

# KITSAP COUNTY SUPERIOR COURT STATE OF WASHINGTON



## LOCAL COURT RULES

*Amended June 28, 2023; effective September 1, 2023*

**JUDGE TINA ROBINSON**

Department No. 1

**JUDGE MICHELLE ADAMS**

Department No. 2

**JUDGE MELISSA A. HEMSTREET**

Department No. 3

**JUDGE WILLIAM C. HOUSER**

Department No. 4

**JUDGE JEFFREY P. BASSETT**

Department No. 5

**JUDGE KEVIN D. HULL**

Department No. 6

**JUDGE JENNIFER A. FORBES**

Department No. 7

**JUDGE SALLY F. OLSEN**

Department No. 8

**COMM. MATTHEW L. CLUCAS**

Court Commissioner

**FRANK A. MAIOCCO, JR.**

Court Administrator

## Table of Contents

<b>KITSAP COUNTY LOCAL GENERAL RULES [KCLGR]</b> .....	<b>7</b>
<b>KITSAP COUNTY LOCAL ADMINISTRATIVE RULES [KCLAR]</b> .....	<b>9</b>
<b>KITSAP COUNTY LOCAL CIVIL RULES [KCLCR]</b> .....	<b>11</b>
<b>KITSAP COUNTY LOCAL FAMILY LAW RULES [KCLFLR]</b> .....	<b>37</b>
<b>KITSAP COUNTY LOCAL CIVIL ARBITRATION RULES [KCLCAR]</b> .....	<b>50</b>
<b>KITSAP COUNTY LOCAL SPECIAL PROCEEDINGS RULES [KCLSPR]</b> .....	<b>56</b>
<b>KITSAP COUNTY LOCAL GUARDIAN AD LITEM AND COURT VISITOR RULES [KCLGALR]</b> .....	<b>64</b>
<b>KITSAP COUNTY LOCAL CRIMINAL RULES [KCLCrR]</b> .....	<b>73</b>
<b>KITSAP COUNTY LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ) [KCLRALJ]</b> .....	<b>81</b>

## Table of Contents

KITSAP COUNTY LOCAL GENERAL RULES [KCLGR].....	7
KCLGR 31    ACCESS TO COURT RECORDS.....	7
KITSAP COUNTY LOCAL ADMINISTRATIVE RULES [KCLAR].....	9
KCLAR 1    LOCAL ADMINISTRATIVE RULES.....	9
KITSAP COUNTY LOCAL CIVIL RULES [KCLCR] .....	11
III. PLEADINGS AND MOTIONS .....	11
KCLCR 7    PLEADINGS ALLOWED; FORM OF MOTIONS.....	11
KCLCR 10    FORM OF PLEADINGS AND OTHER PAPERS.....	12
KCLCR 16    PRETRIAL PROCEDURE AND FORMULATING ISSUES .....	13
V. DEPOSITION AND DISCOVERY .....	16
KCLCR 26    GENERAL PROVISIONS REGARDING DISCOVERY .....	16
KCLCR 30    DEPOSITIONS UPON ORAL TESTIMONY.....	17
KCLCR 33    INTERROGATORIES .....	17
VI. TRIALS	17
KCLCR 40    ASSIGNMENT OF CASES.....	17
KCLCR 47    JURORS.....	24
KCLCR 51    INSTRUCTIONS TO JURY AND DELIBERATION.....	26
VII. JUDGMENT	27
KCLCR 54    JUDGMENT AND COSTS .....	27
KCLCR 56    SUMMARY JUDGMENT .....	27
KCLCR 59    NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS .....	28
X. SUPERIOR COURTS AND CLERKS .....	28
KCLCR 77    SUPERIOR COURTS AND JUDICIAL OFFICERS.....	28
KCLCR 78    CLERKS .....	34
KCLCR 79    BOOKS AND RECORDS KEPT BY THE CLERK.....	34
XI. GENERAL PROVISIONS .....	35
KCLCR 81    APPLICABILITY IN GENERAL .....	35
KCLCR 83    LOCAL RULES OF SUPERIOR COURT .....	35
KITSAP COUNTY LOCAL FAMILY LAW RULES [KCLFLR] .....	37
KCLFLR 1    EX PARTE RESTRAINING ORDERS .....	37
KCLFLR 2    FAMILY LAW MOTION PRACTICE .....	37
KCLFLR 3    CHILD SUPPORT .....	37
KCLFLR 4    FINAL HEARING ON CONTESTED MATTERS .....	38
KCLFLR 5    NONCONTESTED MARRIAGE DISSOLUTIONS; DELIVERY OF DECREE TO OTHER PARTY.....	38
KCLFLR 6    MANDATORY SETTLEMENT CONFERENCES.....	38
KCLFLR 7    APPOINTMENT OF OPTIONAL GUARDIAN AD LITEM, ATTORNEY FOR CHILD, AND CUSTODY INVESTIGATOR IN CHILD CUSTODY MATTERS. ....	40

## Table of Contents

<b>KCLFLR 8</b>	<b>DISCOVERY SCOPE AND LIMITS</b> .....	<b>40</b>
<b>KCLFLR 9</b>	<b>CASE PROGRESSION</b> .....	<b>41</b>
<b>KCLFLR 10</b>	<b>MANDATORY PARENTING SEMINAR</b> .....	<b>41</b>
<b>KCLFLR 11</b>	<b>PRESENTATION OF FINAL PLEADINGS IN FAMILY LAW CASES</b> .....	<b>44</b>
<b>KCLFLR 12</b>	<b>MOTIONS FOR REVISION</b> .....	<b>46</b>
<b>KCLFLR 13</b>	<b>PRESENTATION OF TEMPORARY ORDERS AND FINAL PLEADINGS IN FAMILY LAW CASES</b> .....	<b>47</b>
<b>KCLFLR 14</b>	<b>CUSTODY INVESTIGATOR GRIEVANCES</b> .....	<b>47</b>
<b>KCLFLR 15</b>	<b>UCCJEA CONFERENCES</b> .....	<b>48</b>
<b>KITSAP COUNTY LOCAL CIVIL ARBITRATION RULES [KCLCAR]</b> .....		<b>50</b>
<b>I. SCOPE AND PURPOSE OF RULES</b> .....		<b>50</b>
<b>KCLCAR 1.1</b>	<b>APPLICATION OF RULES</b> .....	<b>50</b>
<b>KCLCAR 1.2</b>	<b>MATTERS SUBJECT TO ARBITRATION</b> .....	<b>50</b>
<b>KCLCAR 1.3</b>	<b>RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES</b> .....	<b>50</b>
<b>II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR</b> .....		<b>50</b>
<b>KCLCAR 2.1</b>	<b>TRANSFER TO ARBITRATION</b> .....	<b>50</b>
<b>III. ARBITRATORS</b> .....		<b>51</b>
<b>KCLCAR 3.1</b>	<b>QUALIFICATIONS</b> .....	<b>51</b>
<b>KCLCAR 3.2</b>	<b>AWARD OF ATTORNEY FEES</b> .....	<b>52</b>
<b>IV. PROCEDURES AFTER ASSIGNMENT</b> .....		<b>52</b>
<b>KCLCAR 4.2</b>	<b>DISCOVERY</b> .....	<b>52</b>
<b>V. HEARING</b>		<b>53</b>
<b>KCLCAR 5.1</b>	<b>NOTICE OF HEARING</b> .....	<b>53</b>
<b>KCLCAR 5.2</b>	<b>PREHEARING STATEMENT OF PROOF</b> .....	<b>53</b>
<b>VI. AWARD</b>		<b>53</b>
<b>KCLCAR 6.1</b>	<b>FORM AND CONTENT OF AWARD</b> .....	<b>53</b>
<b>KCLCAR 6.2</b>	<b>FILING OF AWARD</b> .....	<b>53</b>
<b>KCLCAR 6.3</b>	<b>JUDGMENT ON AWARD</b> .....	<b>53</b>
<b>VII. TRIAL DE NOVO</b> .....		<b>54</b>
<b>KCLCAR 7.1</b>	<b>REQUEST FOR TRIAL DE NOVO</b> .....	<b>54</b>
<b>KCLCAR 7.2</b>	<b>PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO</b> .....	<b>54</b>
<b>KCLCAR 7.3</b>	<b>COSTS AND ATTORNEY FEES</b> .....	<b>54</b>
<b>VIII. GENERAL PROVISIONS</b> .....		<b>54</b>
<b>KCLCAR 8.1</b>	<b>STIPULATIONS</b> .....	<b>54</b>
<b>KCLCAR 8.4</b>	<b>TITLE AND CITATION</b> .....	<b>54</b>
<b>KCLCAR 8.6</b>	<b>COMPENSATION OF ARBITRATOR</b> .....	<b>55</b>
<b>KCLCAR 8.7</b>	<b>ADMINISTRATION</b> .....	<b>55</b>

## Table of Contents

<b>KITSAP COUNTY LOCAL SPECIAL PROCEEDINGS RULES [KCLSPR]</b> .....	<b>56</b>
<b>KCLSPR 93.04</b> <b>DISPOSITION OF REPORTS – ADOPTIONS</b> .....	<b>56</b>
<b>KCLSPR 98.10</b> <b>GUARDIANSHIPS, CONSERVATORSHIPS, AND TRUSTS</b> .....	<b>56</b>
<b>KCLSPR 98.16</b> <b>MINOR SETTLEMENTS</b> .....	<b>56</b>
<b>KCLSPR 98.24</b> <b>MANDATORY TRAINING FOR NON-CERTIFIED GUARDIANS AND</b> <b>CONSERVATORS</b> .....	<b>57</b>
<b>KCLSPR 98.25</b> <b>PRESENTATION OF TEMPORARY OR FINAL PLEADINGS IN</b> <b>GUARDIANSHIP AND CONSERVATORSHIP CASES</b> .....	<b>57</b>
<b>KCLSPR 98.32</b> <b>APPOINTMENT OF NON-CERTIFIED GUARDIAN OR CONSERVATOR</b> .....	<b>58</b>
<b>KCLSPR 98.35</b> <b>MINOR GUARDIANSHIP PROCEEDINGS</b> .....	<b>58</b>
<b>KITSAP COUNTY LOCAL GUARDIAN AD LITEM AND COURT VISITOR RULES [KCLGALR]</b> .....	<b>64</b>
<b>KCLGALR 1</b> <b>SCOPE AND DEFINITIONS</b> .....	<b>64</b>
<b>KCLGALR 2</b> <b>GENERAL RESPONSIBILITIES OF GUARDIAN AD LITEM AND COURT</b> <b>VISITORS</b> .....	<b>64</b>
<b>KCLGALR 5</b> <b>APPOINTMENTS OF GUARDIAN AD LITEM/COURT VISITOR</b> .....	<b>68</b>
<b>KCLGALR 7</b> <b>GRIEVANCE PROCEDURES</b> .....	<b>69</b>
<b>KITSAP COUNTY LOCAL CRIMINAL RULES [KCLCrR]</b> .....	<b>73</b>
<b>1. SCOPE, PURPOSE AND CONSTRUCTION</b> .....	<b>73</b>
<b>KCLCrR 1.1</b> <b>SCOPE</b> .....	<b>73</b>
<b>2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS</b> .....	<b>73</b>
<b>KCLCrR 2.4</b> <b>JUSTIFICATION OF BAIL BOND COMPANIES AND SURETIES</b> .....	<b>73</b>
<b>3. RIGHTS OF DEFENDANTS</b> .....	<b>77</b>
<b>KCLCrR 3.2</b> <b>RELEASE OF ACCUSED</b> .....	<b>77</b>
<b>KCLCrR 3.4</b> <b>PRESENCE OF THE DEFENDANT</b> .....	<b>79</b>
<b>4. PROCEDURES PRIOR TO TRIAL</b> .....	<b>79</b>
<b>KCLCrR 4.2</b> <b>PLEAS</b> .....	<b>79</b>
<b>7. PROCEDURES FOLLOWING CONVICTION</b> .....	<b>79</b>
<b>KCLCrR 7.2</b> <b>SENTENCING</b> .....	<b>79</b>
<b>8. MISCELLANEOUS</b> .....	<b>80</b>
<b>KCLCrR 8.1</b> <b>CALENDAR MANAGEMENT</b> .....	<b>80</b>
<b>KCLCrR 8.2</b> <b>FORM OF PLEADINGS</b> .....	<b>80</b>
<b>KITSAP COUNTY LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED</b> <b>JURISDICTION (RALJ) [KCLRALJ]</b> .....	<b>81</b>
<b>TITLE 2. INITIATING AN APPEAL</b> .....	<b>81</b>
<b>KCLRALJ 2.6</b> <b>CONTENT OF NOTICE OF APPEAL</b> .....	<b>81</b>
<b>TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT</b> .....	<b>81</b>
<b>KCLRALJ 3.1</b> <b>NOTICE OF HEARING AND ASSIGNMENT</b> .....	<b>81</b>
<b>KCLRALJ 6.3.1</b> <b>TRANSCRIPT OF ELECTRONIC RECORD</b> .....	<b>82</b>

**Table of Contents**

**TITLE 7. BRIEFS 82**

**KCLRALJ 7.3 FILING AND CONTENT OF BRIEFS.....82**

**KITSAP COUNTY LOCAL GENERAL RULES [KCLGR]****KCLGR 31 ACCESS TO COURT RECORDS****(e) 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 RCW 13 (excluding offender cases); RCW 4.24; RCW 26.33 (Adoption); and, RCW 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 or permanent parenting plans and similar documents) and orders establishing or disestablishing parentage shall include the full name of the child. The date of the birth of a child shall be included in court records only as authorized by General Rule 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 in 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) Child who is the subject of a minor settlement. The complete name and date of birth of a child who is the subject of a minor settlement shall be included in the petition and any dispositive orders, pursuant to Rule 98.16W of the Superior Court Rules on Special Proceedings.
- (7) Orders issued for the protection of a child. If a child is a person protected by a criminal no contact order issued pursuant to RCW 10.99, an anti-harassment order issued pursuant to RCW 10.14, an order of protection issued pursuant to RCW 26.50 or a restraining order or order of protection issued pursuant to RCW 26.09, RCW 26.10, RCW 26.26, 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 in the Judicial

Information System (JIS) and/or the Washington Crime Information Center (WACIC).

- (8) 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.
- (9) Orders restraining child from contacting or harassing others. Whenever a child is named as a respondent in an order listed in (3) above, 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).
- (10) Petitions and Notices filed pursuant to RCW 11.28 (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 General Rule 22.
- (11) 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 General Rule 22.

*Amended June 21, 2011; effective September 1, 2011.*



**KITSAP COUNTY LOCAL ADMINISTRATIVE RULES [KCLAR]****KCLAR 1 LOCAL ADMINISTRATIVE RULES**

- (a) **Presiding Judge and Assistant Presiding Judge.** The judges shall elect a Presiding Judge and an Assistant Presiding Judge by majority vote at a judges' meeting. The term of a Presiding Judge shall be two years and begin on January 1. The Presiding Judge and Assistant Presiding Judge shall perform all duties of the position required by General Rule 29. Vacancies in the office of Presiding Judge or Assistant Presiding Judge shall be filled by majority vote of the judges at the first judges' meeting held after the vacancy is known to exist.
- (b) **Executive Committee.** The judges of the Superior Court, sitting as a whole as an executive committee, shall advise and assist the Presiding Judge in the administration of the court.
- (c) **Assignments.** Judges shall be appointed to manage administrative and policy matters relating to specific areas. Any Superior Court judge may be designated to manage any of the duties set forth below.
- (1) Domestic Relations Presiding Judge. The Presiding Domestic Relations judge shall be appointed to manage administrative and policy matters relating to domestic relations cases.
  - (2) Criminal Motions Judges. The Criminal Motions Judges shall manage administrative and policy matters relating to criminal cases in both adult and juvenile court.
  - (3) Juvenile Court Judges. The Juvenile Court Judges shall manage administrative and policy matters relating to Juvenile Court.
  - (4) Truancy Judge. The Truancy Judge shall manage administrative and policy matters relating to truancy cases.
  - (5) Guardianship Delinquency Judge. The Guardianship Delinquency Judge shall manage administrative and policy issues relating to guardianship delinquency matters.
  - (6) Guardian ad Litem and Court Visitor Committee. The Guardian ad Litem and Court Visitor Committee shall manage administrative and policy issues relating to guardians ad litem and Court Visitors.
  - (7) Parenting Education Committee. The Parenting Education Committee 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.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2022.*

**KITSAP COUNTY LOCAL CIVIL RULES [KCLCR]****III. PLEADINGS AND MOTIONS****KCLCR 7 PLEADINGS ALLOWED; FORM OF MOTIONS****(b) Motions and Other Papers.****(1) How Made.**

- (A) Time for filing. Parties desiring to submit an application to the Court, legal brief, memorandum of authorities, and any supporting affidavits or other documents on a motion, hearing or trial to be heard shall, unless otherwise particularized under a specific State or local rule, serve and file the same with the Clerk of Court no later than five court days before the date the party wishes the motion to be considered. Any responsive materials shall be served and filed with the Clerk of Court by 12:00 noon two days prior to the time set for the hearing or trial. Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing. No documents shall be submitted to the Court unless opposing counsel or the self-represented litigants have been timely provided with copies.
- (B) Bench Copies. At the time a party files any document with the office of the Clerk of Court pursuant to section (A) above the party shall be responsible for filing bench copies simultaneously with the Superior Court office along with a notation of trial or hearing date. Bench copies shall be filed with the Superior Court office no later than the deadlines set for mandatory confirmation required under KCLCR 77. Bench copies are mandatory for all hearings for which pleadings have been filed. If a hearing is confirmed but not held, the bench copy will be available at the Superior Court office until the end of the calendar and then discarded.
- (C)

If a hearing is not confirmed and a bench copy has been filed, a party may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be filed for the new hearing unless the submitting party contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

- (C) Reapplication for Order. When an order has been applied for and refused in whole or in part (unless without prejudice), or has been granted conditionally and the condition has not been performed, the same application for an order shall not be presented to another judge.

If a subsequent application is made upon an alleged different statement of facts or law, it shall be shown by affidavit what application was made, when, and to what judge; what order or decision was made thereon; and what new facts or law are claimed to be shown.

For failure to comply with this requirement, any order made upon such subsequent application shall be set aside upon request of an opposing party.

- (D) Motions in Limine. Motions to limit the introduction of evidence should be presented for resolution on the day of trial, or at such other time as arranged with the Court Scheduler.

Failure to comply with this rule may result in the Court's refusal to hear such motion on the day of trial or in the imposition of terms in favor of both the adversely affected party or parties and to Kitsap County for the expense caused by resulting delays.

- (2) Form; Necessary Provisions in Orders Requiring Personal Attendance. In all civil proceedings wherein an order is to be issued requiring the personal attendance of a person to be examined in open court, the order shall include the following words in capital letters:

**YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE AND PLACE STATED 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 OR UNTIL BAIL IS POSTED.**

No bench warrant shall be issued in such cases for the apprehension of the cited person if such language has been omitted.

*Amended September 1, 2008; September 1, 2011; September 1, 2012; September 1, 2013; September 1, 2015; amended, effective September 1, 2017.*

## **KCLCR 10 FORM OF PLEADINGS AND OTHER PAPERS**

### **(d) Format Requirements**

- (1) Font Size and Line Spacing for Typed or Computer-Generated Documents. All typed or computer-generated documents shall be prepared using a minimum of 12-point font and shall be double-spaced. Exceptions:
- (A) Block quotations shall be single-spaced.
- (B) Single spacing may be used when authorized by a mandatory form.

- (C) Footnotes shall use a minimum of 10-point font.
- (2) Stapling of Bench Copies and File Submissions.
- (A) Bench Copies (See KCLCR 7). Each multi-page document provided as a Bench Copy shall be individually stapled unless impractical due to size. Multiple documents shall not be stapled together. Paperclips may only be used for proposed order submissions.
- (B) File Copies (To Clerk's Office). Documents submitted for filing shall not be stapled. Proposed orders shall not be filed unless directed by a judicial officer.

