9300 or by accessing <https://kingcounty.gov/courts/clerk.aspx>. Nothing in this rule precludes any respondent from filing a motion to request an in-person hearing, which the court may grant for good cause. In considering such a motion, the Court may consider, among other things, whether the respondent's alleged mental illness has an impact on the respondent's ability to perceive or participate in the proceedings by video. LMPR 1.9 shall govern the filing of that motion and the response, if any. The Court may rule on such motion based on the written submissions of the parties and may also allow testimony by video or in-person.

(c) Standards for Video Proceedings. For any hearing conducted via video, the technology used must permit the presiding judicial officer, counsel, all parties, and the witness to be able to see, hear, and speak when authorized, during the proceedings, to allow attorneys to use exhibits or other materials during trial, and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent and/or respondent's counsel. To the extent there are any statutes, case law, or constitutional standards relating to conducting video proceedings, such standards are incorporated herein by reference.

(d) Video Pilot Projects. The court may implement video pilot projects consistent with LCMR 13.

[Adopted effective September 2, 2014; amended effective October 29, 2015; January 27, 2016; April 26, 2016; September 1, 2016; December 14, 2017; February 28, 2018; May 29, 2018; June 7, 2018; September 1, 2018.]

LMPR 1.9 PRE-HEARING MOTIONS AND PROCEDURE

(a) Notice and Hearing. The original of any motion together with all supporting documents (including exhibits and briefs) must be filed and copies served on all parties and the Court not later than 10:00 AM on the date the case is first scheduled for a hearing, unless otherwise allowed for good cause shown.

(b) Response. The response may be filed and served in writing or may be made by oral presentation on the record, at the election of the responding party. The responding party shall notify the Court and all other parties of the request to submit a written response not later than the expiration of the case, if applicable, or 12:00 PM on the date the case is first scheduled for hearing, whichever is earlier. The Court may continue the hearing to permit the responding party to submit written response if the request for a continuance is made prior to expiration and the Court determines that such a continuance is in the interest of the administration of justice, or if such continuance is made by agreement of the parties.

[Adopted effective September 2, 2014.]

LMPR 1.10 REVISION OF A COMMISSIONER'S ORDER

(a) Service and Filing of Motion. A motion for revision of a Commissioner's order in a proceeding for involuntary treatment or to revoke a less restrictive treatment order shall be served and filed within 10 calendar days of entry of the written order, as provided in RCW 2.24.050. Revision motions shall be filed with the Clerk and will be assigned to a Judge in Seattle or at the MRJC by Court Operations Civil Section staff in Seattle to be heard in chambers by the assigned Judge. Court Operations shall notify counsel of record of the assigned judge as promptly as possible.

(b) Record of Hearing. The Assigned Judge will review the FTR recording of the hearing.

(c) Responsive Document.

(1) Motion relating to Order for 14-Day Commitment. A written response shall be served and filed within two (2) judicial days of receipt of the motion for revision.

(2) Motion relating to any other order. When the motion involves any other order, such as an order for involuntary treatment for 90 days or for 180 days or the revocation of a less restrictive order, a written response shall be filed not later than three (3) judicial days after receipt of the motion for revision.

(3) Unopposed motions. If the responding party fails to submit a written opposition to the motion, the Assigned Judge may proceed on the assumption that the motion is unopposed.

(d) Decision on the Motion for Revision of Commissioner's Order.

(1) Hearing and Record. The hearing on the motion for revision of the Commissioner's order shall be without oral argument and will be based on the record before the Commissioner.

(2) Ruling on Motion relating to Order for 14-Day Commitment. To the extent practicable, the Assigned Judge shall issue an order on the motion for revision within two (2) judicial days of the deadline for receiving a written response to the motion.

(3) Ruling on Motion relating to any other order. To the extent practicable, the Assigned Judge shall issue an order on the motion for revision within five (5) judicial days of the deadline for receiving a written response to the motion.

(e) Effect of Commissioner's Order. The Commissioner's written order shall remain in effect pending the Assigned Judge's decision on the motion for revision.

[Adopted effective September 2, 2014.]

LMPR 1.11 FINDINGS OF FACT AND CONCLUSIONS OF LAW

[Rescinded]

[Adopted effective September 2, 2014; rescinded effective September 1, 2021.]

LMPR 2.4 VIDEO HEARING OF PETITIONS FOR 14 DAY INVOLUNTARY TREATMENT

[Rescinded]

[Adopted effective December 14, 2017; February 28, 2018; May 29, 2018; rescinded effective June 7, 2018.]

LMPR 3.4 VIDEO HEARING OF PETITIONS FOR 90 OR 180 DAY INVOLUNTARY TREATMENT

[Rescinded]

[Adopted effective December 14, 2017; February 28, 2018; May 29, 2018; rescinded effective June 7, 2018.]

KING COUNTY LOCAL JUVENILE COURT RULES (Cite as LJuCR)

TITLE I. SCOPE AND APPLICATION OF RULES

LJuCR 1.1 SCOPE OF RULES

The current procedures for cases in King County Superior Court Juvenile Division are contained in two manuals: the Juvenile Division Offender Manual and the Dependency and Title 13 RCW Guardianship Manual. Copies of each are available at the Resource Center of the Clark Children and Family Justice Center, 1211 E. Alder, Seattle, Washington, and links to both manuals can be found on the court's web site, <https://kingcounty.gov/courts/superior-court/juvenile.aspx> (offender manual) and <https://kingcounty.gov/courts/superior-court/dependency.aspx> (dependency/guardianship manual).

[Adopted effective September 1, 2023.]

LJuCR 1.2 JURISDICTION OF JUVENILE COURT

[Rescinded]

[Adopted effective September 2, 2013; rescinded effective September 1, 2016.]

LJuCR 1.3 DEFINITIONS

(a) “Dependency Calendar” means those calendars regularly assigned to a judicial officer excluding the Lead Dependency Judge.

[Effective September 2, 2013; amended effective September 1, 2016.]

LJuCR 1.4 APPLICABILITY OF OTHER RULES

[Rescinded]

[Adopted effective September 2, 2013; rescinded effective September 1, 2016.]

LJuCR 1.7 PRE-TRIAL HEARINGS

(a) Scope of Rule. This rule governs pretrial hearings in cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW.

(b) Pre-Trial Hearings.

(1) Scheduling. The pre-trial hearing will be set in the initial case schedule.

(2) Continuances. Pretrial hearings may be continued by stipulated order on agreement of all parties so long as the fact-finding date remains unchanged.

(c) Pre-Trial Order. A pretrial order will be entered at the pretrial hearing if a contested fact-finding hearing will be held. The order will set forth the expected length of trial, any witness issues, final disclosure dates, and other related matters. Once a pretrial order is signed, the case will be placed on the trial board for assignment.

(d) Fact Finding Hearing Continuances. If at the pretrial hearing the court continues the fact-finding hearing, the court will enter an order of continuance separate from the pretrial order.

[Adopted effective September 1, 2016; amended effective September 1, 2023.]

LJuCR 1.8 MOTIONS

(a) Scope of Rule. This rule governs all motions in cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW. Additional rules may also apply. See, for example, LJuCR 2.5 (modification of shelter care order). Disposition hearings are governed by JuCR 3.8 and LJuCR 3.8, not this rule.

(b) Briefing Schedules.

(1) Definitions. A “procedural motion” is one that pertains to the legal process itself. Examples include motions concerning representation (e.g., withdrawal), discovery, and continuances. “Pre-dependency” is the period in a dependency case before dependency is established.

(2) Procedural and Pre-Dependency Motions. For procedural and pre-dependency motions, the moving party must serve and file all motion documents by 4:30 p.m. six judicial days before the hearing date; responsive documents must be filed and served by 4:30 p.m. two judicial days before the hearing date; and documents in strict reply must be filed and served by noon the judicial day before the hearing.

(3) All Other Motions. For all other motions, the moving party must serve and file all motion documents by 4:30 p.m. 14 calendar days before the hearing date; responsive documents must be filed and served by 4:30 p.m. seven calendar days before the hearing date; and documents in strict reply must be filed and served by noon two judicial days before the hearing date.

(4) Working Copies. Working copies of all court-filed documents must be delivered to the judicial officer hearing the motion no later than on the day they are to be served on all parties. The working copies must be in the same form as filed with the court and served on the parties, including but not limited to markings, highlights, and color copies. The procedures for submitting working copies electronically or in paper form are outlined on the dependency webpage: <https://kingcounty.gov/courts/superior-court/dependency.aspx>.

(c) Request to Shorten Time.

(1) Procedure/Good Cause Required. The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with the procedure outlined in the Court’s Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1). As soon as the moving party is aware of the need for shortened time, that party must contact all other parties to give notice of that fact. The court may impose sanctions against a moving party who without good cause requests to shorten time to less than 48 hours.

(2) Materials required. The motion to be heard on shortened time must be filed and served prior to or at the same time as submission of the written application. The written application must include a proposed order shortening time; a proposed hearing date and briefing schedule; and a declaration attesting to the need for shortened time, that the notification required in section 1 was made, and the response(s), if any, to that notification.

(3) Agreed shortened time. If the parties agree to a briefing schedule and hearing date on a motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order.

(4) Discretion. Whether agreed or contested, the court may grant, deny, or modify the proposed order shortening time.

(d) Note for Calendar; Form of Briefing; Proposed Orders.

(1) Note for Calendar. A Note for Calendar must be filed with the motion. The Note for Calendar must identify the calendar on which the motion is scheduled, the remote appearance link, the nature of the motion, the estimated hearing length, the date of the hearing, the time of the hearing, and the names of all persons requiring notice. A Note for Calendar form is available

from the clerk's office and online: <https://kingcounty.gov/courts/clerk/forms> (under Notice of Court Date – Dependency).

(2) Form of Briefing. The motion and responsive briefing shall conform to the following format:

(A) Relief Requested. The specific relief the court is requested to grant or deny.

(B) Statement of Facts. A succinct statement of the facts contended to be material.

(C) Statement of Issues. A concise statement of the issue(s) on which the court is requested to rule.

(D) Evidence Relied Upon. The evidence on which the motion or opposition is based must be identified with particularity and attached to the brief or declaration filed in support. Parties shall submit only those materials that are directly germane to the matter under consideration or necessary to provide relevant context. Parties shall highlight those parts upon which they place substantial reliance.

(E) Argument. Any legal authority relied upon must be cited.

(F) Prior Order. Any party wishing to request clarification, modification, or enforcement of a prior order must attach to their brief a copy of the order at issue.

(G) Consecutive Page Numbering for Attachments. Attachments (e.g., evidence, prior order) to any filed document (e.g., a motion, response, reply, declaration) which exceed 25 pages must be numbered consecutively on the bottom center or right-hand corner of each document to aid the court and the parties in navigating through the document. The numbering should not restart for each attachment but should run consecutively through all attachments to a single document. All motions, oppositions, replies, and briefs shall cite to these page numbers. A party may include other citation information (e.g., exhibit number, exhibit page, paragraph number), in addition to the consecutive page citation.

(3) Proposed Order. The moving party and any party opposing the motion shall serve a copy of their proposed order with their briefing and include it with the working copies provided for the court. The proposed order should not be filed with the clerk.

(e) Procedures (All Motions).

(1) Scheduling. Except as otherwise provided in these rules, all motions shall be heard on the dependency calendars as set by court staff, with the following exceptions: (A) a judge who has retained the case or issue shall hear the motion and (B) a procedural motion brought after entry of a pretrial order shall be heard by the Lead Dependency Judge. Scheduling of motions must be in accordance with current procedures outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(2) Striking Motion or Changing Hearing Date. A motion (and its hearing, if it was to be heard with oral argument) may be stricken, or the hearing date changed, as outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(f) Motions Heard with Oral Argument.

(1) Applicability. All motions should be noted for hearing with oral argument except as otherwise provided in this rule. Any party may request oral argument on a motion for which oral argument is not provided by rule by including in the caption of the motion or response, "ORAL ARGUMENT REQUESTED".

(2) Unopposed Matters. The court may, on request, enter the order moved for if no one appears in opposition 30 minutes after the time set for hearing. The court may, on request, strike a matter if the moving party fails to appear 30 minutes after the time set for hearing.

(3) Hearing Order. Motions will be heard in the order designated by the court.

(4) Time for Argument. No more than five minutes per party or less, as directed by the judicial officer hearing the matter, will be allowed for argument unless specifically authorized by the court. If a party anticipates requesting substantially longer for argument, the party should notify the court in advance pursuant to the procedures outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(5) Motion to Expand the Issues. Once a hearing requiring oral argument is scheduled, any party may raise additional issues or designate it as a full dependency review by filing a motion to expand issues. The motion to expand issues shall be scheduled and briefed as otherwise provided in these rules. The parties must confer prior to the hearing for the first-filed motion to determine whether they agree that the hearing for the first-filed motion should be set over to be heard with the motion to expand issues. If the parties agree, the moving party on the first-filed motion should notify the court as provided in LJuCR 1.8(e)(2). If the parties do not agree, the judicial officer hearing the first-filed motion will determine at that hearing if the first-filed motion should be set over to be heard with the motion to expand issues.

(6) Request to Present Oral Testimony on Motion.

(A) How Requested. Any party seeking to present oral testimony in support of or in response to a motion must (1) file a separate motion titled, "Motion for Oral Testimony" and (2) state in the caption of the underlying motion or response, "Oral Testimony Requested by Separate Motion." The motion for oral testimony must specify the reason(s) testimony is necessary to a just adjudication of the issues and identify the witness(es) sought to be called. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony. Parties may present an agreed motion for consideration by the court. If the court grants the motion for oral testimony, the court may adjust the hearing date or time.

(B) Timing. The motion for oral testimony must be filed before or at the time the underlying motion or response of that party is filed, should be noted for the day it is filed, and will be decided without oral argument. No responses should be filed.

(C) Decision. If the court has not issued a decision 48 hours before the hearing, the party requesting oral testimony should contact the court as outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(g) Withdrawal by Attorney.

(1) Scope. This rule governs withdrawals by attorneys for any party. See CR 71.

(2) Withdrawal by Order. When CR 71 requires that the attorney withdraw by order, (a) if the court entered a pre-trial order and fact finding is pending, the motion must be heard by the Lead Dependency Judge with oral argument; (b) in all other circumstances, the motion should be heard on the daily calendar with oral argument.

(3) Withdrawal by Notice. When CR 71 allows withdrawal by notice and substitute counsel is not identified in the notice, the withdrawing attorney must schedule a status conference to occur prior to the withdrawal date specified in the notice. The purpose of the status conference is to determine whether substitute counsel should be appointed or will be retained.

(h) Discovery Motions. Discovery motions, including motions to compel, motions for a protective order, and motions for release/production of records held by third parties, shall be noted without oral argument. When the matter is pending trial, the motion shall be noted before the Lead Dependency Judge. All other motions shall be noted on the appropriate dependency calendar as determined by case designation. Except for a motion for release / production of

records held by third parties, a discovery conference, pursuant to CR 26(i), shall be held before a discovery motion is filed.

(i) Motions to Continue Fact-Finding Hearing.

(1) Good Cause Required. No motion to continue fact finding will be granted absent a showing of good cause.

(2) Motions to Continue Fact-Finding Hearing Made Prior to or at Time of Entry of a Pre-Trial Order. If all parties agree to the continuance, an agreed order may be submitted for consideration by the court. If the parties agree that the motion to continue may be made on shortened time at the pre-trial hearing, no formal motion for shortened time is required. In all other situations, the motion should be noted without oral argument before the Lead Dependency Judge.

(3) Motion to Continue Fact-Finding Hearing Made after Entry of a Pre-Trial Order. The motion must be noted to be heard by the Lead Dependency Judge and may be noted with or without oral argument. The motion will not be granted except under extraordinary circumstances, where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires.

(4) Trial Assignment Board. Dependency staff maintain a list of cases on which pre-trial orders have been entered. If a lawyer becomes unavailable for dates other than indicated on the pre-trial order, that lawyer must notify the court as outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJUCR 1.1).

(j) Motions for Summary Judgment. Motions for summary judgment shall be noted before the Lead Dependency Judge and in accordance with these rules and the requirements of CR 56 and LCR 56.

(k) Motions to Dismiss. Unless agreed to by all parties, a motion to dismiss made pursuant to CR 41(a)(1) shall be noted without oral argument and shall include the cause number of any pending family law action.

(l) Removal Hearings for Currently Adjudicated Dependent Children. If a dependent child is removed from a parent, guardian, or custodian pursuant to RCW 13.34.138(3)(b), an agreed order authorizing the removal shall be entered, or the supervising agency removing the child shall note an emergency hearing to be heard within 72-hours of removal (excluding Saturdays, Sundays, and Holidays) and the hearing shall have the same priority as a 72-hour hearing pursuant to LJUCR 2.4(b). Such hearing may be continued by agreement or order of the court if necessary to allow full briefing of the issue.

(m) Motions for Reconsideration or for Clarification.

(1) Applicability. CR 59 and LCR 59 apply to motions for reconsideration of orders of dependency and orders of termination. This rule governs all other motions for reconsideration or for clarification.

