

# **LOCAL RULES OF THE SUPERIOR COURT FOR SPOKANE COUNTY**

**EFFECTIVE  
SEPTEMBER 1, 2022**



# Spokane County Superior Court

## LOCAL RULES FOR THE SUPERIOR COURT OF SPOKANE COUNTY

Originally Effective January 1, 1979

Including Amendments Received Through  
September 1, 2022

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## ADMINISTRATIVE RULES (LAR)

### INTRODUCTORY

#### LAR 0.1 DEPARTMENTS OF COURT

The Superior Court of Spokane County shall be divided into as many departments as there are judges authorized by law. The departments shall be numbered consecutively in the order of their creation, as follows:

Department	Created	Incumbent Judge	
No. 1	1889	Hon. Annette S. Plese	Amended effective 01/08/2009
No. 2	1891	Hon. Charnelle Bjelkengren	Amended effective 05/01/2019
No. 3	1901	Hon. Raymond F. Clary	Amended effective 05/21/2015
No. 4	1907	Hon. Julie M. McKay	Amended effective 02/08/2016
No. 5	1909	Hon. Michael P. Price	Amended effective 01/02/2004
No. 6	1949	Hon. Tony D. Hazel	Amended effective 04/13/2017
No. 7	1963	Hon. Jacquelyn High-Edward	Amended effective 09/01/2022
No. 8	1973	Hon. Harold D. Clarke III	Amended effective 01/10/2005
No. 9	1977	Hon. John O. Cooney	Amended effective 01/10/2013
No. 10	1979	Hon. Michelle Szambelan	Amended effective 03/19/2018
No. 11	1996	Hon. Timothy B. Fennessy	Amended effective 01/05/2017
No. 12	1999	Hon. Rachelle E. Anderson	Amended effective 01/02/2019

#### LAR 0.2

#### COURT ORGANIZATION AND MANAGEMENT

**(a) General Management.** The general management of the courts shall be vested in the presiding judge under policy established by the judges at regular and special meetings.

**(b) Meetings.** The judges shall meet regularly on Thursday of each week during the noon hour. Special meetings may be called by the presiding judge as deemed necessary on timely notice. A written agenda shall be provided in advance of all meetings. A majority of the judges shall constitute a quorum.

**(c) Presiding Court.** The Presiding Judge and Assistant Presiding Judge shall serve a two year term and shall be selected by election by a majority of the judges in accordance with



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GR 29. In the absence of the Presiding Judge, presiding duties shall be performed by the Assistant Presiding Judge.

### **(d) Vacancies.**

- (1) Presiding Judge. In the event of a vacancy in the office of the Presiding Judge prior to the completion of the two-year term of the Presiding Judge, the Assistant Presiding Judge shall serve as Presiding Judge for the remainder of the unexpired term.
- (2) Assistant Presiding Judge. In the event of a vacancy in the office of the Assistant Presiding Judge prior to the completion of the two-year term of the Presiding Judge, a new Assistant Presiding Judge shall be elected at the next regularly scheduled Judges Meeting for the remainder of the unexpired term.
- (3) Removal. The Presiding and Assistant Presiding Judge may be removed by a majority vote of the Judges after noting the issue on the agenda for the next regularly scheduled Judges Meeting.

### **(e) Duties of the Presiding Judge.**

- (1) Supervise all business of the court and implement all policies established by the judges;
- (2) Supervise the court commissioners, the court administrator, court employees not assigned to a particular department, and employees assigned to a particular department in the absence of the departmental judge;
- (3) Oversee the assignment of cases and caseflow management, with the assistance of the court administrator;
- (4) Select and utilize jurors, with the assistance of the court administrator;
- (5) Preside at all judges' meetings and call special meetings as required;
- (6) Act as spokesperson for the court, seeking advice and counsel from the judges where appropriate;
- (7) Assign cases and other duties to the judges and court commissioners;
- (8) Appoint standing and special committees, with the approval of the judges.

**(f) Criminal Department.** The Chief Criminal Judge shall be responsible to manage the entire criminal docket from arraignment through plea setting or trial assignment. He or she shall preside at arraignments, decide continuance issues, hold scheduling hearings and pretrial (omnibus) hearings, and shall hear or assign all criminal motions, all probation violations, violations of conditions of sentence, and shall assign all criminal trials. Additional hearings, pleas and sentencings will be assigned to the other judges or commissioners by the Chief Criminal Judge as needed to keep the docket current. Judges will serve on assignment as Criminal Trial Judges for two months at a time, pursuant to a schedule



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established by the Court Administrator. The Chief Criminal Judge shall be selected from among the judges, other than the Presiding Judge and the Juvenile Judge, to serve for a one year term.

- (1) Therapeutic Courts. The Presiding Judge or designee will be responsible to manage the Therapeutic Courts program, including primary responsibility to determine eligibility of defendants and revocation for violation of program rules.

**(g) Court Commissioners.** Court Commissioners shall perform duties as assigned by the court. Full-time Court Commissioners have all powers conferred by law, including the authority to accept pleas in criminal matters.

**(h) Duties of the Court Administrator.** The court administrator shall assist the presiding judge in administrative responsibilities. Subject to the general supervision of the presiding judge, the court administrator's duties shall include:

- (1) Administrative control of all nonjudicial activities of the court;
- (2) Supervision of all court employees other than court commissioners, juvenile court employees, and departmental employees;
- (3) Case setting and trial calendar management;
- (4) Juror selection and utilization;
- (5) Preparation and administration of the budget;
- (6) Coordination with the state court administrator and with the visiting judge program;
- (7) Assisting the presiding judge in dealing with county government, bar association, news media, and other public and private groups having a reasonable interest in the administration of justice;
- (8) Attendance of judges' meetings and preparation of the agenda for and minutes of those meetings;
- (9) Preparation of such reports and compilation of such statistics as may be required by the judges or state court administrator;
- (10) Making recommendations to the judges for the improvement of the administration of the court.

Amended effective 06/28/2019

### LAR 0.3 COMMITTEES

**(a) Standing Committees.** The following standing committees shall be established:

- (1) Juvenile Court, chaired by the Juvenile Judge;
- (2) Mental Health;





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- (3) Jury Management;
- (4) Budget and Planning;
- (5) Superior Court Civil Liaison;
- (6) Court Commissioner Liaison;
- (7) Criminal Liaison Committee chaired by the Chief Criminal Judge, representatives from the offices of the Prosecuting Attorney and Public Defender, a representative from the Court Administrator's staff, and others designated by the chairperson to assist in the work of the committee.;

**(b) Duties of Committees.** Committees have a duty to study and make recommendations concerning the subject matters assigned to them with authority to act when specifically authorized by the judges.

Amended effective 06/28/2019

### LAR 0.4 STANDARDS FOR TIMELY DISPOSITION OF CIVIL CASES

**(a) Time Standards.** The court, in order to increase the rate of civil and domestic dispositions and insure trial preparation, adopts the following time standards.

- (1) General Civil. 90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months; and the remainder within 24 months, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review will occur.
- (2) Domestic Relations. 90% of all domestic relations matters should be settled, tried or otherwise concluded within ten months of the date of case filing; 100% within 18 months, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review will occur.

**(b) Scope.** Except as otherwise provided by LAR 0.4(a), or as otherwise ordered by the court, this rule shall apply to all civil cases, except for:

- (1) Modification of a decree of support or maintenance under RCW Title 26;
- (2) Collection cases under \$35,000;
- (3) Changes of name;
- (4) Adoptions;
- (5) Domestic violence (RCW Chapter 26.50);
- (6) Civil harassment (RCW Chapter 10.14);
- (7) Uniform Interstate Family Support Act (UIFSA);
- (8) Juvenile and Dependency cases (RCW 13.32A & 13.34);



- (9) Paternity cases;
- (10) Minor settlements;
- (11) Probate cases;
- (12) Guardianships;
- (13) Unlawful detainers;
- (14) Reviews of action taken by an administrative agency;
- (15) Appeals from courts of limited jurisdiction;
- (16) Foreign judgments;
- (17) Abstracts or transcripts of judgments;
- (18) Petitions for writs of habeas corpus, mandamus, restitution, or review, or any other writs;
- (19) Civil commitment cases;
- (20) Proceedings under RCW chapter 70.96A.

Amended effective 07/01/2001

**LAR 0.4.1 CASE SCHEDULE ORDER AND ASSIGNMENT OF CIVIL CASES**

**(a) Scope.** Except as otherwise ordered by the court, this rule shall apply to all civil cases, except for:

- (1) Cases which have been transferred to mandatory arbitration, pursuant to LMAR 2.1, whether or not a Case Schedule Order has been previously signed. For cases appealed from mandatory arbitration see LAR 0.4.1(c);
- (2) Modifications of child support or maintenance, except that these matters may be assigned a Case Schedule Order upon order of the court;
- (3) Paternity;
- (4) Change of name;
- (5) Adoption;
- (6) Domestic violence (RCW Chapter 26.50);
- (7) Harassment (RCW Chapter 10.14);



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- (8) UIFSA actions;
- (9) Juvenile dependency;
- (10) Minor settlement;
- (11) Probate, except any will contest or litigation matter arising in a probate case shall be assigned a Case Schedule Order when the petition to contest the will is filed or the estate is sued;
- (12) Guardianship;
- (13) Unlawful detainer;
- (14) Review of action taken by administrative agency;
- (15) Appeals from courts of limited jurisdiction which are governed by rules for Appeal of Decisions of Courts of Limited Jurisdictions (RALJ);
- (16) Foreign judgments;
- (17) Abstract of transcript of judgment;
- (18) Petition for Writ;
- (19) Civil commitment;
- (20) Proceedings under RCW Chapter 10.77 (Criminally Insane);
- (21) Proceedings under RCW Chapter 70.96A;
- (22) Proceedings for isolation and quarantine;
- (23) Collection cases.

**(b) Clerk Index Sheet, Case Assignment Notice and Order.** When an initial pleading is filed and a new case file is opened, the plaintiff/petitioner shall file a Spokane County Clerk Indexing Sheet.

- (1) Excluding cases listed in LAR 0.4.1(a), the clerk will issue and file a Case Assignment Notice and Order with a status conference date and will provide one copy to the party filing the initial pleading and one copy to the assigned court department. The plaintiff/petitioner may serve a copy of the Case Assignment Notice and Order on the defendants/respondents along with the initial pleadings. Otherwise, the plaintiff/petitioner shall serve the Case Assignment Notice and Order on the defendants/respondents within ten days after the later of: (1) the filing of the initial pleadings, or (2) service of the defendant's/respondent's first response to the initial pleadings whether that first response is a notice of appearance, an answer, or a CR 12 motion. The Case Assignment Notice may be served by regular mail, with proof



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of mailing to be filed promptly in the form required by CR 5.

**(c) Assignment of Cases.** All civil cases not falling under LAR 0.4.1(a)(1) through (23), will be assigned to an individual judge when an initial pleading is filed and a new case file is opened. Cases that fall within LAR 0.4.1(a)(1) through (23) may move for assignment which the court may grant if the circumstances of the case so warrant. Termination of Parental Rights cases will be assigned to the juvenile judge for case management. Cases appealed from mandatory arbitration will be assigned to a judge when the notice of appeal is filed.

**(d) Status Conference and Case Schedule Order.** All attorneys of record and/or pro se parties must attend a status conference with the assigned judge on the date and time designated by the Case Assignment Notice. A Case Schedule Order will be issued at the status conference. The order will set the time period between filing and trial and the scheduled events and deadlines for that type of case, as determined to be appropriate by the assigned court department, after consultation with counsel. The court will set cases consistent with the time standards set forth in LAR 0.4(a).

**(e) Joint Case Status Report.** All parties shall confer and jointly prepare a Joint Case Status Report. The form must be brought to the status conference by the parties, or provided to the court department in advance. This form is not to be filed in the court file.

**(f) Monitoring.** The assigned judge and/or court administrator's office will monitor cases to determine compliance with these rules.

**(g) Enforcement.**

- (1) Failure to comply with the Civil, Domestic or Termination Case Schedule Orders 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 Civil, Domestic or Termination Case Schedule Orders established by these rules.
- (3) If the Court finds that an attorney or party has failed to comply with the Civil, or Domestic **or Termination** Case Schedule Orders 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 expenses 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 Civil, Domestic or Termination Case Schedule Orders, "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) Relationship to Civil Rules.** The issuance of a Civil, Domestic or Termination Case Schedule Order does not affect the right of a party to seek a summary judgment under CR



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56 or the right of a party to seek enforcement of discovery rights or obligations under CR 26-37.

Amended effective 09/01/2020

### LAR 0.5 CIVIL MEDIATION

The judicial officers of the Superior Court are empowered to issue an order requiring the parties to participate, in good faith, in mediation at any time during the pendency of litigation.

Effective 09/01/2006

### LAR 0.7 REVISION OF COURT COMMISSIONER'S ORDER OR JUDGMENT

**(a) Revision by Motion and Notice.** A revision motion shall be filed on a form approved by the Court, with the Clerk of the Court within 10 days after entry of the order or judgment as provided in RCW 2.24.050. The motion must specify each portion of the Order for which revision is sought. The motion shall designate a hearing date approved by the court no later than 30 days after the filing of the motion. The Motion for Revision shall also be noted in accordance with Civil Rules 6 and 7. A copy of the motion for revision shall be served upon the other parties, or their counsel, if represented, within 10 days after the entry of the order or judgment and at least five court days before the hearing date. An additional three days notice shall be required if service is by mail.

**(b) Transcript Required.** At least three (3) days prior to the hearing on the motion, the moving party shall file a transcript of the oral ruling of the Court Commissioner. The moving party shall obtain the transcript at their expense. A copy of the transcript shall, at least three (3) days prior to the hearing, also be served upon the other parties and furnished to the Judge who will hear the motion. A transcript will not be required if the matter was decided by letter decision, or if no oral decision was rendered. The transcript shall be double spaced in at least eleven point type. The person preparing the transcript shall comply with GR 35 and be listed on the transcriptionist list approved by the court.

**(c) Assignment and Procedure.** Revision motions in cases that have been assigned will be heard by the assigned judge. Family Law revision hearings involving non-assigned cases will be heard by the Chief Family Law Judge. The Plea/Broker Judge will hear non-family law civil revision hearings. The Chief Criminal Judge will hear criminal revision hearings. The Juvenile Judge will hear all Juvenile Court revision hearings. A Judge required by this rule to conduct the revision hearing, may, in the efficient administration of justice, assign the matter to another Judge.

**(d) Bench copies.**

- (1) The moving party shall provide a copy of the motion to revise to the Judge hearing the motion when the motion is filed. The moving party shall also, no later than 12:00 p.m. three (3) days prior to the hearing, provide to the Judge copies of all pleadings and materials considered by the Court Commissioner as set forth on the Motion Status Report submitted at the time of the Court Commissioner's hearings and the final order entered by the Commissioner. If the moving party believes that the Court



Commissioner considered any pleadings or materials in addition to those noted on the Motion Status Report, the moving party must also provide those pleadings and materials to the Judge by 12:00 p.m. three (3) days prior to the hearing. If the non-moving party believes the Court Commissioner considered pleadings or materials in addition to those noted on the Motion Status Report which have not been provided by the moving party, the non-moving party must provide copies of those materials to the Judge by 12:00 p.m. two (2) days prior to the hearing.

- (2) If no Motion Status Report was submitted at the time of the Court Commissioner's hearing, the moving party shall provide copies of all pleadings and materials considered by the Court Commissioner to the Judge no later than three (3) days prior to the hearing. If the non-moving party believes the Court Commissioner considered additional materials which have not been provided, the non-moving party shall provide copies of those materials to the judge by 12:00 p.m. two (2) days prior to the hearing.
- (3) The Judge will consider the bench copies provided, and may either decline to review any pleadings or materials which were not provided or strike the hearing.

**(e) Hearing Procedure.**

- (1) Hearings before the Family Law Judges shall be scheduled at 1:30 p.m. on Thursdays, or alternate time set by the judge. Hearings before other judges shall be set pursuant to motion procedures for each department. The Juvenile Judge shall determine the setting of motions in that Court.
- (2) The hearing will be on the factual record made before the Commissioner. Argument will be up to 10 minutes per side.
- (3) The moving party shall notify the Judicial Assistant to the Judge by 12:00 p.m. three (3) days prior to the hearing date, as to the ready status of the motion. The moving party shall notify the other parties by 12:00 p.m. three (3) days prior to the hearing that they have called the motion ready for hearing to the Court. Failure to comply with this rule will result in the motion being stricken and the Court Commissioner's order will stand, unless the Judge hearing the motion finds good cause to allow the motion to be rescheduled. The non-moving parties may be granted sanctions if they appear at the time set for hearing and the matter is stricken due to non-compliance with the rule by the moving party.
- (4) If the non-moving party has any objection to the hearing or will be seeking a continuance, that party must notify the assigned Judge and all other parties of that request in writing by 12:00 p.m. two (2) days prior to the hearing.
- (5) The Judge scheduled to conduct the hearing shall consider any requests for continuance. If the moving party fails to appear at the time set for hearing, the Court may enter an order denying the motion. Absent good cause, a party seeking a continuance of the revision shall be deemed to have abandoned the motion if they fail to have it heard within 60 days of the filing of the motion. Multiple orders of continuance shall not be freely granted. The agreement of the parties, standing alone, may not be deemed sufficient basis for a continuance.