*Adopted, effective September 1, 2023.*

## **KCLCR 16 PRETRIAL PROCEDURE AND FORMULATING ISSUES**

### **(a) Settlement Conferences (civil-non-domestic).**

- (1) Attendance and Preparation Required. Settlement conferences are mandatory, unless the parties file proof of each party's participation in a formal mediation.
- (a) The mediator may not have an interest in the case's outcome and may not be related to a party, and the mediator must be:
- i. an attorney licensed to practice before the courts of this state having at least five years of experience in the primary subject matter of the action;
  - ii. an individual, who may be an attorney, with special skill or training in the subject matter of this action (e.g. administration of trusts and estates); or,
  - iii. an individual, who may be an attorney, with special skill or training as a mediator.
- (b) No later than noon of the court day prior, all parties and counsel shall serve a complete memorandum for settlement upon the other parties and provide the original for the settlement conference judge. The original memorandum shall not be filed. The attorney personally in charge of each party's case and trial counsel shall personally attend all settlement conferences and shall come prepared to discuss in detail and in good faith the following, which shall also be addressed in the memorandum for settlement:
- All liability issues;
  - All items of special damages or property damage;
  - The degree, nature, and duration of any claimed disability;
  - General damages;
  - Explanation of position on settlement. When money damages are at issue, the parties shall include their opening offer to settle the case;

and,

- A brief description of efforts to resolve the case.

(2) Parties to be Available.

- (a) *Attendance.* The parties shall, in all cases, attend.
- (b) *Representative of Insurer.* A party whose defense is provided by a liability insurance company shall personally attend said settlement conference and a representative of the insurer of said party shall attend or be available by telephone with sufficient authority to bind the insurer to a settlement.
- (c) *Court May Excuse Attendance.* Attendance of a party may be excused upon notice to other parties no later than 24 hours prior to the settlement conference at the discretion of the settlement conference judge, preassigned judge, or Presiding Judge for good cause shown.
- (d) Failure to attend the settlement conference in accordance with these rules may result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference.

(3) Mandatory Confirmations. All settlement conferences must be confirmed in person, by telephoning the Superior Court office at **(360) 337-7140 (Option #2)**, or by email at **supcourtconfirm@kitsap.gov** no later than 12:00 noon on the day before the conference, but not earlier than 48 hours in advance.

(4) Changes or Continuances. Changes or continuances of settlement conferences may be authorized only by the Presiding Judge or preassigned judge on timely written motion and for good cause shown.

(5) Proceedings Confidential. Proceedings of settlement conferences shall, in all respects, be confidential and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the Court may, at its discretion, and with the consent of the parties, order any agreement to be placed on the record.

(6) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge or exercising discretion in regard to any matters left unresolved after the settlement conference.

(7) Efforts for Resolution and Certification of Settlement Attempt. Prior to the settlement conference, the parties shall make a good faith effort to resolve the case. It is not a violation of this provision for a party to refuse to settle a case.

- (A) Prior to the settlement conference, at least one party shall file certification that they contacted the opposing party and attempted to engage in good faith settlement discussions.

- (i) This requirement is waived in instances where a protective order prevents unrepresented parties from contacting one another directly.
  - (ii) The parties should use the “Certification of Settlement Attempt” form available on the court website for purposes of filing certification. [See Local Court Rule Form Exhibit XXXX].
  - (iii) The certification must be filed no later than the deadline for Mandatory Confirmations set out in KCLCR 16(a)(3).
  - (iv) Failure to timely submit certification may result in the settlement conference being stricken and rescheduled for a later date.
- (B) Where applicable, attorneys shall certify that they have properly prepared clients to engage in serious, good faith negotiations at the settlement conference, up to and including the development of a specific settlement position in advance of the settlement conference.
- (C) The requirements of this section may be waived for good cause upon motion of a party.
- (8) Failure to confirm the settlement conference and/or to provide a settlement conference memorandum as required in this rule may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference.
- (9) Failure to comply with these rules resulting in the resetting of the settlement conference may result in the imposition of terms and/or sanctions as the Court may deem appropriate.

**(b) Trial Preparation (civil-non-domestic).**

- (1) Exchange of Exhibit and Witness Lists. Pursuant to the case event schedule, the parties shall exchange: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits except those to be used only for illustrative purposes, and except for those items agreed to by counsel and self-represented parties, such as identical copies of items already produced to avoid unnecessary duplication. Counsel and self-represented parties are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties prior to the start of trial. Any witness or exhibit not listed shall not be used at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires. Copies of the actual exhibits should not be filed and should be

presented at the time of the trial before the Court.

- (2) **Joint Statement of Evidence.** Pursuant to the case event schedule, the parties shall file a Joint Statement of Evidence consisting of (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall include a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity and admissibility.

*Amended September 1, 2011; September 1, 2012; amended, effective September 1, 2014; amended, effective September 1, 2021; amended, effective September 1, 2023.*

Official Comment:

For rules governing settlement conferences in domestic relations matters see KCLFLR 6 and 9.

## V. DEPOSITION AND DISCOVERY

### KCLCR 26 GENERAL PROVISIONS REGARDING DISCOVERY

(b) **Discovery Limits.**

(2) **Interrogatories.**

- (A) **Cases With Court-Approved Pattern Interrogatories.** In cases where a party has propounded pattern interrogatories pursuant to KCLCR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories, unless otherwise agreed to by the parties or by court order.
- (B) **Cases Without Court-Approved Pattern Interrogatories.** In cases where a party has not propounded pattern interrogatories pursuant to KCLCR 33, a party may serve no more than 40 interrogatories, including all discrete parts, unless otherwise agreed to by the parties or by court order.

- (g) **Objections to Discovery Responses.** Any party objecting to an answer or a response to an interrogatory, requests for production or inspection, or requests for admission shall set forth each request or response objected to, the interrogatory or requests to which it relates, and the reasons for the objections.

*Amended June 21, 2011; September 1, 2011; amended, effective September 1, 2017.*



**KCLCR 30 DEPOSITIONS UPON ORAL TESTIMONY**

- (b) **Notice of Examination: General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization; Video Tape Recording.**

**Location of Deposition of Party.** Depositions of parties shall be conducted in Kitsap County, Washington unless otherwise agreed to by the parties or by court order. The location of depositions of non-party witnesses shall be determined in accordance with Civil Rule 45.

*Adopted, effective September 1, 2017.*

**KCLCR 33 INTERROGATORIES**

- (a) **Pattern Interrogatories for Specific Practice Areas.** (Reserved).
- (b) **Appropriate Use of Pattern Interrogatories.** It is not required nor recommended that all interrogatories contained in a pattern set be used in every case. It shall be the obligation of counsel or a party to determine which interrogatories are appropriate to the facts of the case.
- (c) **Format.** All pattern interrogatories should be contained in a separate document. Although minor variations may be made to these interrogatories to fit the circumstances of a particular case, identifying the document as pattern interrogatories is a warranty by the attorney or party signing interrogatories that such interrogatories are identical in substance to the pattern interrogatories approved by the court.

*Adopted, effective September 1, 2017.*

**VI. TRIALS****KCLCR 40 ASSIGNMENT OF CASES**

- (b) **Methods.**

- (1) Trial Setting.

- (A) Note for Trial Setting. Any party desiring to obtain a trial date may note the matter on the trial setting calendar using the Note for Trial Setting (Exhibit A) after all named parties have been served.

The moving party must identify all counsel and/or parties and their mailing addresses. Personal appearance by counsel is not necessary. Settings will be done administratively and the Court shall mail a default case event

schedule that contains all case events and deadlines listed herein and the trial date to all parties listed on the Note for Trial Setting. If a dispute arises over a setting, the matter shall be heard on the civil motion calendar in accordance with KCLCR 77(k).

Alternatively, a party may note a motion to set a trial date on the civil motions docket at any time. At said hearing, the Court will set a trial date and (absent good cause) a settlement conference date and the Court may set deadlines for effecting service upon unserved parties and may compel the filing of answers by parties against whom relief is sought. The Court may order the striking of pleadings of parties who/which do not comply with such orders.

After a trial date has been set, if all parties can agree upon a case schedule which includes all case events listed herein, the parties may file the agreed case schedule in place of the Court's default case event schedule. If the parties do not file a case event schedule within 60 days of the announcement of the trial date, the Court's default schedule shall prevail.

A party must file and serve a jury demand on or before the time of trial setting or the right to a jury trial will be waived. A party who/which has not appeared at the time of trial setting must file and serve a jury demand within sixty (60) days of service of the initial pleadings or the right to a jury trial will be waived.

All telephone communications regarding trial settings, special motion settings, and scheduling should initially be with the Court Scheduler at **(360) 337-7008**.

- (B) Visiting Judge Required. The Court shall be notified at the time of trial setting if an attorney practicing in Kitsap County is a party or a witness in any matter before the Court or of any other matter needing a visiting judge.
- (3) Mental Illness Hearings. Mental illness hearings will be set through the Court Scheduler.
- (4) Standby Calendar. In the event that a case cannot be heard on the date set for trial it will be held on a standby calendar and counsel will be given a minimum of two hours' notice for trial.
  - (A) Notification. The Court Scheduler shall contact the parties to advise them of the standby status of their case.
  - (B) Standby Calendar at Counsel Request. A standby calendar at the parties' request may be created with the following conditions and addressed to the Court Scheduler.

- (i) *Trial - Kitsap County Superior Court.* If an attorney is in another trial in Kitsap County Superior Court.
  - (ii) *Trial - Other Courts.* If an attorney has a conflict with another Superior Court, Appellate Court, or Federal Court, with the approval of the Presiding Judge.
  - (iii) *Emergency.* If an illness or other emergency situation arises involving the litigants, witnesses, or lawyers, with the approval of the Presiding Judge.
  - (iv) *Other Requests.* Any other request must be made to the Presiding Judge.
  - (v) *Pending Settlement.* Cases pending settlement will not be placed on standby at counsel’s request, but may be reset.
- (5) Notice to Court of Calendar and Jury Trial Changes. Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice shall immediately be given to the Court Scheduler.
- (6) Case Management. A Note For Trial Setting filed pursuant to section (1)(A) above, shall designate that the case falls within one of the following categories:

Track I	Standard/General Civil Litigation
Track II	Complex Litigation
Track III	Domestic Relations

Once designated, counsel shall comply with the tracking procedures set forth below.

(A) Track I - Standard/General Civil Litigation.

- (i) *Scope.* Except as otherwise provided in these rules or as otherwise ordered by the Court, this rule shall apply to all civil cases except:
  - Adoptions;
  - Domestic violence;
  - Civil harassment;
  - URESA cases;
  - Juvenile proceedings;
  - Paternities;
  - Minor Settlements;
  - Probates;
  - Guardianships;
  - Unlawful Detainers;
  - Reviews of administrative agency actions;

- Appeals from courts of limited jurisdiction;
  - Foreign judgments;
  - Petitions for writs of mandamus, restitution, etc.;
  - Civil commitments; and
  - Proceedings under RCW 70.96A.
- (ii) *Preassignment and Case Schedule.* At the time a matter is noted for trial setting, the Court shall randomly preassign a department of the Superior Court to hear the case. The Court shall enter an Order Setting Trial Date and a Civil Case Event Schedule in the form set forth in Exhibit D of these rules.
- (iii) *Amendment of Order Setting Case Event Schedule.* Upon motion of any party or the Court, and upon good cause shown, the preassigned judge may modify any date in the original Order Setting Trial Date and Civil Case Event Schedule. Copies of said amended order shall be filed and served upon all parties.
- (iv) *Additional Parties.* A party who joins an additional party in an action shall be responsible for serving the additional party with the current Order Setting Trial Date and Civil Case Event Schedule together with the first pleading served on the additional party.
- (v) *Time Intervals for Case Event Schedule.* Except as otherwise provided in the rules, or as otherwise ordered by the Court pursuant to section (A)(iii) above, the parties and counsel shall comply with the case event schedule, which shall include at minimum

<b>EVENT:</b>	<b>DEADLINE:</b>
Disclosure of Possible Primary Witnesses	240 days before trial date
Disclosure of Possible Additional Witnesses	150 days before trial date
Discovery Cutoff	120 days before trial date
Mandatory Settlement Conference	90 days before trial date
Last day to hear Dispositive Pretrial Motions	60 days before trial date
Exchange of Witness and Exhibit Lists	20 days before trial date
Joint Statement of the Evidence	7 days before trial date
Filing of Trial Briefs	5 days before trial date
Trial Date	

*Comment:* These dates will be set forth in the Civil Case Event Schedule.

- (vi) *Enforcement.* The Court on its own initiative, or on motion of a party, may order an attorney or party to show cause as to why sanctions or terms should not be imposed for failure to comply with the case schedule established by these rules. If the Court finds that an attorney or party has failed to comply with the case schedule and has no reasonable excuse or other good cause, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any attorney or party who has incurred expense as a result of the failure to comply, or both. In addition, the Court may impose such other sanctions or terms as justice requires. As used in this rule, “terms” means costs, reasonable attorney fees and other expenses incurred or to be incurred as a result of the failure to comply; “monetary sanctions” means a financial penalty payable to the Court, and “other sanctions” includes, but is not limited to, the exclusion of evidence and other sanctions available pursuant to the Civil Rules and Local Court Rules.
  - (vii) *Discovery Cutoff.* Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under Civil Rules 26-37, including responses and supplements thereto, must be completed no later than the date specified in the Civil Case Event Schedule. Discovery requests must be served early enough that responses will be due and depositions will have been taken prior to the cutoff date. Nothing in this rule shall modify a party’s responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff, nor shall a party be prevented from seeking relief under CR 37 after the cutoff date for discovery properly sought in accordance with this rule.
  - (viii) *Dispositive Pretrial Motions.* No hearings on dispositive pretrial motions shall be heard by the Court after the cutoff date specified in the Civil Case Event Schedule, except upon good cause shown and upon such terms and conditions as the Court may deem just, including assessment of terms and sanctions.
  - (ix) *Settlement Conference.* Reserved [See KCLCR 16(a).]
- (B) Track II - Complex Litigation.
- (i) *Leave of Court Required.* Assignment to Track II requires court approval. A request for assignment to Civil Track II may be made by filing a Note for Trial Setting (Exhibit A) in conjunction with a Request for Assignment to Civil Track II (Exhibit B). Alternatively,

a plaintiff or defendant may move for placement on Track II at filing or when an answer is filed by bringing the motion on the Presiding Judge's departmental calendar. The Court may place a case on Track II on its own motion at any time.

- (ii) *Scope.* The following factors shall be weighed in determining whether a case will be placed on Track II:
- Nature of subject matter;
  - Degree of complexity;
  - Amount in controversy;
  - Number of attorneys/parties involved; and
  - Length of trial.
- (iii) *Preassignment and Case Schedule.* The Presiding Judge will accept or deny a request submitted pursuant to section (B)(i) above and notify parties. A department of the Superior Court shall be preassigned to hear the case.
- (iv) *Management conference.* A case must be at issue at the time of the initial management conference. The initial management conference shall be held within 60 days of acceptance into Track II, at which conference the following shall occur:
- Assignment of a trial date;
  - Parties submit case management schedule approved by the Court; and
  - Assignment of a date for the mandatory settlement conference.
- (v) *Amendment of Order Setting Case Schedule.* Upon written motion of any party or the Court, and upon good cause shown, the preassigned judge may modify any date in an order entered pursuant to section (B)(iii) above. Copies of said amended order shall be filed and served upon all parties.
- (vii) *Cases under the Land Use Petition Act, RCW 36.70C.* When a land use petition (pursuant to RCW 36.70C) is filed with the Kitsap County Superior Court, all such cases shall be treated as Track II complex litigation and in accordance with the following procedures:

*Pre-Assignment to a Superior Court Judge.* Land Use Petition Act cases shall be assigned to a superior court judge, who shall hear and decide all matters in the case.

*Notice of Land Use Petition.* Within 7 days of the filing of a petition under the Land Use Petition Act, RCW 36.70C, the petitioner shall

provide written notice of the filed petition to the Kitsap County Court Scheduler, identify it as a Land Use Petition Act case, and ask that the case be assigned to a judge. The Court Scheduler will note an initial hearing before the assigned judge.

*Initial Hearing.* A scheduling order setting the dates for filing the record, submitting briefs, and hearings will be issued at or shortly after the initial hearing. The parties should attempt to determine a mutually agreed upon scheduling order prior to the initial hearing. The parties may waive the initial hearing by filing a stipulated order resolving jurisdictional and procedural issues raised by the petition and setting a schedule for briefing, filing the record and transcripts and a hearing on the merits. Prior to filing a stipulated scheduling order, the petitioner shall contact the Court Scheduler to obtain a tentative date for the merits hearing.

*Preparation of Administrative Record.* Copies of the administrative record shall be provided to all parties. A bench copy of the record with an index and document identification tabs shall be provided to the assigned judge. A copy of the administrative record without side tabs shall be filed with the Superior Court Clerk for the court file.

*Preparation of Transcripts.* Verbatim transcripts shall be prepared by a certified court reporter and submitted to all parties for a period of seven days for correction of errors prior to filing.

*Briefs.* The petitioner shall have at least 30 days after the record and verbatim transcripts are filed to file and serve its brief. Respondent's brief shall be filed and served 30 days following filing and service of the petitioner's brief. Petitioner shall have an additional 14 days for filing a service of a reply brief. Reply briefs are in strict reply only. If a reply brief raises new issues, respondent may respond to those issues. In all statements of fact, briefs shall contain citations to the administrative record and the transcripts. Citations to the administrative record and the transcripts shall be denoted "AR" and "HR [date]," respectively, plus a page number.

*Hearing on the Merits.* Unless otherwise granted at the initial hearing, the Land Use Petition Act hearing on the merits shall be scheduled for one (1) day. The assigned judge shall take the first half of the day for reviewing the record, transcripts and briefs. The assigned judge will determine the amount of time granted for argument on the merits.

*Related Matters.* If a LUPA petition is consolidated with another claim, such as a damage action, the case may be bifurcated on stipulation of the parties or pursuant to motion. If the related matter

is not bifurcated and entails a trial, a note for trial setting shall not be filed until after the record and transcripts are filed and served.

(C) TRACK III - Domestic Relations. [See KCFLR 8]

*Amended September 1, 1997; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2010; September 1, 2011; September 1, 2012; September 1, 2014; amended, effective September 1, 2015; amended on an emergency basis, November 19, 2019, effective December 1, 2019; amended, effective September 1, 2020.*

Official Comment:

Parties are advised to consult the Land Use Petition Act statute for further procedural rules that apply in these proceedings. *See* RCW 36.70C.

**KCLCR 47 JURORS**

**(a) Examination of Jurors.**

- (1) At the commencement of trial, the clerk will assign numbers randomly, beginning with the number one, to all jurors called for trial. If a criminal defendant objects to this procedure, the numbers will be drawn by the clerk in open court at the beginning of the trial.
  - (A) Prior to the questioning of prospective jurors by counsel, the Court will allow time for counsel to review juror profiles and questionnaires.
  - (B) These jurors will be given large badges with their assigned numbers on them. These will be large enough to be easily read by the Court, counsel, and the court reporter. The jurors will arrange themselves in order as directed by the Court.
  - (C) If alternate jurors are to be selected, the parties are encouraged to stipulate that all peremptory challenges will be exercised against the entire panel. Otherwise, each side will only be allowed the number of peremptory challenge(s) against the alternate juror or jurors as allowed by CR 47(b).
- (2) The Court will then ask general questions of the prospective jurors.
  - (A) “General questions” means those questions that are designed to discover those jurors who should be excused for cause (e.g., those prospective jurors who are related to a party or who cannot be available for the full time the trial is estimated to take).
  - (B) Counsel may request general questions to be asked by the Court as long as they meet the definition in section (2)(A) above.



- (3) After prospective jurors have been excused for cause, the Court may excuse those jurors who are in excess of the number needed for the trial. The number needed for trial will be equal to 12, plus the number of alternates, plus the total number of peremptory challenges to which all parties are entitled, plus two to five additional as a cushion for possible additional challenges for cause.
- (4) Counsel will then question the remaining prospective jurors.
  - (A) Each side will have 90 minutes for questioning. Each side may reserve that amount of the allotted time as allowed by the Court for additional questions following the questioning by the other side.
    - (i) Any time expended in arguing a challenge for cause will not be charged to either side.
  - (B) The times set forth in section (4)(A) above may be expanded by the Court for good cause shown, such as an extremely complicated case or multiple parties.
  - (C) Counsel may use their allotted time in any manner and may question prospective jurors in any order. Counsel may ask group questions or ask jurors to respond to remarks made by other members of the jury panel. (e.g., the first question may be addressed to juror #3 in the box, then a question to juror #21 on the benches, then to juror #9 in the box, then back to juror #3 in the box, then a question addressed to the entire panel, or just to jurors #3 and #9, etc.)
  - (D) Challenges for cause must be made when they are discovered.
  - (E) Objections to questions are made in the usual manner.
  - (F) If counsel is pursuing an important issue that relates to the qualifications of the prospective jurors to serve, and time has run out, counsel may request that the Court grant additional time.
  - (G) The entire panel of prospective jurors is passed for cause when counsel so announces or when the time allotted has been consumed.
  - (H) The procedure set forth in this rule shall not apply to cases involving charges of aggravated first degree murder as defined by RCW 10.95.020 if a notice of special sentencing proceeding has been filed.
- (5) The parties then exercise their peremptory challenges.
  - (A) All peremptory challenges shall be exercised in open court.
  - (B) Challenges may be made to jurors who are not seated in the box.