(2) Procedure and Timing. The moving party must (a) file the motion not later than 10 days after entry of the order at issue and (b) note the motion for the day of filing. The court will consider the motion without oral argument unless the court orders otherwise. The motion should point out with specificity how the moving party believes the court has erred, any new matters being brought to the court's attention for the first time, and any modifications or clarifications being sought regarding the court's prior ruling. Unless ordered otherwise, the prior ruling will remain in effect pending a decision on the motion.

(3) Response. No party may file a response unless requested by the court. The court will not grant a motion brought under this rule without such a request which (a) will set a time when the response and the reply are due and (b) may limit briefing to particular issues.

(n) Motion to Revise Commissioner's Ruling.

(1) Timing and Hearing. A motion for revision of a commissioner's order must be filed within 10 calendar days of entry of the written order unless otherwise provided by statute. The motion must be noted for hearing without oral argument before the Lead Dependency Judge on a date not later than 27 calendar days after entry of the commissioner's order. The briefing schedule of LJuCR 1.8(b)(3) applies. The filing of a motion for reconsideration of the commissioner's order does not toll these deadlines. If the Lead Dependency Judge assigns the motion to another judge, the court will provide notice of the reassignment.

(2) Contents of Motion. The motion must set forth specific grounds for revision and must attach all paperwork originally submitted by all parties to the commissioner. The moving party should not provide a recording of the hearing.

(3) Effect of Commissioner's Order. The commissioner's order shall remain in effect until the court issues an order on revision unless otherwise ordered by the court.

[Adopted effective September 1, 2016; amended effective September 1, 2021; September 1, 2023.]

LJuCR 1.9 DISCOVERY

(a) Scope of Rule. This rule governs discovery in cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW.

(b) Discovery Cut-off Date. The discovery cutoff date is an event listed on the case schedule: it is the last date by which formal discovery shall occur, absent agreement of the party or court order. Formal discovery includes the discovery mechanisms set forth in CR 26-37 and shall be conducted in compliance with those rules and LCR 26-37.

(c) On-going Discovery. All parties have an on-going duty to timely provide discovery. Because of the nature of these cases, parents, children, and caregivers often are in treatment or engaging in visits or services until shortly before (or sometimes during) trial. The court will address any issues that arise because of late-provided documents on a case-by-case basis.

(d) Discovery Following the Entry of an Order of Dependency. The parties may resume engaging in formal discovery throughout the pendency of the dependency case. The pre-trial discovery cut-off is not intended to prevent parties from engaging in such discovery post trial.

[Adopted effective September 1, 2016; amended effective September 1, 2018; September 1, 2021; September 1, 2023.]

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.0 RIGHT TO APPOINTED COUNSEL

(a) Children. In addition to the right to appointed counsel provided by statute, all children age 12 and older have the right to be appointed an attorney at public expense.

(b) Notification by Petitioner. Upon filing a dependency petition, the petitioner must notify the appropriate public defense entity that a petition has been filed and that counsel for the parent (and youth, if required by this rule or by statute) should be provisionally appointed pursuant to the procedures outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

[Adopted effective March 20, 1997; amended effective September 1, 2023.]

LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Notice of Right to Shelter Care Hearing. In addition to notice required by statute, notice of the 72-hour and 30-day shelter care hearings shall be given to children who have a statutory or LJuCR 2.0 right to counsel and they shall be advised of their right to attend the hearings and their right to be represented by an attorney. If such a child wishes to attend the 72-hour or 30-day shelter care hearing, the agency or person having legal custody of the child shall be responsible for arranging transportation for the child.

(b) Shelter Care Hearing Required. The party filing a dependency petition must schedule a 72-hour shelter care hearing and, if shelter care is ordered, must schedule a second shelter care hearing to be held within 30 days of the 72-hour shelter care hearing.

(c) Notice of Shelter Care Hearing. (Reserved)

(d) Indian Children. (Reserved)

(e) Notice to Attorneys of Record. Where there is already a previously assigned or retained attorney of record for any party, including an attorney or CASA for the child, in a dependency proceeding presently pending in Juvenile Court, they shall be provided notice of the shelter care and fact-finding hearings no later than 24 hours prior to the 72-hour shelter care hearing whenever reasonably possible.

(f) Courtesy Notice to Public Defender Agencies and CASA. The petitioning party in a dependency and/or the moving party for an order to take a child into custody shall make available an electronic copy of the petition and any resultant order to DPD, the CASA program, and contracted defense agencies responsible for providing attorney-of-the-day services on the day the petition is filed. The public defender office and CASA program shall be responsible for obtaining said copies.

(g) Subsequent Shelter Care Hearing for Unavailable Party. A party seeking to exercise a statutory right to a subsequent shelter care hearing must file a motion on the question of whether good cause exists. The motion should be noted for consideration on the next judicial day after filing. The motion should otherwise be in accordance with LJuCR 1.8. If granted, the subsequent shelter care hearing shall be heard in the time provided by statute.

[Effective January 2, 1994; amended effective September 1, 2005; September 2, 2013; September 1, 2016; September 1, 2023.]

LJuCR 2.4 PROCEDURE AT INITIAL SHELTER CARE HEARING

(a) Inform Parties of Rights. In addition to informing parties of their rights as provided by statute, the court will inform children who have a statutory or LJuCR 2.0 right to counsel of that right.

(b) Hearing and Decision. The court may order the case set for mediation, settlement conference, or other alternative dispute resolution process and may adjust the case schedule as necessary to accommodate the ADR schedule.

[Adopted effective September 1, 1983; Amended effective January 2, 1994; March 20, 1997; September 1, 2001; September 1, 2005; September 2, 2013; September 1, 2018; September 1, 2023.]

LJuCR 2.5 MODIFICATION OF SHELTER CARE ORDER

(a) 30-Day Hearing and New Issues.

(1) Time. The second hearing shall be set within 30 days of the first hearing, unless by agreement on the record or in writing of all parties or the order of the court.

(2) Procedure.

(A) If the court previously ordered that visitation between a parent and child be unsupervised, then unless any party seeks to raise issues pursuant to subsection (a)(3) of this rule, a hearing in open court will not occur, parties' presence will be excused, and the court will enter an order continuing the terms of the 72-hour shelter care hearing.

(B) If the court previously ordered that visitation between a parent and child be supervised or monitored, and no party has timely provided a report as described in subsection (a)(2)(C) of this rule, then a hearing in open court will not occur, parties' presence will be excused, and the court will enter an order removing any requirement for supervision or monitoring of visitation but continuing the remaining terms of the 72-hour shelter care hearing.

(C) If the court previously ordered that visitation between a parent and child be supervised or monitored, and a party has timely provided a report not later than noon three days prior to the 30-day shelter care hearing that includes evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, then the court shall hold a hearing and determine on the record whether visit supervision or monitoring must continue.

(3) Notice of Issues: Any party seeking to address an issue at the 30-day shelter care hearing shall file and serve a brief identifying the issue not later than noon three days prior to the hearing. Responses must be filed and served by noon the day before the hearing. Working copies should be provided as outlined in LJuCR 1.8(b)(4).

(b) Modification of Shelter Care Order after 30-Day Hearing. An additional shelter care hearing can be set by filing a motion in accordance with LJuCR 1.8.

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; September 1, 2005; September 2, 2013; September 1, 2016; September 1, 2021; September 1, 2022; September 1, 2023.]

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(c) Location for Court Proceedings, Filing of Documents and Pleadings, and Designation of Case Assignment Area.

(1) Where Proceedings Held. Except as otherwise determined by the court and communicated to the parties, all proceedings shall be conducted at the court facility in the case assignment area designated for the case.

(2) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Initial Case Assignment Area. The initial case assignment area designation shall be made upon the filing of the petition. These case assignment area boundaries may be

changed as necessary for the just and efficient handling of cases. Any changes will be listed in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1)

(i) Seattle Case Assignment Area. All petitions: (a) regarding children known at the time of filing to be protected by the Indian Child Welfare Act; (b) from the King East, King West, Martin Luther King, and the White Center DCYF offices; (c) from the Office of Indian Child Welfare; and (d) filed by a petitioner other than DCYF for children residing in King County north of Interstate 90, in the cities Seattle., Mercer Island, Bellevue, Issaquah, or North Bend, on Vashon Island, or on Maury Islands.

(ii) Kent Case Assignment Area. All petitions: (a) from the King South West and King South East DCYF offices; and (b) filed by a petitioner other than DCYF for children residing in King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(B) Motion to Change Case Assignment Area Designation. A motion for change of case assignment area designation may be made pursuant to JLuCR 1.8. Prior to entry of a disposition order, the court will not grant a motion to change a case assignment area designation except as necessary to correct a mistaken designation or to prevent undue hardship to a party. After entry of a disposition order, the court may grant such a motion for those reasons or for one of the following reasons: hardship to one of parties; transfer of the case within the supervising agency or to a new agency; a need for judicial continuity of control over the case; transfer is in the best interest of the child; correction of a mistaken designation; a reason deemed just and proper by the court; or when required for the just and efficient administration of justice. Ordinarily, the court will not grant a motion to change a case assignment area for the convenience of an attorney.

(C) Improper Designation/Lack of Designation. The designation of the improper case assignment area will not be a basis for dismissal of any action. The lack of designation of case assignment area at initial case filing will result in assignment to a case assignment area at the court's discretion.

(D) Assignment or Transfer on Court's Motion. The court on its own motion may assign or transfer cases to another case assignment area whenever required for the just and efficient administration of justice.

(E) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(3) Where Pleadings and Documents Filed. Documents identified as exceptions to mandatory e-filing (see LGR 30) must be filed in paper form at the court facility in the case assignment area of the case.

(4) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the code for the case assignment area designated for that case (SEA or KNT). The clerk may reject pleadings or documents that do not contain that code.

[Adopted effective January 2, 1994; amended effective October 1, 1996; September 1, 2004; September 1, 2005; June 1, 2009; April 1, 2011; September 2, 2013; September 1, 2016; September 1, 2021; September 1, 2022; September 1, 2023.]

LJuCR 3.3 CONTENT OF DEPENDENCY PETITION

(Reserved)

[Effective January 2, 1994; amended effective September 1, 2005; September 2, 2013; September 1, 2023.]

LJuCR 3.4 NOTICE AND SUMMONS – SCHEDULING OF FACT FINDING HEARING

(a) Notice and Summons. Any motion for publication shall (a) include a proposed order setting a date for a termination of publication (TOP) hearing no sooner than 70 days after the filing of the motion and (b) demonstrate that the statutory requirements for publication have been met.

(b) Advice To Be Contained in Notice. (Reserved)

(c) Scheduling Fact-Finding Hearing. When a new case is opened by the filing of a petition, the clerk will prepare and file a case schedule. The case schedule will include the date for the fact-finding hearing.

(d) Indian Children. (Reserved)

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; August 20, 1998; September 1, 2005; September 2, 2013; rescinded effective September 1, 2016; amended effective September 1, 2023.]

LJuCR 3.6 ANSWER TO PETITION

(a) Who Must Answer. All parents, legal custodians, and guardians named in the petition, and anyone else claiming a parental interest, must file an answer to the petition not later than the date provided in the case schedule.

(b) Who May Answer. Any other party (e.g., CASA, child, tribe) may file an answer to the petition.

(c) Content of Answer. The answer must specifically address and admit or deny each allegation in the petition. When the answering party intends in good faith to deny only a part of or to qualify an allegation, the answering party shall specify so much of it as is true and shall deny only the remainder. If the answering party is without knowledge or information sufficient to form a belief as to the truth of an allegation, the answering party shall so state, and this shall have the same effect as a denial.

(d) Signature Required. An answer must be signed by the answering party or their attorney. If the response is signed only by the attorney, the response must include a certification that the answer was discussed with, and approved by, the answering party.

[Effective January 2, 1994; amended effective March 20, 1997; September 1, 2023.]

LJuCR 3.7 FACT FINDING HEARING

[Rescinded]

[Amended effective September 1, 1983; January 2, 1994; March 20, 1997; August 20, 1998; September 1, 2005; September 2, 2013; rescinded effective September 1, 2016.]

LJuCR 3.8 DISPOSITION HEARING

(a) Time. Pending disposition, the terms and conditions of any current shelter care order will continue in effect unless otherwise ordered by the court.

(b) Informing Parties of Purpose of Hearing. (Reserved)

(c) Evidence. (Reserved)

(d) Submission of Agency Plan. (Reserved)

(e) Transferring Legal Custody. (Reserved)

(f) Agreed Disposition. A proposed agreed dispositional order, together with all reports, may be submitted to the court. If the court does not sign the agreed order, the court will set a dispositional hearing.

(g) Contested Dispositional Hearing on Agreed Dependency Order. The following provisions apply when parties enter an agreed dependency order but contest some or all dispositional issues. A dispositional hearing may include presentation of evidence (including testimony) and/or argument.

(i) Issues. The order of dependency must identify the dispositional issues in dispute. The dispositional hearing will concern only those issued so identified.

(ii) Scheduling. If the dispositional hearing will not exceed 30 minutes, it should be set on a dependency calendar in conformance with the procedure outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1). Otherwise, a pretrial order (see LJuCR 1.7(b)) must be entered which will cause the matter to be set for judicial assignment.

(iii) Briefing. The parties may, in the order of dependency, provide an agreed briefing schedule. Absent such agreement, the parties shall brief the issues on the following schedule: the petitioner shall serve and file its opening brief by 4:30 p.m. 14 calendar days before the hearing date; responding parties must serve and file responsive briefing by 4:30 p.m. seven calendar days before the hearing date; and the petitioner may file and serve a brief in strict reply by noon two judicial days before the hearing date.

(iv) Working Copies. Working copies must be delivered as provided in LJuCR 1.8(b)(4).

(h) Retention of Case. A judge may retain authority over a case on the motion of a party or sua sponte. Until the judge releases the case, all subsequent court-filed documents should identify the judge in the upper right corner of the first page. Unless the judge cannot timely hear a motion, hearings should be scheduled with the retaining judge's bailiff. Upon certification by a moving party that the retaining judge is not available to timely hear a motion, the hearing may be scheduled as otherwise provided in LJuCR 1.8(e).

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; September 1, 2005; June 1, 2009; September 2, 2013; September 1, 2016; September 1, 2021; September 1, 2023.]

LJuCR 3.9 REVIEW HEARING

(a) Scheduling. The petitioner must schedule initial reviews, dependency reviews, and permanency planning hearings in accordance with current procedures outlined in the court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1). Any party may schedule a hearing to ensure that the hearing is held within the time periods specified by law. This rule

shall not be construed to limit a party's ability to seek modification of a court order as allowed by law.

(b) Reports and Contested Issues.

(1) Reports. The person or agency supervising the dependency will file and serve a written report and proposed order to all parties not less than 14 days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed court order must be filed and served at least seven days prior to the hearing. Documents in strict reply, if any, shall be filed and served no later than noon two judicial days prior to the hearing. All documents filed shall contain the name of the judicial officer expected to hear the matter or the courtroom assigned, and the date and time of the hearing, in the upper right-hand corner of the document.

(2) Contested Issues. Any party requesting clarification, modification, or enforcement of the dispositional order, a prior review order, or a prior permanency planning order, or requesting additional relief from the court, shall do so by motion, utilize the procedures in LJuCR 1.8, and attach to their motion a copy of the order sought to be modified. Failure to do so may prevent that party from being heard on the contested issue at the hearing. If during a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or their counsel, the court may consider the contested issue or set a new hearing date to consider the issue.

(3) Working Copies. Working copies of all filed documents shall be submitted when filed as outlined at LJuCR 1.8(b)(4).

(c) Hearings. All review and permanency planning hearings will be on the record.

(d) Agreed Continuances. By agreement, a review or permanency planning hearing may be continued for reasons approved by the court, provided that the hearing is not continued past the date by which a review or permanency planning order for the child must be entered. A new date must be scheduled as provided in section (a). If a hearing is continued past the date at which a review or permanency planning order must be entered, the court may enter an order maintaining the status quo pending the hearing. If the supervising agency fails to submit a timely report, and any party makes a request to the supervising agency at least seven days prior to the hearing to continue the hearing due to the agency's untimely report, the supervising agency is responsible for (1) obtaining a new date and (2) securing an agreed order by all parties to continue the hearing.

[Effective January 2, 1994; amended effective July 1, 1994; September 1, 1996; September 1, 2004; September 1, 2005; September 1, 2009; September 2, 2013; September 1, 2021; September 1, 2023.]

LJuCR 3.10 MODIFICATION OF ORDER

[Rescinded]

[Amended effective September 1, 1983; January 2, 1994; September 1, 2005; formerly LJuCR 3.13 renumbered effective September 2, 2013; rescinded effective September 1, 2016.]

LJuCR 3.11 GUARDIANSHIP IN JUVENILE COURT

(a) Petition for Guardianship for Dependent Child. These rules govern petitions for guardianship filed in juvenile court pursuant to title 13 RCW. Provisions related to petitions for guardianship of a dependent minor pursuant to title 11 RCW are found in LJuCR 3.15.