**(f) Emergency Motions.** If a party can demonstrate exigent circumstances, an emergency motion may be presented to the judge assigned pursuant to section (c), upon reasonable notice to the opposing parties, without the necessity of meeting the requirements set forth in the above sections of this rule. The judge assigned pursuant to section (c) may determine that exigent circumstances do not justify an emergency hearing. In that event, the moving party shall follow the procedures set forth above.

**(g) Stay.** The filing of a Motion for Revision does not stay the Court Commissioner's order. The moving party may seek a stay of the order from the Judge expected to conduct the revision hearing as set forth in this rule. A request for stay may also be addressed to the Court Commissioner who issued the judgment or order.

Amended effective 09/01/2022

## **LAR 0.8 LOCAL RULE TO IMPLEMENT GR 31 AND GR 22**

### **(a) Personal Identifiers-Children**

- (1) Complete names of children, sealed case types: The complete names of children shall be used in cases that are deemed confidential pursuant to state or federal statutes, including cases filed pursuant to Title 13 RCW (excluding offender cases); Chapter 4.24 RCW, Chapter 26.33 (Adoption) and Chapter 71.34 (Mental Health Services for Minors).
- (2) Confidential Information Form: The complete names of children and other identifiers shall be included in the Confidential Information Form or similar document for cases filed under Title 26.
- (3) Domestic Relations Orders: Court orders concerning the financial support or the custody or residential schedule of a child (including temporary and permanent parenting plans and similar documents) and orders establishing or disestablishing paternity shall include the full name of the child. The date of birth of a child shall be included in court records only as authorized by GR 22.
- (4) Child who is alleged to be a victim of a crime: The complete name of a child who is alleged to be a victim of a crime may be included on subpoenas and in jury instructions. Nothing in this rule requires that subpoenas be routinely filed in the court file.
- (5) Child who is charged with a crime: The complete name of a child charged with a crime shall be included in any indictment or information filed with the court pursuant to CrR 2.1 or JuCR 7.2, as part of an affidavit or declaration of probable cause or for any other purpose deemed necessary for the prosecution or defense of the criminal or juvenile offender matter.
- (6) Orders issued for the protection of a child: If a child is a person protected by a criminal no contact order issued pursuant to 10.99 RCW, an anti-harassment order issued



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- pursuant to 10.14 RCW, an order of protection issued pursuant to 26.50 RCW or a restraining order or order of protection issued pursuant to 26.09 RCW, 26.10 RCW, 26.26 RCW, RCW 26.52.020, or any other court order entered for the protection of the child, the child's full name and other identifiers shall be included on petitions and orders as necessary for entry of the order into the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).
- (7) Orders on release of criminal defendant: If access to a child is restricted pursuant to CrR 3.2(d) (1), the court may include the full name of the child on the order, if deemed necessary for effective enforcement of the order.
- (8) Orders restraining child from contacting or harassing others: Whenever a child is named as a respondent in an order listed herein, the child's full name and other personal identifiers shall be included on the petition and order as necessary for entry of the order in the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).
- (9) Petitions and Notices filed pursuant to Chapter 11.28, RCW (children as heirs to estate): The full names and ages of children and other information required by RCW 11.28.110 and RCW 11.28.330 shall be included, however, the date of birth may be included only as authorized by GR 22.
- (10) General authority. Nothing in this rule shall prohibit a court from authorizing the use of a child's full name or date of birth when necessary for the orderly administration of justice, consistent with the requirements of GR 22.

### **(b) Access**

- (1) Electronic access to the Superior Court Clerk's electronic records system outside of the clerk's office and outside of Spokane County's wide area network may be provided for all electronically-stored case files except those restricted by federal law, state law, court rule, case law, or court order, and
- (2) Electronic access to court records shall be provided to those who have been approved to enter into a Document Viewer Subscription Agreement with Spokane County and have fulfilled all requirements of said agreement and are in current compliance with the agreement.

Effective 03/01/2011

### **LAR 30. ELECTRONIC FILING**

**(d)(2)(D)(ii)** Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision and Traffic Online Records (SECTOR) application, the Justice Information Network Data Exchange (INDEX), or the local secured system "Xpediter" used by the County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made





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under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the document.

Effective 09/01/2012

## CIVIL RULES (LCR)

### COMMENCEMENT OF ACTION

#### LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

##### (d) Filing.

- (5) Motions. No motion for any order shall be heard unless the papers pertaining to it have been filed with the clerk.
- (6) Documents Not to Be Filed. Unanswered interrogatories to parties and requests for admissions where an answer or other response is expected on the same document shall not be filed unless necessary for the disposition of a motion or objection. Photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise but may be furnished directly to the judge hearing the matter. Documents or copies thereof produced during discovery and other items which should properly be received as exhibits rather than as a part of the court file shall not be included in the court file.
- (7) Indexing Cover Sheet. An indexing cover sheet (Clerk Form 1) shall be completed and filed with all initial pleadings at the time the pleadings are assigned a cause number.

**(e) Filing With the Court Defined.** A document is deemed received at the time the clerk's office receives a pleading filed electronically, except that a document received after 5:30 p.m. shall be considered received the next judicial day.

Amended Effective 09/01/2022

### PLEADINGS AND MOTIONS

#### LCR 7. PLEADINGS

**(b) Pro Se Pleadings.** Pro se pleadings shall be typewritten or neatly printed in black or dark blue ink and shall conform to the format requirements of GR 14. The following information must be included on the pleadings: the person's mailing address and street address where service of process and other papers may be served unless that information is made confidential by statute; the person's telephone number; and an email address.

Amended Effective 09/01/2022



**LCR 10. FORM OF PLEADINGS AND OTHER PAPERS**

**(e) Format Requirements.**

- (1) Compliance with GR 14. All pleadings, motions and other papers presented for filing with the Clerk shall comply with GR 14.
- (2) Paper Requirements. All original documents filed shall be clear, legible and permanent, and printed or typewritten in black or dark blue ink on nontranslucent bond paper or other paper suitable for scanning. On documents not readable by the scanner, the original will be stamped by the clerk showing it was of poor quality for scanning. The following standards are required to assist the clerk for scanning purposes: use of binder clips on large documents; one staple per document (do not staple sub-documents within the pleading); use of bottom tabs only; no colored divider pages; and use of tape within documents (to affix small notes and receipts) instead of staples.
- (3) Consolidated Cases. For all causes wherein an order for consolidation (for any purpose) has been entered, the caption shall include the separated titles of the consolidated actions, along with the specific cause numbers, and indication to the clerk of which cause number the pleadings shall be filed under. The party filing the pleadings shall provide copies for each cause listed. If no indication is made and/or a copy is not provided for each cause, the clerk shall place the pleadings into the lowest (or earliest filed) cause.
- (4) Bottom Notation. Every proposed order, judgment and decree presented to a judge for signature shall be signed, on the lower left-hand corner of the page to be signed by the judge, by the individual attorney or pro se party presenting it. Attorneys signing shall include their Washington State Bar Association identification numbers.
- (5) Change of Name or Address of Attorney. An attorney whose office address or whose name changes shall, within ten days after the change, file a notice in each Superior Court case file in which he or she is the attorney of record. An attorney may use the same format referred to in APR 13 or the form in use by the Washington State Bar Association.
  - A. Change of Address. The attorney shall furnish his or her Washington State Bar Association membership number, the previous address and telephone number, clearly identified as such, the new address and telephone number, clearly identified as such, and the effective date of the change.
  - B. Change of Name. The attorney shall furnish his or her Washington State Bar Association membership number, the previous name, clearly identified as such, the full new name, clearly identified as such, and the effective date of the change.

Amended effective 06/28/2019



## **LCR 12. DEFENSES**

**(a) Answer or Motion for Default.** In all civil cases every plaintiff shall promptly move for entry of default if the answers or responsive pleadings are more than 20 days past due.

**(b) How Presented.**

- (1) Bankruptcy. Any party that wishes to assert the protection of the Federal Bankruptcy laws shall, by the next judicial business day after the bankruptcy filing, file a copy of the Bankruptcy Court Notice of Commencement of Case Under Bankruptcy Code, or Voluntary Petition. The copies shall be accompanied by a certificate reflecting that the copies are true and accurate, filed under the Superior Court caption for each case to which the matter pertains. A copy shall be served on all other parties, and a copy provided to the assigned judge, if any. A claim of bankruptcy protection asserted in an answer or other pleading is not sufficient to advise the clerk or court of the pendency of bankruptcy. The parties will annually update the court as to the status of a bankruptcy case.

Amended effective 06/28/2019

## **LCR 15 AMENDED PLEADINGS**

**(a) Amendments.** No additional parties may be joined, no additional claims or defenses may be raised after the date designated in the Case Schedule Order as the Last Date for Joinder of Additional Parties, Amendment of Claims or Defenses, unless, for good cause, the court orders otherwise subject to such conditions as justice requires.

Effective 09/01/2002

## **LCR 16. PRETRIAL PROCEDURE**

**(a) Trial Management Joint Report.** In cases governed by a Civil Case Schedule Order pursuant to LAR 0.4.1, the parties must jointly prepare a Trial Management Joint Report. The Report shall be filed with the Court, with a copy served on the assigned trial department. The Report shall contain:

- (1) Nature and brief, non-argumentative summary of the case;
- (2) List of issues which are not in dispute;
- (3) List of issues that are disputed;
- (4) Index of exhibits (excluding rebuttal or impeachment exhibits);
- (5) List of plaintiff's requests for Washington Pattern Jury Instructions;
- (6) List of defendant's requests for Washington Pattern Jury Instructions;
- (7) List of names of all lay and expert witnesses, excluding rebuttal witnesses;



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(8) Suggestions by either party for shortening the trial.

**(b) Parties to Confer in Completing Report.** The attorneys for all parties in the case shall confer in completing the Trial Management Joint Report. If any party fails to cooperate in completing the report, any other party may file and serve the report and note the refusal to cooperate.

**(c) Pretrial Conference.** All parties must attend a pretrial management conference if scheduled by the assigned trial judge.

**(d) Trial Exhibits.** All trial exhibits shall be bates numbered.

Amended effective 09/01/2021

### DEPOSITIONS AND DISCOVERY

#### LCR 37. FAILURE TO MAKE DISCOVERY: SANCTIONS

**(a) Motion for Order Compelling Discovery.** Motions to compel discovery shall be noted for hearing on Motion as follows:

- (1) unassigned civil motions to the Judicial Department hearing that docket on rotation of the Spokane County Superior Court Bench (please contact the Civil Case Coordinator);
- (2) pre-assigned cases to the motion calendar for that Judicial Department; or,
- (3) child support maintenance/modification discovery motions shall be noted pursuant to LSPR 94.04(n).

The notice requirements of LCR 40 apply to all motions governed by this rule.

Amended effective 09/01/2022

### TRIALS

#### LCR 38. JURY TRIAL OF RIGHT

**(a) Demand for Jury.**

- (1) Must Be on Separate Document. The demand for a jury trial shall be contained on a separate document.
- (2) Deadline for Filing Jury Demand.

A. [Deleted]



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- B. In cases governed by a Civil Case Schedule Order pursuant to LAR 0.4, a jury demand shall be filed and served no later than the date set forth in the Civil Case Schedule Order.

Amended effective 06/28/2019

### LCR 40. ASSIGNMENT OF CASES & MOTION PRACTICE

#### (a) Note of Issue.

- (1) **Of Law.** In cases where a Civil, Domestic or Termination Case Assignment Notice has been entered issues of law shall be noted for hearing on a form approved by the court and shall be scheduled with the judicial assistant for the assigned judge. For issues of default, see LCR 55. For issues under CR 56, see LCR 56.
- (2) **Family Law Cases.** (i.e. cases subject to Title 26 RCW). The judges shall periodically appoint judges to act as Family Law Judges who shall manage all matters of family law administration. All cases involving matters arising under Title 26 RCW shall be subject to the supervision of the Family Law Judges, one or more Family Law Commissioners and comply with the Spokane Family Law Local Rules.

#### (b) Motion Practice.

##### (1) Non-Dispositive Motion Page Limits.

- A. Initial Moving Documents. No individual moving motion, memorandum, and brief, shall exceed fifteen (15) pages in total, including the pages subject to subsection (b)(12) D., below. No affidavit or declaration in support of the moving documents shall exceed fifteen (15) pages in total, not including exhibits.
- B. Response Documents. No response to any individual document shall exceed fifteen (15) pages in total, including the pages subject to subsection (b)(12) D. below. Any response should be clearly designated as such.
- C. Reply to Response. No reply to any individual document shall exceed five (5) pages, not including exhibits. Any reply should be clearly designated as such.
- D. No Duplication of Documents. No response or reply may include any document attached to or a part of the initial motion, response, or document already filed as part of this motion, but instead shall cite to the relevant portion of the previously filed document.
- E. Motion to Exceed Page Limits. The page limits shall not be exceeded without prior authorization from the court. A party may properly note a written motion for good cause shown, and an explanation of steps taken to reduce the number of pages, and request permission to exceed these page limits. This motion shall be ruled upon by the Court prior to exceeding page limits.



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- (2) **Format.** All documents shall comply with GR 14 and be typed in font no smaller than 12 point Times New Roman. The writing or printing shall appear double spaced on only one (1) side of the page.
- (3) **Authority.** Any legal authority relied upon must be cited, including a pinpoint cite to the particular page or pages the proponent wishes the court to read. Copies of authorities that are not published in the Washington Reports shall be provided to the hearing judge and to counsel or parties, shall be underlined or otherwise marked clearly delineating the specific part of the authority the proponent wishes the court to read, but not be filed with the clerk. Citations to authorities shall comply with GR 14.1.
- (4) **Form of Proposed Orders.** The moving party and any party opposing a motion shall include a proposed order with their submission. The original of each proposed order shall be submitted to the hearing judge along with any working copies. Proposed findings of fact and conclusions of law shall also be provided if applicable.
- (5) **Obligation to Respond.** Upon the filing of an initial motion, the opposing party shall file a response. The failure to file a response may be deemed consent to the entry of an order adverse to the party who fails to file a response. The initial moving party may, at its discretion, file a reply which complies with LCR 40(b)(1)(C).
- (6) **Failure to Comply with Rules of Motion Practice.** In the event a party fails to comply with LCR 40 or LCR 56, including service, filing, delivery of a document, providing bench copies, citations, underlining or otherwise marking exhibits or authorities, or exceeding page limits, the court shall have discretion to not consider the document or citation, strike the document, strike the hearing, continue the hearing, and/or impose terms or sanctions.
- (7) **Exhibits.**
- A. No individual exhibit shall exceed twenty (20) pages. Each exhibit shall be Bates Stamped (numbered).
  - B. No response or reply may include an exhibit attached to or a part of the initial motion or pleading already filed, but instead shall cite to the relevant portion of the initial document.
  - C. Any exhibit shall be underlined or otherwise marked clearly delineating the specific part of the exhibit that the proponent wishes the court to read.
  - D. The Court will only review the delineated portions of the exhibit.
- (8) **Dispositive Motions.** Motions for summary judgment, partial summary judgment, or dismissal are governed by LCR 56.



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### **(9) Motion Setting and Filing - General.**

- A. The Note for Hearing/Issue of Law (form CI.06.0300) must be served and filed no later than twelve (12) days prior to the hearing (CR 6 and CR 40).
- B. The moving party shall file a motion, all supporting affidavits or declarations and documentary evidence, and a brief or memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the issue of law form. These documents shall be filed and served no later than twelve (12) days prior to the hearing.
- C. Any responding documents must be served and filed at least seven (7) days prior to the hearing. Reply documents must be served and filed at least two (2) days prior to the hearing.
- D. If a judge has not been preassigned, the court administrator will notify counsel of the assigned judge.
- E. The moving party shall notify the judicial assistant by 12:00 p.m. three (3) days prior to the hearing confirming that the motion is ready to be heard as scheduled. In the event a motion or one continued from a prior date is to be argued, counsel for the moving party shall confirm with all opposing counsel that they are available to argue the motion and then notify the judicial assistant for the assigned judge by 12:00 p.m. three (3) days prior to the hearing that the parties are ready for the hearing.
- F. Confirming a hearing certifies that the moving party's bench copies have been timely delivered in conformity with LCR 40.
- G. In the event an agreed or uncontested order of continuance is to be entered counsel shall notify the assigned judge's judicial assistant by 12:00 p.m. three (3) days prior to the hearing.
- H. Failure to timely comply with these requirements may result in a continuance or the motion being stricken from the calendar, the documents (e.g. brief or declaration) not being considered, and the imposition of terms.