- (C) When a peremptory challenge is exercised, the next juror on the bench with the lowest number shall replace the juror who was excused from the jury box.
- (D) The parties are encouraged to stipulate regarding peremptory challenges per Rule 47(a)(2)(A).
- (E) Upon request of counsel, time will be allowed between voir dire and the exercise of peremptory challenges.
- (6) Additional provisions.
- (A) Counsel may submit, and the Court may allow, special questionnaires focused to the specific case (or type of case) to be submitted to the jurors to answer on the morning of trial before the voir dire process begins. Copies will be made and available to counsel during the questioning of the jurors. Counsel must submit proposed questionnaires to the Court and serve copies on opposing counsel at least five days prior to trial. If this is not done, the Court, in its discretion, may not allow special questionnaires. (If a standard questionnaire has been adopted by the Court for particular types of cases, counsel may refer to the standard questionnaire rather than serving copies.)
- (k) **Jury - Jurors.** Jurors shall be called on a one trial/one day basis. Those persons selected to serve on a jury will be obligated for the duration of that one trial. Those not seated on a jury by the end of the selection will have fulfilled their jury obligation.

*Amended June 21, 2011; effective September 1, 2011.*

## **KCLCR 51 INSTRUCTIONS TO JURY AND DELIBERATION**

### **(b) Submission.**

- (1) Filing. Instructions shall be served and filed by 9:00 a.m. of the first day of trial.
- (2) Assembling and Distribution. Jury instructions shall be assembled and distributed as follows:
- (A) One set to trial judge to be unnumbered without citations.
- (B) One set numbered and with supporting citations to each of the following:
- Clerk of Court for file;
  - Judge for work copy; and
  - Counsel for each opposing party
- (C) One set containing unnumbered instructions without citations submitted electronically on CD or by email attachment (to the address provided by the

trial judge). The jury instructions should be in Microsoft Word format.

(D) Jury instructions shall comply with the following formatting requirements:

- Formatted for 8-1/2" x 11" paper;
- One-inch margins on all sides, except for verdict form which should have a three-inch top margin on the first page;
- Set for double-spacing; and
- Arial Font, 14-point font size.

(d) **Published Instructions.** Washington Pattern Jury Instructions are to be cited. On the copy of proposed jury instructions delivered to the trial court, the Clerk of Court, and opposing counsel, those Washington Pattern Jury Instructions proposed shall be so identified by WPI number. If the WPI is changed or modified in any way (except for the selection of alternate WPI wording), the citation shall include the word “modified.” Modifications shall be identified on the numbered sets.

*Amended June 21, 2011; effective September 1, 2011.*

## VII. JUDGMENT

### KCLCR 54 JUDGMENT AND COSTS

(g) **Attorney Fees.**

- (1) Itemization. Counsel requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.
- (2) Temporary Attorney Fees. The following temporary attorney fees are guidelines in domestic relations cases: \$1,500.00 to the Petitioner, and \$1,250.00 to the Respondent if a parenting plan is required; \$1,000.00 to the Petitioner and \$500.00 to the Respondent if no parenting plan is required. The Court also has the discretion to award taxable costs.

*Amended June 21, 2011; effective September 1, 2011.*

### KCLCR 56 SUMMARY JUDGMENT

(c) A bench copy of the summary judgment and all supporting documents and responses shall be delivered, on the date of filing, to the Superior Court office.

Official Comment:

For further guidance on the submission of bench copies see KCLCR 7. For further guidance on calendaring a motion for summary judgment, see KCLCR 77(k)(2).

*Amended June 21, 2011; effective September 1, 2011; amended on an emergency basis (as to comment only) effective April 1, 2013; amended on a permanent basis (as to comment only) effective September 1, 2013.*

## **KCLCR 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS**

- (b) **Motion for Reconsideration; Time for Motion; Contents of Motion.** A motion for reconsideration shall be filed and noted-not later than 10 days after entry of the judgment, decree, or order. The motion shall be noted on the trial judge's departmental motion docket to be heard not sooner than 30 but not later than 40 days after entry of the judgment, decree, or order, unless the Court directs otherwise. The trial judge shall be served by hand delivery of a copy of the motion and all supporting pleadings to the staff attorney of the trial judge at the Superior Court office. [See KCLCR 7(b)(1)(B).] The documents shall be clearly identified as a motion for reconsideration, and shall clearly state the date the judgment, decree, or order was entered, and the names and addresses of opposing counsel.
- (e) **Hearing on Motion for Reconsideration.** A motion for reconsideration shall be submitted on briefs and affidavits of the moving party only. No response shall be submitted by the opposing party, nor shall oral argument be heard, unless the Court so directs. The Court shall notify the parties, not later than 10 days before the hearing, whether: (1) the motion has been denied and the hearing stricken; or (2) oral argument and/or responsive pleadings will be allowed.

*Amended September 1, 1997; September 1, 1998; September 1, 2000; September 1, 2009; September 1, 2010; September 1, 2011; September 1, 2012; amended, effective September 1, 2017.*

## **X. SUPERIOR COURTS AND CLERKS**

### **KCLCR 77 SUPERIOR COURTS AND JUDICIAL OFFICERS**

- (d) **Superior Court Always Open.** [Rescinded].
- (f) **Sessions.** There shall be one continuous session of Court from January 1 through December 31 of each year.
- (k) **Motion Day - Local Rules.**
- (1) Departmental Matters. Departmental matters will be heard on Fridays at 1:30 p.m.
  - (2) Civil Matters. Probate, guardianship and civil motions (except Civil Rule 56 motions) in cases which are not preassigned to a specific judge will be heard on Friday at 9:00 a.m. Civil matters in cases which have been preassigned shall be

heard on that judge’s departmental calendar on Fridays at 1:30 p.m.

- (A) In cases related to debt collections and foreclosure actions, Civil Rule 56 motions will be heard on Friday at 9:00 a.m.
- (B) Motions pursuant to Civil Rule 56 in cases not solely related to debt collections or foreclosure actions should be noted for Friday at 1:30 p.m. on the “Summary Judgment” calendar. No specific judge should be named in the Note for Motion Docket.
- (C) In cases other than those related to debt collections, upon filing of a Civil Rule 56 motion, the Superior Court will issue an order of preassignment to a specific judge. The Civil Rule 56 motions will be heard on the assigned judge’s Friday departmental calendar at 1:30 p.m. If the matter is noted for the Trial Setting Docket, a case event schedule will issue.
- (D) For purposes of KCLCR 77(k)(2), “debt collections” refer to cases where:
  - (i) The Complaint requests relief only in the form of a sum certain monetary judgment, with attorney fees, costs, and interest, where applicable; and,
  - (ii) The relief requested in the Complaint is alleged to have been incurred pursuant to a contract between the parties; and,
  - (iii) The Defendant(s) has not raised any Counterclaims.
  - (iv) Examples of debt collections cases under this rule include, but are not limited to: actions seeking monetary judgments based on debt alleged to have been incurred pursuant to a credit card, line of credit, or Promissory Note.
- (E) The purposes of KCLCR 77(k)(2) are to keep lengthy, substantive summary judgment motions off of the civil motions calendar; to ensure such motions receive sufficient review and oral argument before a decision is made; and, to ensure that once a judge has become sufficiently familiar with a case to decide a summary judgment motion, the case will stay with that judge until its final resolution to conserve judicial resources. Counsel should consider these purposes in determining where to note motions for summary judgment.

(3) Criminal Matters. The Criminal Motion Schedule shall be as follows:

DAILY	9:00	Criminal In Custody Calendars
	10:30	Criminal Out of Custody Calendars
	3:00	Criminal Arraignment Calendars
FRIDAY	9:00	Criminal In Custody Calendars

11:00 Criminal After Sentencing/Restitution Calendar

3:00 Criminal Arraignment Calendars

- (4) Ex Parte Matters. Noncriminal ex parte matters shall be heard Monday through Friday at 8:30 a.m.; and, Monday, Thursday and Friday at 3:30 p.m. [See KCLCR 77(k)(10)(C)]
- (5) Domestic Relations Matters.
- (A) Settlement Conferences. Settlement conferences are heard Mondays through Wednesdays at 1:30 p.m. and Thursdays at 9:00 a.m., or such other times as set by the Court. [See KCLCR 16(a)(1).]
- (B) Continuances. Matters for continuances in domestic relations cases shall be made in writing to be heard by the Domestic Relations Presiding Judge.
- (D) Pro Se Dissolutions. All pro se dissolutions will be heard at 1:30 p.m. on Tuesday.
- (E) Domestic Violence. Domestic violence matters will be heard at 9:00 a.m. on Thursday.
- (F) Temporary Relief. Show cause hearings and motions for temporary relief will be heard on Friday at 9:00 a.m. [See KCFLR 2.]
- (G) Child Support Modification. All child support modifications, including applications for post-secondary support, shall be heard by affidavit on Tuesday at 3:00 p.m. as set by the Court Scheduler. Each side shall be limited to 10 minutes. Arguments requiring greater than 10 minutes per side shall be specially set by the Court Scheduler upon application of a party. [See KCLCR 77(k)(10).]
- (H) Adoptions. Any adoptions requiring notice, including pro se adoptions, will be heard on Tuesday at 11:00 a.m. All other adoptions may be heard on any Ex Parte Calendar except Friday. [See KCLSPR 93.04.]
- (I) Parentage and State Child Support Calendar. The Parentage Calendar, including State of Washington-initiated actions to establish or modify child support, or to establish parentages, shall be heard on Tuesday at 9:00 a.m. All other motions to modify child support shall be heard in accordance with KCLFLR 77(k)(5)(F).
- (i) All matters noted on the Parentage calendar must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one business day before hearings, but no earlier than two

- business days before hearings.
- (ii) Motions which are administratively continued must be confirmed by the moving party in order to be heard.
  - (iii) Matters not confirmed may be heard only at the discretion of the Court. [See KCLCR 16(a)(3) (confirmation of settlement conferences).]
- (I) State Civil Contempt Calendar. State of Washington-initiated child support, civil contempt cases shall be heard on Thursday at 1:30 p.m.
- (6) Guardianship Delinquency Matters. Guardianship delinquency matters shall be heard at 10:00 a.m. the first Friday of each month.
- (7) Trial Settings. Trial setting dockets shall be Friday at 9:00 a.m. [See KCLCR 40(b)(1)(A).]
- (8) Minor Settlements. Petitions for settlement of the claims of minors shall be heard on Friday at 9:00 a.m. on the Probate Motions Calendar, except cases which are preassigned shall be heard on that judge's departmental calendar on Friday at 1:30 p.m. [See KCLSPR 98.16.]
- (9) Special Settings. Any hearing requiring special setting shall be arranged through the Court Scheduler. A hearing may be specially set for the following reasons, by way of example only: length of argument; nature of the hearing; or need for a visiting judge. Special set hearings must be confirmed as required by KCLCR 77(k)(10)(A).
- (10) Hearing of Motions.
- (A) Mandatory Confirmations.
    - (i) All motions pursuant to CR 12(b)(6) and CR 56 must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon two days before hearings, but no earlier than three business days in advance. Motions which are administratively continued must be confirmed by the moving party in order to be heard.
    - (ii) The Court does not require confirmation of unlawful detainer actions filed under RCW Title 59.
    - (iii) All domestic relations and parentage matters, including Orders to Show Cause and Presentation of Orders, must be confirmed pursuant to (v) below.
    - (iv) All other civil, domestic relations, probate, adoptions and departmental motions which are not covered by, or exempt from confirmation under sections (i), (ii), or (iii) must be confirmed in

person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one business day before hearings, but no earlier than two business days in advance.

- (v) Matters not confirmed may be heard only at the discretion of the Court. [See KCLCR 16(a)(3) (confirmation of settlement conferences).]

(B) Hearing of Calendars.

- (i) *Calling of Calendar.* The causes on the Civil Calendar and Domestic Relations Calendar for each motion day will be called in order, oldest causes first.
- (ii) *Noting of Tuesday morning Parentage and Friday Morning Domestic Relations Calendar Matters.* Notes for Tuesday morning Parentage calendars and Friday morning Domestic Relations motion calendars, including any special set matters under KCLCR 77(k)(9), shall be filed in the office of the Clerk of Court by 4:30 p.m. at least fourteen (14) calendar days before the hearing, simultaneous with a Motion and Notice of Hearing and any supporting pleadings, unless it is a re-note of a motion or a notice for hearing previously filed, in which event only the Note for hearing shall be filed. Notes should be substantially in the form found in Exhibit E.
- (iii) *Noting of All Other Calendar Matters.* Notes for all other motion calendars shall be filed in the office of the Clerk of Court by 4:30 p.m. at least five (5) calendar days before the hearing, simultaneous with a Motion and Notice of Hearing and any supporting pleadings, unless it is a re-note of a motion or a notice for hearing previously filed, in which event only the Note for hearing shall be filed. Notes should be substantially in the form found in Exhibit E.
- (iv) *Failure of Party to Appear.* If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
- (v) *Continuances of Motions.* Counsel, by agreement, may continue any noncriminal motion by filing a notice of continuance, signed by at least one attorney. Forms are available in the courtroom. See Exhibit F. Criminal motions shall be continued only with the consent of the Criminal Motions Judge. Continuances shall not be granted by telephone. Summary judgment motions which have been confirmed shall not be continued without the Civil Calendar or preassigned judge's approval.

A party who has noted a matter for hearing may unilaterally strike or



re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other parties.

- (vi) *Time Allowed for Argument.* Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner at the end of the calendar.

If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

(C) Hearing of Ex Parte Matters.

- (i) *Scope.* This rule applies to all temporary restraining orders, orders to show cause, and all other ex parte matters. It includes all criminal matters except dismissal at end of probation.
- (ii) *Notice to Opposing Counsel or Party.* Unless notice is specifically excluded by statute or local rule, or on an articulated emergency, no ex parte order shall be presented without notice to opposing counsel or opposing party if appearing without counsel. If counsel for any party, or a party, has appeared either formally or informally, notice is required. If necessary, notice may be by telephone. This rule applies regardless of whether service is required on the attorney or a party pursuant to CR 5(b)(4).
- (iii) Notwithstanding (ii), above, without notice or oral argument, a party may move for an order to show cause in unlawful detainer cases.
- (v) *Reapplication for Order. Reserved.* [See KCLCR 7(b)(1)(C) (reapplication for order).]
- (vi) [Rescinded].

*Amended September 1, 1996; September 1, 1997; September 1, 1998; July 1, 1999; September 1, 2002; September 1, 2005; amended on an emergency basis effective April 1, 2006; amended on a permanent basis effective September 1, 2006; amended effective September 1, 2007; amended on an emergency basis effective January 18, 2008; amended on a permanent basis effective September 1, 2008; amended effective September 1, 2009; September 1, 2011; September 1, 2012; amended on an emergency basis effective October 1, 2012; September 1, 2013; amended on an emergency basis, effective November 1, 2013, January 22, 2014; April 21, 2014; amended, effective September 1, 2014; amended, effective September 1, 2016; amended, effective September 1, 2017; amended, effective September 1, 2018; amended, effective September 1, 2020; amended by emergency order December 15, 2020, effective January 1, 2021; amended by emergency order March 1, 2021, effective April 1, 2021; amended by emergency order June 25, 2021, effective July 1, 2021; amended,*

*effective September 1, 2021; amended, effective September 1, 2022; amended, effective September 1, 2023.*

## **KCLCR 78 CLERKS**

### **(a) Powers and Duties of Clerks.**

#### **(1) Notifications.**

- (A) Juvenile Staff Appointments.** The Clerk of Court shall promptly notify the Director of Juvenile Court Services of appointment of juvenile court staff for any purpose as ordered by the Court.
- (B) Appointment of Counsel.** The Clerk of Court shall promptly notify appointed counsel of any court appointment.
- (C) Presentence Investigations.** The Clerk of Court shall promptly notify the Department of Corrections or Superior Court Investigative Officer of any orders for presentence investigation.

#### **(2) Action Documents.** All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall contain the language **CLERK'S ACTION REQUIRED** and the applicable paragraph number, line and page numbers in the caption beneath the case number on the first page of the document.

#### **(3) No Personal Checks.** The Clerk of Court shall not accept personal checks except for passport applications.

#### **(4)** The Clerk of Court shall not accept credit card payments for monies deposited into the registry of the court.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2018; amended on an emergency basis November 19, 2019, effective December 1, 2019; amended, effective September 1, 2020.*

## **KCLCR 79 BOOKS AND RECORDS KEPT BY THE CLERK**

### **(d) Other Books and Records of the Clerk.**

- (1) Files.** The Clerk of Court has authority to grant a member in good standing of the Washington State Bar Association authorization to withdraw up to five files for a period not to exceed seven days.
- (2) Verbatim Report of Proceedings.** Verbatim reports of proceedings, after having been settled and signed, shall not be withdrawn from the office of the Clerk of

Court except by order of the Court.

- (3) Disposition of Exhibits. All exhibits not withdrawn within 90 days following the final disposition of a civil cause will be destroyed without further notice to any of the attorneys or parties in the case and without further order of the Court.

*Amended June 21, 2011; effective September 1, 2011.*

## **XI. GENERAL PROVISIONS**

### **KCLCR 81 APPLICABILITY IN GENERAL**

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

*Amended June 21, 2011; effective September 1, 2011.*

### **KCLCR 83 LOCAL RULES OF SUPERIOR COURT**

#### **(a) Adoption.**

- (1) Initiation of Rules Changes. All suggestions for rules changes shall be sent to the Assistant Presiding Judge, who shall transmit them to the Practice and Procedure Committee of the Kitsap County Bar Association, to the other Superior Court judges of Kitsap County, and to other interested parties as determined by the Assistant Presiding Judge.
- (2) Consideration of Proposed Rules Changes. All suggested rules changes shall be considered by all judges of the Superior Court of Kitsap County in consultation with the Practice and Procedure Committee of the Kitsap County Bar Association. If a proposed rule or rule change is approved, it will be published for comment as follows during the month of April: by posting on the bulletin board in the office of the Clerk of the Court and the reception counter at the Superior Court office; and by transmitting such proposals to the Kitsap County Bar Association, which shall publish the same to its members.
- (3) Consideration of Comments. All comments on proposed rules should be directed to the Presiding Judge. The Court shall consider all comments, criticisms, objections, and suggestions submitted on, or before, the last day of May.
- (4) Final Adoption, Publication, and Effective Date. After the comment period, and on or before September 1, the Court shall publish the rule changes, and shall submit these to the Administrative Office of the Courts on or before July 1, of each year. The Court shall publish the rule changes as finally approved on or before the effective date of September 1.

- (5) Periodic Review. Thereafter, until the next succeeding December 31, the Court shall continue its consultation with appropriate committees of the Kitsap County Bar Association concerning the need or desirability of further rule changes.
- (6) Limitation of Amendments; Exceptions. The Court shall make rule changes only in accordance with this rule, except in cases of emergency or other circumstances justifying immediate changes.

*Amended, effective September 1, 2011; September 1, 2012*

**KITSAP COUNTY LOCAL FAMILY LAW RULES [KCLFLR]****KCLFLR 1 EX PARTE RESTRAINING ORDERS**

Personal appearance of a party is required if a party requests an ex parte order seeking to restrain one party from the family home or contact with the other party or children.

Upon the filing of a Summons and Petition for a dissolution of marriage, legal separation, or parenting action, the court shall automatically issue a Temporary Order under the form set forth in Exhibit O. The Petitioner is subject to this order from the time of filing the Petition. The Petitioner shall serve a copy of this order on the Respondent and file a declaration of service in the court file. The Respondent is subject to this order from the time the order is served.

*Adopted June 21, 2011; effective September 1, 2011; amended, effective September 1, 2020.*

**KCLFLR 2 FAMILY LAW MOTION PRACTICE**

The following shall apply to all contested motions in which relief is sought:

- (a) **Responsive Affidavits.** Responsive affidavits shall be served and filed no later than 5:00 p.m. three business days before the hearing.
- (b) **Reply Affidavits.** Reply affidavit shall be provided to opposing counsel/party no later than 5:00 p.m. one business day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit.
- (c) **Exhibits and Worksheets.** Mandatory financial declarations and support worksheets as required by RCW 26.09 shall be filed whenever financial matters are at issue. [See KCLCR 77(k)(5).]