(b) Scheduling and Notice. The provisions of LJuCR 4.3 apply to guardianship petitions filed in juvenile court, with the modification that the advisement required by LJuCR 4.3(c) shall state substantially as follows: “If you do not appear the court may enter an order in your absence establishing a Title 13 RCW guardianship and appointing a guardian.”

(c) Procedure; Evidence; Burden of Proof. (Reserved.)

(d) Motions. Any motion should comply with LCR 1.8 in all respects and should be scheduled for oral argument. For any motion that concerns an established guardianship, (1) in scheduling the hearing, the moving party must notify the court that the motion concerns a guardianship petition and (2), if the youth is not represented by counsel but entitled by statute or LJuCR 2.0 to appointment of counsel, the moving party must provide notice to the appropriate public defense entity that counsel should be appointed.

[Adopted effective September 1, 1983; January 2, 1994; July 1, 1994; August 20, 1998; September 1, 2005; September 1, 2009; formerly LJuCR 3.14 renumbered and amended effective September 2, 2013; September 1, 2016; September 1, 2023.]

LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS

[Rescinded]

[Adopted effective September 1, 2005; June 1, 2009; formerly LJuCR 3.10 renumbered and amended effective September 2, 2013; September 1, 2016; September 1, 2021; consolidated into LJuCR 1.8 and rescinded effective September 1, 2023.]

LJuCR 3.13 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME – CONTESTED DEPENDENCY CALENDAR

[Rescinded]

[Adopted effective September 1, 2005; September 1, 2009; formerly LJuCR 3.11 renumbered and amended effective September 2, 2013; September 1, 2016; consolidated into LJuCR 1.8 and rescinded effective September 1, 2023.]

LJuCR 3.14 RECONSIDERATION AND REVISION

[Rescinded]

[Adopted effective September 1, 2005; amended effective June 1, 2009; formerly LJuCR 3.12 renumbered and amended effective September 2, 2013; September 1, 2015; September 1, 2018; September 1, 2021; consolidated into LJuCR 1.8 and rescinded effective September 1, 2023.]

LJuCR 3.15 CONCURRENT JURISDICTION

(a) Granting and Invoking Concurrent Jurisdiction. Upon motion of a party or the court, the juvenile court may, to the extent permitted by law, (1) grant concurrent jurisdiction to any other court and (2) exercise concurrent jurisdiction over any case.

(b) Filing of Orders. Any order granting concurrent jurisdiction to another court shall be filed in both cases and that order should specify who will be responsible for its filing. Any order by which the court exercises concurrent jurisdiction in another case and which establishes or modifies the rights or obligations of any party shall be filed in both cases.

(c) Access to Records. After notice, hearing, and entry of an appropriate protective order in the juvenile court action, the juvenile court may authorize access to the court-filed documents in the juvenile court case, to any files and records maintained by the petitioning or supervising agency, and/or to the files and records maintained by a child's guardian ad litem.

(d) Party Status. A grant of concurrent jurisdiction or the invoking of concurrent jurisdiction does not confer party status in any action.

(e) Case Schedule. The juvenile court may enter an amended case schedule in the case over which it invokes jurisdiction as needed to resolve the issues presented.

(f) Modification. Any juvenile court order determining title 11 or title 26 RCW issues is subject to modification upon the same showing and same standards as any other order determining title 11 or title 26 RCW issues.

(g) Appointment of Guardian ad Litem or Attorney. Upon motion by a party or the court, the juvenile court may appoint a guardian ad litem or an attorney to represent the interests of the child.

[Effective September 1, 1995; amended effective September 1, 2005; September 1, 2009; formerly LJuCR 3.16, renumbered and amended effective September 2, 2013; September 1, 2023.]

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.2 PLEADINGS

(a) Petition. A Petition requesting the termination of a parent-child relationship may be filed in Juvenile Court. The petition shall conform to the requirements of LJuCR 3.2 and 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) Amendment of Petition. (Reserved)

(c) Answer. The provisions of LJuCR 3.6 apply with the following exception. Answers shall be due not earlier than the preliminary hearing, or at such other time as set by the court. In no event shall an answer be required less than 20 days after service of the Notice and Summons and Petition.

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005; September 2, 2013; September 1, 2023.]

LJuCR 4.3 NOTICE OF TERMINATION HEARINGS

(a) Generally.

(1) Publication. Any motion for publication shall (a) include a proposed order setting a date for a termination of publication (TOP) hearing no sooner than 70 days after the filing of the motion and (b) demonstrate that the statutory requirements for publication have been met.

(2) Notice to Counsel. In all cases where a party is represented by counsel in the underlying dependency action, in addition to service of the summons as otherwise required, the petitioner shall provide counsel with a copy of the petition, notice and summons, and case schedule. If by statute or LJuCR 2.0 the youth is entitled to appointment of counsel and is not represented, the petitioner shall provide copies of those documents to the appropriate public defense entity for appointment of counsel for the youth.

(3) Notice and Summons. In addition to the information that by statute or other rule is required to be included, the notice and summons shall state substantially as follows: "If you do not appear the court may enter in your absence a default order and an order permanently terminating your parental rights."

(4) Case Schedule. When a new case is opened by the filing of a petition, the clerk will prepare and file a case schedule. The petitioner shall serve a copy of the case schedule on all parties who by law or this rule are entitled to service or notice of the summons. The case schedule will set the termination fact finding hearing no more than 150 days after the filing of the termination petition.

(b) Indian Children. (Reserved).

[Effective January 2, 1994; amended effective July 1, 1994; August 20, 1998; September 1, 2005; January 1, 2006; September 2, 2013; September 1, 2016; September 1, 2023.]

LJuCR 4.4 AMENDMENT OF CASE SCHEDULE

[Rescinded]

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005; September 1, 2008; formerly LJuCR 4.5, renumbered effective September 2, 2013; rescinded effective September 1, 2016.]

LJuCR 4.5 REINSTATEMENT OF PREVIOUSLY TERMINATED PARENTAL RIGHTS

(a) Who May File and Appointment of Counsel for Youth/child. A child or his/her counsel may file a petition for reinstatement of previously terminated parental rights without paying a filing fee.

(b) Pro Se Youth. If a child seeks to file such a petition without counsel, the clerk shall refer the child to his or her attorney or to the dependency court, which will enter an order directing the King County Department of Public Defense to assign counsel who was previously assigned to the youth under the dependency case number or to assign new counsel if the youth does not have a dependency attorney. The petition shall indicate the case designation of the dependency case and the clerk shall assign the same designation to the reinstatement case. Appointed counsel shall serve as counsel for the reinstatement case and the dependency case.

(c) Case Schedule. Upon filing of the petition, the clerk shall assign a new case number and generate a case schedule and provide a copy to the attorney for the child. A threshold hearing shall be scheduled before the juvenile court dependency calendar.

(d) Notice.

(1) In addition to service of process, counsel for the child shall deliver a copy of the petition and supporting documents and the case schedule to the Department of Social and Health Services social worker assigned to the dependency case and shall provide a copy to the CASA or GAL, if any, for the dependency case. Delivery to the CASA can be to the CASA program office. Counsel shall deliver a copy of the petition to the Office of the Attorney General by mail, facsimile or e-mail.

(2) The Department of Social and Health Services shall deliver a copy of the petition and case schedule to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(e) Concurrent Dependency Reviews. Any dependency review or permanency planning hearing scheduled for the dependency matter shall be heard by the dependency judge or the judge to whom the dependency judge assigns the reinstatement action. An order relative to the dependency review or permanency plan will be entered at both the hearing on the merits and the six month review hearing, in addition to the orders on the reinstatement of parental rights. The clerk shall cross-file orders from these hearings in both the dependency case and the reinstatement case.

(f) Threshold Hearing.

(1) At the threshold hearing, the court will determine, prima facie, the parent or parents' apparent fitness and interest in reinstatement of parental rights.

(2) The court shall also determine whether the best interests of the child may be served by reinstatement of parental rights.

(3) If the court concludes that the case should go forward, then it shall immediately hold a pretrial conference, and set a discovery schedule. If the judicial officer concludes that the matter should not go forward, then the hearing on the merits already set before the designated dependency judge shall be stricken, and the petition shall be dismissed.

(g) Hearing on the Merits. At the hearing on the merits, if the court conditionally grants the petition, the court shall continue the case for six months during which time the child shall be placed in the custody of the parent or parents.

(h) Hearing on Final Review. At the six month hearing, if the court finds that the child's placement with the parent or parents has been successful, the court shall enter an order reinstating parental rights and shall dismiss the dependency.

[Adopted effective December 11, 2007; formerly LJuCR 4.6, renumbered and amended September 2, 2013.]

TITLE VI. JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS

LJuCR 6.6 TERMINATION OF DIVERSION AGREEMENT

NOTE: This is now covered in RCW 13.40.080.

[Amended effective September 1, 1983, September 1, 2012.]

TITLE VII. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

LJuCR 7.1 LOCAL PROCEDURES

The current procedures for handling and processing criminal cases in King County Superior Court Juvenile Division are contained in the Juvenile Division Offender Manual. Copies of the Manual are available from the courtroom of the Chief Juvenile Judge in Seattle a link to the Manual can be found on the court's web site: <https://kingcounty.gov/sites/courts/superior-court/Juvenile.aspx>.

[Adopted effective September 1, 2012.]

LJuCR 7.6 ARRAIGNMENT--JUVENILE OFFENSE PROCEEDINGS

(a) Time and Procedure for Arraignment

(1) A case shall be set for the Arraignment Calendar on the judicial day after it is filed if the juvenile is in detention on that case, and within two weeks of filing in other cases.

(2) Parties shall be present at court for the arraignment at a time designated in the summons. Absent permission of the court, upon a finding of good cause, a respondent may not waive arraignment, if he or she has not appeared in court on the scheduled date. A waiver of arraignment shall be signed by the juvenile, or the juvenile's counsel, with the permission of the juvenile, and the prosecuting attorney and shall substitute for an in-court arraignment. The waiver shall be on the form adopted by the court. In lieu of accepting a waiver of arraignment, the court may continue arraignment for the presence of the respondent. Examples of good cause for failure to appear at arraignment include:

(A) the juvenile is in custody in a state or out-of-county detention facility;

(B) the juvenile is in a residential treatment program and it is against treatment recommendations to attend court;

(C) the juvenile resides out of state or more than one hundred miles from court.

(3) An in-court appearance by the juvenile and counsel is required, unless waived by the court pursuant to (2)(A)(B)(C) for all cases in which the crime charged is a felony or for a gross misdemeanor or misdemeanor alleged to involve domestic violence (including violation of a domestic violence protection or no contact order), a sex offense, including any offense filed with an allegation of sexual motivation, a prostitution-related offense or any offense involving allegations of animal cruelty. Even if a case would otherwise qualify for an arraignment waiver, a juvenile who is seeking to waive speedy trial must appear in court for formal arraignment.

(4) Absent court direction to the contrary, the respondent may waive formal arraignment for all cases not specified in (3) of this rule, unless the prosecuting attorney, juvenile probation counselor, parent or other responsible adult requests that the arraignment occur in court.

[Amended September 1, 1981; amended effective September 1, 1983; February 24, 2000; September 1, 2011; September 2, 2014; September 1, 2021.]

LJuCR 7.11 ADJUDICATORY HEARING INADMISSIBILITY OF STATEMENTS MADE TO JUVENILE PROBATION COUNSELOR

(b) Evidence. When a case is set for fact finding, any written report by the juvenile probation counselor prepared for the purpose of disposition on that case shall not be inspected by the court prior to entry of a finding. The juvenile probation counselor shall not testify at a fact finding hearing as to any facts disclosed or discovered in the course of the social investigation without the juvenile's permission.

[Amended effective September 1, 1983, September 1, 2012.]

LJuCR 7.12 PLEA AND DISPOSITION HEARING

(a) A plea and disposition hearing shall be set not more than two weeks after the date of the case setting hearing if the juvenile is out of custody or one week after the case setting hearing if the juvenile is detained, except that: if the disposition would result in a commitment to the Juvenile Rehabilitation Administration or if the disposition is for a youth who sexually offended, disposition shall be set three weeks after case setting if the juvenile is out of custody, or two weeks, if the juvenile is detained. When required by good cause, the court may extend or contract these time limits.

(b) Probation counselors shall provide the court, the prosecutor and defense counsel with a copy of their written disposition no later than noon the day before the scheduled disposition hearing.

(c) If either party or the juvenile probation counselor is seeking a manifest injustice disposition, the materials in support of such disposition shall be provided to the court, the non-moving party(ies) and the juvenile probation counselor, no later than three working days prior to the scheduled disposition hearing.

[Amended September 1, 1981; amended effective September 1, 1983; June 1, 2009, September 1, 2012.]

LJuCR 7.14 MOTIONS--JUVENILE OFFENSE PROCEEDINGS

(a) Generally. All motions, including motions to suppress evidence, motions regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the court. Motions to suppress pursuant to CrR 3.6 and to dismiss (other than for failure of a witness to appear for fact finding) shall be served on all parties and filed with the court, together with a brief which shall include a summary of the facts upon which the motions are based, not later than five days before the adjudicatory hearing. Response briefs shall be served and filed with the court not later than noon of the judicial day before the date set for hearing.

(b) To Dismiss for Delay in Referral of Offense. The court may dismiss an information if it is established that there has been an unreasonable delay in referral of the offense by the police

to the prosecutor and respondent has been prejudiced. For purposes of this rule, a delay of more than two weeks from the date of completion of the police investigation of the offense to the time of receipt of the referral by the prosecutor shall be deemed prima facie evidence of an unreasonable delay. Upon a prima facie showing of unreasonable delay the court shall then determine whether or not dismissal or other appropriate sanction will be imposed. Among those factors otherwise considered the court shall consider the following: (1) the length of the delay; (2) the reason for the delay; (3) the impact of the delay on the ability to defend against the charge; and (4) the seriousness of the alleged offense. Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one week before trial. Such motion may be considered by affidavit.

[Amended effective September 1, 1983; September 1, 2001; September 1, 2012; September 1, 2021.]

LJuCR 7.15 INFRACTIONS

(a) Scope of Rule. This rule governs the procedure in juvenile court for all cases involving "infractions". Infractions are noncriminal violations of law defined by statute or ordinance.

(b) Notice of Infraction. An infraction case is initiated by the issuance, service, and filing of a notice of infraction in accordance with this rule. The notice shall identify the infraction which the respondent is alleged to have committed, the accompanying statutory citation or ordinance number, the date the infraction occurred, and the date of the prehearing conference.

(c) Service of Notice. Upon the prosecuting authority filing the notice of infraction with the court, the clerk of the court shall have the notice served by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

(d) Prehearing Conference. The prehearing conference shall be set no sooner than 14 days and no later than 60 days after the filing of the notice of infraction. At the conference, the juvenile may (1) pay the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the respondent has committed the infraction; (2) explain any mitigating circumstances surrounding the commission of the infraction; or (3) contest the determination that an infraction occurred by requesting a contested hearing;

(e) Mitigation Hearing. If the respondent indicates that there are mitigating circumstances, the court shall hold an informal hearing which shall not be governed by the Rules of Evidence. The court shall determine whether the respondent's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the respondent committed the infraction and may assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

(f) Contested Hearing. The contested hearing shall be scheduled for not more than 60 days from the date of the prehearing conference. The court shall determine whether the plaintiff has proved by a preponderance of the evidence that the respondent committed the infraction. If the court finds the infraction was committed, it shall enter an appropriate order on its records and it may assess a monetary penalty against the respondent. The monetary penalty assessed may not exceed the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has

continuing jurisdiction and authority to supervise disposition for not more than 1 year. If the court finds the infraction was not committed, it shall enter an order dismissing the case.

(g) Failure to Appear. If the respondent fails to respond to a notice of infraction or fails to appear for a court hearing, the court shall enter an order finding that the respondent has committed the infraction and shall assess any monetary penalties provided for by law.

[Adopted effective May 1, 2002.]

LJuCR 7.16 MOTIONS TO SEAL CONVICTION, FOR RESTORATION OF FIREARM RIGHTS AND FOR RELIEF FROM SEX REGISTRATION REQUIREMENTS

Motions to seal juvenile convictions, for restoration of the right to possess a firearm flowing from a juvenile conviction and for relief from the duty to register as a sex offender following conviction of a juvenile offense shall be filed in the Juvenile Division of King County Superior Court. The court will maintain, on its website, appropriate forms and procedures at <https://kingcounty.gov/courts/superior-court/juvenile/juvenile-offender-forms.aspx>. For restoration of the right to possess a firearm stemming from an adult conviction, See Local Rule 40(b)(17).

[Adopted effective September 1, 2012]

TITLE IX. RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS

LJuCR 9.2 ADDITIONAL RIGHT TO REPRESENTATION BY COUNSEL

(d) Juvenile Offense Proceedings.

(1) Appointed and assigned counsel shall file quarterly, with the Clerk, on the form recommended by the Supreme Court, a certificate declaring that counsel is in compliance with the applicable Standards for Indigent Defense promulgated by the Supreme Court of Washington. An appointed or assigned attorney who is not in compliance with the applicable standards, or who has not filed a certificate prior to appearing or filing a notice of appearance, shall so advise the court at every hearing.