### **(10) Motion Setting-Dispositive Motions. (See LCR 56).**

### **(11) Motion Setting-Criminal Matters. (See LCrR 4.5)**

### **(12) Bench Copies.**

- A. For cases where a Civil, Domestic or Termination Case Assignment Notice has been entered and a judge assigned, the filing party shall provide, at the time of filing, a copy of their filed documents according to LCR 40(B)(1) to the judicial assistant of the assigned judge.
- B. For a case which does not have a Civil, Domestic or Termination Case Assignment Notice pursuant to LAR 0.4.1(a), the filing party shall provide, at



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the time of filing, a copy of their filed documents to the court administrator's office.

- C. For issues of law heard on the Family Law Calendar, these materials shall be furnished in compliance with the Spokane County Family Law Local Rules.
- D. Any documents previously filed and cited for review by the court, shall be provided as bench copies. The above rules for page limits and proper underlining/other marking apply. These bench copies are not to be filed with the clerk.

### **(13) Motion Calendar Hearing Procedures.**

- A. In cases where a Civil, Domestic or Termination Case Assignment Notice has been entered and a judge assigned, the moving party shall contact the judicial assistant of the assigned judge to obtain an available hearing date for the motion.
- B. In cases where a Civil, Domestic or Termination Case Assignment Notice has not been entered pursuant to LAR 0.4.1 (a), the court administrator's office will assign the motion and the judicial assistant for the assigned judge will set the time for hearing.
- C. Motions for Default and Motions to Compel Discovery must be brought in accordance with LCR 40, LCR 37 and LCR 55.

**(14) Oral Argument.** All motions shall be limited to ten (10) minutes or less per side, unless additional time is granted by the judge or court commissioner.

### **(e) Continuances.**

- (1) All continuances will be considered only upon written motion, for unforeseeable emergencies, for good cause shown, and upon terms the court deems just.
- (2) No motion for continuance will be considered unless the moving attorney(s) certify their client(s) have been consulted and approve and the certification is signed by the attorney(s).
- (3) Stipulated continuances require certification that the attorneys have consulted with their respective client(s) and obtained approval for seeking the continuance.
- (4) Motions to change the trial date on a case where a Civil, Domestic or Termination Case Assignment Notice has been entered pursuant to LAR 0.4.1 shall be heard by the assigned judge on or before the date designated in the Case Schedule Order. The moving party shall contact the judicial assistant of the assigned judge to obtain an available hearing date for the motion.

**(f) Change of Judge.** A party seeking to disqualify a judge under RCW 4.12.050 must provide a copy of the Notice Re: Disqualification of Judge to the disqualified Judge and Court Administrator's Office on the same day it is filed.

Amended effective 09/01/2022





**LCR 43. TAKING OF TESTIMONY**

**(a) Testimony.**

- (3) Excusing Witness. A witness under subpoena is excused from further attendance as soon as testimony has been given unless either party makes request in open court that the witness remain in attendance or be subject to recall. Witness fees will not be allowed on subsequent days unless the court has required the witness to remain in attendance which fact shall be noted by the clerk in the court journal.

**(e) Evidence on Motions.**

- (1) Generally. Motions for temporary support, suit money, restraining orders, injunctions, to dissolve injunctions and to quash or dissolve attachments shall be heard only on the pleadings, affidavits, published depositions and other papers filed unless the court otherwise directs. Except as otherwise provided in LSPR 94.04(a) or (b), any counter-affidavits shall be served upon the opposing party before the expiration of one-half the time intervening between the service of the movant's affidavits and the hearing or the movant shall have the option of a postponement of the hearing. Affidavits strictly in reply to counter-affidavits may be served and considered at the hearing.

**LCR 47. JURORS**

**(a) Examination of Jurors**

- (1) **Juror Questionnaires**. The trial judge shall direct that individual questionnaires of jurors dealing with matters of personal or sensitive nature shall be filed consistent with GR 31 and relevant case law. At the conclusion of voir dire, attorney copies of juror questionnaires shall be returned to the court.
- (2) **Juror Information Form**. Juror Information Forms will be filed consistent with GR 31 and relevant Case Law. Attorney copies of the Juror Information Form may not be removed from the courtroom without the express permission of the trial judge. At the conclusion of voir dire, attorney copies of the Juror Information Forms will be returned to the court.

**(d) Empaneling Jury**. The Spokane County Superior Court shall employ a properly programmed electronic data processing system to make random selection of jurors as authorized by law.

**(e) Challenge.**

- (9) **Peremptory Challenges**. The exercise or waiver of peremptory challenges shall be noted in writing on the jury list.

Amended effective 04/01/2016



**LCR 49. VERDICTS**

**(k) Receiving Verdict and Discharging Jury.**

- (1) Receiving Verdict During Absence of Counsel. A party or attorney desiring to be present at the return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within 20 minutes of telephone notice to the attorney's office, home or other number, the court may proceed to take the verdict in the absence of such party or attorney. In such case, the jury shall be individually polled and the identity of any dissenting jurors recorded.

**LCR 51. INSTRUCTIONS TO JURY AND DELIBERATION**

**(a) Proposed.** In addition to the proposed instructions required by CR 51, each party shall submit a brief statement of the case suitable to be read to the jury before the voir dire examination.

**(b) Submission.**

- (1) Time for Submission. Unless otherwise ordered by the court, proposed jury instructions shall be filed and served no later than the date on the Civil Case Schedule Order.
- (2) Proposed Instructions. Sets of proposed instructions shall be submitted as follows:
- A. To the Clerk: a set of instructions numbered and with citations shall be filed with the county clerk.
  - B. To Attorneys: A set of instructions numbered and with citations shall be served on every other attorney or self-represented party appearing in the case.
  - C. To the Judge: A set of instructions shall be provided to the judge as follows:
    - i. a set of instructions numbered and with citations and a set of instructions without numbers and citations in electronic format submitted via e-mail to the judicial assistant, preferable in Word format, with all proposed instructions in a single computer file; and
    - ii. a hard copy set of printed instructions numbered and with citations; and
    - iii. a hard copy set of printed instructions without numbers or citations.

**(c) Form.** Proposed jury instructions shall be submitted to the judge, shall be typed and double spaced, and each proposed jury instruction shall be on a separate letter-size sheet of paper. A cover sheet with a case caption which reads "Court's Instructions to the Jury" shall be included.

**(d) Published Instructions**

- (1) Request. [Deleted]

Amended effective 06/28/2019



## **LCR 52. DECISIONS, FINDINGS AND CONCLUSIONS**

### **(a) Requirements.**

- (6) Time. Unless the judge has included formal findings of fact and conclusions of law in a written opinion or memorandum of decision pursuant to CR 52(a)(4) or they are otherwise unnecessary by reason of CR 52(a)(5), the attorney of record for the prevailing party shall prepare and note for presentation within 15 days of the decision proposed findings of fact and conclusions of law along with the proposed form of order and judgment as required by CR 54(e).

## **JUDGMENT**

## **LCR 54. JUDGMENTS AND COSTS**

### **(f) Presentation.**

- (1) Counsel and legal interns presenting a judgment or seeking entry of an order shall be responsible to see that all pertinent papers are filed and that the court file is provided to the judge or court commissioner. Anyone presenting ex parte or agreed orders as authorized by APR 9(c)(4) shall be sufficiently familiar with the matter so as to satisfy the court on any question reasonably to be anticipated.
- (2) Counsel may present routine ex parte or stipulated matters based on the record in the file by mail addressed to the county clerk or to the assigned judge. The presentation fee must accompany the original pleadings. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders.
- (3) Paralegals, who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders, may personally present agreed, ex parte and uncontested orders signed by all counsel, based solely upon the documents presented and the record in the file.

Amended effective 06/25/2018

## **LCR 55. DEFAULT AND JUDGMENT**

### **(a) Entry of Default.**

- (1) Required Documents. All documentation required for entry of an order of default pursuant to CR 55(a) shall be filed at the same time as the motion for a default, unless extended by court order to correct a clerical error or omission or for furnishing of any proof required by the court.
- (2) Scheduling. Motions for default shall be noted for hearing on such form(s) as required by the court, before the judge to whom the matter is assigned, on such date as is



approved by the judicial assistant for said judge or before the ex parte department on any court day during regular hours.

Amended effective 06/28/2019

## **LCR 56. DISPOSITIVE MOTIONS**

### **(c) Dispositive Motions and Proceedings.**

#### **(1) Scheduling.**

- A. Motions for summary judgment, partial summary judgment or dismissal under CR 12 must be served and filed at least twenty-eight (28) days prior to the hearing and heard at least fourteen (14) calendar days prior to the date the case is set for trial and shall comply with the deadline designated in the Case Schedule Order.
  - i. **Notice to Pro Se Litigants Opposing Summary Judgment.** Any represented party moving for summary judgment against a party proceeding pro se at the time the summary judgment motion was filed shall serve and file as a notice entitled "What is a Summary Judgment Motion? Notice for Parties Who Do Not Have a Lawyer" with the papers in support of the motion. This notice shall be on a form approved by the court and available on the court's web site. The represented party shall also serve a copy of CR 56 and LCR 56.
- B. Any responding documents must be filed and served at least fourteen (14) calendar days before the hearing.
- C. Any reply documents must be filed and served at least seven (7) days before the hearing.
- D. If the date for filing either the response or rebuttal falls on a Saturday, Sunday or legal holiday, then it shall be filed and served not later than the next day nearer the hearing, which is neither a Saturday, Sunday or legal holiday.
- E. In the event a motion for summary judgment, partial summary judgment or dismissal is to be argued, counsel for the moving party shall comply with the requirements of LCR 40(b)(2-8).
- F. Dispositive motions shall be called ready by 12:00 p.m. three (3) days prior to the hearing.

#### **(2) Dispositive Motion Page Limits.**

- A. **Initial Moving Documents.** No individual moving motion, memorandum and brief shall exceed twenty (20) pages in total. No affidavit or declaration in support of the moving documents shall exceed twenty (20) pages in total, not including exhibits.
- B. **Responding Documents.** No response to any individual document shall exceed twenty (20) pages, not including exhibits. Any response should be clearly designated as such.



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- C. Reply to Response. No reply to any individual document shall exceed seven (7) pages, not including exhibits. Any reply should be clearly designated as such.
- D. No response or reply may include any document attached to or a part of the initial motion, response, or document already filed as part of this motion, but instead shall cite to the relevant portion of the previously filed document.
- E. Exhibits. See LCR 40(b)(7).
- F. Motion to Exceed Page Limits. See LCR 40(b)(1)(F).
- G. Bench Copies. See LCR 40(b)(12).

**(3) Failure to Comply with Rules of Motion Practice.** See LCR 40(b)(6).

Amended effective 09/01/2020

### LCR 69. EXECUTION

**(a) Procedure—Delinquent Support.** No writ of execution or attachment shall be issued for the collection of delinquent child support or spousal maintenance until a judgment determining the amount due has been entered.

**(b) Supplemental Proceedings.** In all supplemental proceedings wherein a show cause order is issued pursuant thereto requiring the personal attendance of a party to be examined in open court and in orders to show cause in re contempt, the order to show cause must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH BENCH WARRANT.

The failure to include such wording will be grounds for the court to refuse to issue a bench warrant for the apprehension of such person.

### LCR 70.1 APPEARANCE BY ATTORNEY

**(a) Notice of Appearance.** In each and every cause, after the filing of a complaint or petition, the attorney of record shall file a clearly designated “Notice of Appearance” with the court before filing any answer, motion, memorandum, or responsive pleading. The notice of appearance shall include the attorney’s address, telephone number and email address.

Effective 09/01/2022



**LCR 71. WITHDRAWAL BY ATTORNEY**

**(c) Notice of Intent to Withdraw.** A notice of intent to withdraw shall include the current trial date if scheduled and the name(s), last known addresses and telephone number(s) and email addresses of the person(s) represented by the withdrawing attorney, unless disclosure would violate the Rules of Professional Conduct or if the information is made confidential by statute.

Effective 09/01/2022

**SUPERIOR COURTS AND CLERKS**

**LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS**

**(f) Sessions—Hours of Court.** Court shall be in continuous session except for non-judicial days and Saturdays. Cases will be set, however, according to the priority established by law and court rule and the availability of trial departments.

- (1) Ex Parte Department. The current hours and schedule of the ex parte department shall be posted on the Superior Court website.
- (2) Trial Departments. Jury trials will normally be conducted Mondays through Thursdays from 9:00 a.m. until 12:00 noon and from 1:30 p.m. until 4:30 p.m. subject to adjustment by the trial judge. Non-jury trials shall be during the same hours subject to adjustment by the trial judge. Friday calendars shall be individually controlled by the respective trial judges and may be utilized for pretrial conferences, motions, sentencings, opinion drafting and other chambers work.

Amended effective 09/01/2022

**LCR 79 BOOKS AND RECORDS KEPT BY CLERK**

**(g) Other Books and Records of Clerk.**

- (1) Exhibits. Exhibits shall be kept separately from the court file. Any inspection of an exhibit must be in the presence of the clerk or a deputy clerk unless authorized by a court order.
  - A. Hazardous or Potentially Hazardous Materials. Exhibits containing hazardous or potentially hazardous materials shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:
    - i. Materials containing or apparently containing blood, blood residue, bloodborne pathogens, infectious material, drugs, controlled substances, or other potentially hazardous material, shall be packaged and labeled as directed in a Hazardous Exhibit Protocol adopted by the court and filed with the Clerk or as directed by the court.



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- ii. Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.
- iii. Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.
- iv. Paper bags alone shall not constitute proper packaging.

(2) Rejection of Unsuitable Materials.

- A. Original court record. Whenever there is presented to the clerk for filing in a cause, any paper or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines the paper or materials should not be made a part of the original court file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. 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 to the parties or their attorneys of record.
- B. Materials filed not evidence unless ordered. Exhibits filed pursuant to subsection (2)(A) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

**(h) Withdrawal of Files and Exhibits.**

- (1) Files. Files may be withdrawn to be taken to a courtroom by the following persons on giving a written receipt: judges, court commissioners, deputy clerks, bailiffs, official court reporters, judicial assistants, court administrator's office, court facilitator staff, representatives from bail and/or bonding companies, attorneys, paralegals registered under LCR 54(e)(3), APR 9 legal interns, guardians ad litem and representatives of adoption agencies. Violation of this rule may result in sanctions including a suspension of privilege to remove any file from the Clerk's office. Files are available for electronic reproduction by the County Clerk under the fee schedule as provided in RCW 36.18.016 (4).
- (2) Exhibits - Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by:
  - A. The judge having the cause under consideration.
  - B. Official court reporters and law clerks/judicial assistants, without court order, for use in connection with their duties.



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C. Attorneys of record, or paralegals employed by attorneys of record and registered under LCR 54(e)(3) upon court order, after notice to or with the consent of opposing counsel.

- (3) Exhibits - Illustrative Exhibits Return. In any non-criminal cause, the court on its own motion, may at the conclusion of trial/hearing return all exhibits that were admitted for illustrative purposes only, to the parties, absent any objection by counsel.
- (1) Exhibits - Return of Exhibits. In any non-criminal 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
- (2) or upon filing a satisfaction of judgment, each party shall withdraw all exhibits offered by such party and give the clerk a receipt therefore. In the event a party shall fail to withdraw the exhibits within ninety (90) days
- (3) after the final disposition, the clerk is authorized to destroy the same exhibits after thirty (30) days from mailing to a party a notice of intent to destroy exhibits.
- (4) Exhibits - Return of Controlled Exhibits (Drugs or Dangerous Items). When any controlled substance or dangerous items have been admitted in evidence or have been identified, and are being held by the clerk as 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 and/or dangerous items, 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 and/or dangerous items, it shall enter an order accordingly. The clerk shall then deliver the drugs and/or dangerous items and take from the law enforcement agency a receipt which he shall file in the cause. He shall also file any certificate issued by an authorized federal or state agency and received by him showing the nature of such drugs.
- (5) Videotaped Deposition(s). Videotaped deposition(s) played and reviewed in open court shall be treated as court exhibits, with the same retention standards. Except as ordered by the court, if a party wishes same reviewed deposition(s) to become part of the court file, then the party shall submit a true and accurate transcript of such deposition(s) to the clerk.
- (6) Certified Appeal Board Records and Exhibits. Certified appeal board records and exhibits shall be kept separate from the original court file. Upon conclusion of the trial and stipulation of the parties, absent any objection or further appeal by the parties, the certified appeal board record and exhibits shall be withdrawn upon receipt to the clerk. In the event of an appeal to a higher court, when the final disposition of the appeal is filed, the parties shall withdraw the certified appeal board record and exhibits within thirty (30) days or upon notice from the clerk, authorize the clerk to destroy the above said records and exhibits. The clerk shall file any stipulation or authorization into the case file.
- (7) Destruction of Records - Reproduction of Records.