*Adopted June 21, 2011; effective September 1, 2011; amended effective September 1, 2013; amended, effective September 1, 2017; amended, effective September 1, 2021; amended, effective September 1, 2022.*

**KCLFLR 3 CHILD SUPPORT**

The Washington State Child Support Schedule as adopted by the legislature shall be applied by the Court and counsel in all matters involving child support, temporary or permanent.

*Adopted June 21, 2011; effective September 1, 2011.*

**KCLFLR 4 FINAL HEARING ON CONTESTED MATTERS**

In all final hearings or trials in domestic relations matters, each party shall file and serve on the opposing party and the court by 9:00 a.m. the day of trial, a written Domestic Relations Information Form. The Domestic Relations Information Form shall be in the form set forth on Exhibit G attached to these rules. Mandatory financial declarations and support worksheets as required by RCW 26.09 shall be filed whenever financial matters are at issue.

*Adopted June 21, 2011; effective September 1, 2011.*

**KCLFLR 5 NONCONTESTED MARRIAGE DISSOLUTIONS; DELIVERY OF DECREE TO OTHER PARTY.**

In default dissolution cases, at the time of entry of the decree, the moving party or counsel shall immediately deliver to or mail to the other party, at their address if known, or to their counsel, a conformed copy of the decree, with the date of filing indicated on each copy so delivered or mailed.

*Adopted June 21, 2011; effective September 1, 2011.*

**KCLFLR 6 MANDATORY SETTLEMENT CONFERENCES**

- (a) **Mandatory Settlement Conferences.** In each dissolution, declaration of invalidity, or legal separation, counsel and the parties shall participate in a settlement conference presided over by a judge, court commissioner, or court approved pro tem judicial officer. This requirement may be waived if the parties file proof of each party's participation in a formal mediation.
- (1) The mediator may not have an interest in the case's outcome and may not be related to a party, and the mediator must be:
    - (A) an attorney licensed to practice before the courts of this state having at least five years of experience in the primary subject matter of the action;
    - (B) an individual, who may be an attorney, with special skill or training in the subject matter of this action (e.g. administration of trusts and estates); or,
    - (C) an individual, who may be an attorney, with special skill or training as a mediator.
  - (2) Engagement with the dispute resolution center does not waive the requirement for participation in a settlement conference with a judicial officer.
- (b) Prior to attending a settlement conference, at least one party shall file certification that they contacted the opposing party and attempted to engage in good faith settlement discussions.

- (1) This requirement is waived in instances where a protective order prevents unrepresented parties from contacting one another directly.
  - (2) The parties may include this certification as part of the “Note for Settlement Conference or Support Modification Hearing and Trial Setting” [See Local Court Rule Form Exhibit C] or may use the “Certification of Settlement Attempt” form [See Local Court Rule Form Exhibit P].
  - (3) The certification must be filed no later than the deadline for Mandatory Confirmations set out in KCLFLR 6(c).
  - (4) Failure to file a certification of a settlement attempt may result in the settlement conference being stricken and rescheduled at a later date at the discretion of the settlement conference judge.
- (c) **Attendance and Preparation Required.** No later than noon the day prior to a settlement conference that has been scheduled pursuant to section (a), each party shall have submitted to the other party and the Court a completed settlement conference memorandum and a completed “Domestic Relations Form” in the form of Exhibit G. The attorneys shall come prepared to discuss in detail and in good faith all unresolved issues in the case and, in addition, all pretrial matters if the case is not settled.
- (1) Failure to Serve Settlement Conference Memorandum and “Domestic Relations Form”/Exhibit G. Failure to serve a completed settlement conference memorandum and a “Domestic Relations Form” in the form of Exhibit G and/or an equivalent upon the other parties and provide the original for the settlement conference judge, as required, may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference on the Court’s next available date.
- (d) **Mandatory Confirmations.** All settlement conferences must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one day before hearings, but no earlier than 48 hours in advance. Failure to confirm may result in the imposition of terms and/or sanctions as the Court may deem appropriate.
- (e) **Judge Disqualified at Trial.** A judge presiding over a settlement conference shall be disqualified from acting as the trial judge or exercising discretion on any matters left unresolved after the settlement conference.

*Adopted, effective September 1, 2011; amended September 1, 2012; September 1, 2013; amended, effective September 1, 2021; amended, effective September 1, 2023.*

**KCLFLR 7 APPOINTMENT OF OPTIONAL GUARDIAN AD LITEM, ATTORNEY FOR CHILD, AND CUSTODY INVESTIGATOR IN CHILD CUSTODY MATTERS.**

**(a) Guardian Ad Litem (Title 26).**

- (1) Optional Guardian Ad Litem. In any domestic relations matter the Court may, upon its own motion, or motion of either party, appoint a guardian ad litem to represent the interests of any child, or children, of the parties. If any decree illegitimizes a child or may result in a child becoming illegitimate, the Court may require that a guardian ad litem be appointed for the child.
- (2) Appointment. The guardian ad litem shall be appointed from the court-approved registry for Title 26. Said person shall have such powers, as granted by the Court, to ascertain what is in the best interests of the child or children, and to take whatever steps the Court deems appropriate to effectuate a result consistent with the best interests of the child or children.
- (3) Duties of Guardian Ad Litem. The Court may direct the guardian ad litem to report to the court, either orally or in writing. The guardian ad litem has the right to attend and participate at trial or any other proceeding, and shall be given all other rights accorded a party, including notice. The guardian ad litem may be called as a witness at trial by either party, or the Court.

**(b) Attorney for Child.** In any domestic relations matter the Court may, upon its own motion, or motion of either party, appoint an attorney for any children of the parties. The attorney shall be an advocate for the children and shall represent the position of the children in the action. The attorney shall have the rights of any other attorney in the action. The attorney shall not be expected to submit a report to the court, nor normally be called as a witness at trial. [See RCW 26.09.110.]

**(c) Custody Investigator.** The Court may, upon its own motion, or motion of either party, appoint a custody investigator in matters involving a dispute over custody of a child. [See RCW 26.09.220.]

A custody investigator shall make appropriate investigation and report to the court. Upon motion of any party, or the court, the custody investigator shall appear at trial and be subject to examination by the parties and the Court.

*Adopted June 21, 2011; effective September 1, 2011.*

**KCLFLR 8 DISCOVERY SCOPE AND LIMITS**

In family law matters interrogatories shall be limited to 100 in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. Additional interrogatories may be permitted by stipulation of the parties or by order of the Court. There shall be no limit on requests for production or requests for admission.



*Adopted June 21, 2011; effective September 1, 2011.*

## **KCLFLR 9 CASE PROGRESSION**

- (a) **Note for Settlement Conference and Trial Setting.** Within 90 days of the case at issue, Petitioner or Respondent shall file a Note for Settlement Conference & Trial Setting - Domestic Relations (as set forth in Exhibit C).
- (b) **Settlement conference.** A mandatory settlement conference shall be set within 45 days of the date noted for trial setting. Settlement conferences are mandatory and shall be confirmed before 12:00 noon the day before such conference is scheduled. [See KCFLR 6.]
- (c) **Assignment of Trial Date.** If the case is not settled at settlement conference, the Court will assign a trial date, not more than 120 days from the date of the settlement conference. Exceptions shall be addressed to the settlement conference judge.
- (d) **Change of Trial or Hearing Date.** Upon written stipulation of the parties, or upon motion of party, the Court may order a change or continuance of the trial date, special set hearing, support modification hearing, or settlement conference date.
- (e) **Support Modifications.** In matters wherein child support modification is the only relief sought, requests for modification will be heard by affidavit, 10 minutes per side for argument unless the Court requests additional affidavits or an order authorizing oral testimony is granted. Petitioner's affidavit shall be submitted not later than 14 days before the hearing. Respondent's affidavit shall be submitted not later than seven days before the hearing. The reply affidavit shall be submitted not later than 12:00 noon the day before the hearing. Settlement conferences are not required for support modifications.

*Adopted June 21, 2011; effective September 1, 2011; amended, effective September 1, 2013; amended, effective September 1, 2017.*

## **KCLFLR 10 MANDATORY PARENTING SEMINAR**

- (a) **Scope.** This rule applies to all cases filed under Ch. 26.09, or Ch. 26.26 of the RCW (except those cases brought on behalf of the State of Washington by the Prosecuting Attorney's Child Support Office) filed after January 1, 2005, which require a parenting plan for minor children, including dissolutions, legal separations, and parentage actions. This rule does not apply to petitions to modify custody. In the case of parentage actions involving the Prosecuting Attorney's Child Support Office, the seminar shall be required only in cases that the Court has made a finding that the Parenting Seminar would benefit the parents.

- (b) **Definitions.** As used in these rules, the following terms have these meanings.
- (1) Parenting Seminar. Parenting seminar or seminar shall mean a seminar presented by an authorized provider as set forth in section (h) below, with content that meets the requirements specified in section (i) below.
  - (2) Parent Education Committee. The Parent Education Committee or Committee shall mean the standing committee of the Kitsap County Superior Court as provided in LCR 1(c)(5).
- (c) **Parenting Seminars; Mandatory Attendance.** In all cases referred to in Section (a) above, and in those additional cases arising under Title 26 RCW where the Court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such other parties as the Court may direct, shall participate in, and successfully complete, an approved parenting seminar within 90 days after service of a petition on the responding parent. Successful completion shall be evidenced by a certificate of attendance filed with the Court by the provider agency.
- (d) **Special Considerations, Waiver.**
- (1) Joint Participation Not Required. In no case shall parents be required to attend a seminar together.
  - (2) Grounds for Waiver or Alternative. Upon a showing of any of the following, the Court shall either waive the requirement of completion of the seminar or provide an alternative to the seminar:
    - (A) Domestic violence, abuse, or safety concerns;
    - (B) Allegations of any conduct set forth at RCW 26.09.191; or
    - (C) Any other reason why a parent's attendance at a seminar is not in the children's best interest.
  - (3) Waiver. The Court may waive the seminar requirement for one or both parents in any case for good cause shown, including but not limited to default situations.
- (e) **Failure to Comply.** Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 90 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan in this action, until the seminar has been successfully completed. The Court may also refuse to allow the non-complying parent to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed.
- (f) **Finalizing Parenting Plans.** All parents are required to attach to their proposed final parenting plan a true and accurate signed and dated copy of the certificate of completion of

the seminar. No final parenting plan shall be entered without said certificate, except in those cases that the Court has waived attendance.

(g) **Fee.** Each parent attending a seminar shall pay a fee charged by the provider and sanctioned by the Court. The Court may waive the fee for indigent parents.

(h) **Authorized Providers.**

(1) Certified Providers. The Kitsap County Court Administrator shall maintain a list of seminar providers who have filed a statement of compliance with the Parent Education Committee. The statement of compliance shall certify that the content of seminars offered by the provider meet the requirements set forth in section (i) below.

If a provider's qualifications are challenged, the provider shall be notified by the Committee of the process to resolve any questions regarding the provider's future approval. The provider will then have an opportunity to respond to any challenges to its qualifications.

(2) Equivalent Providers May be Used. Parents may use equivalent services offered by private agencies or religious organizations, upon approval of the judge or commissioner in the individual case.

When the Court authorized the use of providers or religious organizations which have not previously been accepted by the Committee as a certified provider of parenting seminars, the Court may modify or waive the qualifications for the instructors, as listed as section (j) below, upon a showing of functional equivalency.

(i) **Seminar Content.** The seminar content shall include, at a minimum:

- The developmental stages of childhood;
- Stress indicators in children;
- Age appropriate expectations of children;
- The impact of divorce on children;
- The grief process;
- Reducing stress for children through an amicable divorce;
- The long term impact of parental conflict on children;
- The importance of child's relationships with both parents; fostering those relationships;
- Communication skills for divorced parents;
- Minimization of conflict;
- Practical skills for working together;
- The impact on children when stepparents and blended families enter their lives;
- Parenting children with limited time; and
- Involvement of extended family.

- (j) **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:
- A Master's Degree in social work, psychology or other related behavioral science suggested, with a Bachelor's Degree minimum with two years social work experience;
  - Supervisory experience in treatment of emotionally disturbed children, adolescents and their families;
  - 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;
  - Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
  - An ability to work with others (both groups and individuals) as part of a collaborative program; and
  - Strong oral communication skills.
- (k) **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 parents must seek their own funding resources.

*Adopted June 21, 2011; effective September 1, 2011.*

## **KCLFLR 11 PRESENTATION OF FINAL PLEADINGS IN FAMILY LAW CASES**

- (a) Uncontested Applications for Marital Dissolution, Decree of Invalidity or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships.
- (1) **Presentation of Final Documents.** At the time of final hearing upon any uncontested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship), or domestic partnership, or Modification of Parenting Plan/Residential Schedule/Custody Order, the attorney for the applicant or the self-represented party shall present to the court for signature appropriate Findings and Conclusions about a Marriage, Final Divorce Order (Dissolution Decree), Child Support Order, Child Support Worksheets, Residential Time Summary, and Parenting Plan/Residential Schedule, if applicable.
  - (2) **Hearings to Finalize with Attorneys.** For parties represented by counsel, all of these types of proceedings are conducted Monday through Friday on the Ex Parte Calendar (8:30 a.m. or 3:30 p.m.). At the time of hearing, if the Findings and Conclusions about a Marriage, or Final Order and Findings on Petition to Change a Parenting Plan/Residential Schedule/Custody Order are signed under penalty of

perjury by the Petitioner in the form set forth below and there has been no appearance by the Respondent, no personal appearance by the Petitioner is required. In the event there has been an appearance by the Respondent, but the Respondent agrees to the entry of the final papers as proposed, neither party need personally appear except through his/her attorney, provided that both the Petitioner and Respondent have signed the Findings and Conclusions about a Marriage or Final Order and Findings on Petition to Change a Parenting Plan/Residential Schedule/Custody Order under penalty of perjury in the form set forth below. If Respondent has previously signed a Joinder, only the verification of Petitioner is required as set forth below.

**Declaration(s) under penalty of perjury shall be as follows:**

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct: I am the Petitioner in this case and I have read the foregoing:

- Findings and Conclusions about a Marriage,
- Final Divorce Order (Dissolution Decree),
- Child Support Order,
- Child Support Worksheets,
- Parenting Plan,
- Final order and Findings on Petition to Change a Parenting Plan/Residential Schedule or Custody Order.

The documents are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the Petition.

**And if agreed by Respondent, add the following declaration:**

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct: I am the Respondent in this case and I have read the foregoing:

- Findings and Conclusions about a Marriage,
- Final Divorce Order (Dissolution Decree),
- Child Support Order,
- Child Support Worksheets,
- Parenting Plan,
- Final order and Findings on Petition to Change a Parenting Plan/Residential Schedule or Custody Order.

The documents are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the Petition.

The child support requested, if any:

- [ ] is in compliance with the Child Support Schedule,  
 [ ] deviates from the standard child support schedule, but does/does not result in insufficient funds in the primary residential parent's household.

The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance. Neither myself nor the other spouse/ domestic partner is pregnant and no other children have been born to myself or the other spouse/ domestic partner since the date of marriage that have not been disclosed in the Findings and Conclusions about a Marriage and Final Parenting Plan. The Parenting Plan is in the best interests of the child/ren. Signed at

\_\_\_\_\_, \_\_\_\_\_ on \_\_\_\_\_.  
 City, State Date

\_\_\_\_\_  
 Respondent's Signature

- (b) Review of Pro Se Documents. Unless presented by an attorney, no final Decree, Findings of Fact and Conclusions of Law, Parenting Plan, Order of Child Support and Worksheets, Final Order and Findings on Petition to Change a Parenting Plan/Residential Schedule or Custody Order or other final pleadings in Family Law cases shall be presented to the Court without written verification that all such pleadings have been reviewed as to form by an attorney, the Kitsap County Courthouse Facilitator or Kitsap Legal Services. This requirement may be waived by the Court for good cause shown.
- (c) **Formal Proof.** Formal proof by a pro se litigant personally appearing in Court shall be required in the finalization of all dissolution and legal separation proceedings, including when a Decree of Legal Separation is converted to a Decree of dissolution, modification of a prior Parenting Plan, and in all other matters in which a Final Parenting Plan or Residential Schedule is being presented. Upon good cause, the Court may authorize formal proof to be taken by Skype or telephone, or submitted via the above form.
- (d) See also KCLFLR 13.

*Adopted June 21, 2011; September 1, 2011; amended, effective September 1, 2015; amended, effective September 1, 2017; amended, effective September 1, 2020.*

## KCLFLR 12 MOTIONS FOR REVISION

- (a) A motion to revise a court commissioner's decision shall be filed within 10 days after the entry of a written order or judgment of the court commissioner and shall be noted on the Presiding Domestic Relations Judge's departmental calendar. All orders, both oral and written, granted by the court commissioner shall remain valid and in effect pending the outcome of the motion for revision unless stayed pending the outcome of a motion for revision by the court commissioner granting the order or by the Presiding Domestic Relations Judge.

- (b) All motions for revision of a commissioner's order shall be based on the written materials and evidence originally submitted to the commissioner, including documents and pleadings in the court file. No new, additional or supplemental materials shall be received. The moving party shall provide the assigned judge a bench copy of all materials submitted to the commissioner in support of and in opposition to the motion. Oral arguments on motions to revise shall be limited to 10 minutes per side. Bench copies shall be submitted pursuant to the requirements of KCLCR 7.

*Adopted June 21, 2011; effective September 1, 2011; amended effective September 1, 2013; amended, effective September 1, 2019; amended by emergency order December 15, 2020, effective January 1, 2021; amended by emergency order March 1, 2021, effective April 1, 2021; amended by emergency order June 25, 2021, effective July 1, 2021; amended, effective September 1, 2021.*

### **KCLFLR 13 PRESENTATION OF TEMPORARY ORDERS AND FINAL PLEADINGS IN FAMILY LAW CASES**

Draft temporary and final orders following a Court ruling shall be delivered to the Court and to the opposing party no later than noon five days prior to the scheduled hearing on presentation. Opposing parties who object to any provision of the draft documents as being inconsistent with the Court's ruling must file written objections by noon two days prior to the hearing. Objections must include the proposed orders as an attachment, specifically identify the objectionable provisions, and shall offer alternative language.

*Adopted, effective September 1, 2017.*

### **KCLFLR 14 CUSTODY INVESTIGATOR GRIEVANCES**

#### **(a) Submitting a Grievance**

##### **(1) Grievances in Ongoing Cases.**

- (A) *Scope.* This rule pertains to any grievance which relates to the investigation and content of custody investigator reports which are filed in cases currently pending before the Court.
- (B) *Format.* A grievance under this rule must be brought to the attention of the Court in the form of a motion. For the motion to be heard by the Court it must be properly noted for hearing in compliance with local rules. In a case assigned to a particular judge, the motion must be noted for hearing before that judge. In all other cases the matter should be noted as follows: for Title 26 cases, on the domestic relations calendar (both calendars are held Fridays at 9:00 a.m.). The grievance will be entertained only if raised by or on behalf of a party named in the case.

- (C) *Response by Custody Investigator.* The custody investigator may respond as provided by local rules governing motion practice.
- (D) *Sanctions.* If the Court determines that the grievance has merit, the Court may remove the custody investigator from the case. Grievances determined to have merit may also be forwarded to the Juvenile Director for review in the context of the Kitsap County Personnel Manual and other governing employment regulations.

(2) **Grievances Not Concerning Ongoing Cases.**

- (A) *Scope.* This rule pertains to any grievance which relates to the conduct of custody investigators in cases which are no longer pending before the Court. Such grievances will be directed to the Juvenile Court Director and handled as a personnel matter.

*Adopted, effective September 1, 2017.*

## **KCLFLR 15 UCCJEA CONFERENCES**

- (a) **Requesting a conference.** Whenever a party is requesting the Kitsap County Superior Court hold a UCCJEA conference with another state's court, all parties shall comply with the following:
  - (1) The party seeking the UCCJEA conference shall file a motion on the appropriate motions calendar. The motion shall clearly state if the moving party is asking Washington State to relinquish jurisdiction to another state, or to assume jurisdiction from another state. The motion shall state with particularity the grounds therefore and shall set forth the relief or order sought.
    - (A) In addition, the motion shall clearly specify the following:
      - (i) The state and venue, including the full Court's name, for the other state's action.
      - (ii) Any initial pleadings, including the summons and petition for the other state's action.
      - (iii) Any pleadings from the other state's action that reference any UCCJEA issues.
      - (iv) The name, mailing address, e-mail address, and direct phone number of the contact person for the other court who is responsible for arranging the UCCJEA hearing with the appropriate judicial officer.
    - (B) Failure to comply with the above requirements will result in the UCCJEA motion not being heard and the conference will not be scheduled.



