



## LFLR 14. CHILD SUPPORT AND SPOUSAL MAINTENANCE MODIFICATIONS AND ADJUSTMENTS

### **(a) Scope of This Rule.**

(1) This rule applies to child support and spousal maintenance adjustments that are brought independently from a petition to modify a parenting plan, or child custody or visitation order. This rule does not apply to support modifications that are based on a substantial change of circumstances if there is a pending proceeding to modify a parenting plan, or child custody or visitation order.

(2) In cases where a modification of a parenting plan, child custody, or visitation are no longer at issue, the court may transfer the support issues to the Trial by Affidavit Calendar, and this rule will then apply.

(3) A child support adjustment, which merely implements a periodic adjustment clause in an Order of Child Support or is limited to the relief authorized by RCW 26.09.170(9) and (10), shall be brought on the Family Law Motions Calendar under LFLR 6. Each party must also follow LFLR 10.

(4) In a Child Support modification proceeding, the court may grant relief limited to the scope of a child support adjustment, if the case does not meet the requirements for a modification but does meet the requirements for an adjustment.

### **(b) Support Modification Proceedings.**

#### **(1) Documents Required to Be Served and Filed**

**(A) Documents Required from Petitioner.** A party petitioning for modification of child support or spousal maintenance shall file and serve upon all other parties the Summons and Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10. The petitioning party shall serve the other party a copy of the Order Setting Case Schedule (issued by the Clerk) with the Summons. If the existing support order was not issued by King County Superior Court, a certified copy of the order must be filed with the Petition.

**(B) Documents Required from Responding Parties.** Each responding party shall file and serve a Response to Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10, by the deadline established by service of the Summons.

### **(c) Motions.**

**(1) Pre-trial Motions re Support-only Modifications.** Pre-trial motions relating to support-only modifications, including motions to change the trial date, to permit testimony, or relating to discovery, shall be decided on the Trial by Affidavit Calendar without oral argument, unless otherwise specified. Motions shall be noted for hearing at least fourteen (14) days in advance. The procedure for such motions shall conform to LCR 7 and LFLR 6 to the extent not inconsistent with this rule. There is no requirement to confirm such motions. Motion documents shall be filed with the Clerk and working copies shall be provided to the court pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Working copies submitted in paper form must be delivered to the Trial by Affidavit mailbox in the judges' mailroom of the courthouse where the matter will be heard.

#### **(2) Motions to Permit Live Testimony.**



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(A) Testimony is ordinarily in the form of declarations and affidavits. Oral argument is allowed at all trials by affidavit. A party seeking permission to present live testimony at the time of the trial by affidavit (in addition to oral argument) must file a motion with a supporting declaration setting forth the reasons why live testimony is necessary. The motion and supporting documents shall be noted, filed, and served not later than the deadline set forth in the case schedule.

(B) The supporting documents must demonstrate the extraordinary features of the case warranting live testimony. Factors which may be considered include: substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

(C) A Motion to Permit Testimony may not be entered by stipulation. If the motion is granted, a hearing will be set.

**(3) Motions for Temporary Orders.** Motions for Temporary Support Orders will not ordinarily be considered in support-only modification proceedings. Exceptions may apply in exigent circumstances, such as when there has been a change in residential care, a party has requested a continuance of the trial date, or when the lack of a temporary order would substantially prejudice a party. A motion for temporary support shall be noted on the Family Law Motions Calendar with at least 14 calendar days' notice. If the matter is being continued for reasons unrelated to the conduct of the party requesting the continuance, the court in its discretion may also consider an oral motion for temporary support pending trial.

**(d) Method of Disposition of Support Modification Proceedings.**

**(1) Trial by Affidavit.** The trial of support-only modification petitions shall be heard on affidavits, declarations, pleadings, and discovery materials obtained pursuant to CR 26-37, unless the court authorizes live testimony pursuant to a motion brought under LFLR 14(c)(2) above.

**(2) Proposed Orders.** The petitioning party shall provide proposed findings of fact and conclusions of law, child support worksheets, and orders to the other parties and the court not later than the time of trial. The proposed orders shall not be filed with the clerk. Working copies of the proposed orders for the judge shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. If the petitioning party is not present at trial and has not presented proposed orders, the matter may be dismissed.

**(3) Judicial Officer Presiding.** Unless otherwise assigned by the court, support-only modification trials shall be heard on the Trial by Affidavit Calendar by a Family Law Commissioner.

**(4) Notice of Disqualification.** Not recognized for matters heard by assigned TBA Commissioner. See RCW 4.12.050 and LCR 53.2.

**(5) Independent Proceedings.** Except as otherwise stated, Petitions for Modification of Support shall proceed as original determinations, with no threshold or adequate cause hearing required.

**(6) Arbitration.** The parties may stipulate to arbitrate the issues in the petition pursuant to the state and local Mandatory Arbitration Rules. The stipulation must be in writing, in a form as prescribed by the Court. The stipulation must state whether the issues will be handled by



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private arbitration or will be submitted to the King County Arbitration Department for assignment of an arbitrator.

**(A) Motions for Temporary Relief.** Once an arbitrator has been appointed, all motions shall be decided by the arbitrator.

**(B) Appeals from Arbitration.** Parties may file for a trial de novo per LCR 40 and LCAR 7.1. Requests for a trial de novo from the decision of an arbitrator shall be heard on the Trial by Affidavit Calendar.

**(7) Trial by Affidavit Procedure.** Parties shall file the originals of all documents to be considered with the Clerk. Trial by Affidavit must be confirmed by the submission of a copy of these materials either in paper form to the Trial by Affidavit mailbox at the courthouse where the matter will be heard or electronically through the clerk's e-filing system (e-working copies) by the deadline in the case schedule. Materials not submitted via e-working copies must be in three-ring binders, with the case name, case number, and trial date on the front cover of each binder. Documents submitted in binders should be single-sided. Each party to the proceeding will have a maximum of ten (10) minutes, including rebuttal, to present oral argument to the court. No new evidence may be offered at the time of trial unless stipulated by the parties or authorized by the court for good cause shown.

**(8) Procedure on Default.**

**(A) Default Procedures.** See LFLR 5(e)(7).

**(B)** Failure of a responding party or their counsel to be present at the time of trial shall not constitute a default, as the presentation of oral argument is optional. If counsel or a pro se party is not present, the court will decide the matter based upon the working papers and the oral argument of those present.

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