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- A. Microfilmed Or Scanned Records. Files, or portions thereof, and records that have been destroyed pursuant to RCW 36.23.065, may be reproduced and used in accordance with RCW 36.23.067 for trial or hearing. The party or attorney needing a reproduction of a microfilmed or scanned file or record shall request the clerk, at least six (6) days prior to the scheduled court date, to reproduce the necessary materials.
- B. Confidential or sealed files and materials. The clerk shall not permit the examination of any confidential or sealed file or other sealed materials except by order of the court. Such order shall include findings to meet the requirements of GR-15 and any applicable statutes.
- C. Sealed Files. The clerk shall not permit the examination of any sealed file except upon the written order of a judicial officer.
  - i. Confidential Use by Judicial Conduct Commission. 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.
  - ii. Public Use. No materials in a sealed file may be made public, unless the Judicial Conduct Commission has first obtained an order pursuant to GR 15. Motions to obtain such an order shall be made to the Presiding Judge.

### **(j) Filing of Court Documents**

- 1. Filed Documents Available. Documents turned in for filing by 5:30 p.m. on any given day will be placed in the court file by 5:00 p.m. on the next work day, unless the document is a "Clerks Action Required" document or a Financial document requiring a judgment number an execution docket entry. Filed documents must be counted, coded, entered into the computer, scanned into the clerk's imaging system and electronically linked to the Document Management System. The court document will be available for use by 5:00 p.m. on the first work day subsequent to filing. "Clerks Action Required" and Financial documents require additional time for review, copying, execution docket coding, JIS data entry and verification. The court documents will be available for use by 5:00 p.m. on the third to fifth work day subsequent to filing.
- 2. Action Documents - Requirements. Pleadings or other papers requiring action on the part of the clerk, other than file stamping and docketing, shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, indicating "Clerks Action Required."

Amended effective 11/17/2016



**LCR 80. COURT REPORTERS**

**(c) General Reporting Requirements.**

- (1) Separate Civil and Criminal Notes. Court reporters shall keep notes for civil and criminal cases separately.
- (2) Filing of Notes. Reporters shall file their notes electronically with the clerk annually. An index or copy of court docket, with number and title of all cases reported, shall be included and filed with said notes. Reporters may withdraw notes for the time necessary to prepare transcripts by giving a receipt therefor to the county clerk. Reporters shall return notes to the clerk's office as the transcripts are completed, or on demand of the Clerk.

**(d) Confession Procedure Record.** Unless the trial judge directs otherwise or the defendant is found not guilty, the court reporter shall promptly transcribe at the conclusion of the trial judge's bench decision concerning the admissibility of a confession, which shall be signed by the judge and filed to comply with CrR 3.5(c).

**(e) Oral Decision.** Oral decisions or rulings by a judge which are transcribed for any purpose shall first be submitted to the judge for correction prior to delivery and a final copy furnished to the judge for his or her file upon his or her request.

Amended effective 09/01/2022

**LOCAL GENERAL RULES (LGR)**

**LGR 0.15 DESTRUCTION, SEALING, AND REDACTION OF COURT  
RECORDS**

**(c) Sealing or Redacting Court Records.**

- (1) Motions to Destroy, Redact or Seal. Motions to destroy, redact or seal all or part a court record shall be presented, in accordance with GR 15 to the assigned judge or Presiding Judge if there is no assigned judge.
  - A. Guardianship, Trusts and Probate: (Title 11) Motions may be presented to the Ex Parte Commissioner.
  - B. Vulnerable Adult Protection Order: (RCW 74.04) Motions may be presented to the Ex Parte Commissioner.
  - C. Minor/Incapacitated Settlement: The motion shall be presented to the assigned judge.
  - D. Name Changes Based on Domestic Violence: If no assigned judge, motion may be presented by the requesting party to the Ex Parte Commissioner.
- (2) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 or Title 11 Cases: In a proceeding brought pursuant to RCW 26 or RCW 11, "financial source document", "personal health care record" and "confidential report" as defined under and submitted in accordance with GR 22 will be



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automatically sealed by the clerk without court order, if accompanied by the proper cover sheet.

- (3) Orders to Destroy, Redact or Seal. Any order containing a directive to 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; the clerk's office is directed to return any order that is not so captioned to the judicial officer signing it for further clarification. The clerk is directed to not accept for filing and to return to the signing judicial officer any order that is in violation of this rule.
- (4) Motions to Seal/Redact Filed Contemporaneously with Confidential Document(s).
- A. Contemporaneously with filing the motion to seal, the moving party shall provide the following as working copies:
    - i. 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* view. 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]."
    - ii. a proposed redacted copy of the subject documents(s).
    - iii. a proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).
  - B. If the judicial officer denies the motion to seal, the judicial officer will file the original unredacted document(s) unsealed with an order denying the motion. The words "SEALED PER COURT ORDER FILED [insert date]" will be crossed out on the unredacted document(s).
  - C. If the judicial officer grants the motion to seal, in whole or in part, the judicial officer will cause to be filed the sealed document(s) contemporaneously with a separate order granting the motion. If the judicial officer grants the motion by allowing redaction, the judicial officer shall write the words "SEALED PER COURT ORDER DATED [inserted date]" in the caption of the unredacted document before filing.

Effective 09/02/2013

### **LGR 0.30      ELECTRONIC FILING AND SERVICE**

**(a) Electronic Filing.** Attorneys and self-represented parties may electronically file documents (e-file) unless otherwise prohibited by court rule.

**(b) Documents that may not be E-Filed.** The following documents must be filed in paper form:



- (1) Original Wills and Codicils including Will Only and new probate matters;
- (2) Certified Record of Proceedings for purposes of appeal;
- (3) Documents for filing in an Aggravated Murder case;
- (4) Original Bail Bonds;
- (5) Documents of foreign governments under official seal including foreign and out-of-state adoption documents and judgments;
- (6) Administrative Law Review (ALR) Petitions;
- (7) Documents submitted for *in-camera* review pursuant to GR 15;
- (8) Writs of Garnishment and Writs of Execution;
- (9) Any document considered a negotiable instrument;
- (10) Trial Exhibits

**(c) Working Copies for E-Filed Documents.** Judicial working copies for e-filed documents shall not be submitted electronically and will continue to be required in paper form and presented pursuant to the applicable rule for the relevant case type.

**(d) Electronic Service.**

- (1) Effecting E-Service. When a party e-files a document, the party may electronically serve (e-serve) the document via the e-service feature within the e-filing system. E-service under this subsection constitutes service under CR 5 and is complete as stated in CR 5(b)(7). Exceptions: This subsection 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. An affidavit of service is required to be e-filed or filed as proof of service regardless of service method.
- (2) Accepting E-Service. Attorneys may voluntarily register to accept e-service via the clerk's e-filing application in each case in which the attorney appears. Likewise, a party that is not represented by an attorney may register to accept e-service via the clerk's e-filing application in each case in which the party e-files a document but is not required to do so.

**(e) Court Facilitated Electronically Captured Signatures.**

- (1) Judicial officers may sign a court order, judgment, notification, or other document with a digital or electronic signature. For purposes of this Order, "electronic signature" means a digital signature as described in Supreme Court Order No. 25700-B-596 (July 16, 2019) and RCW 9A.72.085(5). The judicial officer shall use a computer or device that requires the use of their Spokane County username and password when utilizing an electronic signature.
- (2) The printed version of these documents shall constitute an original order and shall be placed in, and become part of, the court file.



- (3) Nothing herein alters the ability of the judicial officer to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.

Amended Effective 09/01/2021

### **LGR 0.31 ACCESS TO COURT RECORDS**

**(a) Filing by Clerk.** It is the policy of the Spokane County Superior Court to make, as a part of the public record, all documents considered by judicial officers in the course of their official duties. This includes pleadings, reports, letters, and other written materials. The Court directs the Clerk of Court to place in the public file all documents considered by the Court, unless otherwise sealed or redacted.

- (1) The Court orders the following documents to be placed in the public court file after consideration by the court:
- A. Mental condition evaluations (RCW 10.77);
  - B. SSOSA evaluations and reports (RCW 9.94A.670);
  - C. Presentence reports (RCW 9.94A.500(1)); and
  - D. Victim Impact Statements (Washington State Constitution, Article I, Section 35).
- (2) **Criminal Cases.** After first appearance, pretrial first appearance evaluations and risk assessment tools used in pretrial hearings shall be placed in the public court file.

Effective 09/02/2013

## **12. SPECIAL PROCEEDINGS RULES (LSPR)**

### **LSPR 91.04 GARNISHMENTS**

**(d) Judgment Against Garnishee.** No judgment against a garnishee defendant or order to pay into court and no order to the clerk to pay out any sum received pursuant to a writ of garnishment will be signed except after judgment is entered against the defendant and until the party who caused the writ to issue shall have filed proof of service in the manner provided by statute and 20 days shall have elapsed from the filing of the answer of the garnishee defendant.

**(e) Federal Employees.** When a garnishee defendant is a federal employer who fails to file a written answer but submits the amount to be withheld in the garnishment to the clerk of court or the judgment creditor, the judgment creditor shall provide the judgment debtor with written notice that the judgment debtor has 20 days from the mailing of the notice to file an objection with the court and that in the event they fail to file an objection and or claim an exemption within that time, the court will authorize disbursement of the funds in partial satisfaction of the judgment without further notice to the judgment debtor. Any documentation received from the garnishee containing calculations of the amount withheld by the garnishee shall be attached to the notice. The judgment creditor shall file a declaration that they have mailed such a notice and attachments and that more than 20 days have elapsed without the



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filing of an objection by the judgment debtor before the court shall authorize the disbursement of said funds.

Amended effective 09/02/2013

### LSPR 92.0 COLLABORATIVE LAW PROCESS

**(a) Commencement.** In the event that represented parties enter into a Collaborative Law Participation Agreement that meets all requirements for such an agreement as specified in RCW 7.77.030, then upon the filing by both legal representatives of a joint Notice of Participation in Collaborative Law there shall be an automatic stay that suspends the case scheduling requirements of LAR 0.4.1.

**(b) Effect.** Upon the removal of a family or civil law action from case management processes, the court shall set a status conference to occur not later than nine (9) months from the date of the matter's initial filing. The parties to the action shall then be excused from settlement conferences, discovery deadlines, GAL requirements, mediation, and any other deadlines. If the case does not resolve within this nine (9) month period, then a mandatory Collaborative Law Status Report shall be filed with the Court on the date set for the status conference. If participation in the Collaborative Law process remains ongoing, then additional periodic case status conferences shall be scheduled as the court orders. Failure to comply may lead to dismissal of the case.

**(c) Termination.** Upon termination of the Collaborative Law process, prior to entry of the final decree, a Notice of Withdrawal from participation in Collaborative Law shall be filed with the Court.

**(d) Bench Copies.** The notices contemplated by this local rule shall be filed with the Superior Court Clerk and a bench copy provided to the assigned trial judge.

Effective 09/02/2014

### LSPR 93.04 ADOPTIONS

#### **(a) Relinquishments.**

##### **(1) Personal Acknowledgment.**

- A. The written consent of parents who Petition for Relinquishment of their Parental Rights shall be provided in a Court Hearing on the record.
- B. However, personal appearance at a Court Hearing shall not be required provided the birth mother and/or birth father, whether admitted, presumed or alleged, sign a written waiver of her/his/their rights to notice of, and appearance at, a relinquishment hearing under subsection (a)(1)(A); unless otherwise required by the court pursuant to RCW 26.33.090.

- (2) Guardian Ad Litem for Minor Parent.** The guardian ad litem for any minor parent, including an alleged birth father, shall be appointed from the list of family law guardians ad litem approved by the court, unless otherwise ordered by the court for



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good cause. Unless otherwise ordered by the court the guardian ad litem shall be present at the hearing on the Petition for Relinquishment. The guardian ad litem shall file a written report addressing the factors set forth in RCW 26.33.070.

- (3) Form of Consent. The written consent of any parent, alleged father or presumed father shall be in the form prescribed by RCW 26.33.160, and shall contain the address of the Spokane County Superior Court Clerk.

### **(b) Involuntary Termination of Parent–Child Relationship.**

- (1) Appointment of Guardian Ad Litem. If a parent contests a petition for termination of the parent-child relationship by appearing in the action, either personally or through an attorney, a Guardian Ad Litem shall be appointed to represent the best interests of the child.
- (2) Attorney appointments: Any non-consenting parent who requests an attorney to be appointed at county expense due to indigency will complete and file a Financial Declaration WPF DR 01.0550.

### **(c) Checklist of Required Pleadings.**

The following documents should be filed in a non-agency relinquishment/termination/step-parent/adoption proceeding:

#### **A. Relinquishment:**

- i. Petition for Relinquishment (mother and/or father)
- ii. Prospective Adoptive Parents' Consent to Assume Custody
- iii. Consent to Adoption (mother and/or father)
- iv. Waiver of Right to Notice (if applicable)
- v. Petition for Adoption
- vi. Preplacement Report
- vii. Financial Affidavit/Declaration
- viii. Findings of Fact, Conclusions of Law and Order Terminating Parent–Child Relationship

#### **B. Termination:**

- i. Petition for Termination
- ii. Order Setting Time for Hearing



- iii. Summons and Notice of Hearing
- iv. Affidavit of Service/Publication
- v. Motion, Affidavit or Declaration, and Order of Default (if applicable)
- vi. Findings of Fact, Conclusions of Law and Order Terminating Parent–Child Relationship

**C. Finalization:**

- i. Order Appointing Agency/Provider for postplacement report
- ii. Postplacement report
- iii. Acknowledgment of Receipt of All Information about child and birthparents
- iv. Financial Affidavit/Declaration
- v. Findings of Fact, Conclusions of Law
- vi. Decree of Adoption
- vii. Adoption Data Card and Birth Certificate Registration Form
- viii. Application for Adoption Registration and Birth Certificate Order form

**(d) Bench Copies/Originals/Procedure.** The Petitioner shall file the Petition for Adoption with the clerk's office, and provide a bench copy of the Petition, as well as bench copies or the originals of all required pleadings and the proposed original orders to the court within 48 hours of the scheduled adoption.

Amended effective 09/01/2020

**LSPR 94.03 MANDATORY PARENTING SEMINARS**

**(a) Definition of Applicable Cases.** This rule applies to all domestic cases including dissolutions, legal separations, and paternity actions (in which paternity has been established) where the parties are parents of children under the age of 18, and where a parenting plan or residential plan is required. The rule also applies to parties in an action seeking a major modification, as defined by RCW 26.09.260, of a previous parenting or residential plan or Decree or Order regarding custody.

**(b) Parenting Seminars; Mandatory Attendance.** Within 60 days after service of a petition or initiating motion on the respondent, or, in the case of a paternity action, after the entry by the Court of a finding of paternity, both parties shall participate in, and successfully complete, an approved Parenting Seminar. Standards for approved parenting seminars are set forth in





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sections (g), (h) and (i) below. Successful completion shall be evidenced by a certificate of attendance filed by the provider agency with the court.

The provider may also provide a separate class for petitioners involved in cases where the respondent has or is expected to default. The seminar shall also meet the standards in (g), (h), and (i) below as applicable, and shall also provide any additional information which may be relevant to this type of case.

**(c) Permissive Application.** In additional cases arising under Title 26 RCW where a court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such non-parent parties as the court may direct, shall also participate in a parenting seminar.

**(d) Special Considerations/Waiver.**

- (1) In no case shall opposing parties be required to attend a seminar together.
- (2) Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:
  - A. waive the requirement of completion of the seminar; or
  - B. allow the parent to attend an alternative voluntary parenting seminar for battered spouses.
- (3) The court may waive the seminar requirement for one or both parents in any case for good cause shown. Factors to consider include, but are not limited to, whether the action will be resolved by default, one or more parties reside out of the geographical area and availability of parent education programs where the parties reside, the ages of the child(ren), and whether the parents have arrived at an agreed parenting plan which is approved by the court.

**(e) Fees.** Each parent attending a seminar shall pay a fee charged by the approved provider. The seminars shall be conducted at no cost to the county.

**(f) Failure to Comply.** Non-participation or default by one parent does not excuse participation by the other parent. Respondent's refusal, delay or default will not delay the progress of the case to a final decree. Petitioner's refusal or delay will prevent the case from being set for trial or any final order affecting the parenting/residential plan being entered, except in cases where there is a co-petitioner or counter petitioner who is in full compliance. 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.

The Court shall also have the discretion to continue or strike motions brought by a party during the pendency of an action until the class has been completed.