[Adopted effective September 27, 2012; December 21, 2012; May 17, 2013; July 1, 2013; September 2, 2013.]

LJuCR 9.3 RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE OFFENSE PROCEEDINGS

(c) Services Other Than Counsel. Pursuant to the authority under CrR 3.1(f) and JuCR 9.3, all requests and approval for expert services expenditures are hereby delegated to the King County Department of Public Defense (DPD). Upon finding that investigative, expert or other services are necessary to an adequate defense and that respondent is financially unable to

obtain them, the DPD shall authorize the services. Where services are denied in whole or in part, the respondent may move for de novo review to the Chief Juvenile Court Judge. Should respondent seek an order sealing the moving paper or a protective order, respondent shall present, along with the moving papers, a motion and proposed order sealing and/or a proposed protective order to DPD. DPD shall submit the motion to seal and proposed order with the moving papers regarding request for expert services and DPD's order on the motion for expert services to the Chief Juvenile Court Judge.

[Adopted effective September 1, 2012.]

TITLE XII. TRUANCY PROCEEDINGS

LJuCR 12.1 TRUANCY CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Truancy Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. In order to facilitate the division of cases between the King County Courthouse and the Maleng Regional Justice Center facilities, it is required that from and after the first day of August 1997, each truancy petition filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth in Section (8) below] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (4) below.

(2) Where Proceedings Held. Commencing with the 1997-1998 school year, all proceedings of any nature shall be conducted in the case assignment area designated on the Case Assignment Designation Form unless the court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. The school districts in the Seattle Case Assignment area are: Seattle (1); Mercer Island (400); Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

(B) Kent Case Assignment Area. The districts in the Kent Case Assignment area are: Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing of the petition alleging truancy and shall be based on the school district that originates the petition.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the court's discretion.

(C) Assignment or Transfer on Court’s Motion. The court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing and shall be ruled on by the court without oral argument. All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer. A change of case assignment area designation may be authorized by the Chief Judge of Juvenile Court or by the commissioner regularly assigned to the Truancy Calendars.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Documents Filed. Pursuant to LGR 30, all pleadings and documents for any truancy action in King County must be electronically filed with the Clerk of the Superior Court using the Clerk’s e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form at the court facility in the case assignment area of the case.

(6) Inclusion of Case Assignment Area Code. All pleadings and document shall contain after the cause number the case assignment area code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(7) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County for the:

_____ Seattle Area, defined as

Seattle (1); Mercer Island (400); Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

_____ Kent Area, defined as

Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

Signature of Petitioner

Date

[Adopted effective April 14, 1997; September 1, 1999; September 1, 2004; June 1, 2009; September 1, 2015.]

TITLE XIII. AT-RISK YOUTH & CHILD IN NEED OF SERVICES PROCEEDINGS

**LJuCR 13.1 AT-RISK YOUTH & CHILD IN NEED OF SERVICES CASE
ASSIGNMENT AREA**

(a) Location for Court Proceeding for At-Risk Youth and Child in Need of Services actions filed in King County; filing of documents and pleadings and designation of case assignment area.

(1) Designation of Case Assignment Area and revisions thereof. Cases filed under RCW 13.32A shall be filed in the case assignment area in which the primary custodial parent resides, as defined by JuCR 3.2. A motion to change the case assignment area designation may be authorized by the Chief Judge of Juvenile Court or by the commissioner regularly assigned to the Becca Calendars.

[Adopted effective September 1, 2015.]

**KING COUNTY LOCAL RULES FOR APPEAL OF DECISIONS OF
COURTS OF LIMITED JURISDICTION (Cite as LRALJ)**

LRALJ 2.7 CASE SCHEDULE

(a) Case Schedule. The clerk shall issue a Case Scheduling Order and judge assignment upon the filing of a Notice of Appeal.

[Adopted effective September 8, 2009.]

TITLE 3 ASSIGNMENT OF CASES IN SUPERIOR COURT

LRALJ 3.1 MOTIONS

(a) Motions. Motions to continue, for stay, sanctions, dismissal, or for other relief shall be noted before the assigned judge in compliance with the requirements of LCR 7(b). If a party is seeking oral argument on a motion, the party shall direct a specific request to the assigned judge. Motions to consolidate two or more cases shall be noted before the Chief Criminal Judge, the Chief Civil Judge or the Chief Judge of the Maleng Regional Justice Center, in accordance with the case assignment area and case type of the appeal.

[Amended effective September 1, 1987; September 1, 1989; September 1, 1993, September 1, 1996; September 1, 2004; September 8, 2009; September 1, 2010.]

LRALJ 3.2 CHANGE OF SUPERIOR COURT JUDGE

(e) Affidavit of Prejudice. CrR 8.9 shall apply to an affidavit of prejudice filed with the assigned judge.

[Amended effective September 1, 1987; September 1, 2001; September 8, 2009.]

LRALJ 7.3 FORMAT OF BRIEFS

(b) Motion for overlength brief. Any party seeking to file an overlength brief shall submit the request by motion to the assigned judge.

[The effect of these amendments is to enforce the limits on briefs set forth in RALJ 7.3(b)]

[Adopted effective September 1, 2011.]

LRALJ 8.3 TIME ALLOWED AND ORDER OF ARGUMENT

(a) Waiver of argument. See RALJ 8.4.

(b) Conduct of hearing. At the appeal hearing, the court will permit oral argument of ten minutes per side. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.

(c) Courtesy copy of brief. Each of the parties shall deliver a courtesy copy of its brief to the assigned Judge no later than five days before the argument. The courtesy copy of the brief shall be marked on the upper right corner of the first page with the date of the argument and the name of the judge.

[Amended effective September 1, 1987; June 1, 2009; September 8, 2009.]

TITLE 9. SUPERIOR COURT DECISION

LRALJ 9.1 BASIS OF DECISION ON APPEAL

(f) Form of Decision. Unless the court prepares its own decision, the decision of the Superior Court shall be prepared by the prevailing party, and shall be filed with the clerk's office within 15 days, see CR 54(e) and CR 58(a) and (b).

[Amended effective September 1, 1987; September 1, 2001]

LRALJ 9.2 ENTRY OF DECISION

(c) Court of Limited Jurisdiction. The clerk of the Superior Court shall transmit a copy of the decision of the Superior Court on appeal to the court of limited jurisdiction rendering the decision that was the subject of the appeal and a copy to each party in the case within 30 days following the filing of the Superior Court decision.

(d) Motion for Reconsideration. All motions for reconsideration must comply with the procedure set forth in LCR 59.

[Amended effective September 1, 1987; September 1, 2001; September 8, 2009.]

TITLE 12. SUPERIOR COURT DECISION AND PROCEDURE AFTER DECISION

LRALJ 12.1 MANDATE

(a) Mandate Defined. A "mandate" is the written notification by the Clerk of the Superior Court to the court of limited jurisdiction and to the parties of a Superior Court decision terminating review.

(b) When Mandate Issued by Superior Court. The Clerk of the Superior Court issues the mandate for a Superior Court decision terminating review upon written stipulation of the parties that no party will file a notice of appeal or notice of discretionary review to the Court of Appeals. In the absence of that stipulation, the Clerk issues the mandate:

(1) 30 days after the clerk files the Superior Court decision, unless any party has filed a notice of appeal or notice of request for discretionary review to the Court of Appeals or Supreme Court; or

(2) If a party has filed a notice of appeal or notice of request for discretionary review and the Court of Appeals or Supreme Court has denied jurisdiction on the appeal or denied the request for discretionary review, upon receipt of the denial of the petition for review.

[Amended effective September 1, 1987; September 8, 2009.]

KING COUNTY LOCAL FAMILY LAW RULES (Cite as LFLR)

LFLR 1. APPLICABILITY.

These rules shall apply to all family law proceedings under RCW Title 26, except for Chapter 26.33, and domestic violence protection proceedings under RCW Title 7.105. Family law proceedings also include cases regarding committed intimate relationships. State court rules and other local court rules also apply to all family law and domestic violence protection order proceedings. Failure to follow these rules may result in the court imposing fines or penalties, including dismissal of the case.

Official Comment

RCW 26.12.010 confers authority upon Family Courts to hear any proceedings under Title 26 as well as any proceedings in which the court is asked to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations. Family Law Commissioners are empowered to exercise all the powers and duties of court commissioners under the Washington State Constitution, Article IV, Sec 23, when operating under the authority of RCW 26.12. See, RCW 26.12.060.

[Adopted effective September 1, 2004; amended effective September 1, 2023.]

LFLR 2. DAYS AND TIMES FOR SCHEDULING HEARINGS; COURT HOLIDAYS

Motions shall not be scheduled on legal holidays and nonjudicial days, including Saturdays and Sundays. A list of legal holidays, nonjudicial days, and schedules for LFLR 6 motions calendars may be obtained at the clerk's office/Department of Judicial Administration by telephone at 206-296-9300 or by accessing the clerk's website at: <https://www.kingcounty.gov/courts/clerk>.

[Adopted effective September 1, 2004; Amended effective September 1, 2008; September 1, 2021; September 1, 2023.]

LFLR 3. MANDATORY FORMS TO BE USED

The mandatory court forms are required and available at <https://kingcounty.gov/courts/clerk/forms.aspx> and <https://www.courts.wa.gov/forms>.

Mandatory forms are also available at Family Law Information Centers located at the King County Courthouse or Maleng Regional Justice Center.

[Adopted effective September 1, 2004; amended effective September 1, 2008; September 1, 2017; September 1, 2023.]

LFLR 4. CASE SCHEDULE AND ORDER SETTING FINANCIAL RESTRAINTS

(a) Case Schedule. At the time a family law petition is filed, the clerk shall issue a case schedule. The case schedule contains a list of mandatory deadlines. Failure to comply with the case schedule may result in sanctions or dismissal.

(b) Service of Case Schedule. The petitioner must serve a copy of the case schedule on the other party, along with the summons and petition and other documents required by this rule.

(c) Confirmation of Issues. For all cases except parentage cases, the parties shall jointly file the Confirmation of Issues local form by the deadline listed in the case schedule.

(d) Parentage Cases; Confirmation of Completion of Genetic Testing; Form. The Confirmation of Completion of Genetic Testing local form shall be filed by the petitioner by the deadline listed in the Case Schedule. The form shall be available through the Clerk's Office and website: <https://kingcounty.gov/courts/clerk/forms.aspx>.

(e) Status Conference; When parties are required to appear.

(1) Parentage Cases. Personal appearance at Status Conference is required in parentage cases when the confirmation of completion of genetic testing form has not been filed by the deadline; or that form states that testing is necessary and has not been completed.

(2) All other family law cases. Personal appearance at status conference is required in all other family law cases when the confirmation of issues form has not been signed by both

parties or has not been filed by the deadline; or when that form states that mandatory pleadings have not been filed and served.

(f) Change of Trial Date and Amendment of Case Schedule. The court, either on its own initiative or on motion of a party, may issue an amended case schedule. A motion to change trial date, even by agreement, must comply with LCR 40(e).

(g) Completion of Discovery. All discovery must be completed no later than 28 days before the trial date in parentage cases and no later than 35 days in all other family law proceedings in accordance with the provisions of LCR 37(g).

(h) Automatic Temporary Order Setting Financial Restraints. When a dissolution, legal separation or invalidity case is filed, the court, on its own motion, shall issue an automatic temporary order. The temporary order shall be in a form approved by the UFC/Family Law Committee. A copy of the order shall be available on the Clerk's website:

<https://kingcounty.gov/courts/clerk/forms.aspx>.

(1) The petitioner shall serve a copy of the order on the respondent. Respondents are subject to the order from the time they are served. Petitioners are subject to the order from the date of filing.

(2) The order shall remain in place until further order of the court or entry of final orders in the case.

(3) If the order is violated, either party may seek a finding of contempt and/or requests fees.

[Adopted effective September 1, 2004; amended effective September 1, 2007; September 1, 2008; September 1, 2018.]

LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS

For "Respective Chief Judge" see LGR 29(h).

(a) Case Assignment. (Reserved)

(b) Motions to be heard in the Ex Parte and Probate Department.

(1) Unless otherwise specified in this rule, motions for orders to show cause and agreed orders shall be presented Ex Parte via the Clerk. When setting a hearing before a judge, the motion for order to show cause shall include proof that the judge's staff has approved the hearing to be set on that date. See LCR 7(b)(9).

(2) Uncontested Final Orders.

(A) Divorces and Legal Separations. Unless otherwise required by the court, at least one party shall complete a formal proof declaration, available online at <https://kingcounty.gov/courts/clerk/forms.aspx>.

(B) Petitions for Invalidity. These final orders shall be presented to the assigned judge according to LCR 7.

(C) Uncontested final orders presented by attorneys. An attorney must sign and file a certificate of compliance for all finalizations. Final orders in cases **without** children shall be presented Ex Parte via the Clerk. Final orders in cases **with** children shall be presented to the "Orders for Review" queue.

(D) Uncontested final orders presented when both parties are self-represented. Final orders shall be reviewed by a court-approved program which shall submit the reviewed

documents to a judicial officer for signature. See <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx> for more information about how to submit orders for review.

(c) Motions to be heard by Family Law Commissioners.

(1) Case Assignment. Hearings with a “KNT” designation shall be noted at the Maleng Regional Justice Center (MRJC) in Kent and hearings with a “SEA” designation shall be noted at King County Courthouse in Seattle. For judicial economy, the court may hear motions in either courthouse.

(2) Agreed orders continuing a family law hearing shall be submitted to the “Orders for Review” queue in the clerk’s e-filing application. See LFLR 6(g)(1).

(3) Unless otherwise specified in this rule, all contested motions in family law cases shall be heard on the family law motions calendar.

(4) Motions in Trial by Affidavit cases. All motions in trial by affidavit cases, including motions related to discovery, shall be heard by the assigned judge. See LFLR 14.

(d) Motions to be heard by Judges. Hearings before judges shall be scheduled using the timelines required by applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard without oral argument.

(1) Assigned Judge. The following motions shall be scheduled before the assigned judge, or if there is no assigned judge, the Respective Chief Judge:

(A) Motions to seal a file or a document within a file, even if agreed;

(B) Motions to change the trial date or a deadline in the case schedule;

(C) Motions for summary judgment, excluding motions for summary judgment in parentage actions, which shall be heard on the family law motions calendar;

(D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);

(E) Motions to enforce a CR2A agreement;

(F) Motions for revision of a commissioner’s order. See LCR 7(b)(8).

(G) Motions to dismiss a petition that are not agreed or where notice of the motion is not required.

(H) Motions to consolidate two or more actions under one case schedule shall be brought before the assigned judge if all actions are assigned to the judge. All other motions for consolidation shall be noted consistent with LFLR 5(d)(2)(A)(i).

(I) De Facto Parentage court review hearings shall be noted with 14 days’ notice and without oral argument.

(J) Fact finding hearings on Petitions to Stop Parentage Based on Sexual Assault.

(K) Motions to Restrict Abusive Litigation. See LCR 40(b)(19).

(L) All motions on Petitions for Visits while the case is active. See LFLR 9.

(M) Any other motion identified in Section (e) below.

(2) Chief Judges.

(A) The following motions shall be scheduled before the Respective Chief Judge (UFC for cases with Children; Civil for cases without Children):

(i) Change of Case Assignment Area or Consolidation of Cases. A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Respective Chief Judge.

(ii) Motions related to an appeal of a commissioner's order. If a commissioner entered the final order that is appealed, any motions related to the appeal shall be noted before the Respective Chief Judge.

(B) The following motions shall be heard by the Chief UFC Judge.

(i) All motions in surrogacy cases. See LFLR 22.

(ii) Petitions for Emancipation of a Minor cases.

(iii) Petition for Waiver of Marriage Age cases.

(e) Specific Motions.

(1) Motions related to trials and appeals of judges' orders. The following motions shall be noted before the trial judge: motions in limine, trial motions, presentation of final orders related to a trial, motions relating to the appeal of a final order entered after trial, including motions to waive fees for the appeal and motions to stay the underlying order pending the appeal.

(2) Motions to Vacate. All return hearings scheduled before a judge shall be set as provided in LFLR 5(b)(1).

(A) Active Cases. In cases where there is still a pending trial date, the order to show cause on the motion to vacate an order shall set the return hearing before the judicial officer, or department who signed the order, except the return hearing on a motion to vacate an order of default in an active case shall be scheduled before the assigned judge.

(B) Closed Cases. When a case has been dismissed or final orders have been entered, the order to show cause on the motion to vacate shall set the return hearing before the Respective Chief Judge except in the following circumstances.

(i) If it is a motion to vacate final orders entered after a trial, the order to show cause shall set the return hearing before the trial judge. If that judge has left the court, the return hearing on the order to show cause shall be scheduled before the Respective Chief Judge.

(ii) If the parties are presenting an agreed motion to vacate a dismissal and enter agreed final orders, the motion may be presented in the Ex Parte and Probate Department or Orders For Review Queue at the same time as the agreed final orders, as provided in LFLR 5(b)(2) and LCR 40.1(b)(I).

