



# King County Superior Court Emergency Local Rule Amendments

## LCR 40.1 Ex Parte and Probate Department

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

(a)...

### **(b) Motions and Other Procedures.**

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

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

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

**(C) Civil Protection Orders.** Applications for temporary civil protection orders; including antiharassment, stalking, domestic violence, extreme risk, sexual assault, and vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department.

**(i) Return Hearings.** Hearings on final civil protection orders, except vulnerable adult protection orders, shall be set by the clerk or judicial officer on the Civil Protection Order calendar. Working copies will not be accepted. At the hearing, both parties may testify, and the court may consider other relevant evidence. Copies of any writings or other documentary evidence provided to the court must be provided to the other party.

**(ii) Vulnerable Adult Protection Orders.** Hearings on final vulnerable adult protection orders shall be set by the clerk or judicial officer on the Guardianship/Probate calendar in the Ex Parte and Probate Department. Unless otherwise ordered by the court, immediately following each hearing, an order reflecting the ruling of the court shall be presented for signature by the moving party.

**(D) Guardianships, Probates and Other Settlements of Claim Involving Incapacitated Adults or Minors...**

### **(L) Unlawful Detainer Actions.**

**(i) No Noncompliance Substantially Affecting the Health and Safety of Other Tenants.** Except in actions described in subparagraph (ii) below, orders to show cause, any agreed orders, and any orders that do not require notice, shall be presented without oral argument through the clerk's office to the Ex Parte and Probate Department. The moving party shall obtain the order to show cause first before filing the note for hearing. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(ii) Noncompliance Substantially Affecting the Health and Safety of Other Tenants.** In an action where substantial noncompliance by the tenant with any portion of RCW 59.18.130 or 59.18.140 is alleged to substantially affect the health and safety of other tenants,



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or substantially increase the hazards of fire or accident, as provided in RCW 59.18.180, and the allegations are supported by prima facie evidence, a motion for assignment of the case to a judge shall be submitted without oral argument to the Chief Civil Judge. If the Chief Civil Judge grants the motion, the Chief Civil Judge will assign the case to a judge with a trial date. Once assigned to a judge, the moving party shall present a motion to show cause to the assigned judge as required by LCR 7(b)(9), and the entire case is before that judge, including all other motions except as provided otherwise in these rules or by the court.

### **(M) Writs...**

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

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

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

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

**(D)** Civil and family law emergency restraining orders, including civil protection orders where either no notice or shortened notice has been given to the opposing parties.

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

### **(F) Temporary Restraining Orders...**

[Adopted March 30, 2023; re-adopted June 29, 2023, September 26, 2023, December 12, 2023; February 27, 2024; May 28, 2024; and August 27, 2024.]