**(g) Provider Agencies.** Approved Parenting Seminars shall be those offered by providers



who comply with seminar content requirements as specified in this rule. Parties may use equivalent services offered by private agencies or religious organizations, upon approval by the Committee. The Committee will maintain a list of providers who have filed a statement of compliance with the Committee. If the providers' qualifications are challenged, they shall be notified by the Committee of the process to resolve any questions regarding their future approval. The provider will then have an opportunity to respond to any challenges to their qualifications.

**(h) Seminar Content.** The seminar content will be approved by the Committee, and shall include, at a minimum:

- (1) the developmental stages of childhood;
- (2) stress indicators in children;
- (3) age appropriate expectations of children;
- (4) the impact of divorce on children;
- (5) the grief process;
- (6) reducing stress for children through an amicable divorce;
- (7) the long term impact of parental conflict on children;
- (8) visitation recommendations to enhance the child's relationship with both parents;
- (9) financial obligations of child rearing;
- (10) conflict management and dispute resolution;
- (11) communication skills for divorced parents;
- (12) practical skills for working together; and
- (13) the impact on children when stepparents and blended families enter their lives.

**(i) Qualifications of Instructors.** Parenting seminars shall be taught by a team of not less than two instructors, including one male and one female. Arrangements may be made for classes limited to one or two attendees, in which case two instructors are not required. Instructors should have the following minimum credentials and experience:

- (1) a master's degree in social work, psychology or other related behavioral science;
- (2) supervised experience in treatment of emotionally disturbed children, adolescents and their families;
- (3) experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief,



and blended families;

- (4) extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- (5) an ability to work with others (both groups and individuals) as part of a collaborative program; and
- (6) strong oral communication skills.

When parties choose to use providers or religious organizations which have not previously been accepted by the Committee as a provider of parenting seminars, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

**(j) Referrals for Other Services.** During the seminar, referral resources will be made available to the parents and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parties must seek their own funding resources.

**(k) Parent Education Committee.** The Parent Education Committee shall be a standing sub-committee of the Spokane County Superior Court and shall consist of at least one judge, one court commissioner, one or more representatives of local dispute resolution agencies, one or more marriage and family therapists, one or more private attorneys, and others as appropriate.

#### **LSPR 94.04 FAMILY LAW AND MINOR GUARDIANSHIP ACTIONS**

**(a) [Deleted]**

**(b) Applicability.**

- (1) These rules apply to matters filed under RCW 26.09, 26.10, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26, 26.27, 26.34 and Article two of 11.130 and replaces former LSPR 94.04
- (2) For further guidance on policies and procedures for family law cases in Spokane County Superior Court, please the court website at <http://www.spokanecounty.org/1397/Family-Court> or visit the Family Law Center in Room 200 of the Spokane County Superior Court.

**(c) Unified Family Court.** Upon the filing of a Petition for Dissolution/Invalidity/Legal Separation, Petition to Establish a Parenting Plan/Residential Schedule, or a Petition for Non-Parental Custody, the clerk will assign the matter to a Superior Court Judge and Court Commissioner.

- (1) Parties are required to set all hearings before the assigned judicial officer(s).



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- A. All motions regarding trial and discovery as well as motions for revision shall be set in front of the assigned judge.
  - B. All other motions shall be set in front of the assigned commissioner unless otherwise ordered by the assigned trial judge.
  - C. Orders. Orders entered after a contested hearing before a commissioner shall be presented to the commissioner who heard the motion on the same day or as directed by the commissioner. Failure to present orders to the commissioner who heard the matter may result in sanctions.
- (2) If the matter needs to be reassigned due to conflict, recusal or unified family court principles, an order will be entered by the court.
  - (3) If a party is seeking reassignment of the Court Commissioner, they must contact the Family Law Center for further instructions.

**(d) Mandatory Forms.** Unless otherwise stated in these rules, court rules or statutes, the most current mandatory local and state family law forms shall be used. For a complete list of forms, please consult the court website at <http://www.spokanecounty.org/1397/Family-Court> and the State website at <http://www.courts.wa.gov>.

**(e) Automatic Temporary Orders.** Upon the filing of a Petition for Dissolution/Legal Separation/Invalidity or Petition to Establish a Parenting Plan/Residential Schedule, the court on its own motion automatically issues a temporary order.

- (1) The court's automatic temporary order will not be entered in any law enforcement database.
- (2) This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

**(f) Sharing the Children Seminar.** Parties seeking a Parenting Plan or Residential Schedule shall follow LSPR 94.03.

**(g) Ex Parte Department.** Parties and attorneys shall follow the court's Ex Parte policy available on the court website and in the Ex Parte department.

- (1) Writs of Habeas Corpus form packets must be obtained in Ex Parte.
- (2) Final family law documents – completed final family law documents may be presented in Ex Parte with the permission of the assigned trial judge. If the final orders include a final parenting plan, a request for a JIS (Judicial Information System) background check must be made in Room 200 at least 48 hours before presenting the final orders.
- (3) See also Rule 94.04(s) related to non-contested dissolution proceedings.



**(h) Family Law and Minor Guardianship Motion Practice.**

- (1) This rule shall apply to all motions and hearings filed under the statutes listed in LSPR 94.04(b) unless otherwise specified below.
- (2) All filed documents shall comply with GR 14.
- (3) If typed, documents shall be in 12 point or larger font and double spaced.
- (4) Items requiring prior court authorization before filing:
  - A. Declarations by minors, unless authorized by RCW 11.130.205(1).
  - B. Inappropriate or pornographic materials.

**(5) Motion and Hearing Timelines**

- A. The moving party shall file and serve all motions 14 days prior to the hearing date (including Saturdays, Sundays and legal holidays).
- B. The response must be filed and served 7 days before the hearing (including Saturdays, Sundays and legal holidays).
- C. Any reply must be filed and served 3 days before the hearing (excluding Saturdays, Sundays and legal holidays).

**(6) Page Limits**

- A. Absent prior authorization from the court, the entirety of all declarations, including declarations contained within mandatory forms, and affidavits in support of the motion(s), including reply, is limited to 15 total pages.
- B. Absent prior authorization from the court, the entirety of all declarations, including declarations contained within mandatory forms, and affidavits in response to the motion(s) is limited to 10 total pages.
- C. The following documents do not count toward the page limits above –
  - i. Exhibits. Any exhibit provided for reference but that the court is not expected to read.
  - ii. Guardian Ad Litem or expert witness declarations and reports.
  - iii. Mandatory forms or legal memorandum/briefs (without declarations).
  - iv. Motion to exceed page limits. If there is a written request to exceed the page limits, the parties must confer and schedule a time with the assigned court commissioner through the family law coordinator. If the



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assigned court commissioner or family law coordinator is not available, the parties may present their request in Ex Parte.

- D. If more than one motion is to be heard at the same time, the page limits apply to the entire hearing not each individual motion.

### (7) Hearing Confirmation

- A. All hearings shall be confirmed by the moving party by email ([familylaw@spokanecounty.org](mailto:familylaw@spokanecounty.org)) or phone (509) 477-5702 ext. 0 by 4:00 p.m. three court days prior to the hearing date.
- i. Confirmations shall include:
- a. Names of the parties and cause number;
  - b. Name of assigned commissioner and date of hearing;
  - c. Joint motion status sheet;
  - d. Confirmation from the moving party that the other party was timely served;
  - e. Bench copies of any documents filed within five days of the confirmation date;
  - f. Any scheduling conflicts for the parties on the day of the hearing.
- ii. Hearing times will be posted on the Spokane County Superior Court website (<https://www.spokanecounty.org/1397/Family-Court>) by 12:00 p.m. two days before the hearing. Parties are responsible for knowing what time their hearing is to occur. Parties without internet access can call (509) 477-5702 ext. 0 to get their hearing time and location. If the moving party fails to appear at the hearing the matter will be struck and sanctions may be entered. If the non-moving party fails to appear at the hearing, the relief requested may be granted.
- B. Absent good cause, all bench conferences must be prior to the confirmation period above.

### (8) Hearings

- A. Family Law motions shall be determined on written submissions only unless a prior motion to request oral testimony was granted.
- B. Emergency Minor Guardianship hearings shall be determined on written submissions and testimony.
- C. Hearing times will be set by the court. The attorneys and parties shall follow the court's policy on appearance at hearings unless prior authorization is given.
- D. Oral argument in family law motions shall be limited to ten (10) minutes or less per party unless additional time is granted by the court. Oral argument in



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emergency minor guardianship hearings will be determined by the judicial officer but will not be less than ten (10) minutes.

E. Failure to comply with this rule shall result in the motion being stricken or continued, sanctions ordered, and/or other order by the court.

(9) Evidentiary Motions/Motions to Strike. All evidentiary motions, including motions to strike, shall be set on the assigned Commissioner's docket and follow the motion procedures set out in LSPR 94.04(h).

### **(i) Paternity/Parentage.**

(1) All motions filed under Petition to Establish Parentage shall follow the motion procedure in LSPR 94.04(h).

(2) A trial court assignment shall be requested by filing the mandatory local certificate of readiness and note for paternity trial setting form together with proof of service. A copy shall be provided to the Family Law Center.

(3) If no objection has been filed within 10 days (including Saturdays, Sundays and holidays), the family law coordinator will assign the matter to a trial court or, if the request can be accommodated on a court commissioner docket, assigned to a court commissioner.

(4) If an objection is filed, the court will:

A. Notify the parties if there will be oral argument on the objection, or

B. Send a notice that the matter has been assigned to a trial court or set for trial over the objection.

### **(j) Domestic Violence.**

(1) If there is pending family law action involving the same parties assigned to a court commissioner, effort will be made to schedule the full hearing with the assigned court commissioner at the time the hearing is set. Parties shall inform any court reviewing a temporary order or setting a final hearing about the other action with an assigned court commissioner.

(2) If the parties chose to submit written evidence, submissions are limited to initial documents supporting the petition and filed prior to a written response, documents in response, and a reply. This rule does not limit either parties ability to present evidence or testimony at the hearing. Using the procedure under LSPR 94.04(h)(7) is advised for cases requiring extensive reading.

### **(k) [Deleted]**

**(l) Financial Declarations.** Financial declarations on the mandatory state form must be filed by both parties:



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- (1) When requesting or responding to a request for a GAL or attorney fees.
- (2) When requesting or responding to any motion requesting financial relief.
- (3) Failure to file financial documents for the motion hearing is a basis for the court to deny the request, continue or strike the hearing, and/or impose sanctions.

### **(m) Trials.**

#### **(1) Status Conference**

- A. Counsel and pro se parties must appear at a status conference with the assigned judge. Prior to the status conference, the parties must complete a domestic joint case status report on the local mandatory form unless otherwise excused by the judge.
  - B. At the status conference, if the case is not resolved and all parties have been served and filed responses, a trial date will be set and a case scheduling order will be entered.
- (2) Sanctions can be imposed for failure to follow the court's scheduling order and its deadlines.

#### **(3) Exhibits for trial**

- A. Financial declarations on the local mandatory form is required to be submitted as an exhibit for any request for financial relief, including but not limited to issues of attorney fees, GAL fees, spousal maintenance and child support, and any response to such request. Failure to submit the financial declaration is a basis for the court to grant or deny the request, continue the trial and/or impose sanctions.
- B. A proposed parenting plan or residential schedule on the mandatory state form is required to be submitted as an exhibit for any request for a parenting plan or residential schedule or any response to such request.
- C. Proposed child support worksheets on the mandatory state form is required to be submitted as an exhibit for any request for child support or a response to such request.
- D. Parties are required to submit the original and a bench copy of exhibit notebooks to the trial department no later than noon on the Wednesday before trial. A copy shall also be submitted to the opposing party or counsel no later than noon on the Wednesday before trial.

### **(n) Child Support/Maintenance Modifications.**

- (1) Either party may file a request to schedule a hearing using the mandatory local form, after the filing of the response, completed proposed worksheets (if applicable), an





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- asset/liability list (if applicable), paystubs from the last 12 months (if applicable), the last 2 years of tax returns with all attachments and schedules (if actually filed with the IRS (state or federal)) and financial declarations. If self-employed, it is that party's burden to show evidence of actual income and expenses. The form can be found on the court website.
- (2) A copy of the request to schedule a hearing must be given to the family law coordinator in Room 200 with proof of service on the non-moving party.
- A. The non-moving party may object to the request to schedule a hearing within 10 days of service (including Saturday, Sundays and holidays). The non-moving party's objection must clearly state the basis of the objection and set a hearing in Ex Parte with five-days notice to the moving party (excluding Saturdays, Sundays and holidays). If the objection is denied, an order directing the family law coordinator to set the hearing will be issued.
  - B. If no objection has been filed within 10 days of service (including Saturdays, Sundays and holidays), the family law coordinator will schedule the hearing and send notice of the date and time to the parties at the addresses provided in the court file.
    - i. Any final response documents from the non-moving party shall be filed and served 10 days before the hearing.
    - ii. Any final reply documents from the moving party shall be filed and served five days before the hearing.
  - C. The hearing shall be confirmed by notifying the Child Support Modification phone line (509) 477-2484 by 4:00 p.m. four court days prior to the hearing, providing bench copies, and a Child Support Modification Hearing status report (available on the Spokane County Superior Court website). Hearings not confirmed or lacking a status report may be stricken. Confirming a hearing certifies that the proposed worksheets and **all** supporting documents have all been exchanged between the parties and filed, if appropriate.
  - D. Hearings will be decided on declarations only, unless in the court's discretion, oral testimony is allowed.
    - i. A party may seek an order authorizing oral testimony before the scheduled modification hearing. This motion shall be filed and set in Ex Parte with five-days notice (excluding Saturdays, Sundays and holidays) and at least 10 days (including Saturdays, Sundays and holidays) before the scheduled modification hearing is to occur.
    - ii. If the motion is granted, a copy of the Order must be delivered to the family law coordinator. The court may continue the hearing if the original setting does not allow time for oral testimony.



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- (3) Motions for temporary child support under this section will only be permitted if there is a change in obligor or if extraordinary circumstances justify temporary relief.
- (4) Page limit rules per LSPR 94.04(h) apply to child support and maintenance modification hearings.

### **(o) Modification of Parenting Plan/Residential Schedule/Custody.**

- (1) Motions for adequate cause of a major modification shall follow LSPR 94.04(h)~~(7)~~. Failure to do so shall lead to the hearing being stricken continued or bifurcated, sanctions imposed and/or other order of the court.
  - A. If the court enters an order granting adequate cause a copy of the order must be given to the family law coordinator by the prevailing party.
  - B. The family law coordinator will assign cases involving a major modification to a family law judge upon the receipt of the adequate cause order only if there is a formal response in the file.
- (2) If the court finds that there is adequate cause for a minor modification or an adjustment, the court, in its discretion will –
  - A. Order the case assigned to a family law judge where an evidentiary hearing with witnesses is necessary and/or the issues need more time than the family law motion docket can accommodate; or
  - B. Order the case be concluded on the assigned court commissioner's family law motion docket on declarations only and set the final hearing date within the adequate cause order.
- (3) Minor modifications set for finalization on the assigned commissioner's docket shall follow the procedure outlined in LSPR 94.04(h).

### **(p) Relocation.**

#### **(1) Trial Court Assignment**

- A. The party filing a Notice of or Objection to Relocation must provide a copy to the family law coordinator.
  - B. Cases shall be assigned to a family law judge for trial where final orders on relocation are not entered within 30 days of filing the notice of relocation or objection to relocation or where a hearing on temporary relocation has occurred.
- (2) Motions to permit or restrain a temporary relocation shall be set on the assigned court commissioner's family law docket.



- (3) Motions to permit or restrain a temporary relocation shall comply with the procedure in LSPR 94.04(h). Failure to do so shall lead to the hearing being stricken, continued or bifurcated, sanctions ordered, and/or other court order.

**(q) Parenting Conference – Mandatory Parenting Conference in Family Law Actions.**

- (1) If a GAL has been appointed, the parties are required to attend a parenting conference that is scheduled by the GAL.
- (2) Attendance at mediation satisfies this requirement if the GAL participated in the mediation.
- (3) The court can relieve the parties of this requirement per LSPR 94.04(r)(2).

**(r) Mediation in Family Law Actions.**

- (1) All contested matters shall be mediated prior to trial. Parties shall follow the court's scheduling order deadlines or sanctions may be imposed.
- (2) A motion to waive mediation may be filed and set on the trial judge's motion docket. An order waiving mediation may be entered if –
  - A. A domestic violence protection order, no-contact order or other restraining order involving the parties has been entered by a court;
  - B. The court finds that domestic abuse has occurred between the parties and that such abuse would interfere with mediation; or
  - C. For good cause otherwise shown.
- (3) The court may continue a trial on the basis that a party not mediating in good faith or refusing to attend mediation.

**(s) Court Commissioner Presentments.**

- (1) Presentment – no hearing on presentment will be scheduled unless authorized by the court commissioner. Parties must submit proposed orders to the family law center.