(3) Motions for Reconsideration. See LCR 59. All motions for reconsideration, including those before family law commissioners, shall be scheduled without oral argument with 14 days' notice before the judicial officer who entered the order to be reconsidered. No response shall be filed unless requested by the court, as provided in LCR 59(b).

(4) Orders Shortening Time and Motions to Overset. Motions for orders shortening time for hearings scheduled in front of a UFC Judge shall be heard in accordance with LCR 7. For hearings set on the family law motions calendar, motions to shorten time or to overset the calendar shall be submitted to the "Orders for Review" Queue in the clerk's e-filing application.

(5) Writs of Habeas Corpus. Applications for writs of habeas corpus relating to minor children shall be presented as described at <https://kingcounty.gov/courts/superior-court/family.aspx>.

(6) Relocation Motions.

(A) Motions for temporary orders to restrain or authorize relocation of a child in a relocation or modification case shall be noted with oral argument in front of the assigned judge with 14 days' notice. However, if there is no assigned judge because no objection to the relocation has been filed, these motions shall be heard by the Chief UFC Judge.

(B) Ex parte motions authorized by statute shall be presented in the Ex Parte and Probate Department.

(7) Motions for Default.

(A) **Notice not required.** When notice is not required under CR 55, motions for default shall be presented Ex Parte via the Clerk's Office or presented with proposed final orders as outlined in section (b)(2) of this rule.

(B) **Notice required.** If notice to an opposing party is required under CR 55 (for example, when an appearance but no answer has been filed), motions for default shall be noted before the Chief UFC Judge.

(8) Motions related to discovery and appointment of experts.

(A) Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge.

(B) Motions to appoint experts, such as a parenting evaluator or an expert for asset valuations, shall be scheduled on the family law motions calendar. All other motions under CR 34 or CR 35 shall go to the assigned judge.

[Adopted effective September 1, 2004; amended affective September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 2, 2013; September 2, 2014; September 1, 2017; September 1, 2018; October 23, 2018; September 1, 2019; September 1, 2021; September 1, 2022; September 1, 2023.]

LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES

(a) **Applicability.** This rule only applies to family law motions heard by family law commissioners and does not apply to motions in trial by affidavit or domestic violence protection orders cases.

(b) Scheduling Hearings.

(1) Parties must reserve a time for each motion or cross-motion they want heard through the Family Law Motions Scheduling system on the family court website. Only motions properly reserved on the correct calendar will be heard.

(2) Within 3 days of choosing a hearing date online, the motion, with all supporting documents and Notice of Court Date form or order setting hearing must be filed or the hearing may be cancelled.

(c) Oversetting Family Law Motions Calendar.

(1) If there are compelling reasons why a motion cannot wait to be heard until the next available date on the Family Law Motions Scheduling website, a motion to overset and a proposed order, with notice to the other parties shall be submitted to the "Orders for Review" Queue. Proof of notice shall also be submitted to the queue. Any response or objection to the motion to overset must be filed into the court file (not submitted to the Queue) within 1 judicial day of receiving notice.

(2) Parties must use the local forms available at <https://kingcounty.gov/courts/superior-court/family/confirmations.aspx>.

(3) Agreement. Proposed agreed orders oversetting a calendar must be submitted for consideration to the "Orders for Review" Queue. Proposed agreed orders oversetting must also have a joint motion or contain a stipulated set of facts upon which the agreement is based.

(d) Deadlines for Submitting Pleadings.

- (1) Motions must be filed at least 14 calendar days before the hearing.
- (2) Responses must be filed no later than noon 5 judicial days prior to the hearing.
- (3) Replies must be filed no later than noon 3 judicial days prior to the hearing.
- (4) The Motion, Response, Reply and proposed orders must also be served on all parties by the due dates listed in sections (1), (2) and (3).

(5) **Submission List.** The moving party must file a Working Papers Submission List by noon 3 judicial days before the hearing date. The non-moving party must file a Working Papers Submission List no later than noon 5 judicial days before the hearing date.

(6) **Proposed Order.** The moving party shall provide a proposed order 14 calendar days before the hearing through the Clerk's Office e-filing system "Proposed Orders (Family Law)". The non-moving party shall provide a proposed order 5 judicial days before the hearing through the Clerk's Office e-filing system "Proposed Orders (Family Law)". Self-represented parties may mail or deliver proposed orders to the respective mail room (2D in Kent, C203 in Seattle) marking each submission as follows: "Attention Family Law. Hearing date (insert)."

(e) **Striking or continuing a hearing.** If a hearing is no longer needed, the moving parties shall strike their hearings by emailing court staff at FamilyLawStaffSeattle@kingcounty.gov or FamilyLawStaffMRJC@kingcounty.gov. If you fail to timely strike your hearing or re-note the motion without alerting family law staff, you may be subject to sanctions.

(f) **Confirm your hearing.** Moving party must confirm the hearing by filing a Working Papers Submission List no later than 3 judicial days prior to the hearing by noon. The Working Papers Submission List must list the correct hearing date in the caption.

(g) **Continuances.**

(1) **Agreed Continuances.** No later than three judicial days prior to the confirmation deadline, agreed continuances shall be submitted through the "Orders for Review" Queue.

(A) The motion must be continued to a date that is at least 5 judicial days after the scheduled hearing date and is available in the Family Law Scheduling system.

(B) The moving party must confirm the new hearing date.

(C) If the hearing has been confirmed, the parties shall notify the family law coordinators by email of their intent to request a continuance. The request to continue must then be presented at the confirmed hearing date and time.

(2) **Contested Continuances.** No later than three judicial days prior to the confirmation deadline, a motion for continuance and a proposed order, with notice to the other parties, shall be submitted to the "Orders for Review" Queue. Proof of notice shall also be submitted to the Queue. Any response or objection to a motion to continue must be filed in the court file (not submitted to the Queue) within 1 judicial day of receiving notice.

(h) **Requirements for Pleadings.**

(1) All pleadings shall follow GR 14.

(2) **Formatting Exhibits:** Attachments or exhibits in excess of 25 pages shall be numbered consecutively on the bottom of each document. The number shall not restart for each attachment but shall run consecutively through all of the attachments. All motions, oppositions, replies and briefs shall cite to these page numbers. A party may include other citation information, such as exhibit numbers, corresponding exhibit pages, or paragraph numbers, in addition to the consecutive page cite.

(3) **Limitations on Declarations.**

(A) **Children's statements.** Declarations by minors are disfavored.

(B) Page Limits: Absent prior authorization from the court, parties shall not submit more than 25 pages of declarations. This 25-page limit includes any reply declarations. All declarations and affidavits submitted in response to motions shall be limited to 20 pages.

(C) Page Limit Exceptions. The following shall not be counted towards the page limit:

(i) Exhibits attached to a declaration or affidavit as long as the Exhibit is not a declaration or affidavit.

(ii) Financial Declarations and financial documents, as required by LFLR 10.

(iii) Reports from Court Appointed Special Advocates (CASA), Family Court Services (FCS), and expert witnesses.

(iv) Deposition excerpts.

(4) Limitations on Other Pleadings. See LCR 7 for word limits on motions, opposition papers, briefs and memorandum of authorities.

(i) Hearing Procedures

(1) Each side is allowed 5 minutes for oral argument, including rebuttal, unless otherwise authorized by the court.

(2) Evidence, including written evidence in affidavits and declarations, must comply with the rules of evidence.

(j) Motions without oral argument. Any motion, except a motion for contempt, may be set without oral argument by written agreement of all parties.

(1) Motions heard without oral argument are subject to all the same requirements as motions with oral argument, including reserving a hearing date through the Family Law Motions Scheduling website.

(2) The commissioner may order the parties to appear for argument.

(k) Special Settings. A party may request a special setting for an extended hearing to present live testimony or be permitted additional time for oral argument.

(1) The request must be in writing and state the following: the extraordinary features of the case, the reasons why additional time for oral argument or live testimony is needed, the length of time requested, and whether the other parties agree with the request. The written request must include a copy of the motion, any supporting documents, and all responses received.

(2) At least 6 judicial days prior to the scheduled hearing date, the written request must be filed in the court file and submitted to the "Orders for Review" Queue. Proof of notice shall also be submitted to the Queue. Any response to the request shall be filed in the court file but not submitted to the Queue, and served on all other parties by noon at least 2 judicial days prior to the scheduled hearing date. Replies are not permitted.

(3) Proposed agreed orders requesting a special setting must be submitted for consideration to the "Orders for Review" Queue.

(4) No other motion may be joined with a request for a special setting.

(5) If granted, the Court will set the date and time for the special setting.

(l) Prior Orders. Motions for modification, adjustment, clarification, enforcement, contempt, reconsideration, or vacation of an earlier order shall include a copy of the earlier order.

[Adopted effective September 1, 2004; amended effective June 24, 2008; June 1, 2009; September 2, 2014; September 1, 2015; September 1, 2017; September 1, 2018; September 1, 2021; September 1, 2023.]

LFLR 7. UNIFIED FAMILY COURT

(a) Purpose of Unified Family Court. The purpose of the Unified Family Court (UFC) is to promote effective judicial management of cases involving the health and welfare of children, and to facilitate the prompt resolution of these cases.

(b) UFC Case Management is suspended.

[Adopted effective September 1, 2004; amended effective September 2, 2014.]

LFLR 8. MOTIONS FOR EX PARTE RESTRAINING ORDERS

(a) Applicability. This rule applies to motions for temporary restraining orders (also known as Ex Parte Restraining Orders) entered on an emergency basis to prevent immediate injury, loss or damage. See also CR 65. This local rule does not apply to domestic violence protection orders entered under Chapter 7.105 RCW.

(b) Notice of Motion. The party asking for an Ex Parte Restraining Order (the moving party) shall give prior written or oral notice to the attorney for the opposing party or, if unrepresented, to the opposing party. The moving party or attorney shall certify to the court in writing the efforts which have been made to give notice to the opposing party. Such notice is required in all cases unless the moving party clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given.

(c) Where Presented. The moving party shall present the Motion for Ex Parte Restraining Order and Order to Show Cause in the Ex Parte Department.

(d) Return Hearing. The Order to Show Cause shall schedule a return hearing to review the Ex Parte Restraining Order on the Family Law Motions Calendar. All requirements of LFLR 6 shall apply.

(e) Duration and Extension of Ex Parte Restraining Order. The return hearing shall be held no more than fourteen (14) days from entry of the Ex Parte Restraining Order, unless the Court extends this deadline for good cause, such as to allow time to comply with the notice requirements of LFLR 6.

(f) Motion to Quash Ex Parte Restraining Orders Entered Without Notice. Unless otherwise directed by the court, a party seeking to quash an Ex Parte Restraining Order entered without notice shall present the motion to the Ex Parte Department, giving the notice required by CR 65(b).

[Adopted effective September 1, 2004; amended effective September 1, 2023.]

LFLR 9. COMMENCEMENT OF NONPARENTAL CUSTODY PROCEEDINGS

(a) Non-Parent Custody. [Rescinded] Please see LCR 98.22 on Minor Guardianships.

(b) Petition for Visits. A petition for visits may not be filed under any other existing case.

(1) Service. The petitioner must serve the other parties within 10 days of filing the petition. The petitioner must file proof of service and provide a working copy at least 6 judicial days prior to the court review. If service cannot be made within 10 days, the petitioner must file a motion to amend the case schedule and continue the trial date before the assigned judge.

(2) Court Review. Upon filing the summons and the petition, the Clerk's Office will issue a case schedule that includes a date for a court review before the assigned judge. Parties do not need to appear for this hearing. At least 9 judicial days prior to the court review, parties shall file a Working Papers Submission List and email a copy to the assigned judge. The Working Paper Submission List must include all documents filed.

[Adopted effective September 1, 2004; amended July 24, 2018; September 1, 2019; September 1, 2021; September 1, 2023.]

LFLR 10. FINANCIAL PROVISIONS

(a) When Financial Information is Required.

(1) Each party shall complete, sign, file, and serve on all parties a financial declaration for any motion, trial, or settlement conference that concerns the following issues:

(A) Payment of a child's expenses, such as tuition, costs of extracurricular activities, medical expenses, or college;

(B) Child support or spousal maintenance; or

(C) Any other financial matter, including payment of debt, attorney and expert fees, or the costs of an investigation or evaluation.

(2) A party may use a previously-prepared financial declaration if all information in that declaration remains accurate.

(3) Financial declarations need not be provided when presenting an order by agreement or default.

(b) Supporting Documents to be filed with the Financial Declaration. Parties who file a financial declaration shall also file the following supporting documents:

(1) Pay stubs for the past six months. If a party does not receive pay stubs, other documents shall be provided that show all income received from whatever source, and the deductions from earned income for these periods;

(2) Complete personal tax returns for the prior two years, including all Schedules and all W-2s;

(3) If either party owns an interest of 5% or more in a corporation, partnership or other entity that generates its own tax return, the complete tax return for each such corporation, partnership or other entity for the prior two years;

(4) All statements related to accounts in financial institutions in which the parties have or had an interest during the last six (6) months. "Financial institutions" includes banks, credit unions, mutual fund companies, and brokerages.

(5) If a party receives or has received non-taxable income or benefits (for example, from a trust, barter, gift, etc.), documents shall be provided that show receipts, the source, and any deductions for the last two (2) years.

(6) Check registers shall be supplied within fourteen (14) days if requested by the other party.

(7) If a party asks the court to order or change child support or order payment of other expenses for a child, each party shall also file completed Washington State Child Support Worksheets.

(8) For additional requirements for a Settlement Conference, see LFLR 16.

(c) Documents to be filed under Seal. Tax returns, pay stubs, bank statements, and the statements of other financial institutions should not be attached to the Financial Declaration but should be submitted to the clerk under a cover sheet with the caption “Sealed Financial Source Documents”. If so designated, the Clerk will file these documents under seal so that only a party to the case or their attorney can access these documents from the court file without a separate court order.

[Adopted effective September 1, 2004]

LFLR 11. SEALED COURT RECORDS

(a) Court Records Are Generally Public. Documents filed with the court will in most cases be available for public inspection and copying and for all cases filed beginning 1/1/2000 are maintained in electronic format. Only a document or court file type that is specifically sealed by law, court rule, or court order will be unavailable for public inspection and copying.

(b) Some Documents Subject to Restricted Access. The following documents, if properly identified by the person filing the documents, will be sealed by the Clerk without a court order: income tax returns and schedules, W-2 forms, wage stubs, credit card statements, financial institution statements, and check registers. See also GR 22. These records should only be filed by first attaching the “Sealed Financial Source Documents” cover sheet (Mandatory Form No. WPF DRPSCU-09.0220) and writing the word “SEALED” on the first page of each attachment. Only those documents allowed by GR 22 may be filed under the “Sealed Financial Source Documents” cover sheet without first obtaining a court order to seal the document.

(c) Identifying Information to be removed. Except for documents that are automatically sealed or where the following information is essential to a determination, parties shall black out social security numbers, driver’s license numbers, telephone numbers, children’s dates of birth, and all but the last four digits in account numbers, in documents filed with the court.

(d) Requirements for Orders Sealing Records.

(1) Motion and Declaration required. The proposed order, even if agreed, must be accompanied by a motion and declaration or affidavit demonstrating a basis for the order consistent with GR 15(d) and Article I, Sec. 10, Washington State Constitution. See also GR 22. See LFLR 5(c) with respect to where to present a motion to seal a file.

(2) Form of Order to be used. An order to redact or seal a court record must be made separately and may not be combined with any other order. The order shall either state that the clerk’s office is directed to seal the entire court record or shall designate the specific documents to be sealed.

Comment: See LCR 79(d) for procedures relevant to redacting and sealing.

[Adopted effective September 1, 2004; amended effective September 1, 2007; September 1, 2018.]

LFLR 12. DOMESTIC VIOLENCE PROTECTION ORDERS

(a) Applicability. This rule applies to all petitions for domestic violence protection orders brought pursuant to the Civil Protection Orders Act, whether filed separately or under another cause of action.

(b) Mandatory Forms. The parties shall utilize any applicable local and state mandatory forms, including form Orders. Forms are available from the King County Clerk's Office, the Protection Order Advocate's Office, and <https://kingcounty.gov/courts/clerk.aspx>.

(c) Return Hearing. Every Temporary Order of Protection or Order of Modification entered without notice shall set a return hearing on the family law calendar on such notice as prescribed in Chapter 7.105 RCW. Copies of any writings or other documentary evidence provided to the court must be provided to the other party's attorney. If the other party is not represented, the copies should be handed to either courtroom staff or a domestic violence advocate in the courtroom with a request that they provide the copies to the other party.

[Adopted effective September 1, 2004; September 1, 2023.]

LFLR 13. PARENTING PLAN AND CHILD CUSTODY PROCEDURES

(a) Information Required. In child custody, visitation, or parenting plan disputes, each party shall submit the following information:

(1) A proposed custodial or visitation plan or parenting plan, except in actions brought under Chapter 26.10 RCW.

(2) If not in the verified petition, a Uniform Child Custody Jurisdiction Enforcement Act Declaration and Declaration Regarding Other Proceedings, which must be timely supplemented throughout the pendency of the proceedings.

(b) Referral for Mediation, Evaluation, and Investigation.