- (b) **Out-of-State Contact.** The Kitsap County Superior Court shall post on its webpage the contact information for out-of-state seeking to arrange a UCCJEA conference with this Court.

*Adopted, effective September 1, 2022.*

## KITSAP COUNTY LOCAL CIVIL ARBITRATION RULES [KCLCAR]

### I. SCOPE AND PURPOSE OF RULES

#### KCLCAR 1.1 APPLICATION OF RULES

**Application and Purpose.** The purpose of arbitration of civil actions under RCW 7.06 as implemented by the Civil Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$100,000 or less, exclusive of attorney fees, interest, and costs. The 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 June 21, 2011; September 1, 2011; amended, effective September 1, 2018; amended, effective September 1, 2021.*

#### KCLCAR 1.2 MATTERS SUBJECT TO ARBITRATION

The following matters are subject to civil arbitration: (a) civil actions at issue in the Superior Court where the sole relief sought is a money judgment not in excess of \$100,000, exclusive of attorney fees, interest, and costs, and (b) Small Claims Judgments appealed from District Court.

*Amended June 21, 2011; September 1, 2011, amended, effective September 1, 2018; amended, effective September 1, 2021.*

#### KCLCAR 1.3 RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES

(b) **Which Rules Apply.** All motions before the Court relating to civil arbitration shall be noted on the Civil Motions Calendar in accordance with KCLCR 77, except as otherwise provided in these arbitration rules. (See, for example, KCLCAR 4.2 and KCLCAR 6.3).

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2019; amended, effective September 1, 2021.*

### II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

#### KCLCAR 2.1 TRANSFER TO ARBITRATION

(a) **Statement of Arbitrability.** In every civil case, when any party has determined that the case is ready for trial and that the case is subject to civil arbitration, including by

stipulation, such party shall file with the Clerk a Note for Arbitration Setting & Initial Statement of Arbitrability substantially in the form of Exhibit H. A duplicate copy shall be delivered to the Superior Court office

- (b) **Response to Statement of Arbitrability.** Any party disagreeing with the Statement of Arbitrability shall serve and file a response substantially in the form of Exhibit I. A duplicate copy of the response shall be delivered to the Superior Court office.
- (1) If a response objecting to civil arbitration is filed, the Court shall administratively strike the matter from the Trial Setting Calendar. Disputes regarding the assignment to arbitration shall be noted and processed on the civil motions calendar in accordance with KCLCR 77(k).
- (2) In the absence of such a response, the Statement of Arbitrability shall be deemed correct and a non-responding party shall be deemed to have stipulated to arbitration if the Statement of Arbitrability provides that the case is arbitrable. If a party asserts that its claim exceeds \$100,000 or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.
- (c) **Failure to File - Amendments.** A party failing to serve and file an original response within the time prescribed may later do so only upon leave of the court. A party may amend the Initial Statement of Arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, or thereafter only upon leave of the court for good cause shown.
- (d) **By Stipulation.** A case in which all parties file a stipulation to arbitrate under CAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.

*Amended June 21, 2011; September 1, 2011; amended, effective September 1, 2018; amended on an emergency basis November 19, 2019, effective December 1, 2019; amended, effective September 1, 2020; amended, effective September 1, 2021.*

### III. ARBITRATORS

#### KCLCAR 3.1 QUALIFICATIONS

- (a) **Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the administrative committee may determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. Arbitrators on the panel shall meet the qualifications as set forth in RCW 7.06.040. A list showing the names of the arbitrators available to hear cases and information sheets will be available for public inspection in the Superior Court office. The oath of office on the form prescribed by the court must be completed and filed prior to an application 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 immediately if he or she refuses to serve or if any cause exists for the arbitrator's disqualification from the case on any of the grounds of interest, relationship, bias, or prejudice set forth in CJC Canon 3(c) governing disqualification of judges. If disqualified, the arbitrator must immediately return all materials in the case to the Court Administrator.
- (c) **Challenge to Qualifications.** Any party may challenge the qualifications of the appointed arbitrator by motion to the Superior Court Presiding Judge provided, however, that said motion must be made within 14 days of the appointment of the arbitrator.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2019; amended, effective September 1, 2021.*

### **KCLCAR 3.2            AWARD OF ATTORNEY FEES**

In addition to the authority given to arbitrators under CAR 3.2, an arbitrator has the authority to award fees, as authorized by these rules, by a contract, or by law except CR 11 sanctions.

Official Comment:

The arbitration information sheet and oath is available on the Superior Court's website.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

## **IV. PROCEDURES AFTER ASSIGNMENT**

### **KCLCAR 4.2            DISCOVERY**

- (a) **Additional Discovery.** In determining when additional discovery beyond that directly authorized by CAR 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 of controversy, the values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Civil Rules except that motions concerning discovery shall be determined by the arbitrator.
- (b) **Discovery Pending at the Time Arbitrator is Assigned.** Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or as authorized by CAR 4.2.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

## V. HEARING

### KCLCAR 5.1 NOTICE OF HEARING

**Notice of Hearing - Time - Place - Continuance.** In addition to the requirements of RCW 7.06.043 and CAR 5.1, the arbitrator shall give reasonable notice of the hearing date and any continuance to the Court Administrator.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2019; amended, effective September 1, 2021.*

### KCLCAR 5.2 PREHEARING STATEMENT OF PROOF

**Prehearing Statement of Proof - Documents Filed with Court.** In addition to the requirements of CAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which the party deems relevant.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

## VI. AWARD

### KCLCAR 6.1 FORM AND CONTENT OF AWARD

- (a) **Form.** The award shall be prepared on a form substantially compliant with Exhibit J.
- (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 June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

### KCLCAR 6.2 FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award under CAR 6.2 must be presented to the Court Administrator.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

### KCLCAR 6.3 JUDGMENT ON AWARD

A judgment on an award shall be presented to the Ex Parte Judge, by any party, on notice in accordance with CAR 6.3.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

## VII. TRIAL DE NOVO

### KCLCAR 7.1 REQUEST FOR TRIAL DE NOVO

- (a) **Service and Filing.** The request for trial de novo shall be accompanied by a Note for Trial on the forms provided by the Court. [*See Exhibit A.*]

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

### KCLCAR 7.2 PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO

- (e) **Trial To Be Set in Accordance with KCLCR 40.** When a trial de novo is requested as provided in CAR 7.1 and KCLCAR 7.1(a)(1), trial shall be set in accordance with KCLCR 40(b)(1), except that the Court will assign an accelerated trial date no sooner than 180 days and no more than 270 days from the date the request for trial de novo is filed. A request for a trial de novo may include a request for assignment of a particular trial date or dates, provided the date or dates requested have been agreed upon by all parties in writing and preauthorized by the Court Scheduler.

*Amended June 21, 2011; effective September 1, 2011; amended September 1, 2014; amended, effective September 1, 2021.*

### KCLCAR 7.3 COSTS AND ATTORNEY FEES

CAR 7.3 shall apply only to costs and reasonable attorney fees incurred since the filing of the request for a trial de novo.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

## VIII. GENERAL PROVISIONS

### KCLCAR 8.1 STIPULATIONS

- (b) **To Arbitrate Other Cases - 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 June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

### KCLCAR 8.4 TITLE AND CITATION

These rules are known and cited as the Kitsap County Superior Court Civil Arbitration Rules.

LCAR is the official abbreviation.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

**KCLCAR 8.6            COMPENSATION OF ARBITRATOR**

- (a) **Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, the compensation shall not exceed \$1,000.00 for any case without approval of the Presiding Judge.
- (b) **Form.** When the award is filed, the arbitrator shall submit to the Superior Court office a request for payment on a form prescribed by the Court. The Presiding Judge shall determine the amount of compensation to be paid.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2013; amended, effective September 1, 2018; amended, effective September 1, 2021.*

**KCLCAR 8.7            ADMINISTRATION**

- (a) **Supervision.** The Presiding Judge and his or her designees shall supervise arbitration under these rules.
- (b) **Administrative Committee Composition and Terms.** There shall be an administrative committee composed of the Presiding Judge and four members of the Kitsap County Bar Association. The members of the committee shall serve one-year terms and may be reappointed.
- (c) **Administrative Committee Power and Duties.** The administrative committee shall have the power and duty to:
  - (1) Select a chairperson and establish procedures;
  - (2) Appoint the panel of arbitrators provided in LCAR 3.1(a);
  - (3) Remove a person from a panel of arbitrators;
  - (4) Establish procedures for selecting an arbitrator not inconsistent with the Civil Arbitration Rules or these rules; and
  - (5) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program and submit any recommendations to the Kitsap County Bar Association membership for comment and to the Superior Court for ratification.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

**KITSAP COUNTY LOCAL SPECIAL PROCEEDINGS RULES [KCLSPR]**

**KCLSPR 93.04 DISPOSITION OF REPORTS – ADOPTIONS**

[Reserved].

*Amended, effective September 1, 2011; rescinded effective September 1, 2012.*

**KCLSPR 98.10 GUARDIANSHIPS, CONSERVATORSHIPS, AND TRUSTS**

**(h) Order Approving Guardian’s or Conservator’s Report and Accounting.** Every order to approve an initial or periodic Guardian’s, Conservator’s, or Trustee’s report shall include a Court Summary (Required) on the first page in the following format:

<b>COURT’S SUMMARY(Required)</b>	
Date Guardian/Conservator/Trustee Appointed:	
<input type="checkbox"/> Person:	<input type="checkbox"/> Full <input type="checkbox"/> Limited
<input type="checkbox"/> Estate:	<input type="checkbox"/> Full <input type="checkbox"/> Limited
Next Review Period:	_____ to _____
Accounting Due (90 Days Later), <b>NO LATER THAN:</b>	_____
Date for Next Hearing:	_____ or TBD
Letters Expire (90 Days After Accounting Due):	_____

*Adopted June 24, 2015; effective September 1, 2015; amended, effective September 1, 2022.*

**KCLSPR 98.16 MINOR SETTLEMENTS**

**(a) Hearings.**

- (1) Time for Hearing. Petitions for Settlement of the claims of minors shall be noted on the Probate Motion Calendar at 9:00 a.m. on Friday, except cases which are preassigned shall be noted on that judge's departmental calendar on Friday at 1:30 p.m. Bench copies of all pleadings and reports shall be submitted to the court no later than 12:00 noon the day before the hearing.
- (2) Mandatory Attendance. The attorney personally in charge of the case of the minor, if any, the minor child, and at least one parent or legal custodian shall personally appear at any hearing at which application is made for approval of a settlement. Personal attendance for any proposed guardian may be required by the court. For good cause shown, the court may excuse the personal appearance of the minor child.



- (b) **Deposit in Court and Disbursements; Receipts.** A receipt for funds deposited in a blocked account shall be filed with the courts no later than 30 days from the date the bank receives the funds.

Official Comment:

For further guidance on noting motions for hearing see KCLCR 77(k). For guidance on filing motions see KCLCR 7.

*Amended June 21, 2011; effective September 1, 2011.*

**KCLSPR 98.24 MANDATORY TRAINING FOR NON-CERTIFIED GUARDIANS AND CONSERVATORS**

- (a) **Definition of Applicable Cases.** This rule applies to all adult guardianship and conservatorship cases including those originating under RCW 11.88 and RCW 11.130. The Court, in its discretion, may also direct other persons to take all or part of the mandatory guardian training.
- (b) **Intent.** The purpose of mandatory guardian training is to provide information to prospective, non-certified guardians and conservators about their legal duties and responsibilities as a guardian or conservator.
- (c) **Non-Certified Guardian and Conservator Training.** Except as provided in (d), a non-certified guardian or conservator shall not be appointed by the Court until he/she has successfully completed the mandated Lay Guardians for Adults and Conservators online training module located at:  
[www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.adultLayGuardianship](http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.adultLayGuardianship). Successful completion shall be evidenced by submitting the Declaration of Completion provided by the training module to the Court for filing.
- (d) **Special Consideration/Waiver.** Certified Professional Guardians are not required to complete the Lay Guardians for Adults and Conservators training module provided that the guardian or conservator is in good standing with the Certified Professional Guardianship Board. The Court may waive the video requirement for attorneys, bank trust officers, and other professionals who have been appointed as guardians in the past.

*Adopted, effective September 1, 2009; amended, effective September 1, 2011; September 1, 2012; amended, effective September 1, 2022.*

**KCLSPR 98.25 PRESENTATION OF TEMPORARY OR FINAL PLEADINGS IN GUARDIANSHIP AND CONSERVATORSHIP CASES**

- (a) **Review of Pro Se Documents.** Unless presented by an attorney, no temporary or final Orders shall be presented to the Court without written verification that all such pleadings have been reviewed as to form by an attorney or the Kitsap County Courthouse Facilitator. This requirement may be waived by the Court for good cause shown.

*Adopted, effective September 1, 2022.*

**KCLSPR 98.32 APPOINTMENT OF NON-CERTIFIED GUARDIAN OR CONSERVATOR**

- (a) The court-appointed GAL or court visitor must facilitate the court's review of information from the Judicial Information System about any proposed non-certified (lay) guardian(s), conservator(s), co-guardian(s), co-conservators, or successor guardian(s)/conservator(s) (hereinafter Guardian) with their report to the court.
- (b) The GAL or court visitor shall request, in writing, the information from Superior Court Administration and provide the name, address, and date of birth of each person proposed as Guardian or Conservator. If the person subject to the guardianship or conservatorship will be living with the proposed guardian or conservator, the GAL or court visitor shall follow this same procedure for all adults living with the proposed guardian or conservator.
- (c) The GAL or court visitor, proposed guardian or conservator, attorney for the person subject to the guardianship or conservatorship, and/or any other interested party shall be permitted to inspect the JIS prior to the appointment of the proposed guardian or conservator. If the Court approves the proposed guardian or conservator, the JIS shall be filed under seal in the Court file.

*Adopted June 25, 2019, effective September 1, 2019; amended, effective September 1, 2022.*

**KCLSPR 98.35 MINOR GUARDIANSHIP PROCEEDINGS**

- (a) **Non-Parent Custody Matters.** Orders entered in cases involving non-parent custody previously filed under RCW 26.10 remain in full force and effect. In non-parent custody cases that were not finalized prior to June 30, 2021, a petition for guardianship under RCW 11.130 shall be filed and the guardianship case shall be consolidated with the RCW 26.10 non-parent custody action, prior to the case moving forward or being finalized. The Petitioner does not need to file a separate Motion for Order to DCYF to Release CPS Records or WSP WATCH report for the petitioner(s) unless more than one year has passed since the original non-parent custody action was initiated. Any new orders entered in the consolidated case shall be entered pursuant to RCW 11.130. A modification or termination of a final non-parent custody order shall be governed by RCW 11.130.
- (b) **Filing and Notice Requirements.**
  - (1) **Petition for Guardianship (RCW 11.130.190).** A Summons (GDN M 001), Petition for Guardianship (GDN M 102), and Supplemental Declaration (GDN M 103) shall be filed simultaneously with a Notice of Hearing about a Minor Guardianship Petition (GDN M 101). The initial hearing on the petition shall be scheduled on the Minor Guardianship calendar *after* the deadline for the response to

the petition has passed. If a Petition for Emergency Guardianship was filed *prior* to the Petition for Guardianship, then the emergency guardianship shall be consolidated with the regular guardianship under the regular guardianship cause number.

- (2) **Petition for Emergency Guardianship (RCW 11.130.225).** A Petition for Emergency Guardianship shall be filed simultaneously with a Notice of Hearing about Emergency Minor Guardianship (GDN M 201), and the hearing on the emergency guardianship shall be set on the Minor Guardianship calendar. The Notice of Hearing and Petition for Emergency Minor Guardianship shall be provided to the individuals listed in RCW 11.130.225(3) no less than 14 calendar days prior to the emergency guardianship hearing. If a Petition for Guardianship has already been filed with the court, a Petition for Emergency Minor Guardianship may be filed under the same cause number.
- (3) **Motion for Immediate Emergency Guardianship (RCW 11.130.225(4)).** If a party has initiated an Emergency Guardianship action, a party may also request that the court appoint an emergency guardian for a minor without notice to the individuals set forth in RCW 11.130.225(3) if the court finds that, “the minor’s health, safety, or welfare will be substantially harmed before a hearing with notice.” If an Immediate Order for Emergency Guardianship is entered, the notice of appointment of guardian must be provided to the individuals listed within RCW 11.130.225(3) within 48 hours of the appointment, and a substantive hearing on the Petition for Emergency Guardianship shall be held within 5 court days of the entry of the order, or the first Minor Guardianship calendar thereafter.
- (4) **Petition to Terminate, Change, or Remove a Guardianship (RCW 11.130.240).** A Petition to Terminate or Change a Guardianship shall be filed simultaneously with a Notice of Hearing. These cases shall be handled in the same manner as a Petition for Guardianship. See (b)i and (c)i.
- (5) **Motion for Temporary Support (RCW 11.130.257(1)).** A motion for temporary support may be filed within a guardianship proceeding. Motions shall be accompanied by an affidavit setting forth the factual basis for the request, and the requesting parties’ financial information (to include pay stubs for the 6 months preceding the motion). A motion for support shall be set on the Minor Guardianship calendar. Notice of the support hearing and the underlying motion must be filed with the court and provided to the other party at least 14 calendar days prior to the hearing date.
- (6) **Motion for Restraining Orders (RCW 11.130.257).** Any party in a minor guardianship proceeding may request a temporary restraining order, or preliminary injunction order (RCW 11.130.257(2)) within the minor guardianship proceeding. Hearings relating to such motions shall be set on the Minor Guardianship calendar. Notice of the hearing and the underlying motion for restraints/injunction must be

filed and provided to the other party at least 14 calendar days prior to the date of the hearing. A restraining order may be requested ex parte, or without notice to the restrained party if the court makes a finding that irreparable injury could result if an order is not issued until the time for responding has elapsed. If an ex parte order is entered, the order shall be served on the restrained party at least 14 days prior to the hearing date on the underlying motion.

- (7) **Temporary Protection Orders (RCW 11.130.257(3)).** Any party in a minor guardianship proceeding may request a domestic violence protection order or anti-harassment order involving the parties and the child(ren), by filing a separate cause of action. The person requesting the temporary protection order shall inform the clerk and court of the existence of the Minor Guardianship case and all future protection hearings shall be heard on the Minor Guardianship calendar, to be heard concurrent with the pending minor guardianship proceeding. The clerk shall relate the cases in the case management system.
- (8) **Other Filing Requirements.** Upon filing a Summons and Petition for Guardianship and/or a Petition for Emergency Guardianship, the petitioner must simultaneously file a Confidential Information Sheet (GDN M 410), a Motion and proposed Order to DCYF to Release CPS Information (GDN M 404/GDN 405), and WSP WATCH report for each petitioner filed under a Criminal History cover sheet (GDN M 407). If the guardianship action was consolidated with a prior non-parent custody action, no new confidential information sheet is required.
- (c) **Motions and Hearings.** All hearings related to minor guardianship petitions (emergency and non-emergency) shall be heard on the designated minor guardianship calendar (except for hearings on presentation of orders, which shall be heard on the appropriate judge's departmental calendar). All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140, or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one day before the hearing, but no earlier than 48 hours in advance.
- (1) **Initial Hearing on Petition for Guardianship.** Unless the matter can be resolved by default or entry of an agreed order, the initial hearing on the Petition for Guardianship shall be a status hearing to address the following:
- (A) Whether the Petitioner has complied with the statutory notice requirements set forth in RCW 11.130.195 or RCW 11.130.240.
  - (B) Whether an attorney should be appointed for the minor(s) and/or the parent(s). (RCW 11.130.200)
  - (C) Whether a guardian ad litem or court visitor should be appointed.
  - (D) The extent to which the child should participate in the proceedings going forward. (RCW 11.130.205)

Each party shall file a statement that addresses his/her position on the above issues. This statement may be in the form of a declaration or memorandum. Said statement shall be provided to all parties and the court (in the form of bench copies) five (5) court days prior to the initial hearing.

Unless the court determines a settlement, conference would not be beneficial, the parties shall be sent to the court scheduler to get a settlement conference date. The parties shall simultaneously obtain a trial date. These dates shall be chosen based on the availability of parties and counsel (to include any counsel or GAL appointed at this hearing). Both the settlement conference and trial date shall be scheduled for a date that allows sufficient time for an attorney to be appointed for the parent(s) or child(ren) (if applicable), and that allows a court visitor or guardian ad litem (if appointed) to perform his/her duties.