**(t) Non-Contested Dissolutions.**

- (1) Final Orders may be presented for entry to the assigned family law judge or to Ex Parte, if the judge allows.
- (2) Unless requested by the court, oral testimony will not be required provided the findings of fact are verified by a party.
- (3) Self-represented parties should utilize the non-contested dissolution docket and have their pleadings reviewed by the courthouse facilitator prior to submitting. Failure to do so can result in a delay in the court's ability to finalize the case.



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## (u) Miscellaneous – Reserved

Amended effective 09/01/2022

### LSPR 94.05 TITLE 26 GUARDIANS AD LITEM

**(a) Applicability.** This rule applies to actions filed under RCW 26. These rules are intended to supplement and compliment RCW 26.12.170-RCW 26.12.187 and GALR 1-7.

**(b) Registry.** Placement on the Registry as well as retention and evaluation of the Guardians Ad Litem (GAL) will be governed by local written policies adopted by the Spokane County Superior Court and consistent with GALR 5(a). Copies of policies and procedures may be obtained from the Family Law Coordinator or on the Spokane County Superior Court website.

(1) GAL Registry Appointment Complaint Procedure. GALs may address complaints regarding the Registry or appointment process as follows:

- A. Written complaints should be sent to the chair of the Family Law GAL Committee.
- B. The chair, or designee, shall review the matter within 14 days, conduct further investigation as necessary and present the issue(s) to the Family Law GAL Committee at the next regularly scheduled meeting.
- C. The Family Law GAL Committee will decide whether further action is necessary to address the complaint, and, if so, establish a plan to resolve the issue.
- D. The complainant shall be notified of the Family Law GAL Committee's decision within 14 days of the meeting.

**(c) Motion.** Any party may move for the appointment of a GAL.

- (1) Upon filing a motion to appoint a GAL, both parties shall file an updated financial declaration and income verification.
- (2) Motions to appoint a GAL shall follow the hearing rules and timelines under LSPR 94.04(h).

**(d) Appointment.** If the court, on its own motion, or upon motion of a party, appoints a GAL, the court shall:

- (1) Apportion GAL fees between parties.
  - A. County Pay. In cases where there are allegations of abuse and neglect under RCW 26.44:
    - i. if the court finds that one or both of the parents are indigent, the court shall order the county to pay the indigent parent's portion of the GAL fees at the established county pay rate.



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- ii. If the court finds that the parties are not indigent but do not have the ability to pay the GAL fee, the court, in its discretion may order the parties to pay a total of up to \$1,000.00 toward the fees and order the County to pay the remainder of fees and costs.
- iii. Each GAL on the Registry shall accept two county-pay cases each calendar year.
- iv. In cases where county pay is authorized, the court may continue to assess the parties' ability to pay and may require the parties to reimburse the county if evidence establishes that the parent is no longer indigent or has the current ability to pay.

(2) Order the parties to select a GAL pursuant to RCW 26.12.177(2) and present an order.

(3) A GAL shall not be appointed without their permission.

**(e) Authority of Guardian Ad Litem.** GALR 4 shall control the authority of the GAL except that subsection (h) shall apply to all cases, not just actions under RCW 26.26.

**(f) Report Confidential.** The GAL report shall be treated as a confidential document by the Clerk of the Court, the parties and their counsel unless otherwise ordered by the court. However, attorneys of record may use and disclose such information from the report that is reasonably necessary for their investigation of the case and for trial preparation. Attorneys and parties are prohibited from reproducing or distributing any portion of the written report to any person other than the attorney's client without further order of the court.

**(g) GAL Performance Complaint Procedures.** Any party may file a complaint against a GAL by providing a written complaint to the Family Law Coordinator.

- (1) Duties of the Court. The court shall designate a judicial officer to review any written complaint regarding a Guardian Ad Litem. The court rely on the General Responsibilities of Guardian Ad Litem (GALR 2) when assessing the validity of the complaint. For its own records, the court will maintain a record of complaints and any sanctions issued.
- (2) Investigation in Pending Case. Upon receipt of a complaint of a GAL in a pending case, the court shall forward the complaint to the assigned judicial officer for resolution within 25 days. If the case is actively in trial, the complaint shall be forwarded to the assigned judge. If the case is not at trial, the complaint shall be forwarded to the assigned court commissioner, if there is no conflict. If there is a conflict then the complaint will be forwarded to the assigned judge.
- (3) Investigation. Upon receipt of a complaint, the assigned judicial officer shall send a copy to the GAL and advise the GAL that they may submit a written response within seven days, and conduct any other investigation deemed necessary.



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- (4) Resolution. After investigating the complaint, the court may dismiss the complaint without further action if the court finds that the complaint is without merit, was filed in bad faith, improper purpose, is frivolous, or has already been addressed. The judicial officer may recommend discipline of the GAL including removal from the case, additional training, or other sanctions and present the issue to the Spokane County Superior Court judges for final determination.
- (5) Notice. The GAL shall be notified in writing within two court days of a final resolution.
- (6) Investigation in a Closed Case. Upon receipt of a complaint regarding a GAL in a close case, the complaint will be forwarded to the judge (if the case resolved by trial) or assigned commissioner (if the case did not resolve by trial). The designated judicial officer will investigate and resolve the issue within 60 days.
- (7) Investigation. The designated judicial officer shall send a copy of the complaint to the GAL and notify the GAL that they may provide a written response within 14 days, and conduct any other investigation deemed necessary.
- (8) Resolution. After investigating the complaint, the court may dismiss the complaint without further action if the court finds that the complaint is without merit, was filed in bad faith, improper purpose, or is frivolous, or has that the complaint has already been addressed. The designated judicial officer may also recommend discipline of the GAL including removal from the case, additional training, or other sanctions. The matter shall be presented to the Family Law GAL Committee for final resolution.
- (9) Notice. The GAL shall be notified in writing within seven days of resolution.
- (10) Meeting. If a GAL is disciplined in any matter as the result of an investigation, the GAL may request a meeting with the assigned judicial officer or the Family Law GAL Committee to review the decision.
- (11) Confidentiality. Complaints will remain confidential unless it is found to have merit. A record of any discipline, training or any other remedial measures will be placed in the Guardian Ad Litem's file.

Amended effective 09/01/2022

### **LSPR 94.06 GUARDIANS AD LITEM - RCW TITLE 26 FAMILY LAW - APPOINTMENT, GUARDIAN AD LITEM REPORT, CASE AND ANNUAL EVALUATIONS AND COMPLAINT PROCEDURES**

Rescinded 09/01/2022

### **LSPR 96.04 CHANGE OF NAME OF STEPCHILD**

When a change of name of a child to that of the stepparent is sought for a child under 18 years of age, notice must be given to the natural parent in the manner of giving notice to a nonconsenting parent in an adoption and, in addition, written consent will be required of any child over 14 years of age.



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Amended effective 06/28/2019

### **LSPR 98.04 ESTATES—PROBATE**

#### **(a) Estates—Probate Accounts.**

- (1) Receipts or cancelled checks in support of final and intermediate accounts in probate matters shall not ordinarily be filed with the clerk. Supporting documentation to accounts shall be supplied to the court as needed to resolve any objection of an interested party or issue raised by the court.
- (2) Final accounts are to be prepared in charge and discharge form, accounting for all assets received by the personal representative, all credits claimed, and reconciled to the balance of the assets on hand to be distributed.
- (3) 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 safe deposit box to which the deceased had access, any person having control of such safe 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 safe deposit box shall deliver the same to counsel for the petitioner for immediate filing or to the clerk of the court. The clerk, on demand, and on payment of fees, shall issue a receipt for the same, attaching a photostatic or a like reproduction of said will to the receipt. The fees and mileage to the custodian for such delivery shall be the same as those for any witness and payable by the petitioner, together with expenses incurred.

Amended effective 09/01/2002

### **LSPR 98.16W ESTATES—GUARDIANSHIP—SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS**

#### **(f) Hearing.**

- (1) In cases where a Case Assignment Notice has been entered, petitions to approve a minor settlement shall be noted for hearing and scheduled with the judicial assistant for the assigned Judge. In unassigned cases, petitions to approve a minor settlement shall be noted for hearing and scheduled with the judicial assistant for the Plea/Broker Judge.
- (2) The Note for Hearing and all supporting documents must be served and filed no later than twelve (12) days prior to the hearing. Bench copies of the filed documents and Guardian ad Litem Report shall be delivered to the Court at the time of filing.
- (3) The moving party shall notify the judicial assistant for the Judge by 12:00 p.m. three (3) days prior to the hearing confirming that the matter is ready to be heard as scheduled.



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- (4) Failure to timely comply with these requirements may result in a continuance or striking of the motion from the calendar.

**(i) Form for Payment of Remaining Funds.** The Court's Judicial Assistant shall track each case for compliance of filing the deposit receipt as outlined in the Order Approving Minor Settlement.

- A. If the deposit receipt is not filed by the due date in the Order Approving Minor Settlement, a letter will be sent to Counsel alerting them of the requirement to file the documentation and providing a due date.
- B. If the requested document is not filed by the deadline, a show cause hearing shall be scheduled by the Judicial Assistant.

Amended effective 09/01/2022

### **LSPR 98.18 COURT-CREATED TRUSTS**

**(a) Special Needs Trusts and Trusts governed by SPR 98.16W shall be approved in accord with the following requirements:**

- (1) A copy of the proposed trust document, note for hearing, trustee's fee schedule, and the Guardian Ad Litem/Court Visitor report, shall be furnished to the Guardianship Monitoring Program, for guardianship and/or conservatorship matters fourteen days in advance of the hearing. If a case is assigned to a trial judge, all hearings will be set before the assigned judge. If a case is not assigned to a trial judge, hearings must be scheduled through the Guardianship Monitoring Program.
- (2) An independent Guardian Ad Litem or Court Visitor, specifically qualified in the area of court-created trusts, must be appointed to evaluate the proposed trust unless:
  - A. The Court has ordered that the trust be drafted by independent trust counsel or
  - B. The basis for eligibility for a special needs trust is a physical disability only and the adult beneficiary is competent. However, the Court may, in its discretion, appoint a Guardian Ad Litem for an otherwise competent beneficiary if it determines that he or she may not fully appreciate all the issues involved in creating the trust.
- (3) The proponent of a trust must identify any other roles expected for trustees or members of a trust advisory committee in the life of the beneficiary. This would include caregivers, professional advisors, family or others who might receive direct or indirect economic benefit from trust expenditures.
- (4) The order establishing the trust may only be entered in a file with a probate/guardianship/conservatorship type "4" case assignment number to facilitate tracking. The order must have space designated on the face page to highlight due





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- dates for accountings and other required filings. The trust document must be filed in the Superior Court file.
- (5) The trustee is required to furnish annual accountings to the Court for audit and approval with notice to any interested parties. The trustee is required to provide any documentation to the court monitoring program necessary to complete the audit. The Court will only audit those trusts established under SPR 98.16W, where the beneficiary is an unemancipated minor or subject to a guardianship or conservatorship under RCW 11.130 that is based at least in part on cognitive disability, unless otherwise ordered.
  - (6) The trustee is required to provide a copy of the order approving annual or final accountings to the beneficiary, the parent or guardian of the beneficiary if he or she is a minor or under a guardianship, or to the estate of the beneficiary.
  - (7) The trust may not provide for removal to another venue or jurisdiction without order of this Court.
  - (8) A parent of a minor beneficiary shall not serve as a guardian of the estate or as the sole trustee. If a parent is acting as a co-trustee, there must be court approval for any disbursements to the parent.
  - (9) The appointment of any successor trustee is subject to approval of the Court.
  - (10) A trustee, other than a bank or trust company, is required to post a bond in the full amount of trust funds not placed in blocked accounts.
  - (11) Amendment of the trust shall only be by order of this Court.
  - (12) The trustee must file an inventory with the Court within 30 days of the funding of the trust. An amended inventory must be filed within 30 days if additional funding, in excess of \$3,000, takes place after the filing of the initial inventory.
  - (13) The trustee must file with the Court an outline of the beneficiary's projected needs and significant trust expenditures within 30 days of their appointment and annually at the time of each accounting to the Court.

Amended effective 09/01/2022

### **LSPR 98.19 CONFLICTS OF INTEREST OF PROPOSED GUARDIAN/CONSERVATOR**

- (1) It shall be deemed a conflict of interest for a Certified Professional Guardian (CPG) to petition to have him or herself appointed as guardian or conservator for a respondent. Likewise, it shall be deemed a conflict of interest for an Attorney/CPG representing a petitioner to seek to have him or herself appointed. The conflict shall be disclosed to the Court and the procedure set forth below followed.



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- (2) If a CPG petitioner or an Attorney/CPG representing a petitioner seeks to have the Court appoint himself or herself as a guardian or conservator for a respondent, he or she shall explain in writing to the Court why:
  - A. a guardianship or conservatorship is in the best interests of the respondent;
  - B. there are no less restrictive alternatives; and
  - C. there is no other suitable person willing to act as guardian or conservator.
- (3) The conflicted party, referred to above, shall conduct an investigation and file declaration (Declaration Pursuant to LSPR 98.19) describing the following pre-filing actions:
  - A. identify any alternative nominees and provide information as to why alternate nominees who are available are not suitable or able to serve;
  - B. provide a written request from the party requesting the guardianship or conservatorship which identifies the basis for the request and the basis for the decision by that party not to petition;
  - C. provide documentation from third parties of the facts set out in the petition. Such documentation can include statements from care providers, family members, friends, or others with knowledge of the circumstances of the respondent.
  - D. provide documentation that the conflicted party has met with the respondent, the results of that meeting, and an opinion of the capacity issues faced by the respondent.
  - E. disclose any relationship the conflicted party may have with a petitioning care facility and describe any practice the facility may have involving the referral for a Guardianship/Conservatorship petition for its residents.

Amended effective 09/01/2022

### **LSPR 98.20 ESTATES – GUARDIANSHIPS / CONSERVATORSHIPS / TRUSTS**

#### **(a) Hearings**

1. If a guardianship/conservatorship/trust case is assigned to a trial judge, all hearings will be set before the assigned judge pursuant to LCR 40.
2. If a guardianship/conservatorship/trust case is not assigned to a trial judge, hearings must be scheduled through the Guardianship Monitoring Program.
3. There will be a weekly guardianship/conservatorship/trust calendar.



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4. The first thirty minutes of the guardianship/conservatorship/trust calendar will be reserved for ex-parte matters.
5. The Note for Hearing or Order to Show Cause and documents pertaining to the hearing must be served and filed no later than twelve days prior to the hearing. Any responding documents must be served and filed at least seven days before the hearing. Reply documents must be served and filed at least two days before the hearing. In the event an agreed or uncontested order of continuance is to be entered, parties are required to present the order to the judicial assistant of the assigned judge or the Guardianship Monitoring Program if not assigned, at least one day before the scheduled hearing.
6. Bench copies shall be furnished to the judicial assistant of the assigned judge, or to the Guardianship Monitoring Program if not assigned, no later than two days prior to the hearing. Bench copies shall be delivered to the GMP drop box located in Court Administration office.
7. If not appearing in-person for a hearing, parties must provide the assigned judge's J.A., or GMP in case of commissioner hearing, an original proposed order for the judicial officer to sign at the conclusion of the hearing.
8. Hearing time limits. Each party shall be given ten minutes unless additional time is granted by the judge or court commissioner. Requests for additional time shall be made in writing and provided with copies of all documents pertaining to the hearing.
9. Confirming hearings. A party to the proceeding must confirm the matter is ready no later than 12:00 noon, 2 days before the hearing by contacting the assigned judicial assistant of the assigned judge, or to the Guardianship Monitoring Program on the call-in ready phone line if not assigned. If a hearing is set by the Court rather than a party, each party is required to confirm they are ready per the above time requirement. Any hearing not timely called ready may be stricken from the docket at the judicial officer's discretion, or sanctions imposed.

**(b) Pleadings.** Parties are required to use the most recent guardianship/conservatorship/trust forms approved by the Spokane County Superior Court for guardianship/conservatorship/trust proceedings. These forms can be found at [www.spokanecounty.org/superiorcourt/guardianforms](http://www.spokanecounty.org/superiorcourt/guardianforms).

**(c) Presentation of Reports and Care Plans.**

- (1) The original of any report or plan shall be filed in the Clerk's Office.
- (2) A date-stamped copy of the report or plan shall be provided to the Guardianship Monitoring Program together with an original and one copy of a proposed order approving the report and/or plan and a stamped, self-addressed envelope. Out-of-county guardians, conservators or trustees doing business by mail shall send the originals, copies and proposed orders to the Guardianship Monitoring Program.