(1) Mandatory Mediation. All parties to parenting plan, custody or visitation disputes shall participate in some form of alternative dispute resolution, such as mediation, unless waived by court order for good cause. See also LFLR 16.

(2) Investigation by Professionals. In all parenting plans, custody and visitation cases not resolved by mediation or other dispute resolution process, the matter may be referred to Family Court Services or other suitable person or agency for investigation upon motion or by stipulation. When so referred, a report shall be provided in writing to the Court and the parties in advance of trial.

(3) Evaluations. The Court may, upon motion, order a mental health evaluation or physical examination when appropriate. The issues of costs shall be addressed in the order.

(4) Child Advocate.

(A) Appointment. Upon motion of the parties or on the Court's own motion, the Court may appoint a child advocate who may be a Guardian ad Litem, A Court Appointed Special Advocate, or an attorney for the child. See also LGALR 1-7. The order shall designate the appointee, the duties, and make provision for the payment of fees.

(B) Notice. From the date of the appointment, the child advocate shall receive copies of all documents that are to be served on parties, copies of all discovery, and notice of all hearings, presentations and trials.

(C) Discharge. Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of the Court upon motion or upon completion of the case when final orders are filed with approval of the appointed child advocate.

(5) Costs of Mediation, Evaluation or Investigation. Unless waived pursuant to an in forma pauperis petition, the parties shall pay the costs of a Family Court Services mediation or investigation based upon their incomes on a sliding scale basis. The costs of a private mediator,

investigator, evaluator or child advocate shall be apportioned between the parties based on their income and resources or as otherwise ordered. Except as otherwise agreed, the fees of a child advocate or evaluator shall be set by the Court.

(c) Seminar for Parenting Plans.

(1) Applicability. This rule applies to all cases filed under Chapters 26.09 RCW, and 26.26 RCW related to custody, visitation, or parenting of minor children, including dissolutions of marriage, legal separations, major modifications, and parentage actions in which parentage has been established. This rule does not apply to modification cases based solely upon relocation. In the case of parentage actions initiated by the Prosecuting Attorney's Office, the Seminar for Parenting Plans shall be required only after an order establishing parentage has been entered and a parenting plan is requested.

(2) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (1) above, both parents and such other parties as the court may direct shall participate in and successfully complete an approved parenting seminar within sixty (60) days after service of a petition on the responding party. Successful completion shall be evidenced by a certificate of attendance filed with the court by the provider agency.

(3) Special Considerations/Waiver.

(A) In no case shall opposing parties be required to attend a seminar together.

(B) Upon showing of domestic violence, abuse, safety concerns, or 26.09.191 allegations, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

waive the requirement of completion of the seminar; or
provide an alternative Seminar For Parenting Plans.

(C) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

(4) Failure to Comply. Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 60 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan or finalizing the parenting plan in this action, until the seminar has been successfully completed. The court may also refuse to allow the non-complying party to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed. Willful refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default, and/or striking of pleadings.

(5) Finalizing Parenting Plans. All parties are required to attach to their proposed Final Parenting Plan a true and accurate signed and dated copy of the certificate of completion of the Seminar for Parenting Plans. No final parenting plan shall be entered without said certificate or a court order waiving attendance.

(6) Fee. Each party attending a seminar shall pay a fee charged by the provider and sanctioned by the court. The court may waive the fee for indigent parties.

(d) Permanent Parenting Plan, Custody or Visitation Modifications.

(1) Starting an Action to Modify a Permanent Parenting Plan.

(A) This rule applies to actions to modify final parenting plans, and final custody or visitation orders, except for adjustments related to the relocation of a child. See LFLR 15 for proceedings involving relocation of a child.

(B) The moving party shall attach to the petition a copy of the current parenting plan and all other effective orders affecting parenting, custody, and visitation. Copies of any orders which were entered outside King County shall be certified.

(2) Adequate Cause Hearing.

(A) **Adequate Cause Requirement.** A threshold determination of adequate cause is required for any modification or adjustment of a final parenting plan, whether major, minor, residential or non-residential in nature. An order of adequate cause may be entered by agreement of the parties, by default, or after an adequate cause hearing. This rule does not limit the Court's authority under Chapter 7.105 RCW.

(B) **Timing of Adequate Cause Hearing:** The adequate cause hearing may not be heard before the deadline for filing the response to the petition has passed. All requirements of LFLR 6 shall apply to the adequate cause hearing.

(C) **Finding of Adequate Cause:** If adequate cause is found, the matter shall remain scheduled for trial. A copy of the Adequate Cause Order shall be attached to the Confirmation of Issues.

(3) Entry of Temporary Orders.

(A) **Types of Temporary Orders.** Once a finding of adequate cause has been found, the court may enter temporary orders, including but not limited to: a temporary parenting plan, a referral for mediation, investigation, or evaluation; appointment of an evaluator, attorney for the child or Guardian ad Litem; or a referral to Unified Family Court.

(B) **Combined with Adequate Cause Hearing.** A party may, but is not required to, schedule motions for temporary orders for the same time as the adequate cause hearing. Any party seeking the entry of temporary orders at the adequate cause hearing must make that request by motion pursuant to the format and notice requirements of LFLR 6.

(C) **Emergency Temporary Orders.** For good cause shown, any party may move for emergency temporary orders at any time, including prior to the finding of adequate cause.

[Adopted effective September 1, 2004; amended effective September 2, 2014; September 1, 2023.]

LFLR 14. CHILD SUPPORT AND SPOUSAL MAINTENANCE MODIFICATIONS AND ADJUSTMENTS

(a) Scope of This Rule.

(1) This rule applies to child support and spousal maintenance adjustments that are brought independently from a petition to modify a parenting plan, or child custody or visitation order. This rule does not apply to support modifications that are based on a substantial change of circumstances if there is a pending proceeding to modify a parenting plan, or child custody or visitation order.

(2) A child support adjustment, which merely implements a periodic adjustment clause in an Order of Child Support or is limited to the relief authorized by RCW 26.09.170(9) and (10), shall be brought on the Family Law Motions Calendar under LFLR 6. Each party must also follow LFLR 10.

(3) In a Child Support modification proceeding, the court may grant relief limited to the scope of a child support adjustment, if the case does not meet the requirements for a modification but does meet the requirements for an adjustment.

(b) Support Modification Proceedings.

(1) Documents Required to Be Served and Filed

(A) Documents Required from Petitioner. A party petitioning for modification of child support or spousal maintenance shall file and serve upon all other parties the Summons and Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10. The petitioning party shall serve the other party a copy of the Order Setting Case Schedule (issued by the Clerk) with the Summons. If the existing support order was not issued by King County Superior Court, a certified copy of the order must be filed with the Petition.

(B) Documents Required from Responding Parties. Each responding party shall file and serve a Response to Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10, by the deadline established by service of the Summons.

(c) Motions.

(1) Pre-trial Motions re Support-only Modifications. All pre-trial motions relating to support-only modifications, including motions to change the trial date, to permit testimony, or relating to discovery, shall be decided by the assigned judge without oral argument. Motions shall be noted for hearing at least fourteen (14) days in advance. The procedure for such motions shall conform to LCR 7 and LFLR 6 to the extent not inconsistent with this rule. There is no requirement to confirm such motions. Motion documents shall be filed with the Clerk and working copies shall be provided to the court pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Working copies submitted in paper form must be delivered to the judge's mailroom in the courthouse in which the judge is located.

(2) Motions to Permit Live Testimony.

(A) Testimony is ordinarily in the form of declarations and affidavits. Oral argument is allowed at all trials by affidavit. A party seeking permission to present live testimony at the time of the trial by affidavit (in addition to oral argument) must file a motion with a supporting declaration setting forth the reasons why live testimony is necessary. The motion and supporting documents shall be noted, filed and served not later than the deadline set forth in the case schedule.

(B) The supporting documents must demonstrate the extraordinary features of the case warranting live testimony. Factors which may be considered include: substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

(C) A Motion to Permit Testimony may not be entered by stipulation. If the motion is granted, a hearing will be set.

(3) Motions for Temporary Orders. Motions for Temporary Support Orders will not ordinarily be considered in support-only modification proceedings. Exceptions may apply in exigent circumstances, such as when there has been a change in residential care, a party has requested a continuance of the trial date, or when the lack of a temporary order would substantially prejudice a party. A motion for temporary support shall be noted before the assigned judge with at least 14 calendar days' notice. There is no requirement to confirm such motions.

(d) Method of Disposition of Support Modification Proceedings.

(1) Trial by Affidavit. The trial of support-only modification petitions shall be heard on affidavits, declarations, pleadings, and discovery materials obtained pursuant to CR 26-37, unless the court authorizes live testimony pursuant to a motion brought under LFLR 14(c)(2) above.

(2) Proposed Orders. The petitioning party shall provide proposed findings of fact and conclusions of law, child support worksheets, and orders to the other parties and the court not later than the time of trial. The proposed orders shall not be filed with the clerk. Working copies of the proposed orders for the judge shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. If the petitioning party is not present at trial and has not presented proposed orders, the matter may be dismissed.

(3) Judicial Officer Presiding. Unless otherwise assigned by the court, support-only modification trials shall be heard by the judge assigned in the case schedule.

(4) Independent Proceedings. Except as otherwise stated, Petitions for Modification of Support shall proceed as original determinations, with no threshold or adequate cause hearing required.

(5) Arbitration. The parties may stipulate to arbitrate the issues in the petition pursuant to the state and local Mandatory Arbitration Rules. The stipulation must be in writing, in a form as prescribed by the Court. The stipulation must state whether the issues will be handled by private arbitration or will be submitted to the King County Arbitration Department for assignment of an arbitrator.

(A) Motions for Temporary Relief. Once an arbitrator has been appointed, all motions shall be decided by the arbitrator.

(B) Appeals from Arbitration. Parties may file for a trial de novo per LCAR 7.1.

(7) Trial by Affidavit Procedure. Parties shall file the originals of all documents to be considered with the Clerk. Trial by Affidavit must be confirmed by the submission of a copy of these materials either in paper form to the assigned judge's mailbox at the courthouse where the assigned judge is located or electronically through the clerk's e-filing system by the deadline in the case schedule. Each party to the proceeding will have a maximum of ten (10) minutes, including rebuttal, to present oral argument to the court. No new evidence may be offered at the time of trial unless stipulated by the parties or authorized by the court for good cause shown. Parties may attend the trial by telephone, provided that prior arrangements have been made with the court. A party is not obligated to attend the hearing.

(8) Procedure on Default.

(A) Default Procedures. See LFLR 5(e)(7).

(B) Failure of a responding party to be present in person or by counsel at the time of trial shall not constitute a default, as the presentation of oral argument is optional. If counsel or a pro se party is not present, the court will decide the matter based upon the working papers and the oral argument of those present.

[Adopted effective September 1, 2004; amended effective September 1, 2008; June 1, 2009; September 1, 2018; September 1, 2023.]

LFLR 15. RELOCATION OF CHILDREN

(a) Notice Required. Where a parenting plan or custody order has been entered, a parent seeking to relocate a child outside of his or her school district shall provide notice in accordance with RCW 26.09.430-440. A parent objecting to relocation shall file and serve the form Objection to Relocation/Petition for Modification (DRPSCU 07.0700). If the objecting party is seeking to restrain an immediate move, that party shall file and serve a motion in accordance with LFLR 5(e)(6) within fifteen (15) days of the filing of the Objection to Relocation/Petition for Modification.

(b) Presentation of Proposed Parenting Plan. In the absence of an objection, but no earlier than thirty (30) days after the relocating party has served a proposed parenting plan on the person entitled to residential time with the children, any party to the relocation action may present the relocating party's proposed parenting plan to the Ex Parte and Probate Department through the clerk's office for entry.

(c) Motion for Default. If a response to an objection to relocation is not filed within the deadline for filing, a motion for default may be presented to the Family Law Department motions calendar upon fourteen (14) days' notice.

(d) Motions for Temporary Orders. Motions for temporary orders shall not be heard until the deadline for filing an objection to relocation has passed, unless exigent circumstances require immediate relief. See LFLR 5(e)(6).

(e) Concurrent actions. If a petition for dissolution or modification is already pending at the time a notice of intent to relocate is served and if the objecting party serves an Objection to Relocation/Petition for Modification, that action shall be assigned to the same judge assigned to hear the initial action and no new case schedule shall issue. If, after the filing of an Objection to Relocation/Petition for Modification, a party seeks to modify the parenting plan pursuant to RCW 26.09.260, the modification action shall be assigned to the same judge who is assigned the relocation action and a modification case schedule shall be issued which shall govern both actions. A party who seeks to amend the case schedule based on the filing of the second action shall note a motion pursuant to LCR 7(b) with the assigned trial judge.

(f) Mediation/Alternative Dispute Resolution. The parties shall participate in mediation or some other form of alternative dispute resolution before trial unless waived by court order.

[Adopted effective September 1, 2004; amended effective September 1, 2008; January 1, 2009; September 2, 2014; September 1, 2018.]

LFLR 16. ALTERNATIVE DISPUTE RESOLUTION (ADR)

(a) Alternative Dispute Resolution Required. Except in cases involving domestic violence, child support only modifications (RCW 26.09.175), or where waived by a court order, the parties in every case shall participate in a settlement conference, mediation or other alternative dispute resolution process conducted by a neutral third person no later than thirty (30) days before trial.

(b) Attendance at the Alternative Dispute Resolution Proceeding. All parties and their attorneys, if any, shall personally attend and participate in all alternative resolution proceedings and shall come prepared to discuss all unresolved issues.

(c) Required materials. Proposed final orders, a financial declaration and, if parenting is at issue, a proposed parenting plan, as well as any other materials requested by the neutral third person must be provided to the neutral third person and all parties no later than two (2) working days before the day scheduled for the conference. The materials are not to be filed with the Clerk. When the division of property or debt is at issue, the parties shall provide a table listing all their property and debt substantially the following format:

<i>Description of Property</i>	<i>Community or Separate?</i>	<i>Gross and Net value</i>	<i>Amount owed/Cost of Sale</i>	<i>Award to husband or wife?</i>
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<i>Description of Debt</i>	<i>Community or Separate?</i>	<i>Amount owing</i>	<i>Post-Separation?</i>	<i>Award to husband or wife?</i>
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Totals: Property to Wife \$ _____
 Property to Husband \$ _____
 Debt to Wife \$ _____
 Debt to Husband \$ _____
 Other Requests: _____

The above property and debt distribution is proposed by: _____

Signature: _____ Date: _____

(d) Duty of good faith. Each party is under an obligation to act in good faith in an attempt to resolve the issues without the need for trial. Failure to act in good faith or failure to abide by the provisions of this rule may result in the imposition of sanctions by the assigned judge.

(e) Pretrial Procedures in Family Law Cases Involving Children.

(1) Pretrial Conference. In dissolution cases involving families with children, non-parental custody cases, paternity cases not filed by the prosecutor, domestic relocation cases, cases to establish or disestablish paternity and set residential schedules, and in actions to establish or modify a parenting plan, the Court will schedule a pretrial conference, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is unrepresented. The conference may include:

(A) Hearing of non-dispositive pretrial motions;

(B) Filing of trial briefs;

(C) The Court's estimate of length of trial;

(D) Any other matters that might simplify the issues and bring about a just, speedy and economical resolution of the matter.

[Adopted effective September 1, 2004; Amended effective September 1, 2008; September 2, 2013.]

LFLR 17. CONTEMPT AND OTHER ENFORCEMENT ACTIONS

(a) Civil Contempt Proceedings. See also Chapter 7.21 RCW (regarding general contempt of court), RCW 26.18.050 (regarding failure to pay support or maintenance), and RCW 26.09.160 (parenting plan contempt).

(1) Contempt proceedings shall be started by presenting and obtaining an Order to Show Cause re Contempt from the Ex Parte and Probate Department through the clerk's office, accompanied by a Motion and Declaration for Order to Show Cause Re Contempt and a copy of the order that is alleged to have been violated. The hearing on the contempt proceeding shall be scheduled on the Family Law Motions Calendar in accordance with LFLR 6.

(2) Unless otherwise ordered, a copy of the Order to Show Cause and all supporting documents shall be personally served upon the person alleged to be in contempt. A copy of these documents must also be delivered to that person's attorney, if any, the Family Law

Motions coordinator, and all other parties to the action, including any Guardian Ad Litem. All provisions of LFLR 6 shall apply.

(3) If the person alleged to be in contempt is properly served and fails to appear for the Show Cause hearing, the court may grant an order to issue a warrant. The party requesting contempt must deliver the original order and proposed warrant to the clerk's office. Upon the Clerk's issuance of the warrant, the party requesting contempt must then deliver the warrant to the King County Sheriff's office at the Courthouse.

(4) If a warrant is issued and the person alleged to be in contempt is arrested, a "Return on Warrant" hearing will be held the next judicial day following the arrest on the Family Law Motions Calendar at 1:30 p.m. Except in cases where the warrant was requested by the State, the court will arrange for the arrested party to be transported to the hearing from the jail. If the arrested party has posted bail and has been released from jail, that party shall appear in court at 1:30 p.m. on the next judicial day.