If an Emergency Guardianship Order has been entered within the guardianship proceeding, then the court shall set a status/review within forty-five (45) days from the date of the initial hearing to determine if the emergency guardianship order should remain in place. At that hearing, the intent is that the minor(s) and parent(s) shall have the benefit of court-appointed counsel (if applicable) to argue on his/her behalf, and that the court visitor provide the court with information related to the performance of his/her duties, and that the guardian ad litem (if applicable) provide the court with interim recommendations. All documents submitted to the court in relation to the status hearing shall be filed and provided to the court (in the form of bench copies), and other parties, at least five (5) court days prior to the status hearing.

If the pending action relates to a Petition to Terminate, Change, or Remove a Guardianship, then the court shall set a status hearing/review within 30 days to determine if a transitional order should be entered pursuant to RCW 11.130.240.

- (2) **Emergency Guardianship Hearing.** Substantive hearings on emergency guardianship shall be heard on the Minor Guardianship calendar unless the parties wish to provide oral testimony. In cases in which oral testimony will be presented, the emergency guardianship hearing shall be heard as a special set hearing (a date should be obtained from the court scheduler). Substantive hearings on the Minor Guardianship calendar shall be based on written declarations and/or affidavits. The following rules shall govern the emergency guardianship hearings:
- (A) At the hearing, each party is entitled to present evidence through declarations and/or testimony, present exhibits, and examine witnesses.
  - (B) Any written evidence that the Petitioner intends to present at the substantive hearing shall be filed, provided to the court (in the form of bench copies), and provided to the other parties, at least five (5) court days prior to the hearing. Any written evidence that the responding parties and GAL/court visitor wish to provide shall be filed, provided to the court (in the form of

bench copies), and provided to the other parties, at least three (3) court days prior to the hearing.

- (C) The court shall not hold a substantive hearing on a Petition for Emergency Guardianship unless the Petitioner has filed an affidavit of service indicating that all individuals listed in RCW 11.130.225(3) have been provided proper notice.
- (D) A failure to receive notice of the emergency guardianship hearing, or a failure to receive evidence in a timely manner on the part of any party, shall be deemed good cause to continue the emergency guardianship hearing to the next minor guardianship calendar.
- (E) If the parents or child has requested counsel, counsel shall be appointed prior to the substantive emergency guardianship hearing. Failure to appoint counsel, or the inability of counsel to participate in the hearing, shall be deemed good cause to continue the emergency guardianship hearing to the next emergency guardianship calendar.

Prior to the court entering an emergency guardianship order, the petitioner must submit a JIS search request to the court (<https://www.cognitofrms.com/KitsapCounty1/JISSEARCHREQUEST>). The request should include the names and dates of birth for all proposed guardians, all adults in the proposed guardian's household, and any parent that may be entitled to visitation with the child. This should be submitted in anticipation of the emergency guardianship hearing. The court shall review the JIS prior to entry of the emergency guardianship order.

If an emergency guardianship order is entered, that order shall expire 60 days following entry of the order unless the order indicates an alternate review date, or the petitioner files a motion to renew the emergency guardianship and schedules that motion for hearing prior to the expiration of the 60 days period. Renewal hearings shall comply with the rules set forth in section ii above.

If an attorney was appointed for the parent(s) and/or child(ren) at or following the substantive hearing on the petition for emergency guardianship, or a court visitor and/or guardian ad litem was appointed at or following the substantive hearing, any of these individuals may file a motion to review the emergency guardianship order for good cause. A renewal hearing or motion to review an emergency guardianship shall be governed by the emergency guardianship hearing rules set forth above.

- (3) **Support Hearings and Temporary Restraining Order Hearings.** Evidence presented for these hearings shall be presented by affidavit/declaration. The party seeking relief shall file and serve the notice of motion and underlying motion and declarations on the other party fourteen (14) calendar days prior the hearing date. The responding party shall submit his/her responsive materials five (5) court days

prior to the hearing date. The party seeking relief may submit a reply to affidavit/declaration the day prior to the hearing, by noon. The reply declaration is limited to three double spaced pages (12-point font). If the hearing is in relation to support, both parties must provide their pay stubs for the six (6) months preceding the motion.

**(d) Finalization of Guardianship Actions.**

- (1) **Trials on Petitions for Guardianship.** Contested guardianships shall be resolved by trial. At trial each side may present evidence through witnesses and exhibits. The Washington State rules of evidence shall apply to these proceedings. The parties shall exchange exhibits at least 5 court days prior to trial. Two sets of exhibits shall be provided to the court no less than 3 court days prior to trial (one set to be marked by the clerk, and one set for the judge).
- (2) **JIS Search Request.** Prior to the court entering a Minor Guardianship Findings and Order the petitioner must submit a JIS search request to the court (<https://www.cognitofirms.com/KitsapCounty1/JISSEARCHREQUEST>). The request should include the names and dates of birth for all proposed guardians, all adults in the guardian's household, and any parent that is entitled to visitation with the child. This should be done in anticipation of a hearing in which the petitioner(s) shall be presenting the final order. The court shall review the JIS prior to entry of the final order.
- (3) **Disclosure of Bankruptcy and Criminal History.** Prior to the court entering a Guardianship Findings and Order the petitioner(s) shall submit, and the court shall review, a Disclosure of Bankruptcy and Criminal History (GDN ALL 002).
- (4) **Ex Parte Presentation.** Agreed minor guardianship orders may be presented on the ex parte calendar provided all notice requirements are dispensed with, all necessary parties have signed the final orders (or have been found in default), and the criminal history, bankruptcy information, and JIS requirements have been satisfied (prior to or at the ex parte hearing).
- (5) **Letters of Guardianship:** Upon the entry of Minor Guardianship Findings and Order (GDN M 105), the named guardian shall file an Acceptance of Appointment (GDN ALL 003), and the clerk shall thereafter issue Letters of Guardianship (GDN ALL 004) to the guardian.

*Adopted, effective September 1, 2022.*

## KITSAP COUNTY LOCAL GUARDIAN AD LITEM AND COURT VISITOR RULES [KCLGALR]

### KCLGALR 1           SCOPE AND DEFINITIONS

- (a) **Scope.** These rules apply to proceedings under RCW Titles 11 and 26.

For general guidelines regarding responsibilities and authority of Guardians ad Litem and roles and responsibilities of Guardians ad Litem in Title 13 juvenile court proceedings, see Superior Court Guardian Ad Litem Rules (GALR).

- (b) **Definitions.** As used in these rules, the following terms have these meanings.

- (1) Guardian ad Litem/Court Visitor Registry. Guardian ad litem registry, Guardian ad Litem/Court Visitor registry, Court Visitor registry, or registry shall mean the list of individuals authorized by Kitsap County Superior Court to serve as guardians ad litem and court visitors. Title 11 registry and Title 26 registry shall mean the list of individuals authorized by Kitsap County Superior Court to serve as guardians ad litem and court visitors under Titles 11 and 26, respectively, of the RCW.
- (2) Registry Applicant. Registry applicant shall mean any individual applying to be listed on the registry.
- (3) Guardian ad Litem/Court Visitor Committee. Guardian ad Litem/Court Visitor Committee or Committee shall mean the committee of Kitsap County Superior Court judges appointed to manage guardians ad litem and court visitors as provided in LCR 1(c)(6).
- (4) Court Administrator. Court Administrator shall mean the Kitsap County Superior Court Administrator.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2022.*

### KCLGALR 2           GENERAL RESPONSIBILITIES OF GUARDIAN AD LITEM AND COURT VISITORS

- (a) **Professional conduct.** All registry applicants shall abide by the Guardian ad Litem Code of Conduct, these local rules. Violations may subject a guardian ad litem or court visitor to discipline as set forth in KGALR 7.
- (b) **Qualifications.** All applicants to the guardian ad litem/court visitor registry shall meet the following qualifications at the time of their application, in addition to any qualifications required by statute:
- (1) Attorneys. Attorney applicants must be members of the Washington State Bar Association in good standing.



- (2) Non Attorneys, Title 11. Non-attorney applicants for the Title 11 registry must have no fewer than five years' experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of persons subject to guardianship or conservatorship, legal procedure, and the requirements of RCW 11.130.155, as documented in the applicant's curriculum vitae.
- (3) Non-Attorneys, Title 26. Non-attorney applicants for the Title 26 registry must have no fewer than five years' experience in the needs of children and families involved in disputes over parenting issues, dissolution or parentage determinations, as documented in the applicant's curriculum vitae.
- (4) Integrity. All applicants shall be of high moral character, and shall not have any of the following:
- (A) Felony convictions or any convictions involving theft, dishonesty or moral turpitude;
  - (B) Professional certification or license suspension or revocation; or
  - (C) Pending investigation or action regarding any criminal charges or license suspension or revocation.
- (5) Applications and Annual Updates.
- (A) *Timing.* The Title 11 and Title 26 registries shall be open for new applications one time per a year, between February 1 and June 1. All required information must be received by the Court Administrator no later than June 1 of each year. The registry shall be defined by July 1 of each year.
  - (B) *Review.* Applications for placement on the registry shall be reviewed by the Guardian ad Litem/Court Visitor Committee to determine compliance with the court rules. The Committee shall review all applications and annual updates to determine compliance with the court rules and all applicable State laws.
  - (C) *Contents.* Each applicant, including individuals already on the registry, must annually submit the following documents to the Court Administrator:
    - (i) A completed application for guardian ad litem/court visitor registry which includes the following: a statement certifying the applicant has read and agrees to be bound by the Kitsap County Superior Court Guardian ad Litem Registry Code of Conduct; a summary of experiences as a guardian ad litem or court visitor, including years of experience, number of appointments, and the county or counties of appointment; and the number of times the guardian ad litem or court

visitor has been removed for failure to perform his or her duties as guardian ad litem or court visitor;

- (ii) A current curriculum vitae documenting educational background, qualifications, formal training, work, professional and individual experiences in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of persons subject to guardianship or conservatorship, legal procedure, and the requirements of RCW 11.130.155;
  - (iii) A description of the nature, status and outcome of any professional complaints, investigations or disciplinary action, lawsuit or professional liability claim, and any order for removal of the guardian ad litem prior to completion of his or her duties;
  - (iv) A description of any claim or litigation that has been commenced involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or conduct;
  - (v) A copy of the applicant's proposed fee schedule;
  - (vi) A Washington State Patrol criminal history report as defined in RCW 9.94A.030;
  - (vii) A signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years;
  - (viii) For new applicants, a Certification of Qualifications/Training for Guardian ad Litem and Court Visitor (Title 11 or 26) as approved by the Department of Social and Health Services ; or, for those applicants currently on the registry, a certification of having completed the annual training (Title 11 or 26) approved by the Kitsap Superior Court, or if no training is so approved, the annual training offered by DSHS in another county; and
  - (ix) Any other required information and correspondence with reference to the individual's service as a guardian ad litem or court visitor and any action thereon by the Court.
- (D) Notification. New registry applicants and returning guardians ad litem and court visitors will be notified of their placement on the registry by July 1 and shall then be eligible for appointment as a guardian ad litem or court visitor. An individual, whose application for placement on the registry does not meet the Court's requirements for placement on the registry, shall be notified of the apparent deficiency and be given an opportunity to correct

the same. If after 30 days the applicant has not corrected the apparent deficiency, his or her name shall not be placed on the registry.

- (F) Records. The Court Administrator shall maintain a separate file on each guardian ad litem or court visitor, which file will be maintained in the Superior Court office. Each file shall include the items listed in section (2)(C). The information contained in the files shall be open for public review during normal business hours.

(6) **Retention on Registry.**

- (A) Maintenance of Registry. The Court Administrator shall maintain the registry of those qualified to serve as a guardian ad litem or court visitor.

- (B) Removal From Registry. An individual shall remain on the registry unless removed by the Court Administrator for one or more of the following reasons:

- (i) The individual fails to maintain the statutory certification or court requirements for the registry;
- (ii) The individual him- or herself requests that he or she be removed;
- (iii) The Guardian ad Litem/Court Visitor Committee directs the Court Administrator to remove the individual pursuant to KGALR 7;
- (iv) The Guardian ad Litem/Court Visitor Committee directs the Court Administrator to remove the individual for any reason that places the suitability of the person to act as a guardian ad litem or court visitor in question; or,
- (v) Any other reason provided for by law.

Official Comment:

Applications for the guardian ad litem registry are available at the Superior Court office or online at <http://www.kitsapgov.com/sc/>.

*Amended June 21, 2011; effective September 1, 2011; September 1, 2013; September 1, 2014; amended, effective September 1, 2022.*

**KCLGALR 5            APPOINTMENTS OF GUARDIAN AD LITEM/COURT VISITOR**

(a) **Title 11 Appointments.** Application to the Court for appointment of a guardian ad litem or court visitor in all Title 11.130 guardianship and/or conservatorship proceedings shall be made by submitting an Order Appointing Guardian ad Litem/Court Visitor to the Superior Court office. The Superior Court administrator, or designee, shall provide, and the Court shall appoint, the guardian ad litem/court visitor whose name next appears on the rotational list, subject to the guardian ad litem's/court visitor's acceptance of the appointment.

(b) **Title 26 Appointments.** Application to the Court for appointment of a guardian ad litem in all Title 26 family law proceedings shall be made by submitting an Order Appointing Guardian ad Litem to the Superior Court office. The Court Administrator, or designee, shall provide three names that are next on the rotational list. Each party may, within three judicial days, strike one name from the list. The Order shall then be submitted to a judge or commissioner for signature or such other action as may be appropriate, and a copy delivered to the Superior Court office. The individual appointed guardian ad litem pursuant to this section shall have his or her name placed on the end of the rotational list.

If more than one name remains on the list, the Court shall appoint a guardian ad litem from the names on that list. The parties may make a joint recommendation for appointment of a guardian ad litem from the registry.

In the event none of the three names provided according to the rotational registry are acceptable to the parties, for good cause, the Court shall appoint the next individual on the random rotation list of approved registered guardians ad litem.

(c) **Deviation from list.** Any judge or commissioner who does not appoint the individual next on the rotational list, as supplied by the Court Administrator, shall comply with RCW 11.130.155 or RCW 26.09.220, RCW 26.12.175, and RCW 26.12.177, as appropriate, for the purposes of making an appropriate record of the reasons for the deviation. The Order, once signed, shall be presented to the Superior Court office for registry data. In the event a judge or commissioner approves an individual who is not next on the rotational list, the appointed individual's name shall go to the bottom of the rotational list.

(d) **Appointment by stipulation.** If the parties stipulate to recommend the appointment of a particular registered guardian ad litem or court visitor, the parties must present, prior to appointment, a written stipulation and Order signed by both parties and their attorneys which specifies the amount of the retainer charged, the agreement between the parties regarding payment of the retainer and the fees, and the hourly rate charged by the recommended individual. The Order, once signed, shall be presented to the Superior Court office for registry data. The individual appointed guardian ad litem or court visitor pursuant to this section shall have his or her name placed at the end of the rotational list.

(e) **Declining Appointment.** In the event the individual nominated as guardian ad litem or court visitor chooses not to serve, regardless of the reason, his or her name shall go to the end of the rotational list just as if he or she had served.

**(f) Fees.**

- (1) Limitations. Fees paid by Kitsap County shall be at the hourly rate set by the Superior Court judges upon the recommendation of the Court Administrator and published in the Court's administrative policy.
  - (i) Fees shall not exceed \$750 per case in Title 11 matters or \$1,875 per case in Title 26 matters. If additional fees are requested, a motion must be made to the Court with proper notice to all parties.
  - (ii) Reimbursement of travel costs shall only be approved for GAL or court visitor travel within Kitsap County boundaries.
- (2) Authorization. A copy of the Order authorizing County-paid fees and an affidavit of fees (Exhibit L) shall be submitted to the Court Administrator before payment will be made.
- (3) Private Pay Limitation for Title 11.130 GALs and Court Visitors. The hourly rate charged by Title 11 GALs in private pay matters shall not exceed \$275. Total private pay Title 11 GAL fees shall not exceed \$2,750 per case. If additional fees are requested, a motion must be made to the Court with proper notice to all parties.

*Amended, effective September 1, 2011; September 1, 2012; amended September 1, 2019, effective July 1, 2020; amended, effective September 1, 2022.*

**KCLGALR 7      GRIEVANCE PROCEDURES****(a) Submitting a Grievance**

- (1) Grievances in an Ongoing Case.
  - (A) *Scope.* This rule pertains to any grievance pertaining to the conduct by a guardian ad litem, court visitor, or volunteer GAL (VGAL) in a case currently pending before the Court.
  - (B) *Format.* A grievance under this rule must be brought to the attention of the Court in the form of a motion. For the motion to be heard by the Court it must be properly noted for hearing in compliance with local rules. In a case assigned to a particular judge, the motion must be noted for hearing before that judge. In all other cases the matter should be noted as follows: for Title 11 cases and cases filed under RCW 11.130 on the guardianship calendar; for Title 26 cases, on the domestic relations calendar (both calendars are held Fridays at 9:00 a.m.); or, for Title 13 cases regarding VGALs on the dependency calendars on Mondays and Wednesdays at 9:00 a.m. The grievance will be entertained only if raised by or on behalf of a party named in the case.

(E) *Response by Guardian ad Litem/Court Visitor/VGAL.* The guardian ad litem, court visitor, or VGAL may respond as provided by local rules governing motion practice.

(F) *Sanctions.* If the Court determines that the grievance has merit, the Court may remove the guardian ad litem, court visitor, or VGAL from the case or impose other sanctions. Grievances determined to have merit may also be forwarded to the Guardian ad Litem/Court Visitor Committee.

(2) Grievances Not Concerning an Ongoing Case.

(A) *Scope.* This rule pertains to any grievance pertaining to a guardian ad litem, court visitor, or VGAL other than grievances concerning a case currently pending before the Court.

(B) *Format.* Grievances shall be submitted in a written complaint, explaining in clear and concise language the grounds for the grievance. The complaint shall be directed to the Court Administrator for Title 11, RCW 11.130, and Title 26 grievances. The complaint shall be directed to the Director of Juvenile Court for complaints regarding VGALs. Grievances will be considered only if submitted in writing.

(C) *Action upon Receipt of Complaint.* Upon receipt, the Court Administrator/Director of Juvenile Court shall forward the complaint and any supplemental materials to the Guardian ad Litem/Court Visitor Committee. The complaint and any supplemental materials shall also be forwarded to the guardian ad litem, court visitor, or VGAL named in the complaint, and the source of the complaint identified to the guardian ad litem, court visitor or VGAL.

(D) *Authority of Court and Court Administrator/Director of Juvenile Court.* Nothing in these rules shall limit the authority of a judge, commissioner or the Court Administrator/Director of Juvenile Court to communicate to the Guardian ad Litem/Court Visitor Committee any concern about a guardian ad litem, court visitor or VGAL. Nor shall these rules limit the discretion of a judge or commissioner to remove, retain or sanction a guardian ad litem, court visitor, or VGAL, or party in a case before the Court.

(E) *Confidentiality.* Any written complaint pending against a guardian ad litem, court visitor or VGAL under this rule, and any associated information or documentation, shall remain confidential until merit has been found by the Guardian ad Litem/Court Visitor Committee.

**(b) Action by Guardian ad Litem/Court Visitor Committee.**

(1) Scope. The following rules apply once a grievance is forwarded to the Committee pursuant to (1)(D) or (2)(C).

(2) Review Procedure.

- (A) *Response to Grievance.* A guardian ad litem, court visitor, or VGAL who has received notice that a complaint has been filed against him or her may respond in writing within 30 days of when such notice was sent by the Court Administrator/Director of Juvenile Court. For grievances in pending cases the Committee will consider any motion materials submitted to the Court by the guardian ad litem, court visitor, or VGAL pursuant to (a)(1)(c).
- (B) *Action Pending Resolution.* At the discretion of the Committee, a guardian ad litem's, court visitor's, or VGAL's further participation on the registry or program may be suspended or denied pending resolution of the grievance. The guardian ad litem, court visitor, or VGAL shall be notified of any decision to suspend or remove their name from the registry pending resolution of the grievance.
- (C) *Basis of Decision.* The Committee shall consider grievances on the strength of written materials only; no oral testimony or argument shall be allowed.
- (D) *Time for Decision.*
- (i) *Grievances in an Ongoing Case.* For grievances pertaining to an ongoing case under section (a)(1), the Committee shall issue a decision no later than 25 days after the Court renders a decision on the aggrieved party's motion.
- (ii) *Grievances not Concerning an Ongoing Case.* For grievances under not concerning an ongoing case pursuant to section (a)(2), the Committee shall issue a decision no later than 60 days after the complaint is received by the Court Administrator/Director of Juvenile Court.
- (E) *Notice of Decision.* The guardian ad litem, court visitor, or VGAL, and the complaining party shall be notified of any action or decision on the complaint or grievance. A copy of the decision of the Committee shall be placed in the guardian ad litem, court visitor, or VGAL file maintained by the Superior Court Administrator/Director of Juvenile Court.