- (3) Supporting documentation for accountings shall be provided to the Guardianship Monitoring Program. This shall include monthly bank statements, canceled checks or substitute images thereof provided by the financial institution, and receipts as appropriate. If the conservator is a bank or trust/agency company, it may file a computer printed statement of account in lieu of receipts or canceled checks. However, it must still provide bank statements or similar documents that show all the transactions on the account for that reporting period, and complete the Report and Accounting form.
- (4) The guardian, conservator or trustee shall provide any documentation necessary to allow the Court to conduct annual audits of any conservatorship or court-monitored trust. Failure to do so may result in removal of the guardian, conservator or trustee and appointment of a successor.

**(d) Final Accounting.** When a conservatorship terminates and a conservator files a final account/report, an order shall be presented to the court setting a hearing on notice pursuant to RCW 11.92.053 or 11.130.530. The Guardianship Monitoring Program shall audit the final accounting. The order shall be on a form approved by the court. If the conservator resigns or is removed, but the conservatorship continues, the court may in its discretion settle the account as an ex parte intermediate account or require a hearing on notice.

**(e) Withdrawal by Attorney.** Should the attorney representing the estate choose to withdraw, the attorney must advise the court of the name and address of the party to be notified, should that be necessary, of a delinquent report, accounting or Periodic Personal Care Plan. The notice to the court shall be filed prior to the effective date of the withdrawal of the attorney.

**(f) Show Cause Noncompliance Calendar.**

- (1) Calendar. The clerk's office shall record all due dates for reports of guardians, conservators or trustees, and filings as set by the court. This shall include, but not be limited to an inventory, plan, report or receipt for blocked account. The Guardianship Monitoring Program shall set a monthly Show Cause Noncompliance Calendar for those cases in which guardians, conservators or trustees have not met the required due dates.
- (2) Order to Appear. If reports and filings are not presented timely, an order to appear on the guardianship/conservatorship show cause noncompliance calendar shall be sent to the attorney of record and/or the guardian, conservator or trustee citing the parties into court. Appearance on the calendar is mandatory. The attorney and/or the guardian, conservator or trustee shall have at least five days notice, in accordance with CR 6, to appear.
- (3) Attendance at Show Cause Noncompliance Calendar Excused. If the guardian, conservator or trustee files the required document(s) referenced in the show cause noncompliance notice at least five business days in advance of the calendar date, they shall be excused from attendance at the calendar.
- (4) Sanctions on the Show Cause Noncompliance Calendar. The judicial officer assigned



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to hear the guardianship/conservatorship show cause noncompliance calendar may impose monetary sanctions, increase the bond, suspend the duties of the guardian, conservator or trustee, appoint a guardian ad litem or court visitor, and/or remove the guardian conservator or trustee.

**(g) Review Hearing/Conference.** If after initial review of a report of a guardian, conservator or trustee, or other filing, it is found unacceptable by the Court, the guardian, conservator or trustee shall be notified of the additional information or corrective action required. Additionally, the Court may cite the guardian, conservator or trustee in to appear at an informal review conference or in-court review hearing. The Court may then take appropriate action to resolve any concerns regarding the performance of the guardian, conservator or trustee of their fiduciary duties.

**(h) Deleted**

Amended effective 09/01/2022

### **LSPR 98.22 GUARDIANS AD LITEM/COURT VISITOR – RCW ~~11.88~~/11.130 GUARDIANSHIPS AND CONSERVATORSHIPS – APPOINTMENT, GUARDIAN AD LITEM/COURT VISITOR REPORT, CASE AND ANNUAL EVALUATIONS AND COMPLAINT PROCEDURES**

**(a) Guardians Ad Litem/Court Visitors.** When the appointment of a guardian ad litem or court visitor is required, the appointee shall come from the Guardian Ad Litem/Court Visitor Registry maintained by the Superior Court Guardianship Monitoring Program. In order to be placed on the registry a person must present a written statement of their qualifications, WSP background check resume, cover letter and complete a training program approved by the court. The Spokane County Superior Court Judges shall appoint a committee of judges and/or court commissioners and interested members of the Spokane County Bar Association to maintain the registry and provide training to those persons who wish to participate in the program. Initials from the Guardianship Monitoring Program staff on the Order Appointing Guardian Ad Litem/Court Visitor is required before presentment. Orders to Appoint Guardian Ad Litem/Court Visitor may be presented to the Guardianship Calendar or to Guardianship Court Commissioner. Guardianship orders shall not be signed by a Pro Tem Commissioner. To remain on the Guardian Ad Litem/Court Visitor Registry, the Guardian Ad Litem/Court Visitor must attend the entire annual mandatory training, provide statement of qualifications and WSP background check by annual deadline, December 31 of each year unless posted otherwise.

**(b) Guardian Ad Litem:** A guardian ad litem may be appointed under RCW 11.130.075 and may report to the court in accordance with direction set forth in the order appointing.

**(c) Administration.** The administration of such Guardian Ad Litem/Court Visitor registry, including qualification, appointment, retention, evaluation, complaints and discipline of guardians ad litem or court visitors under this rule, shall be in accordance with the written Policies and Procedures promulgated and approved by the Spokane County Superior Court. Copies of such written policies and procedures may be obtained from the Guardianship Monitoring Program website or office.



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**(d) Report of Court Visitor.** When a court visitor is appointed pursuant to RCW 11.130.280 or 11.130.380, the court visitor shall secure a professional evaluation and file it as well as the Court Visitor Report with the Court under confidential seal. A report of the court visitor shall be filed with the court per RCW 11.130.280 and 11.130.380.

**(e) Case Evaluations.** At the time a guardian ad litem or court visitor is discharged from a case, every attorney and the judicial officer involved in the case, will submit an evaluation of the guardian ad litem or court visitor on a form to be supplied by the court. The completed evaluations will be returned to the Guardianship Monitoring Program and placed in the guardian ad litem's or court visitor's file. A copy of the evaluation(s) will be provided to the guardian ad litem or court visitor. The guardian ad litem or court visitor may respond, in writing, and the response will be placed in the guardian ad litem's or court visitor's file. These evaluation forms will assist the court in maintaining a registry of qualified guardians ad litem and court visitors.

**(f) Annual Evaluations.** A judicial officer will review the complete file of every guardian ad litem or court visitor at the time the Annual Statement is reviewed. The judicial officer may refer a guardian ad litem or court visitor file to the Guardianship Registry Committee if the judicial officer concludes, in a written report, there are specific concerns that should be addressed with the guardian ad litem or court visitor. The guardian ad litem or court visitor will be given a reasonable time to respond to the report. The Guardianship Registry Committee, or its designee, will meet with the guardian ad litem or court visitor to discuss the report and appropriate remedial action(s), if any, to be taken by the guardian ad litem or court visitor. The Guardianship Registry Committee may (1) allow the guardian ad litem or court visitor to remain on the registry with no further action; (2) suspend the guardian ad litem or court visitor from the registry, subject to the guardian ad litem or court visitor completing other requirements as set forth by the Committee; or (3) remove the guardian ad litem or court visitor from the registry. The guardian ad litem or court visitor will be notified by written decision within fourteen days. In the event of removal from the registry, the guardian ad litem or court visitor may request a meeting with the full Committee to review the decision.

**(g) Complaint Procedures.**

- (1) Duties of the Judicial Officer. The court shall designate a judicial officer to review any written complaint regarding a guardian ad litem or court visitor. If the complaint pertains to a pending case, the judicial officer shall immediately refer the complaint to the judge or court commissioner assigned to the pending case for disposition. If a complaint is received after a case has been completed then the judicial officer will commence an investigation.
- (2) Complaints should be directed to the Guardianship Monitoring Program who will forward to the designated Judicial Officer of the Guardianship Registry Committee.
- (3) Investigation Procedures. The judicial officer will advise the complainant that an investigation has commenced. A copy of the complaint will be sent to the guardian ad litem or court visitor. The guardian ad litem or court visitor shall submit a written response within fourteen days of receipt of the complaint unless the court for good cause extends the time. The judicial officer may make any other contacts or inquiries he or she feels necessary. The judicial officer will submit a written report, within 45



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days of the receipt of the written complaint, to the Guardianship Registry. The guardian ad litem or court visitor may respond to the report within 15 days of the receipt of the report.

- (4) **Discipline.** The judicial officer may recommend to the Guardianship Registry Committee to
- A. allow the guardian ad litem or court visitor to remain on the registry with no further action;
  - B. suspend the guardian ad litem or court visitor from the registry, subject to the guardian ad litem or court visitor completing other requirements as set for by the Committee; or
  - C. remove the guardian ad litem or court visitor from the registry. The Committee, or its designee, will meet and review the judicial officer's recommendation. The guardian ad litem or court visitor will be notified by written decision within fourteen days. The guardian ad litem or court visitor may request a meeting with the full Committee to review its decision.

**(h) Confidentiality.** A record of all complaints and grievances will be maintained by the court and treated as confidential until merit has been found. A record of any sanctions issued pursuant to the Annual Review and/or Complaint Procedures will be placed in the guardian ad litem's or court visitor's file.

**(i) Removal from the Guardianship Registry.** When a guardian ad litem or court visitor is removed from the Guardianship/Court Visitor Registry, the court shall send a notice to the Office of the Administrator for the Courts.

**(j) Appointments.**

- (1) Guardians Ad Litem or Court Visitors in Title 11 cases (guardianship/conservatorship) will be appointed pursuant to RCW 11.130, and the policies and procedures established by the Guardianship/Court Visitor Registry Committee. The policies and procedures are available from the Guardianship Monitoring Program or online.
- (2) Each Court Visitor on the Guardianship/Court Visitor Registry shall be required to accept two county-pay cases each calendar year. These cases shall be paid pursuant to the Spokane County Superior Court GAL/Court Visitor payment policies.
- (3) No Guardian Ad Litem or Court Visitor shall be appointed without his or her written approval or telephonic consent.

Amended effective 09/01/2022

### **LSPR 98.24 MANDATORY GUARDIAN/CONSERVATOR TRAINING**

**(a) Definition of Applicable Cases.** This rule applies to all guardianship cases including those originating under RCW 11.130 and SPR 98.16W. The court, in its discretion, may also



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direct other persons to take all or part of the mandatory guardian/conservator training.

**(b) Intent.** The purpose of mandatory guardian/conservator training is to provide information to prospective guardians/conservators about their legal responsibilities as a guardian/conservator.

**(c) Guardian/Conservator Training.** Except as provided in (d) no person shall be appointed guardian/conservator by the court until he/she has successfully completed the Mandatory Guardian/Conservator Training provided by the Administrative Office of the Courts and provides proof of such to the GMP.

Effective 09/01/2022

### LOCAL SUPERIOR COURT CIVIL ARBITRATION RULES (LSCCAR)

#### SCOPE AND PURPOSE OF RULES

#### LSCCAR 1.1 APPLICATION OF RULES—PURPOSE AND DEFINITIONS

The purpose of arbitration of civil actions under RCW 7.06 is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$100,000 or less. The Superior Court Civil Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to be informal and expeditious, consistent with the purpose of the statute and rules.

Amended effective 09/01/2021

#### LSCCAR 1.2 MATTERS SUBJECT TO ARBITRATION

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

Amended effective 09/01/2021

#### TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

#### LSCCAR 2.1 TRANSFER TO ARBITRATION

**(a) Statement of Arbitrability.** The party filing a statement of arbitrability shall do so no later than the date set forth in the Case Schedule Order using such form(s) as approved by the Court. A conformed copy shall be provided to the court administrator. If any party objects to the matter being submitted for civil arbitration, said objection shall be filed within 5 days of receipt of the Statement of Arbitrability and shall be noted for hearing pursuant to LCR 40(b)





before the assigned judge, or if unassigned, to the presiding judge. The party objecting to the statement of arbitrability shall provide a copy of such to the court administrator.

**(b) By Stipulation.** After the answer has been filed, the parties may stipulate to civil arbitration using a Stipulation for Arbitration form approved by the court. Stipulated cases will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy (see LSCCAR 8.1).

**(c) Limitations.** For cases where a Case Schedule Order has been entered pursuant to LAR 0.4.1, no case may be assigned to civil arbitration after the deadline for filing for arbitration, unless consent is obtained from the assigned judge.

Amended effective 09/01/2021

### **LSCCAR 2.3 ASSIGNMENT TO ARBITRATOR**

**(a) Generally, Stipulations.** When a case is set for arbitration, a list of not less than five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator using Stipulation to Arbitrator (form LSCCAR-02.0300). In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

**(b) Response by Parties.** Each party may, within ten days after a list of proposed arbitrators has been 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 court administrator, or their designee, will appoint an arbitrator from among those not stricken by either party.

**(c) Response by Only One Party.** If only one party responds within ten days, the court administrator, or their designee, will appoint an arbitrator nominated by that party.

**(d) No Response.** If neither party responds within ten days, the court administrator, or their designee, will appoint one of the five proposed arbitrators.

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

Amended effective 09/01/2021

### **ARBITRATORS**

### **LSCCAR 3.1 QUALIFICATIONS**

**(a) Arbitration Panel.** There shall be a panel of arbitrators who qualify under RCW 7.06.040, including the minimum of three credits on the professional and ethical considerations for serving as an arbitrator. A person desiring to serve as an arbitrator shall complete an



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application on a form prescribed by the court. A copy of said application of a person appointed as an arbitrator will be available upon request by any party and will be mailed to a requesting party at the party's own expense. The oath of office on the form prescribed by the court must be completed and filed prior to an appointed applicant being placed on the panel.

**(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 court administrator, or their designee, in writing 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 2.11 governing the disqualification of judges.

Amended effective 09/01/2021

### LSCCAR 3.2 AUTHORITY OF ARBITRATORS

**(a) Authority of Arbitrator.** An arbitrator has the authority to:

- (1) Motions. Determine the time, place and procedure to present a motion before the arbitrator, excluding motions for summary award and involuntary dismissal.
- (2) Expenses. Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk of the superior court, with proof of service on each party. The aggrieved party shall have ten 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.
- (3) Attorney's Fees. Award attorney's fees as authorized by these rules, by contract or by law.

Amended effective 09/01/2021

### PROCEDURES AFTER ASSIGNMENT

#### LSCCAR 4.2 DISCOVERY

**(a) Additional Discovery.** In determining when additional discovery beyond that directly authorized by RCW 7.06.047 and 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.



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

Amended effective 09/01/2021

### HEARING

#### **LSCCAR 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. The arbitrator may grant a continuance without court order as long as the new hearing date will allow the arbitration hearing and arbitrator decision to be completed 30 days before the scheduled trial date. The parties may stipulate to a continuance only with the permission of the arbitrator. A continuance of the arbitration hearing to a date less than 30 days prior to the scheduled trial date must be approved by the assigned judge. The arbitrator shall give reasonable notice of the hearing date on a Notice of Arbitration Hearing Date form approved by the court, and any continuance on an Order of Continuance of Arbitration Hearing Date form approved by the court to the arbitration director.

Amended effective 09/01/2021

#### **LSCCAR 5.2 PREHEARING STATEMENT OF PROOF — DOCUMENTS FILED WITH COURT**

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

Amended 09/01/2021

### AWARD

#### **LSCCAR 6.1 FORM AND CONTENT OF AWARD**

**(a) Form.** The award shall be prepared on an Arbitration Award approved by the court and filed with the county clerk along with proof of service on the parties.

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

Amended effective 09/01/2021



### **LSCCAR 6.2 FILING OF AWARD**

A request by an arbitrator for an extension of time for the filing of an award shall be presented to the court administrator, or their designee, who may approve or decline with authorization from the assigned or presiding judge. The arbitrator shall give the parties notice of any extension granted. Recurring delays in the filing of awards will result in the removal of the arbitrator from the panel.

Amended effective 09/01/2021

### **LSCCAR 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.

Amended effective 09/01/2021

### **TRIAL DE NOVO**

### **LSCCAR 7.1 REQUEST FOR TRIAL DE NOVO**

**(a) Request.** The Request for Trial de Novo and Sealing of Award shall be filed with the county clerk on such form as approved by the court. A copy shall be provided to the assigned judge, if any, and court administrator.

Amended effective 09/01/2021

### **GENERAL PROVISIONS**

### **LSCCAR 8.1 STIPULATIONS—EFFECT ON RELIEF GRANTED**

If a case not otherwise subject to mandatory 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.

Amended effective 09/01/2021

### **LSCCAR 8.4 TITLE AND CITATION**

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

Amended effective 09/01/2021

### **LSCCAR 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.



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**(b) Form.** When the award is filed, the arbitrator shall submit to the court administrator a request for payment on a form prescribed by the court within 60 days of the filing of the award. The court administrator, or their designee, with the approval of the assigned or presiding judge, shall determine the amount of compensation and costs to be paid. Compensation to the arbitrator and cost reimbursement shall be pursuant to standards set and periodically revised by the court.