(b) **Other Enforcement Actions.** See Chapter 26.23 RCW regarding enforcement of child support orders by the Washington State Support Registry and the Division of Child Support; Chapter 6.27 RCW regarding garnishments; and RCW 26.09.120, RCW 26.23.050 and RCW 26.18.070 regarding wage assignments. See CR 69 and LCR 69 regarding Supplemental Proceedings.

[Adopted effective September 1, 2004; amended effective September 1, 2015; September 1, 2021.]

LFLR 18. EMANCIPATION OF MINORS

Petitions for Emancipation of a Minor shall be noted before the Chief Unified Family Court Judge, who may refer the matter to Family Court Services for investigation.

[Adopted effective September 1, 2009.]

LFLR 19. MARRIAGE AGE WAIVER PETITIONS

Petitions for Waiver of Marriage Age shall be noted before the Chief Unified Family Court Judge, who may refer the matter to Family Court Services for investigation.

[Adopted effective September 1, 2009.]

LFLR 20. ORIENTATION PROGRAM IN FAMILY LAW MATTERS

(a) **Description and Applicability.** To assist self-represented parties involved in family law matters and improve the efficiency of the court, King County Superior Court Family Court shall conduct an Orientation Program for parties in all cases filed under Chapter 26.09 RCW, including dissolutions of marriage, legal separations and major parenting plan modifications. Parties modifying only Child Support shall not be required to attend.

(b) **Mandatory Attendance.** In all cases referred to in Section (a) above, all self-represented parties shall successfully complete the Orientation Program within thirty (30) days of filing or service of the summons and petition. Successful completion shall be evidenced by a

certificate of attendance filed with the court by Family Court Operations staff. Any party attending the Orientation Program prior to obtaining a King County Superior Court cause number shall be responsible for filing his or her certificate of attendance in the court file when the cause number is obtained.

(1) Out of County Resident. A party residing outside of King County shall be excused from attending the Orientation Program if attendance would be a hardship. Such parties are required to review the Orientation Program materials and file a sworn declaration that they have done so.

(2) Represented Parties. Attendance at the Orientation Program shall be excused for a party represented by counsel, provided that if the party becomes self-represented before entry of final orders, such party shall attend the orientation seminar, unless waived for good cause.

(3) Good Cause. The court may excuse a party from attending the Orientation Program or permit a party to review the materials and file a sworn declaration that he or she has done so as an alternative to in-person attendance, for good cause shown.

(4) Service. The petitioner shall serve the Notice of Mandatory Orientation Program on all respondents at the time the Summons and Petition is served. If a joinder to the petition is filed, the petitioner shall provide the Notice of Mandatory Orientation Program to any joining party within seven (7) days of filing of the joinder.

(5) Special Considerations. Opposing parties shall not be required to attend the Orientation Program together.

(6) Renewal. The court may reinstitute the requirement to attend the Orientation Program at any time in cases where attendance was previously excused.

(c) Failure to Comply. Delay, refusal or default by one party does not excuse timely compliance by any other party. The Orientation Registration Form shall be submitted to Family Court Services. *See section (a) above.* Unless attendance at the seminar is excused, any party requesting a hearing, including those parties seeking to enter final orders in the action, and any party responding to a request for hearing, shall attend the Orientation Program prior to obtaining affirmative relief. Attendance at the Orientation Program shall not be required prior to emergency hearings or the issuance of restraining orders. Willful refusal or delay by any party may constitute contempt of court and result in sanctions imposed by the court, including the imposition of monetary terms, default or striking of pleadings.

(d) Fee. Each party attending the Orientation Program, or who has been approved to review the materials in lieu of attendance, shall pay a fee charged by Family Court Operations and approved by the court. The court shall provide the service at no expense for indigent parties.

[Adopted effective January 1, 2011; amended effective September 2, 2014.]

LFLR 21. SIMPLE DISSOLUTION (DIVORCE) PROGRAM

(a) Purpose. To facilitate early resolution of family law cases where the parties:

- (1)** Are not represented by an attorney in the case; and
- (2)** Are in agreement on all issues in the case **or** where the respondent is in default; and
- (3)** Do not have minor children; and
- (4)** Do not have substantial property or debt to divide between the parties; and
- (5)** At least one party resides in King County.

(b) Application. The Family Law Courthouse Facilitators and staff who provide basic services under GR 27(c)(3), authorized by RCW 26.12.24, shall determine whether or not pro-se litigants are eligible for the Simple Dissolution (Divorce) Program according to established program guidelines. They shall require each party, or the petitioner in cases where a default order is obtained, to complete and sign an application disclaiming any attorney-client relationship and attorney-client confidentiality as well as disclosing the character and agreed distribution of assets and liabilities.

(c) Finalization. For cases eligible for the Simple Dissolution (Divorce) Program, Courthouse Family Law Facilitators and staff shall transfer the information provided on the application onto the appropriate final orders. A Facilitator Program attorney may present final orders with a completed and signed Declaration In Lieu of Formal Proof, as required by LFLR 5(b)(2)(A), to the judicial officer conducting the Status Non-Compliance Calendar or the Chief UFC Judge. Presentation of final orders shall occur pursuant to the time frame established by statute.

(d) Case Schedule. Participating in the Simple Dissolution (Divorce) Program does not waive the parties' obligation to comply with the deadlines set forth in the Order Setting Domestic Case Schedule.

(e) Fee. The Simple Dissolution (Divorce) Program may administer a fee for the service in compliance with King County local rules, Washington State rules and Washington law. The fee shall be waived for indigent parties.

[Adopted effective October 28, 2014; Amended effective January 27, 2015; April 30, 2015; September 1, 2015; September 1, 2018.]

LFLR 22. SURROGACY AGREEMENTS

(a) Gestational and Genetic Surrogacy. An action related to a surrogacy agreement pursuant to RCW 26.26A.700-785 is commenced by filing a petition under a new cause number. All cases issued under this section will be assigned to the Chief Unified Family Court Judge.

(1) All motions, including agreed motions, regarding surrogacy agreements or establishment of parentage pursuant to a surrogacy agreement shall be noted for hearing before the Chief Unified Family Court Judge without oral argument. The moving party shall note the hearing on an approved Notice of Court Date form no later than 14 days in advance of the hearing date. The moving party shall serve and file all motion documents and submit working copies no later than 14 days in advance of the hearing date. If requested by the Chief Unified Family Court Judge, a hearing may be rescheduled to permit oral argument on the motion or it may be rescheduled to a different judicial officer designated by the Chief Unified Family Court Judge.

(2) If the Chief Unified Family Judge certifies the matter for trial, the petitioner shall promptly contact the assigned judge to schedule a LCR 16 conference.

(b) Genetic Surrogacy. The following provisions apply only to Genetic Surrogacy.

(1) Termination of Agreement. If an order validating a genetic surrogacy agreement is signed by the court and the parties subsequently terminate the agreement, the parties shall file a notice of termination of agreement under the same cause of action as the order validating the genetic surrogacy agreement.

(2) Motion to Decide Parentage. After a child is born pursuant to a genetic surrogacy agreement and order validating the genetic surrogacy agreement, parties will file a motion to

decide parentage under the same cause of action as the order validating the genetic surrogacy agreement. The motion shall be noted as provided in subsection (b).

[Adopted effective September 1, 2020]

LFLR 23. INFORMAL FAMILY LAW TRIALS

(a) Applicability. Informal Family Law Trials (IFLT) may be held to resolve all issues in actions for divorce, parentage, parenting plan and child support, relocation, and non-parental custody, and for modification of parenting plans or non-parental custody orders. This rule applies immediately to cases involving children assigned to UFC judges and will apply to all cases after January 2, 2021.

(b) Requirements to select an IFLT. All parties must state whether they wish to proceed with an IFLT or a traditional trial. All parties must agree in order to proceed with an IFLT. Each party shall make its selection in writing using the Family Law Trial Selection Form. The Family Law Trial Selection form must be filed prior to the trial commencing. For cases in which there is a pretrial conference hearing, the selection shall be made at that hearing. If there is no pretrial conference hearing, the selection shall be made in the Joint Confirmation of Trial Readiness form. If a party does not file a selection using either form prior to the trial commencing, the case will proceed as a traditional trial.

(c) Changing the trial format.

(1) A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT. The motion shall be filed at least 21 calendar days prior to the trial date.

(2) By agreement, parties may request to change from a traditional family law trial to an IFLT. This motion must be made at least 14 calendar days before the trial date unless good cause is shown.

(3) The motions referenced above shall be noted before the assigned trial judge without oral argument as outlined in LFLR 5.

(4) The assigned trial judge may refuse to allow the parties to use the IFLT process and direct that a case proceed with a traditional trial. The assigned trial judge may exercise this discretion at any time including after an IFLT has started, but prior to ruling.

(5) A change in the type of trial may result in a change to the trial date.

(d) Procedure Prior to the IFLT.

(1) Parties must affirm or agree to the following at either the pretrial conference or by filing the Family Law Trial Selection Form before the IFLT:

(A) They understand the rules and procedures of the IFLT process;

(B) They are agreeing to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the IFLT process;

(C) The case does not need more than seven hours of court time to be heard; and

(D) They waive the right to appeal the court's use of the IFLT process or the court's admission of evidence pursuant to the IFLT process that is not consistent with the traditional court process, court rules and Rules of Evidence.

(2) Prior to or at the beginning of the IFLT, the assigned trial judge may ask the parties or their lawyers for a brief summary of the issues to be decided.

(3) Trial Materials. The requirements below are subject to the orders of the assigned trial judge. At least one week before trial, each party must submit:

(a) Proposed final orders in Microsoft Word format to the assigned trial judge and to any other parties.

(b) For any case involving financial issues, including child support, spousal maintenance, division of property/debts, attorney fees, the parties must submit to the court and to any other party a financial declaration and documents required by Local Family Law Rule 10.

(e) *Procedure During the IFLT.*

(1) Lawyers and parties are prohibited from questioning the parties.

(2) Lay witnesses (non-experts who are not named in the case caption) are not allowed to testify in IFLTs. Any testimony from lay witnesses must be submitted in the form of a declaration.

(3) The judge will swear in the parties.

(4) The person who filed the petition with the court will speak to the judge under oath concerning all issues in dispute. The judge may ask questions to develop evidence required by any statute or rule.

(5) The judge will ask the other parties or lawyers if there are any other relevant areas for the judge to ask the first participant about. If the judge determines the requested area of questioning is relevant, then the judge will ask questions about that subject.

(6) The above process will then be repeated for each other participant.

(7) If a Guardian ad Litem (GAL) or CASA is assigned to the case, or if Family Court Services (FCS) has completed an assessment or evaluation, the judge will read the GAL's, CASA's, or FCS's report. The author/expert may not be called as a witness unless a participant notes an intention to call the evaluator on the Family Law Trial Selection Form. If Family Law Trial Selection Form is timely filed and the author/expert appears voluntarily or by subpoena, then they will be questioned under oath by the assigned trial judge as outlined in this rule.

(8) GAL reports, CASA reports, and FCS evaluations and assessments will be entered into evidence as a court exhibit as provided by RCW 26.09.220.

(9) Expert reports will be read by the judge and entered into evidence as a court exhibit.

(10) If any participant requests or arranges expert witness testimony, the expert will be sworn and then questioned by counsel, the parties, and/or the judge.

(11) The parties may offer any additional documents for the judge's consideration. The judge will decide the weight, if any, to give each document. The judge may ask or order that parties provide additional documentation or evidence if needed to make a final decision.

(12) Declarations, letters, or other submissions by the parties' minor children will not be considered.

(13) All parties will have the opportunity to respond briefly to the testimony of the other parties using the format outlined in this rule.

(14) The parties or their attorneys will be offered the opportunity to make a brief closing argument.

(15) The judge may put reasonable time limits on any person's testimony or argument.

(16) The assigned trial judge retains jurisdiction to modify these procedures as justice and fundamental fairness require.

[Adopted effective September 1, 2021.]

KING COUNTY SUPER COURT LOCAL COURT MANAGEMENT RULES (LCMR)

FOREWORD

The Local Court Management Rules have been adopted for the internal management and operation of the King County Superior Court in conformance with GR 29.

[Adopted effective September 1, 2016.]

LCMR 1. DEPARTMENT NUMBER AND SENIORITY

(a) Departments. The Superior Court for King County shall be divided into as many individual numbered departments as there are judges authorized by law. When a judge leaves office, the department number shall be assigned to his or her successor. Each judge in order of seniority may select an unassigned courtroom at such time as the Presiding Judge establishes for assignment of unassigned courtrooms.

(b) Seniority. For matters decided by seniority, such as courtroom assignments, seniority will be determined by length of service on the King County Superior Court. If a judge has a break in service, the prior period of service on this bench will count for seniority purposes. If more than one judge is sworn in on the same day, seniority will be decided by birth date, with the older judge being more senior.

(c) Assignments. The assignment of department numbers and courtrooms whenever necessary, shall be incorporated into an order signed by the Presiding Judge and filed with the Clerk.

(d) Report to County Election Department. Before the time for filing a declaration of candidacy for superior court judge, the Presiding Judge will report to the County Election Department the departmental numbers of the positions to be filled. The position numbers on the ballot shall be the assigned departmental numbers.

[Adopted effective September 1, 2016.]

LCMR 2. COURT MANAGEMENT

(a) Authority. The authority to manage and conduct the court is vested in the superior court judges and shall be exercised through regular monthly or special meetings of the judges. Judges have the final authority over any matters pertaining to court organization and operation and over any individual or committee of the court, except as indicated below.

(b) Judges' Meetings. Regular meetings shall be held once a month. Special meetings may be called by the Presiding Judge as needed. A quorum shall consist of one-third of the judges of the bench. Meetings of the judges and of the Executive Committee shall be conducted under Robert's Rules of Order, where not inconsistent with these rules. The Presiding Judge shall chair the meetings. The Presiding Judge shall preside from the Maleng Regional Justice Center for the February, April, June, August, October and December meetings, unless one of the extended judges' meetings is scheduled for a month in which the meeting would otherwise be held at the Maleng Regional Justice Center. At least three times a year, the judges meeting

shall be scheduled for an entire afternoon, with the expectation that all judges will attend in person.

(c) Majority of Judges. Except where these rules specify otherwise, decisions shall be made by a majority of judges who are in attendance at a meeting.

(d) Executive Session. The Judges or the Executive Committee may, by majority vote, enter executive session to discuss matters involving personnel and pending, impending and potential litigation, or other matters deemed confidential for purposes of the attorney-client privilege. A motion to enter executive session shall set forth the purpose of the executive session, which shall be included in the general minutes. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the general session minutes. The presiding judge shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. The presiding judge shall designate the Chief Administrative Officer or a member present to take minutes, which shall be kept separately from the minutes of the regular meeting.

[Adopted effective September 1, 2016.]

LCMR 3. DIVISION OF MANAGEMENT AUTHORITY

(a) Powers and Duties of the Judges.

- (1)** Elect and remove at-large members of the Executive Committee.
- (2)** Elect and remove a Presiding Judge.
- (3)** Elect and remove an Assistant Presiding Judge.
- (4)** Appoint and remove commissioners.
- (5)** Attend judges' meetings.
- (6)** Attend committee meetings.
- (7)** Create and dissolve standing committees.
- (8)** Create and abolish departments. See LCMR 4
- (9)** Enact local rules. Local rules shall be enacted only by a majority of all judges of the court. See CR 83.
- (10)** Adopt policies that govern or provide guidelines for management of the court.
- (11)** Adopt general policies for the assignment of cases and judges, as recommended by the Presiding Judge and Executive Committee.
- (12)** Approve the budget of the court.
- (13)** Review of decisions made by the Executive Committee when such decisions are not otherwise reserved to the judges as a whole: If four members of the Executive Committee vote to refer the matter for decision by the judges as a whole, the decision shall be referred to the judges for final decision at the next regular judges' meeting. Attend and participate in a meeting of the Executive Committee, if a judge chooses to do so. Only judges who are members of the Executive Committee, except a committee chair under LGR 29(g)(1)(E), may vote.
- (14)** Participate in administration of the court consistent with CJC 3(B)(1).
- (15)** A judicial officer, or their designee, may place any matter on the next Executive Committee agenda by submitting an email request to the Chief Administrative Officer, or their

designee, with a copy to the Presiding Judge and Assistant Presiding Judge. Absent an emergency, the request with any supporting materials shall be submitted at least five judicial days before the Executive Committee meeting. The Executive Committee may refer the matter to a standing committee for initial consideration, if the matter falls within the scope of a standing committee. Nothing in this rule prevents a judicial officer from submitting a proposal to a standing committee before submitting it for consideration by the Executive Committee.

(b) Powers and Duties of Presiding Judge.

(1) Lead the management and administration of the court's business, recommend policies and procedures that improve the court's effectiveness, and allocate financial resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

(2) Serve as the spokesperson for the court in all dealings with the executive and legislative branches and with the media. If the matter is of such a nature that the Presiding Judge requires advice and counsel, he/she shall contact the members of the Executive Committee, if possible under the circumstances.

(3) Call such special meetings of the judges and Executive Committee as may be required.