(3) Sanctions.

- (A) *Action by Committee.* In reaching its decision the Committee shall consider whether the guardian ad litem, court visitor, or VGAL failed to comply with the applicable statutes, court rules and/or the guardian ad litem Code of Conduct. The Committee, at its discretion, may then take any of the following actions:
- (i) Take no action;

- (ii) Impose additional reasonable requirements on the guardian ad litem, court visitor, or VGAL to permit the individual to continue to serve; or
- (iii) Remove the guardian ad litem, court visitor, or VGAL from the registry/program.

(B) *Removal from registry.* The Court Administrator shall immediately notify the Administrative Office of the Courts of the name of any guardian ad litem or court visitor removed from the Title 11, RCW 11.130, or Title 26 GAL registry. Notification to the AOC may be delayed up to 15 days to permit the guardian ad litem or court visitor to seek reconsideration of the decision under these rules.

**(c) Reconsideration of Decision**

- (1) Time for Request. The guardian ad litem, court visitor, VGAL, or complaining party may seek reconsideration of a decision by the Committee by doing so in writing to the Court Administrator/Director of Juvenile Court within 15 days of the date of decision.
- (2) Review of Request. The Court Administrator/Director of Juvenile Court shall forward the request for reconsideration and any supporting documents to the Presiding Judge. The Presiding Judge shall present the same to the Superior Court judges at their next regular meeting.

Official Comment:

A grievance concerning the conduct of a guardian ad litem, court visitor, or VGAL in an ongoing case must be brought to the attention of the judge or commissioner hearing that case. In bringing the issue to the Court, the aggrieved party must comply with local and state rules governing court procedure. *See, e.g.,* KCLCR 7 (local rules on filing a motion), KCLCR 77(k) (local rules on noting a motion for hearing). Grievances in ongoing cases become part of the court record and are therefore not confidential.

The terms “volunteer GAL” and “VGAL” are used in this rule, effective January 1, 2022, to denote Juvenile roles formerly referred to as “Court Appointed Special Advocates” or “CASA,” respectively.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2016; amended, effective September 1, 2017; amended, effective September 1, 2022.*



## KITSAP COUNTY LOCAL CRIMINAL RULES [KCLCrR]

### 1. SCOPE, PURPOSE AND CONSTRUCTION

#### KCLCrR 1.1 SCOPE

The local civil rules shall apply in all criminal proceedings when not inconsistent with these rules, the Superior Court Criminal Rules or applicable statutes. Local civil rules particularly applicable to criminal cases include but are not limited to the following rules:

KCLCR 7	Motions and briefs Motions in limine Reapplication for order Telephonic appearances.
KCLCR 16	Pretrial and Settlement Procedures
KCLCR 40	Notice to Court of Calendar and Jury Trial Changes
KCLCR 47	Jury - Jurors Peremptory Challenges
KCLCR 51	Jury Instructions
KCLCR 54	Counsel Fees
KCLCR 77	Court Hours Hearing of Motions
KCLCR 79	Withdrawal of Files and Exhibits from Clerk's Office

*Amended June 21, 2011; effective September 1, 2011.*

### 2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS

#### KCLCrR 2.4 JUSTIFICATION OF BAIL BOND COMPANIES AND SURETIES.

- (a) Any bail bond company or surety desiring to post bail bonds in Kitsap County Superior Court, District Court or Juvenile Court is required to annually obtain an Order of Justification by filing a petition and proposed order with the Kitsap County Superior Court for an order of justification and paying a filing file.
- (b) Petition Filing; Procedures; Hearing.
- (1) All petitions and orders shall be in the form provided by the Kitsap County Superior Court and filed with the Kitsap County Superior Court Clerk's Office no later than March 1 of each year, if the bail bond company or surety wishes to be justified to

conduct business in Kitsap County Courts for the following year. A conformed copy of the petition and order shall also be provided to the Civil Division of the Kitsap County Prosecuting Attorney's Office, not later than March 1 of each year.

- (2) Not later than March 31<sup>st</sup> of each year, the Civil Division of the Kitsap County Prosecuting Attorney's Office shall file either an objection to the issuance of the order of justification or, if no objection, an agreed order of justification. A copy of filed objections shall be served on the petitioner. Any reply by petitioner shall be filed with the Court and served on the Civil Division of the Prosecuting Attorney's Office no later than April 10.
- (3) The Court may either issue an order on the pleadings, or in its discretion set a justification hearing regarding a petition before April 30 of each year, with notice provided to the parties, and require the petitioner to attend and be examined under oath as to the petitioner's justification qualification as provided in RCW 19.72.040 and this rule. If testimony is taken, it shall be recorded.

(c) Petition Contents.

- (1) The petition for justification shall provide the following information identified below and such other additional identified in the form provided by the Kitsap County Superior Court:
  - a. Courts. Identify the name of the court(s) in Kitsap County in which authorization to post bail bonds is sought.
  - b. Types of bonds. Identify the types of bonds the petitioner is seeking to post.
  - c. Current suretyship obligations. Provide a current list of all suretyship obligations to all courts within the geographic limits of Washington State, including the following: i) the name of the courts; ii) the name of the defendants; iii) the amount of the bonds; and, iv) the dates issued.
  - d. Current bond forfeitures. Provide a list of current obligations to the courts in the way of bond forfeitures or other obligations incurred by the bonding company which have not been paid, or a statement that there are none.
  - e. Ownership. Provide for all persons, partnerships or corporations having any ownership interest in the bonding company, surety or any interest in its profits, a list of the names, addresses and dates of birth and percentage of ownership of each owner.
  - f. Agent List. Provide an alphabetical listing of the proposed bail bond agents who will engage in the sale or issuance of bail bonds on behalf of the petitioner in Kitsap County.

- g. Jurisdictions. Identify all jurisdictions where the petitioner is currently and has previously been justified or denied justification.
- (2) Documentation. Provide a true and correct copy of each of the following documents:
- a. Business License/UBI. Documentation from the Washington State Department of Revenue or Department of Licensing listing the bail bond company's UBI number.
  - b. Washington State Insurance Commission Certification. Current Washington State Insurance Commission Certification which contains a statement indicating if: i) the corporate surety is duly licensed and authorized to transact business of surety insurance; ii) the corporate surety is in compliance with all State insurance laws; iii) the corporate surety has paid all fees and taxes; iv) identifies all offices and employees of the bonding company appointed as agents of the corporate surety; and v) identifies all offices and employees of the bonding company licensed as insurance agents in the State of Washington.
  - c. Power of Attorney. A current fully executed power of attorney for each agent authorized to execute surety bonds and the maximum dollar amount of any single bond which the agent is authorized to execute.
  - d. Current Bonds. A current list of petitioner's total bond obligations by county, segregating property bonds from surety bonds;
  - e. Agent Licenses. A current copy of every agent's current Washington State Department of Licensing Bail Bond Agent License.
  - f. Declaration. A declaration signed under penalty of perjury by each owner and proposed agent stating that person's full name, any aliases, former name(s), including maiden name(s), address, dates of birth, criminal history conviction information including date of conviction and name of sentencing court; Washington State Department of Licensing disciplinary actions and open investigations.
  - g. Verified Financial Statements. As identified in the petition.
  - h. All petitions for an Order of Justification shall be verified under oath or certified under penalty of perjury as authorized by RCW 9A.72.085.
- (d) Bond Limits. No Order of Justification shall authorize a bonding company to write bonds exceeding two hundred fifty thousand dollars (\$250,000) for any single bond, provided that any company justified by the county may seek approval for authorization to bond for additional sums on an individual case.
- (e) Denial. The court may deny an order of justification in whole or in part to the extent a petitioner files a pleading that is incomplete, inaccurate or insufficient under the terms of

this rule, and may deny an order of justification in whole or in part for other good cause.

- (f) Order of Justification. If approved, the court shall sign an order of justification that shall designate the corporate surety on which surety bonds may be written, identify the name the authorized agents, set the maximum amount that may be written on any one bond by each surety, and specify any other conditions of justification.
- (g) Term. Unless revoke or suspended, an order of justification shall be in full force and effect for the period specified in the order, in any event not to exceed one year. All Orders of Justification shall expire at midnight on April 30 of each year.
- (h) Suspension; Revocation. An order of justification may be suspended or revoked at any time upon a determination of insufficiency or unreliability of the sureties or their agents or for such other reason as the court deems good cause. Suspension or revocation may be initiated by the Office of the Prosecuting Attorney upon filing a notice of intent to seek suspension or revocation with the Kitsap County Superior Court Clerk. The notice of intent to seek suspension or revocation shall include a short statement of the basis on which suspension or revocation is sought and shall be served on the bail bond company whose justification is at issue. A hearing will be set within thirty (30) days of filing and service of the notice of intent to seek suspension or revocation.
- (i) Additional Bail Bond Agents. During the period an order of justification is in effect, a petitioner may seek to add additional agents by filing with the Kitsap County Superior Court Clerk and serving on the Civil Division of the Kitsap County Prosecuting Attorney's Office a Notice of Intent to Add Agent(s) together with supporting information as required in paragraphs (c) (1) and (2). Absent objection by the Prosecuting Attorney, the intended agent(s) will be added without further order no later than the end of ten (10) court days after filing and service of said notice. In the event of objection, Petitioner may file a motion for review of the Notice of Intent to Add Agents(s), which shall be heard and determined by the Kitsap County Superior Court.
- (j) Removal of Bail Bond Agents. Bail bond companies shall notify the Kitsap County Superior Court and the Civil Division of the Kitsap County Prosecuting Attorney's Office when an agent authorized to post bonds under an order of justification is terminated from employment with the bail bond company. Failure to provide notice within twenty (20) days of the termination may constitute grounds for suspension or revocation of an order of justification.
- (k) Expiration or Revocation. Bail bond companies shall notify the Kitsap County Superior Court and the Civil Division of the Kitsap County Prosecuting Attorney's Office of any expired, revoked or otherwise invalid Washington State Department of Licensing or Insurance Commissioner Certification for the bail bond company or any agents of the bail bond company within three business days of the changed status. Failure to provide notice may constitute grounds for suspension or revocation of an order of justification.
- (l) Bail bond companies may file petitions and proposed orders to amend orders of justification to reflect changes in company information, including bond amounts and agents. Conformed copies of all petitions and orders shall be served on the Civil Division of the Kitsap County

Prosecuting Attorney's Office. Absent objection by the Prosecuting Attorney, the orders may be amended no later than the end of ten (10) court days after filing and service of said notice. In the event of objection, petitioner may file a motion to amend orders of justification, which shall be heard and determined by the Kitsap County Superior Court.

*Amended on an emergency basis, March 12, 2018, June 5, 2018; amended on a permanent basis, effective September 1, 2018.*

### **3. RIGHTS OF DEFENDANTS**

#### **KCLCrR 3.2 RELEASE OF ACCUSED**

**(a) Release of Accused; Domestic Violence; Mandatory Appearance.**

- (1) Any person arrested on Probable Cause (without an arrest warrant) for an offense classified as a Domestic Violence offense under Chapter 10.99 of the Revised Code of Washington as the same exists or shall hereafter be amended shall be held in jail pending the defendant's first appearance in the absence of a judicial order.

**(b) Bail Bond Transfer.**

- (1) In any case where a Defendant has arranged for a posting of a bond in District Court, and the Defendant was held under conditions of release set pursuant to CrRLJ 3.2.1 (PRELIMINARY HEARING ON FELONY COMPLAINT), and that same case has been bound over to Superior Court for proceedings under a felony information, the bond posted in District Court shall be automatically transferred over to Superior Court at no additional cost to the Defendant and the bond posted shall be applied against any bond amount required by the Superior Courts' conditions of release. In a similar manner, any bail bond posted by a defendant in Superior Court shall remain in effect at no additional cost in the event the defendant's case is transferred from Superior Court to District Court or Municipal Court. Nothing in this rule shall restrict the ability and the authority of the Superior Court, District Court, or Municipal Court to modify the conditions of release applicable in any case, to include increasing or decreasing the amount of bond required by the Superior Court, District Court or Municipal Court as the Court deems appropriate. After the case is bound over to the Superior Court, the Superior Court shall have sole authority to modify, exonerate or terminate the bond.

**(c) Pretrial Release Decisions for both Adults and Juveniles.**

- (1) Prior to an initial appearance before a judicial officer on a criminal charge or juvenile offense, court staff may conduct a pretrial risk assessment. The purpose of the pretrial risk assessment is to assist the court in considering relevant factors and conditions of release as set forth in CrR 3.2, JuCR 7.3/7.4, RCW 13.40.040 and RCW 13.40.050.

- (2) Pretrial risk assessments may include but are not limited to the following: an interview of the accused and/or other collateral contacts, criminal/juvenile offense history, failure to appear history, and in cases involving juvenile offenders, court staff may obtain information regarding probation compliance and/or school attendance as applicable.
- (3) Pretrial risk assessment interview of accused:
  - (a) During a pretrial risk assessment interview of the accused person, the interviewer may not ask the accused about facts related to actions resulting in the accused person's arrest/detention, except if required to address emergent medical or mental health concerns.
  - (b) Any substantive information regarding the underlying facts of the pending actions that the accused volunteers during the pretrial risk assessment shall be summarily disregarded and in no manner disclosed to anyone by the interviewer.
  - (c) Before a pretrial risk assessment interview of the accused, the accused person shall be advised of the purpose of the interview, including the following admonitions:
    - (i) the interview is voluntary, and the accused person can decline the interview or not answer specific questions;
    - (ii) interview information will be shared with the court, prosecution, and defense for the purpose of making pretrial release decisions;
    - (iii) court staff will use interview information to develop recommendations regarding pretrial release conditions and/or bail;
    - (iv) opting out of the pretrial interview or declining to answer specific questions will not preclude the accused person from release consideration by the court.
  - (d) The person conducting a pretrial risk assessment shall not testify at an adjudicatory fact-finding hearing or trial as to facts disclosed or discovered in the course of the assessment without the accused person's permission or court order. This protection does not apply to new criminal conduct committed during the pretrial risk assessment.
- (4) The pretrial risk assessment provided to the court shall be made in open court on the record or filed in a court file and made available to attorneys of record simultaneously or prior to it being made available to the Court.

*Amended, on an emergency basis, June 21, 2011; September 1, 2011; September 1, 2017;*

*Amended, on an emergency basis, April 1, 2020; amended, effective September 1, 2020, except Section (c) which is suspended, pending further consideration.*

**KCLCrR 3.4 PRESENCE OF THE DEFENDANT**

- (g) **Use of Restraints During Hearings.** Except under extraordinary circumstances, all in-custody defendants shall appear before the court unshackled when their case is called. In the event that there is a request to have the defendant appear in shackles before the court, a record shall be made as to the circumstances, including but not limited to: the seriousness of the present charge against the defendant; the defendant’s temperament and character; the defendant’s age and physical attributes; the defendant’s past record; past escapes or attempted escapes, and evidence of a present plan to escape; threats to harm others or cause a disturbance; self-destructive tendencies; the risk of mob violence or of attempted revenge by others; the possibility of rescue by other offenders still at large; the size and mood of the audience; the nature and physical security of the courtroom; and the adequacy and availability of alternative remedies.

Where prior shackling has been considered and ordered, an individualized inquiry into the use of restraints shall be made prior to every subsequent court appearance.

*Adopted, effective September 1, 2023.*

**4. PROCEDURES PRIOR TO TRIAL**

**KCLCrR 4.2 PLEAS**

A court commissioner authorized by Article 4, Section 23 of the Constitution of the State of Washington may accept pleas of adult criminal defendants in accordance with CrR 4.2.

*Amended June 21, 2011; effective September 1, 2011.*

**7. PROCEDURES FOLLOWING CONVICTION**

**KCLCrR 7.2 SENTENCING**

At sentencing, counsel should present all available and appropriate information regarding restitution. The determination of a restitution amount may be delayed pending the receipt of necessary information.

Unless otherwise ordered by the judge, the monies paid into the registry of the court shall be distributed in the following priority order:

- (1) Restitution to victims.
- (2) Victims of crime compensation fund.

- (3) Court costs.
- (4) Attorney fees.
- (5) SIU fund payments and other payments to Kitsap County funds.
- (6) Fines.

*Amended June 21, 2011; effective September 1, 2011.*

## **8. MISCELLANEOUS**

### **KCLCrR 8.1 CALENDAR MANAGEMENT**

Absent judicial approval, no matters shall be added onto any criminal calendars once the caseload cap has been reached. Caseload caps for the criminal calendars shall be established by written policy approved by the Superior Court Bench in consultation with the Clerk's Office. This rule does not apply to matters set in court by a judicial officer or to trial settings.

*Adopted, effective September 1, 2023.*

### **KCLCrR 8.2 FORM OF PLEADINGS**

All briefs or memoranda filed in criminal matters shall comply with the formatting requirements under KCLCR 10.

*Adopted, effective September 1, 2023.*



**KITSAP COUNTY LOCAL RULES FOR APPEAL OF DECISIONS OF  
COURTS OF LIMITED JURISDICTION (RALJ) [KCLRALJ]**

**TITLE 2. INITIATING AN APPEAL**

**KCLRALJ 2.6 CONTENT OF NOTICE OF APPEAL**

- (h) **Designation of Claimed Errors.** The notice of appeal shall include a statement of the errors the appealing party claims were made by the court of limited jurisdiction.
- (1) The notice of appeal shall identify the location of claimed errors in the transcript.

*Amended June 21, 2011; effective September 1, 2011.*

**TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT**

**KCLRALJ 3.1 NOTICE OF HEARING AND ASSIGNMENT**

- (a) **Notice; Hearing; Action That May be Taken.** After an appeal has been filed, the court shall note the case for status hearing and notify counsel/parties of the hearing. This hearing will be scheduled as soon as the briefing timelines as set forth in RALJ 7.2 have elapsed. At this hearing, the following action may be taken:
- (1) If appellant's brief has not been timely filed, the appeal may be dismissed on either respondent's or the court's motion;
- (2) If respondent's brief has not been timely filed, a hearing shall be set and the respondent will be barred from presenting oral argument; or
- (3) If both the appellant's brief and the respondent's brief have been filed, the matter will be assigned to a trial department for hearing on a date certain and the parties so notified.
- (4) If good cause is shown why the appellant's brief and/or the respondent's brief have not yet been filed, the court shall set a new briefing schedule and another trial/hearing date.
- (b) If, two days prior to the status hearing above scheduled, all parties notify the court scheduler and certify in writing that the briefs are filed and the matter is ready for trial, the presence of the parties or counsel at the status hearing is not required, and a trial date will be assigned and the parties notified.

This procedure shall be followed in both criminal and civil matters, excluding small claims.

*Amended June 21, 2011; effective September 1, 2011.*

**TITLE 6. RECORD ON APPEAL****KCLRALJ 6.3.1 TRANSCRIPT OF ELECTRONIC RECORD**

- (a) **Transcript by Appellant.** The appellant shall transcribe the electronic record.

*Amended June 21, 2011; effective September 1, 2011.*

**TITLE 7. BRIEFS****KCLRALJ 7.3 FILING AND CONTENT OF BRIEFS**

Each party shall file a brief pursuant to the requirements of RALJ 7.1 and 7.2.

- (a) **Content of Appellant's Brief.** The brief of the appellant should contain under appropriate headings and in the order here indicated:
- (1) **Title Page.** A title page, which is the cover, naming the Superior Court to which the appeal is taken and identifying: the cause number on appeal; the names of the parties; the title of the brief (for example: Brief of Appellant); and the name of the party filing the brief or the attorney filing it on his/her behalf.
  - (2) **Tables.** A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where cited.
  - (3) **Assignments of Error.** A separate concise statement of each error a party contends was made by the trial court, together with the issues pertaining to the assignments of error.
  - (4) **Statement of the Case.** A fair statement of the facts and procedure relevant to the issues presented for review, without argument. Reference to the record must be included for each factual statement.
  - (5) **Argument.** The argument in support of the issues presented for review, together with citations to legal authority and specific references to those portions of the record/transcript relevant to the issues argued.
  - (6) **Conclusion.** A short conclusion stating the precise relief sought.
  - (7) **Appendix.** An appendix to the brief if deemed appropriate by the party submitting the brief.