Amended effective 09/01/2021

### **LSCCAR 8.6 ADMINISTRATION**

**(a) Generally.** The court administrator, under the supervision of the superior court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

Amended effective 09/01/2021

### **CRIMINAL RULES (LCrR)**

#### **PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS**

#### **LCrR 2.1 THE INDICTMENT AND THE INFORMATION**

##### **(d) Amendment.**

- (1) A motion by the State prior to trial, to amend an Information in order to add counts, change the degree of an offense, change the means of commission of an offense, change the date of an offense or add a sentencing enhancement, shall be noted by the State on the appropriate notice form and served on defendant's counsel of record, if represented, or on the defendant if unrepresented. A copy of the proposed amended Information shall be filed and served with the motion. Said motions must be filed and served at least 5 days prior to the hearing of the motion. A copy of the motion shall be given to the Judicial Assistant for the Chief Criminal Judge at least one working day prior to the hearing. Motions to amend will be heard by the Chief Criminal Judge on the regular criminal motion calendar unless specially set by the Court. It is the duty of the moving party to notify the Judicial Assistant for the Chief Criminal Judge by noon two days prior to the hearing to confirm the matter will be heard. A motion to amend an Information to correct simple clerical or grammatical errors is not subject to the time limits set forth in this rule.
- (2) A motion to amend an Information during, or after, the trial has commenced is governed by CrR 2.1(d).

Amended effective 06/28/2019



RIGHTS OF DEFENDANTS

**LCrR 3.4 PRESENCE OF THE DEFENDANT**

**(b) When Necessary.**

- (1) In addition to those hearings listed in CrR 3.4(b), as now or hereafter amended, there is good cause to require the defendant to be present physically or remotely (at the court's discretion) at the following hearings:
  - A. The defendant's motion to waive jury trial;
  - B. A motion for continuance of trial date and waiver of speedy trial rights;
  - C. Any hearing where the court is required to conduct a colloquy with the defendant;
  - D. Evidentiary hearings conducted pursuant to CrR 3.5 or CrR 3.6;
  - E. Weapon-surrender hearings;
  - F. Therapeutic Court review hearings;
  - G. Early Case Resolution (ECR) hearings;
  - H. Readiness hearings.
- (2) Good Cause is found and based upon the need for cases to proceed and effective administration of justice, including efficient management of jury and court resources.
- (3) Nothing prevents parties from moving the court to waive the defendant's physical or remote presence for those hearings listed in (1)(A)-(H).

Effective 09/01/2021

**LCrR 4.5 OMNIBUS HEARING AND MOTIONS**

**(d) Criminal Motions.**

- (1) Criminal Motions under CrR 3.5 shall ordinarily be heard by the assigned trial judge. However, CrR 3.5 motions may be specially set prior to trial date by the Chief Criminal Judge upon a showing of good cause.
- (2) Dispositive and CrR 3.6 Motions - Criminal motions under CrR 3.6 and CrR 8.3 shall be noted with the Chief Criminal Judge, who will either schedule the matter before the Chief Criminal Judge or assign it to another judge. Motions under CrR 3.6 and CrR 8.3 shall be heard at least 14 days before trial. The note for hearing and motion shall be accompanied by all supporting materials and shall be filed 14 days prior to the hearing date. The responding party shall file and serve all responsive pleadings no later than 7 days prior to the hearing date. Any reply memoranda must be served no later than 2 days prior to the hearing. The time limit prescribed by this rule may be waived by the Chief Criminal Judge upon a showing of newly discovered evidence



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or a basis for the motion that could not have been developed by an exercise of due diligence.

- (3) Non-Dispositive Motions - All non-dispositive criminal motions must be filed by using the court required form and shall be filed 5 days prior to the hearing date. Motions must be promptly served on the opposing party, and a copy shall be provided to the judicial assistant for the Chief Criminal Judge. A working copy of all memoranda, affidavits and certificates must be provided by the parties to the judicial assistant for the judge hearing the motion at time of filing.
- (4) All criminal motions, other than those under CrR 3.5, will be heard on the regular motion calendar unless specially set by the Court.
- (5) It is the duty of the moving party to notify the judicial assistant for the Chief Criminal Judge by noon 2 days prior to the hearing to confirm the matter will be heard.
- (6) Any agreements to continue a hearing which had been confirmed as ready to be heard shall be presented to the Chief Criminal Judge no later than 12:00 p.m. the day prior to the hearing.

**(e) Restitution Hearings.** Restitution hearings shall be scheduled before the Plea/Broker Judge or designee on the docket set by the court. The party noting the hearing shall notify the judicial assistant for the Plea/Broker Department by 12:00 noon of the previous day (Wednesday) to confirm that the matter will be heard. The parties will also advise the court if it is expected that multiple witnesses will be called. The assigned prosecutor will also advise if prisoner transport is required for the hearing.

Amended effective 09/01/2020

### JUVENILE COURT RULES (LJuCR)

#### SHELTER CARE HEARINGS

#### LJuCR 2.3 NOTICE AND RIGHT TO HEARING

**(a) Scheduling and Notice.** A shelter care hearing shall be set by court order. The party scheduling the hearing shall notify the Juvenile Court Coordinator, Clerk of Court, Attorney General's Office, CASA Program, Public Defender's Office, and any other parties and their attorneys.

Amended effective 09/01/2021

#### DEPENDENCY AND GUARDIANSHIP/TERMINATION

#### LJuCR 3.9 DEPENDENCY REVIEW HEARING

**(a) Proposed Order and Supervising Agency Report.** The supervising agency and their attorney shall prepare a proposed order and a written report containing the information required by RCW 13.34.120. The report shall be provided to the court and copies shall be



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furnished to Juvenile Court Coordinator, the guardian ad litem, if any, and to the parties and their counsel 14 days before the review hearing. The report is due 14 days before the review hearing. The proposed order is due 7 days before the hearing.

Amended effective 09/01/2021

### **LJuCR 3.10 ASSIGNMENT TO COURT COMMISSIONER**

Each dependency action shall be assigned by the Juvenile Court to a Court Commissioner. The assigned court commissioner shall hear every contested issue from fact-finding forward unless otherwise ordered by the court.

Amended effective 09/01/2021

### **OFFENSE PROCEEDINGS**

#### **LJuCR 7.4 DETENTION HEARING**

**(a) Scheduling of Hearing.** For all juveniles taken into custody and held in detention, the court shall make every reasonable effort to conduct a hearing on the issue of detention the next judicial day. The prosecutor shall schedule all detention hearings on the daily offender calendar at a time specified by the court.

**(b) Procedure at Hearing.** The detention hearing shall be held in accordance with JuCR 7.3 and 7.4.

**(c) Determination that Detention Is or Is Not Necessary.** The determination as to detention will be made in accordance with JuCR 7.4.

Amended effective 01/04/2019

#### **LJuCR 7.5 SUMMONS**

**(a) Generally.** Generally. When a case is initiated by filing an Information and Summons then at the time of filing an Information, the Prosecuting Attorney's office shall execute an address check and also provide sufficient copies of the summons to the Clerk so that there is a copy for the Clerk's office and a copy to mail to each address. The Clerk shall sign and endorse each summons with a seal and retain one copy of the Information and Summons for the Court file and provide the signed and endorsed summons back to the Office of the Prosecuting Attorney.

- (1) The Office of the Prosecuting Attorney shall mail a copy of the Summons and Information to each address with an arraignment informational letter following the same format as adult filings.
- (2) The Office of the Prosecuting Attorney shall complete a Certificate of Mailing and file that document with the Clerk with a copy of the Information, Summons, and informational letter.





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Amended effective 04/01/2016

## RIGHT TO LAWYER AND EXPERTS

### **LJuCR 9.3 RIGHT TO APPOINTMENT OF EXPERTS**

**(a) Appointment.** An order authorizing counsel to obtain the services of an expert will not authorize payment for those services but shall define the services to be provided. If services are authorized, counsel shall advise the service provider of the provisions of this rule and the approved rates as set by the court.

**(b) Compensation.** Compensation in excess of an hourly rate or total amount as determined reasonable from time to time by the superior court will not be approved without a prior report and special authorization by the court. Claims submitted within the approved hourly rates and total amounts may be approved by the supervisor in accordance with the budget.

## SUPPLEMENTAL PROVISIONS

### **LJuCR 11.4 CONTINUANCES**

Agreed motions for continuance may be presented at weekly pre-trial hearings or by agreed order. Contested motions for continuance shall normally be considered at a motion hearing as scheduled by the court, unless justified by exigent circumstances.

Amended effective 04/01/2016

### **LJuCR 11.5 CALENDAR INQUIRIES**

Inquiries regarding the calendaring of cases shall be directed to the Juvenile Court Coordinator. All calendaring of matters will be done by the Clerk of Court or Juvenile Court Coordinator only upon order of the court or pursuant to these local rules.

Amended effective 09/01/1999

### **LJuCR 11.7 MEDICAL CONSENT AUTHORIZATIONS**

**(a) Request for Medical Treatment.** Requests for authorization of medical treatment should be submitted in writing to the court stating the treatment required, the reason for the treatment and the necessity for the authorization. Such requests may be heard on the motion calendar or at such other time approved by the Juvenile Court Coordinator or ordered by the court.

Amended effective 09/01/1999

### **LJuCR 11.9 PAYMENT OF RESTITUTION THROUGH CLERK**

Whenever the court orders restitution it shall be paid through the clerk of the court by cash, certified check, cashier's check or money order payable to the clerk of the court. The name of the payor and the court case number will be entered on the face of the instrument



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of payment.

**Payment of Monetary Obligation:** In all juvenile cases, except where the court order is to the contrary, the clerk of the court shall disburse monies received in the following order:

- (a) Restitution.
- (b) Penalty Assessment.

### TRUANCY PROCEEDINGS

#### **LJuCR 12.1 LEGAL REPRESENTATION**

(b) An attorney shall be appointed by the Court to represent a child when a school district requests a hearing alleging that the child is in contempt of a truancy order.

Amended effective 09/01/2021

#### **LJuCR 12.2 NOTICE**

**(b) Contempt Proceedings.** The school district shall personally serve a party alleged to be in contempt of a truancy order at least five court days, not including the day of service, before the hearing. The documents to be served will include the motion, declaration, and order to show cause. The child shall also be served with the notice of appointment of counsel. If the party alleged to be in contempt of an order compelling attendance was not present at the fact-finding hearing, the district shall provide evidence that the party had notice of the terms of the order. This evidence may be in the form of a declaration, under oath, that the party has been served with the order, either personally or by a form of mail requiring a return receipt.

Amended effective 09/01/2021

### **LOCAL RULES FOR APPEALS OF DECISIONS OF COURTS OF LIMITED JURISDICTION (LRALJ)**

#### **ASSIGNMENT OF CASES IN SUPERIOR COURT**

#### **LRALJ 3.1 ASSIGNMENT AND PROCEDURE FOR APPEALS FROM COURTS, AGENCIES AND TRIBUNALS OF LIMITED JURISDICTION**

Appeals from a court of limited jurisdiction, administrative agency or other tribunal of limited jurisdiction will be assigned to an individual judge when a Notice or Petition of Appeal is received by the Clerk of the Court. At the time of receipt, the Clerk of the Court will prepare and provide a notice of case assignment to the party or counsel seeking the appeal. The assigned judge will set a briefing schedule consistent with RALJ 7.2 and a date for oral argument.



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- (1) Bench copies of transcripts, exhibits, documents and authorities that are not published in the Washington Reports shall be provided to the assigned judge. The bench copies shall be underlined or marked to clearly aid the court in terms of relevant language and information. The parties shall confer and coordinate such designations and all cross designations.
  - A. Any legal authority relied upon must be cited, including a pinpoint cite to the particular page or pages the proponent wishes the court to read.
- (2) Motion to Exceed Page Limits. The page limits shall not be exceeded without prior authorization from the assigned court. A party may, upon written motion for good cause shown, and an explanation of steps taken to reduce the number of pages, request permission to exceed these page limits. This motion shall be ruled upon prior to exceeding page limits.

Amended effective 09/01/2021

### AUTHORITY OF COURT PENDING APPEAL—STAYS

#### **LRALJ 4.1 AUTHORITY OF COURT PENDING APPEAL**

**(a) Superior Court.** After a notice of appeal has been filed the Assigned Court Department will schedule the following dates from the date of filing:

- (1) 45 Days. For the receipt of appellant's brief and a transcript of the record [See RALJ 6.3 and 7.2(a)]. The person preparing the transcript shall comply with GR 35 and be listed on the transcriptionist list approved by the court. If the appellant has not filed a brief and transcript the clerk will move to dismiss the appeal for lack of prosecution in accordance with LRALJ 10.2(a).
- (2) 75 Days. For the receipt of the respondent's brief [See RALJ 7.2(b)]. On the 76th day from the date of filing a Notice of Appeal the clerk will prepare and transmit a notice to the Court Administrator. The Court Administrator will mail a Note for Appeal Assignment (form JRA-08.0100-1/81) to the lawyer for each party or any party appearing pro se assigning said case to an individual judge.

Amended effective 11/16/2017

#### **LRALJ 4.3 STAY OF ENFORCEMENT OF JUDGMENT**

**(a) Civil Case.** If the appellant seeks to stay enforcement of the district or municipal court judgment from which an appeal has been taken it shall be upon motion noted for hearing as an issue of law (form CI-06.0300-6/98) pursuant to LCR 40(b)(10). If an order staying enforcement is made a conformed, certified copy of the order must be filed by the appellant with the district or municipal court from which the appeal has been taken.

**(b) Criminal Case.** If the appellant has been granted an order staying enforcement of a sentence in a criminal case by the court of limited jurisdiction in accordance with RALJ 4.3(b)



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a conformed, certified copy shall be filed with the clerk of the superior court.

Amended effective 01/01/1999

### SUPERIOR COURT DECISION

#### **LRALJ 9.1 BASIS FOR DECISION ON APPEAL**

**(a) Form of Decision.** The decision of the superior court may be rendered orally, with a court reporter present, or recorded by electronic means. In either case the verbatim record or the electronic recording shall be transcribed and filed with the clerk of the superior court.

#### **LRALJ 9.2 ENTRY OF DECISION**

**(a)** The clerk of the superior court shall transmit within 30 days one copy of the transcribed decision to the clerk of the court of limited jurisdiction from which the appeal was taken, one copy to the district court or municipal court judge whose decision was appealed and one copy to each party or the attorney for each party in accordance with RALJ 9.2(b).

### VIOLATION OF RULES—SANCTIONS AND DISMISSAL

#### **LRALJ 10.2 DISMISSAL OF APPEAL**

**(a) Involuntary Dismissal/Continuances.** In the event that the provisions of RALJ 7.2(a) have not been met and if a motion to dismiss has not been filed by a party, the clerk of the superior court, pursuant to LRAJ 4.1(a)(1), will prepare and mail a Notice of Dismissal For Want of Prosecution (form JRA 10.0100-6/81) to the parties or their lawyers that the appeal will be dismissed for want of prosecution unless within 14 days good cause is shown why the case should be continued as a pending appeal. If a motion for continuance supported by good cause is not filed and noted for hearing within that time, the clerk will present a Motion and Order Dismissing Appeal to District/Municipal Court (form JRA 10.0200-4/81) to the judge to whom the appeal has been assigned or, if\_unassigned, to the presiding judge for signature. Hearings on motions for continuance will be noted on the motion docket for the assigned judge per LCR 40(b)(10), or if the appeal is unassigned, before the presiding judge. In the event that there has been no action of record for 90 days, the clerk may present a motion and order dismissing the appeal forthwith.

**(b)** In event that the appellant has not filed a designation of record per RALJ 6.2(a) the superior court clerk shall send out a notice of closure to the parties or their attorneys that the appeal has been deemed abandoned and the superior court file is closed. Such closing of the file shall only be vacated upon an order of the superior court showing good cause.

Amended effective 09/01/1999

### **LOCAL WRIT PRACTICE RULES (LWP)**

#### **LWP 1.1 APPLICATION FOR WRIT**



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**(a) Filing.** Any party seeking an extraordinary writ pursuant to Chapter 7.16 RCW concerning the action of a district or municipal court shall file an application or petition and schedule a show cause hearing before the presiding judge no later than 14 days after the filing to determine whether the requested writ shall be granted. The order setting a show cause hearing may stay further proceedings in the lower court if proceedings are scheduled there prior to the show cause hearing.

**(b) Scheduling.** If the presiding judge, or other superior court judge to whom the matter may be assigned, grants an order issuing an extraordinary writ to review a decision of a district or municipal court, the court will also enter a hearing schedule which shall state the due dates for the briefs of the parties, the filing of the written transcript, and the date on which the parties will return to court for assignment and argument. No continuance or extension shall be entered which does not also reset the hearing schedule. The time frame for scheduling shall be consistent with that of LRALJ 4.1(a) unless circumstances dictate that less time be allowed.

Amended effective 01/01/2001

### **LWP 1.2 DISMISSAL**

The clerk of the superior court may, pursuant to the procedures established by LRALJ 10.2(a), seek dismissal of any writ action involving a district or municipal court wherein more than 90 days have passed since the last action of record.