(4) Assign judicial officers to calendars, departments and special calendars to hear cases and other matters pursuant to general policies established by the judges of the court.

(5) Assign judicial officers to the various special and standing committees of the court and appoint the chairperson of such committees.

(6) Assign judges to the King County Superior Court facilities. In making these assignments, the Presiding Judge shall consider all relevant factors including the willingness of a judge to serve, the need for diversity, and what assignments will be in the best interest of the court as a whole.

(7) Select, in consultation with the Executive Committee, the chief judges of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center.

(8) Coordinate the vacations and educational leaves of judicial officers.

(9) Approve exceptions to the duty-time policy.

(10) Serve as the direct supervisor of the court commissioners, subject to delegation to other judges as appropriate.

(11) Supervise all personnel under the judicial branch, including the Chief Administrative Officer and the Director of the Department of Judicial Administration.

(12) With the assistance of the Chief Administrative Officer and Director of the Department of Judicial Administration, develop and coordinate statistical and management information.

(13) Ensure that the annual training on record keeping is held, as required by LCMR 6(g).

(14) Supervise the preparation and filing of reports required by statute and court rules.

(15) Perform such other duties as are provided in these rules, or as are assigned by a majority of the judges.

(c) Powers and Duties of the Assistant Presiding Judge.

(1) Serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge.

(2) Perform such further duties as these rules, the Presiding Judge, Executive Committee or a majority of the judges shall direct.

[Adopted effective September 1, 2016; amended effective September 1, 2021.]

LCMR 4. SPECIAL DEPARTMENTS

(a) Special Departments. Special departments of the court shall be established and assigned such business as is provided by law, by rules adopted by the Supreme Court or Washington State Superior Court Judges' Association (RCW 2.08.230), by these rules, or by the Presiding Judge. The following special departments are established:

- (1)** Presiding Judge's Department
- (2)** Unified Family Court Department
- (3)** Juvenile Court Department
- (4)** Ex Parte and Probate Department
- (5)** Criminal Department
- (6)** Civil Department

(b) Assignment of Judicial Officers. The Presiding Judge shall assign each judicial officer to one of the special departments to facilitate the efficient assignment of cases and motions. However, all judges shall have full authority to hear any case properly filed in King County Superior Court, regardless of that judge's regular departmental assignment. No judge may reject a case assignment on the basis of departmental assignment.

(c) Departmental Manuals. Departments may maintain and develop departmental policy manuals. The manuals shall be updated as needed by the Chief Judge of the department, with any major policy changes to be approved by the Executive Committee.

[Adopted effective September 1, 2016.]

LCMR 5. CHIEF JUDGES

(a) Selection. The Presiding Judge, in consultation with the Executive Committee, shall select a chief judge of the following special departments: Civil, Criminal, Juvenile and Unified Family Court and the Chief Judge of the Maleng Regional Justice Center. A presiding judge shall select chief judges only for the year in which the Presiding Judge holds office.

(b) Term. Each chief judge shall serve a term of twelve months, beginning January 1. The judge may be reappointed for successive one-year terms, in accordance with LCMR 5(a).

[Adopted effective September 1, 2016.]

LCMR 6. STANDING AND SPECIAL COMMITTEES

(a) Standing Committees. Committees primarily addressing court policies and procedures in order to most effectively interface with the legal community and the public. There shall be the following standing committees of judges, commissioners and staff:

(1) Courts and Community: This committee promotes public understanding of the justice system through public presentations, teaching, and community events; strives to eliminate barriers to justice that may result from differences in culture, economic status, language, and physical or mental disabilities; and ensures that the court's commitment to a

diverse workforce is reflected in its policies. The committee will be co-chaired and meet monthly.

(2) Ex Parte/Probate: This committee oversees and makes recommendations concerning the ex parte calendars and related matters. The Ex Parte committee will be chaired by the Chief Civil Judge and meet quarterly, or as convened by the Chief Civil Judge.

(3) Family Law: This committee oversees and makes recommendations concerning the handling of family law matters. The Family Law committee will be chaired by the Chief Unified Family Court Judge and meet monthly.

(4) Jury: This committee makes recommendations as to policies concerning jurors. The Jury Committee will meet quarterly or as convened by the Chair.

(5) Local Rules: This committee reviews existing rules and suggests new rules as appropriate based on changes in the law or court procedures. The Local Rules Committee will meet as convened by the Chair.

(6) Sealed Adoption Files: This committee oversees and makes recommendations concerning the court's handling of sealed adoption files and adoption matters. The Sealed Adoption Files Committee will meet quarterly or as convened by the Chair.

(7) Technology: This committee recommends strategic direction for court technology; plans for use of technology in the court including computer and video; and makes recommendations concerning hardware, software, and applications. The Technology Committee will meet monthly or as convened by the Chair. Membership includes all Directors or their designees.

(8) Dependency: This committee oversees and makes recommendations concerning dependency matters. The Dependency Committee will meet monthly or as convened by the Chair, the Dependency Lead Judge.

(9) Volunteer: This committee recommends policies and procedures to make the best use of and honor court volunteers. The Volunteer Committee will meet quarterly or as convened by the Chair.

(10) Caseflow and Scheduling: This committee develops procedures and processes in support of efficient and effective caseflow and scheduling. The committee, chaired by the Presiding Judge or designee, consists of Chief Judges and Directors and will meet at least quarterly.

(11) Diversity, Equity, and Inclusion (DEI): This committee is tasked with designing the court's DEI Work Plan, creating an implementation structure for the DEI Work Plan, evaluating the court's compliance with DEI principles, and referring policy initiatives to other committees and to the court as a whole as appropriate. The committee will be co-chaired and meet monthly.

(12) Involuntary Treatment Act (ITA): This committee oversees policies, procedures, and protocols of the ITA Court and makes recommendations concerning the handling of ITA matters. The committee will make recommendations for strategic direction, including long range projects related to mental health issues under RCW 71.05 such as court space planning, rotations, relationships with hospitals, and alternatives to secure confinement. It is co-chaired by the judge currently serving at Harborview Hospital and by a judge who formerly served as the ITA judge. The ITA Committee will meet monthly or as convened by the Chairs.

(13) Interpreter: This committee oversees and makes recommendations concerning interpreter needs within the court. The Interpreter Committee will meet quarterly or as convened by the Chair.

(b) Administrative Committees. Committees primarily addressing internal operations of the court, including developing procedures and proposing policies.

(1) Budget: This committee drafts and recommends to the Court a budget for adoption by the judges. The committee will meet as convened by the Chair.

(2) Personnel: This committee develops personnel policies for adoption by the court and completes commissioner evaluations. The committee is co-chaired and will meet monthly or as convened by the Co-Chairs.

(c) Strategic Planning/Performance Measures: Committee primarily develops the Court's strategic direction and associated performance metrics. This committee will meet at least once annually. This committee's recommendations to the Executive Committee result in Strategic Action Initiatives. Teams will then be formed, for a limited duration, reflecting the Strategic Action Initiatives.

(d) Special Committees. The Presiding Judge may appoint such special committees as he/she may deem advisable and for a term to be set by the Presiding Judge. Special committees have a duty to study and make recommendations to the Presiding Judge in connection with any subject matters assigned to them.

(e) Departmental, Maleng Regional Justice Center, Special Calendar Committees. The Civil/Criminal, and Juvenile Departments, and the Maleng Regional Justice Center shall each have a committee that shall include all of the judges assigned to that department or facility.

(f) Any judge, commissioner, or authorized staff may attend any standing or departmental/special calendar committee.

(g) Appointment of Committee Chairs and Members. The Presiding Judge in December of each year shall solicit from each judge and commissioner committee preferences and thereafter appoint the chair and judicial members of each committee, effective January 1. The Chief Administrative Officer shall designate staff members to serve on these committees. All members are expected to participate fully and may vote as members of standing committees and the Strategic Planning/Performance Measures Committee.

(h) Duties. Standing, administrative, and departmental/special calendar committees shall have the responsibilities outlined above and shall carry out specific assignments from the Presiding Judge or the Executive Committee. By March 1, each committee lead staff and chair shall transmit to the Executive Committee the goals that the committee has identified for that year. At the end of each year each committee chair and lead staff shall transmit to the Executive Committee a report, for consideration at a January Executive Committee meeting, concerning the work of the committee during the year, and shall make recommendations concerning additional matters the committee should address in the future. Committees shall keep minutes of meetings, and the chair shall include an agenda with the written notice of meetings.

(i) Training on Record Keeping. Each year, the court, by February 15, shall conduct a training concerning the taking of minutes, the articulation of goals and preparation of year end reports, and other record-keeping duties of committees which shall be attended by the lead staff of all committees.

[Adopted effective September 1, 2016; Amended December 13, 2016; January 28, 2020; March 23, 2021; June 24, 2021; August 24, 2021.]

LCMR 7. COMMISSIONERS

(a) Appointment. Court commissioners shall be appointed by the judges and serve at the pleasure of the judges.

(b) Recruitment. The judges may select a commissioner for a vacant position by transferring another commissioner to the vacant position, by appointing from the eligibility list or by conducting an open selection process. In the event that an open selection process is to be utilized, the Chief Administrative Officer shall advertise the vacancy in state and local bar publications and accept applications from attorneys.

(c) Selection Committee. There shall be a special committee appointed by the Presiding Judge vested with the responsibility for conducting investigations and interviews as it deems appropriate. Any judge or commissioner may attend and participate, and any judge may attend, participate and vote as a member of the Selection Committee in this selection process, so long as this judge has attended all meetings and interviews. The Selection Committee may submit a list of names of applicants to the screening committees of the various bar associations for evaluations to be completed within 45 days. The Selection Committee shall make a report and recommendation to the Executive Committee, which shall make a recommendation to the judges.

(d) Final Selection. The selection of a commissioner shall be made by a majority vote of the judges meeting in executive session. Upon receiving a recommendation from the Selection Committee and the Executive Committee, the judges by a majority vote may transfer a commissioner to a vacant court commissioner's position without considering other candidates.

(e) Eligibility List. After the selection of a commissioner pursuant to the procedure established above, there shall be an "eligibility list" maintained for three years by the Chief Administrative Officer. The list shall contain the names and all related information of applicants considered in accordance with the above-described procedure. If the court needs to appoint another commissioner during the three-year period that the list is maintained, the judges, upon receiving a recommendation from the Selection Committee and Executive Committee, may appoint someone from that list. The court may also supplement this eligibility list, at any time, through an open recruitment process, in the absence of a specific commissioner position vacancy.

(f) Performance Review. Performance reviews shall be conducted by the Personnel Committee in consultation with the relevant standing committee. The conclusions of the review shall be provided to the members of the Executive Committee and to the commissioner.

(g) Retirement. Commissioners shall retire at the same age at which state law requires judges to retire.

(h) Disciplinary Process. The Presiding Judge and the Executive Committee shall determine whether disciplinary action, short of termination, is appropriate. A commissioner may not be terminated without the consent of the judges as a whole.

(i) Annual Report. Commissioners shall file an annual report with the Presiding Judge by April 15 of each year in a format specified by the Executive Committee. The reports may be reviewed by the Commissioner Performance Review Committee as necessary.

[Adopted effective September 1, 2016.]

LCMR 8. PRO TEMPORE JUDGES AND PRO TEMPORE COMMISSIONERS

(a) Pro Tempore Judges and Pro Tempore Commissioners. The Presiding Judge, with the advice of the relevant standing committees, shall be responsible for the selection of pro tem judges and pro tem commissioners and shall ensure that such pro tem judges and pro tem commissioners are properly trained. Pro tem judges and pro tem commissioners:

(1) Serve at the pleasure of the Presiding Judge and Executive Committee. An appointment as a pro tem judge or pro tem commissioner shall work fewer than nine hundred ten (910) hours in a calendar year, except for Term Limited appointments. The pro tem judge, or pro tem commissioner, or the Court may terminate an appointment as pro tem judge or pro tem commissioner at any time without cause or prior notice.

(2) Are not subject to the Court's personnel rules or any other employee handbook except for policies that *explicitly apply* to pro tem judges and pro tem commissioners.

(3) Are not eligible for leave, overtime pay, medical or retirement benefits or any other employment-related benefits.

(4) May be required to attend training pertaining to the particular services being provided. Attendance at a Court-required training is mandatory and a condition of continued placement as a pro tem judge or pro tem commissioner.

(b) **Assignments.** The Court has the discretion to make calendar assignments and to change assignments.

[Adopted effective September 1, 2016.]

LCMR 9. CHIEF ADMINISTRATIVE OFFICER

(a) **Appointment.** The Chief Administrative Officer shall be appointed by a majority of all of the judges and serve at the pleasure of the judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Chief Administrative Officer include, but are not limited to, the following:

(1) Administer all non-judicial activities of the court, including case setting and the utilization of jurors.

(2) Employ, assign, supervise and direct the work of the employees of the court except the commissioners, special masters, referees, and each judge's bailiff.

(3) Prepare and administer the budget of the court.

(4) Stay abreast of current best practices in court administration and advise the Presiding Judge of potential changes to current court policies.

(5) In consultation with the Presiding Judge, implement the court's strategic plan and provide leadership and continuity in court initiatives.

(6) Represent the court in dealings with the state Administrative Office of the Courts.

(7) Assist the Presiding Judge in representing the court on all management matters in dealing with governmental bodies, and other public and private groups having a reasonable interest in the administration of the court.

(8) Prepare the agenda, arrange, attend and act as recording secretary for judges' meetings, and for those committee meetings where the Chief Administrative Officer's presence would be reasonable and productive.

(9) Prepare an annual report to the court.

(b) **Vacancy.** Upon a vacancy in the office of Chief Administrative Officer, the Executive Committee shall recruit qualified applicants for the position. This may include appointment of a special committee. The Executive and Special Committee will interview and screen candidates for the position, and shall present no more than three final candidates to the judges for their review and consideration. The candidate receiving a majority vote of all of the judges shall be named to the vacancy.

[Adopted effective September 1, 2016.]

LCMR 10. DIRECTOR OF JUDICIAL ADMINISTRATION

(a) Appointment. The Director of Judicial Administration shall be appointed by a majority of all of the judges and serve at the pleasure of the judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Director of Judicial Administration include, but are not limited to, the following:

(1) Administer the Department of Judicial Administration, including the maintaining of the official court files, (including those maintained in electronic form), records and indexes necessary for the efficient administration of justice and the court system, and supervising the performance of such other duties assigned to the department by the Presiding Judge or a majority of the judges.

(2) Employ, assign, supervise and direct the work of the employees of the Department of Judicial Administration.

(3) Assist the Presiding Judge in representing the court in dealing with governmental bodies, and other public and private groups having a reasonable interest in the record keeping of the court.

(4) Prepare a report for and attend judges' meetings and attend those committee meetings where the presence of the Director of Judicial Administration would be reasonable and productive.

(5) Prepare an annual report to the court concerning the activities of the department.

(b) Vacancy. Upon a vacancy in the office of Director of Judicial Administration, the Executive Committee shall recruit qualified applicants for the position. This may include appointment of a special committee. The Executive and Special Committees will interview and screen candidates for the position, and shall present no more than three final candidates to the judges for their review and consideration. The candidate receiving a majority vote of all of the judges shall be named to the vacancy.

[Adopted effective September 1, 2016.]

LCMR 11. BAILIFFS

Each judge shall be limited to one bailiff and shall appoint and supervise his or her own bailiff. The bailiff shall serve at the pleasure of the judge.

In the absence of the judge, and unless assigned to other duties by the judge, the bailiff shall be supervised by the Chief Administrative Officer. The Chief Administrative Officer shall appoint and supervise as many additional general bailiffs as are needed.

[Adopted effective September 1, 2016.]

LCMR 12. SELECTION OF MEMBERS TO THE BOARD OF TRUSTEES OF THE SUPERIOR COURT JUDGES ASSOCIATION

(a) Membership. Each judge is a member of the Superior Court Judges Association established by RCW 2.16.010.

(b) Board of Trustees. Two judges shall serve as members of the Board of Trustees of the Superior Court Judges Association as representatives of Association District No. 1. The two

representatives shall serve staggered terms of three years, commencing at the close of the Annual Spring Meeting of the Association at which the member is elected.

(c) Method of Selection. In the year preceding the election of a District No. 1 Board member and after the election of the Executive Committee, a questionnaire shall be circulated soliciting candidates for the position of nominee for District No. 1 Board member. Voting and election of such nominee shall proceed as set forth in Rule 0.6. In case of a vacancy, and on the request of the Board of Trustees, the same election procedure shall be followed.

(d) Notification to Association. Upon conclusion of the balloting procedure set forth in (c) above, the Presiding Judge shall notify the President-Judge of the Association of the name of the judge elected and request that such name be transmitted to the nominating committee of the association with the recommendation that such name be submitted to the membership at the next Annual Spring Meeting of the association as the nominee for the Association District No. 1 position on the Board of Trustees.

[Adopted effective September 1, 2016.]

LCMR 13. PILOT PROJECTS

Pilot projects in King County Superior Court shall operate through published procedures approved by the Presiding Judge and the Executive Committee.

[Adopted effective September 1, 2016.]