- (b) **Content of Respondent's Brief.** The brief of respondent should conform to section (a) and answer the brief of appellant. A statement of the issues and a statement of the case need not be made if respondent is satisfied with the statement in the brief of appellant. If a respondent is also seeking review, the brief of respondent must state the assignments of error and the issues pertaining to those assignments of error presented for review by respondent and include argument of those issues making specific reference to relevant portions of the record/transcript.
- (c) **Reply Brief.** A reply brief should be limited to a response to the issues in the brief to which the reply brief is directed.
- (d) **Failure To Include Information.** Failure to provide specific references to those portions of the transcript relevant to argument(s) on appeal may result in the dismissal of the appeal or the imposition of terms. References to the entire transcript or electronic record will not be acceptable or considered by the court.

*Amended June 21, 2011; effective September 1, 2011.*



Superior Court of Washington  
County of Kitsap

\_\_\_\_\_  
(Plaintiff/Petitioner),  
vs.  
\_\_\_\_\_  
(Defendant/Respondent).

No. \_\_\_\_\_

**NOTE FOR TRIAL SETTING**

**TRACK I – STANDARD CIVIL  
TRACK II – COMPLEX LITIGATION  
(NTTS)**

TO THE CLERK OF THE COURT AND TO:

**Please take notice that this case will be placed on the trial setting docket for assignment of trial on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

1. Nature of Case: \_\_\_\_\_
2. A jury  has  has not been demanded.
3. Estimated length of trial:  \_\_\_\_\_ hours  \_\_\_\_\_ days.
4. Preferred trial dates: \_\_\_\_\_
5. Dates unavailable for trial: \_\_\_\_\_

**CHECK APPROPRIATE SQUARES:**

- I have contacted all counsel and they agree the trial may be set any time after \_\_\_\_\_ (date).
- I have contacted all counsel and am unable to obtain agreement on trial dates. The Court will set the trial date.
- This case has been requested to be placed on Track II, Complex Litigation. Exhibit B, Request for Assignment to Civil Track II, has been filed as a separate document. If granted, the Court will assign a trial date at the Initial Management Conference.
- No contact has been made with other counsel/party, but all have been served with a copy of this notice in time to allow a response within 10 days.

I HEREBY REPRESENT TO THE COURT THAT THIS CASE IS AT ISSUE AND SHOULD BE SET FOR TRIAL.

- Plaintiff's claim exceeds \$100,000.00
- Plaintiff seeks relief other than a money judgment.
- Defendant's counter or cross claim exceeds \$100,000.00.
- Defendant's counter or cross claim seeks relief other than a money judgment.
- A trial de novo from arbitration has been requested.

Any party not in agreement with the information or estimates given in Note for Trial Setting shall file and serve at least three (3) days prior to the trial setting date a counter notice or written objection to setting. If an objection to setting is filed, counsel shall appear on the setting day before the civil motions judge, to argue the objection.

Trial will be set only if this form is filled out completely.

DATE: \_\_\_\_\_

SIGNED \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Exhibit A

List the name, address and phone number of all attorneys or parties who were provided notice:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_



Superior Court of Washington  
County of Kitsap

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s).

No. \_\_\_\_\_

**REQUEST FOR ASSIGNMENT TO  
CIVIL TRACK II**

**(RQACT)**

TO: PRESIDING JUDGE

The undersigned affirms that the above-captioned case is not subject to arbitration and requests that it be assigned to Civil Track II based on the information provided below and the supporting affidavit(s) attached hereto.

- Nature of subject matter, please state: \_\_\_\_\_
- Requires five or more days of trial.
- Presents unusually complex issues.
- Has numerous parties and witnesses.
- Requires extensive pre-trial motions.

Estimated length of trial: \_\_\_\_\_

Note for Trial filed:  Yes  No

Trial date, if set: \_\_\_\_\_  Jury  Non-jury

I have contacted other counsel and we agree on the following three dates within the next 60 days for our initial management conference:

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

DATED: \_\_\_\_\_

Attorney for \_\_\_\_\_

cc: All Counsel



**Superior Court of Washington  
County of Kitsap**

\_\_\_\_\_  
Petitioner,

vs.

\_\_\_\_\_  
Respondent.

No. \_\_\_\_\_

**NOTE FOR SETTLEMENT CONFERENCE  
OR SUPPORT MODIFICATION HEARING  
AND TRIAL SETTING**

**DOMESTIC RELATIONS – TRACK III**

**(NTC)**

**TO COURT SCHEDULER AND OPPOSING COUNSEL:**

Please take notice this case will be placed on the setting docket for assignment on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_ at 9:00 a.m.

**1 SETTLEMENT CONFERENCE:**

A. Nature of Issues

- Property Division                       Debt Division                       Maintenance
- Custody                                       Parenting Plan                       Visitation
- Other: \_\_\_\_\_

B. Preferred Settlement Conference dates within 45 days from this note:

C. Dates unavailable for settlement conference:

D. Settlement conferences are mandatory in all domestic relations cases except support modifications.

E. All parties must attend and be prepared to seriously negotiate settlement.

**2. SUPPORT MODIFICATIONS:**

A. Preferred Support Modification hearing dates within 60 days from this note:

B. Dates unavailable for Support Modification hearing:

**3. CHECK APPROPRIATE SQUARE:**

- I have contacted by telephone or mail opposing counsel/party/guardian ad litem who agrees the settlement conference/support modification may be set any time after \_\_\_\_\_ (date).
- I have contacted the opposing counsel/party/guardian ad litem by telephone or mail and have received no response. The Court is requested to set the hearing/settlement conference date.
- I have contacted the opposing counsel/party/guardian ad litem by telephone or mail and am unable to obtain agreement on hearing dates. The Court will set the hearing/settlement conference date.

4. Attestation Regarding Settlement Efforts (Required before a Settlement Conference is set per KCLFLR 6(b));

- Unless prohibited by the terms of a protective order, I have made a good faith effort to engage in settlement negotiations. Settlement discussions have been unsuccessful, requiring the need to proceed with the mandatory settlement conference.

I hereby represent to the Court that this case is at issue. If the case is not settled at the pre-trial conference, the Court is requested to assign a trial date.

DATED: \_\_\_\_\_

Signed: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Names, addresses and telephone numbers of other attorneys or pro se parties and guardian ad litem in this case:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_





SUPERIOR COURT OF WASHINGTON  
 COUNTY OF KITSAP

_____,  v.  _____,	Plaintiff(s),   Defendant(s).	NO. _____  <b>ORDER SETTING TRIAL DATE AND SETTLEMENT CONFERENCE</b>  (ORSTD/ORSCS/_____/ORACS)
--------------------------------	--	---

This case shall be heard on the following dates: **PLEASE SEE LCR 40(b)(4) RE: STANDBY**

<input type="checkbox"/> TRIAL	<input type="checkbox"/> SETTLEMENT CONFERENCE
DATE:	DATE:
TIME:	TIME:
TRIAL LENGTH:	LENGTH:
JURY: <input type="checkbox"/> 12 <input type="checkbox"/> 6 <input type="checkbox"/> Nonjury	
NATURE OF CASE:	
JUDGE ASSIGNED:	

**NOTE: IF YOUR CASE IS PUT ON STANDBY, YOU WILL BE REQUIRED TO BE IN COURT ON TWO HOURS NOTICE. COUNSEL ARE REQUIRED TO BE PRESENT IN THE TRIAL COURTROOM AT 8:45 A.M. ON THE FIRST DAY OF TRIAL.**

**SETTLEMENT CONFERENCE REQUIREMENTS:** At least five (5) court days prior to the Settlement Conference, all parties and counsel shall serve a complete Memorandum for Settlement upon the other party and provide the original for the Settlement Conference Judge. The parties shall, in all cases, be present, unless excused by the Court for good cause shown. Parties whose defense is provided by a liability insurance company shall personally attend said settlement conference and a representative of the insurer of said parties shall attend or be available by telephone, with sufficient authority to bind the insurer to a settlement.

**SETTLEMENT CONFERENCES ARE MANDATORY AND MUST BE CONFIRMED NO LATER THAN NOON THE COURT DAY BEFORE THE CONFERENCE AT 360-337-7140 OR [SUPCOURTCONFIRM@KITSAP.GOV](mailto:SUPCOURTCONFIRM@KITSAP.GOV). PARTIES MUST BE PREPARED TO SERIOUSLY NEGOTIATE SETTLEMENT.**

DATED:

\_\_\_\_\_

COPIES MAILED:



**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KITSAP**

		NO. _____  <b>ORDER SETTING CIVIL CASE EVENT SCHEDULE</b>  (ORSTD/ORSCS/_____/ORACS)
v.	Plaintiff,	
	Defendants.	

**IT IS HEREBY ORDERED** that the parties and their respective counsel shall comply with the following schedule, and that Sanctions, including but not limited to those set forth in the Local Court Rules may be imposed for noncompliance.

SCHEDULING AND CUTOFF DATES		
DAYS PRIOR TO TRIAL	DATE	DESCRIPTION
		Disclosure of possible primary witnesses
		Disclosure of possible additional witnesses
		Discovery cutoff
		Settlement Conference
		Last day to hear Dispositive Pretrial Motions
		Exchange of Witness and Exhibit Lists
		Joint Statement of the Evidence
		Filing of Trial Briefs
		TRIAL to begin at 9:00 a.m.

DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
HONORABLE

**COPIES MAILED:**



**SUPERIOR COURT OF  
WASHINGTON  
COUNTY OF KITSAP**

\_\_\_\_\_,  
Plaintiff/Petitioner

\_\_\_\_\_,  
Attorney for Plaintiff/Petitioner

vs.

\_\_\_\_\_,  
Defendant/Respondent

\_\_\_\_\_,  
Attorney for Defendant/Respondent.

NO.:

NOTE FOR MOTION DOCKET  
(NTMTDK)

**CLERK'S ACTION REQUIRED**

TO THE CLERK OF COURT AND ALL PARTIES:

Please take notice that the undersigned will bring on for hearing:

NATURE OF MOTION: \_\_\_\_\_

The hearing is to be held: DATE: \_\_\_\_\_, 20\_\_\_\_ TIME: \_\_\_\_\_ a.m./p.m.

AT: Superior Court of Kitsap County, 614 Division Street, Port Orchard, WA 98366

(List Calendar/Docket/Judge's Departmental/Special Set)

FAMILY LAW/DOMESTIC RELATIONS/SPECIAL SET HEARINGS: **ALL PARTIES AND COUNSEL ARE EXPECTED TO APPEAR IN PERSON UNLESS PRIOR ARRANGEMENTS HAVE BEEN APPROVED BY THE JUDICIAL OFFICER (eff. 7/1/23).**

CIVIL, PROBATE, GUARDIANSHIP DELINQUENCY, DEPARTMENTAL CALENDAR(S): **PARTIES AND COUNSEL MAY APPEAR IN PERSON OR VIA ZOOM.**

**ZOOM MEETING ID:** \_\_\_\_\_ **MEETING PASSCODE:** \_\_\_\_\_

You should confirm Zoom Meeting information the day prior to the hearing by clicking the "**Today's Calendar**" link at the Superior Court website: [www.kitsapgov.com/sc](http://www.kitsapgov.com/sc). Information will be posted no later than 4:30 p.m. the Court day prior.

For more information regarding remote appearances, please visit:

[www.kitsapgov.com/sc/Pages/remoteppearance.aspx](http://www.kitsapgov.com/sc/Pages/remoteppearance.aspx)

COURT COMMISSIONER MAY HEAR THIS MOTION:  YES  NO

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_



**Superior Court of Washington  
County of Kitsap**

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
Attorney for Plaintiff/Petitioner

vs.

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Attorney for Defendant/Respondent

No. \_\_\_\_\_

**REQUEST FOR CONTINUANCE  
(RQC)**

Please continue the hearing Re: \_\_\_\_\_

to \_\_\_\_\_, 200\_\_\_\_\_.

This hearing should be placed on the

- Civil
- Domestic
- Criminal
- Presiding Docket
- Probate
- Judge \_\_\_\_\_'s Departmental Calendar

CONTINUANCE:

- By Court Order
- Agreed
  - Orally
  - By Written Approval
  - Due to Absence of Opposing Counsel
  - On Request of Opposing Party

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney



**Superior Court of Washington  
County of Kitsap**

**DOMESTIC RELATIONS  
FORM- EXHIBIT G**

Date: \_\_\_\_\_

Settlement Conference Date: \_\_\_\_\_

Cause No.: \_\_\_\_\_

Submitted by: Petitioner  Respondent

**PARTIES:**

PETITIONER: SPOUSE NO. 1/PARENT NO. 1		RESPONDENT: SPOUSE NO. 2/PARENT NO. 2	
Name:	Age:	Name	Age:
Address:		Address:	
Email Address:		Email Address:	
Contact Phone Information:		Contact Phone Information:	

If Applicable:

Date of Marriage:	Date of Separation:
-------------------	---------------------

**FILL OUT THIS SECTION IF PARENTING or  
CHILD SUPPORT IS AN ISSUE IN DISPUTE**

*If Parenting and Child Support are Agreed or There are No Dependent Children - Please Skip This Section:*

**DEPENDENT CHILDREN:**

Name	Age	Child is born in this marriage	Child is from prior marriage	How much time spent with children		Since date you separated
				Parent No. 1 %	Parent No. 2 %	

**CHILD SUPPORT (if not agreed):**

**YOU MUST ATTACH: 1. Proposed Child Support Order, Support Worksheets and current pay stubs. Form WPF DR 01-050; and 2. Completed Financial Declaration if requesting a deviation. Form WPF DR 01-055**

1. Proposed Child Support Calculation:

	NET INCOME	SUPPORT calculated to be paid
Spouse No. 1/Parent No. 1	\$	
Spouse No. 2/Parent No. 2	\$	

2. How are the tax exemptions for the children currently divided and what are you proposing? \_\_\_\_\_  
 \_\_\_\_\_.

3. Exceptional support considerations: Please list here any reasons you believe the Court should **not** follow the support guidelines (see RCW 26.19.075 for legal standards the court must consider in order to deviate from the standard calculation): \_\_\_\_\_  
 \_\_\_\_\_.

4. Child Support presently being paid \$ \_\_\_\_\_ per month. Child support is paid  twice a month on \_\_\_\_\_ (date) and \_\_\_\_\_ (date) or  once per month on the \_\_\_\_\_ (date).

5. When child support payments begin? \_\_\_\_\_ (date). Have any child support payments been missed?  
 Yes – Amount: \_\_\_\_\_  No.

**PARENTING PLAN (if not agreed):**

**YOU MUST ATTACH: Proposed Parenting Plan.**

6. Please summarize your proposed parenting plan for your child/ren: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

7. Have you and the other parent talked about what each of you want as an outcome of your parenting plan?  
 Yes  No.

Please list all areas of the parenting plan that are in dispute and briefly describe how the parties disagree (attach additional pages as needed):

Primary Custody/Visitation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision Making: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Transportation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Issues: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Please describe how you have tried to resolve these disputes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Have you taken any parenting classes:  Yes  No, I plan to take it on \_\_\_\_\_ (date).

10. Are you and the other parent taking any type of co-parenting classes or counseling:  Yes  No. If "yes" please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR PENDING DISSOLUTION MATTERS – FILL OUT THE FOLLOWING SECTION  
IF MAINTENANCE IS BEING REQUESTED:  
*If Spousal Support/Maintenance is Agreed or is Not Requested - Please Skip This Section:***

**YOU MUST ATTACH: 1. Current Pay Stubs. 2. Completed Financial Declaration. Form WPF DR 01-055.  
3. Any other relevant financial information such as retirement/investment account balances.**

**MAINTENANCE:**

1. Requested by Spouse/Parent # \_\_\_\_: \$\_\_\_\_\_ per month; until \_\_\_\_\_ (end date).
2. If maintenance is presently being paid: Paid by Spouse/Parent \_\_\_\_ How much is being paid? \$\_\_\_\_\_ per month. When did maintenance payments start: \_\_\_\_\_(date)?

**TOTAL MAINTENANCE PAID TO DATE:** \_\_\_\_\_.

**SPOUSE/PARENT 1 INCOME:**

Employer/Other Source	Length	Gross Income	Net Income
Total Income			

**SPOUSE/PARENT 2 INCOME:**

Employer/Other Source	Length	Gross Income	Net Income
Total Income			

**Why Spousal Maintenance  Should  Should Not be Awarded and Summary of the Dispute over Maintenance:**

---



---



---



---



---



---



---



**FILL OUT NEXT SECTION IF ASKING FOR ATTORNEY FEES:**  
*If Payment of Attorney's Fees is Agreed or is Not Requested - Please Skip This Section*

**IF ATTORNEY FEES ARE BEING REQUESTED:**

I am asking that the other party pay \$\_\_\_\_\_ towards my attorney's fees.

1.	Incurred to Date	\$	Paid to Date	\$
2.	Ordered to Date	\$	Paid to Date	\$
3.	Requested to Date	\$	Estimate to Trial	\$

**FOR PENDING DISSOLUTION MATTERS - FILL OUT NEXT SECTION**  
**IF YOU OWN ANY PROPERTY OR OWE ANY DEBTS:**  
*If the Property Division is Agreed - Please Skip This Section*

**PROPERTY DIVISION:**

Asset Division:	Estimated Fair Market Value	Debt Owed if Any	Subtract the debt to get the NET amount to SPOUSE NO. 1	Subtract the debt to get the NET amount to SPOUSE NO. 2
<b>Real Estate:</b>				
Home	\$	\$	\$	\$
Other Real Property	\$	\$	\$	\$
<b>Vehicles (Year/Make):</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Furniture:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Tools/Equipment:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Recreational/Hobby Equipment:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Business/Profession:</b>				
Spouse No. 1/Parent No. 1	\$	\$	\$	\$
Spouse No. 2/Parent No. 2	\$	\$	\$	\$

<b>Bank Accounts/Savings/Investments:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Retirement: Nature of Retirement account: (401(k)), (Navy Retirement) (VA disability) (FERS/PERS)</b>				
Spouse No. 1/Parent No. 1	\$	\$	\$	\$
Spouse No. 2/Parent No. 2	\$	\$	\$	\$
<b>OTHER TAX DEFERRED Accounts: such as IRAs, TSPs, SEP or other individual 401(k)s</b>				
Spouse No. 1/Parent No. 1	\$	\$	\$	\$
Spouse No. 2/Parent No. 2	\$	\$	\$	\$
<b>Other Assets: List by type of asset and distribution:</b>				
<b>Spouse No. 1</b>				
	\$	\$	\$	\$
<b>Spouse No. 2:</b>				
	\$	\$	\$	\$
<b>ASSET TOTALS:</b>				
<b>Debt Division (Not Included in Asset Allocation as Debt Owed):</b>	Total amount due	Monthly Payment.	GIVE TO SPOUSE NO. 1	GIVE TO SPOUSE NO. 2
List Debts by Name of Creditor:	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )

	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
<b>TOTALS DEBTS:</b>	(\$ )	(\$ )	(\$ )	(\$ )
<b>Net Distribution to Each Spouse (Assets minus Debts = Net)</b>			\$	\$

What is the proposed percentage of the division between each spouse?

ASSET DIVISION: Spouse No. 1 \_\_\_\_\_% Spouse No. 2 \_\_\_\_\_%

DEBT DIVISION: Spouse No. 1 \_\_\_\_\_% Spouse No. 2 \_\_\_\_\_%

Describe your reasons for believing that this is a fair and equitable distribution of property and debts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**USE THE NEXT SECTION TO DESCRIBE ANY ATTEMPTS  
TO NEGOTIATE A SETTLEMENT (attach additional pages if necessary):**

1. Describe negotiations toward settlement to date: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

2. Where are the strongest disputes? Describe areas or issues where the parties strongly disagree: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

3. What would you like the Court to focus on during your settlement conference? \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**PLEASE PROVIDE A COPY OF THIS DOCUMENT TO THE OTHER PARTY AND SUBMIT THE ORIGINAL TO ROOM 210 OF THE KITSAP  
COUNTY SUPERIOR COURT BY NOON THE DAY PRIOR TO YOUR SETTLEMENT CONFERENCE. SEE KCLFLR 6.**



**Superior Court of Washington  
County of Kitsap**

\_\_\_\_\_,  
(Plaintiff),  
vs.  
\_\_\_\_\_,  
(Defendant).

No. \_\_\_\_\_

**NOTE FOR ARBITRATION SETTING  
INITIAL STATEMENT OF ARBITRABILITY**

**(STA)**

TO THE CLERK OF THE COURT AND TO:

Please take notice that this case will be placed on the arbitration setting docket at 9:00 a.m., on Friday, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for assignment to civil arbitration.

Nature of Case: \_\_\_\_\_

**INITIAL STATEMENT OF ARBITRABILITY**

- This case is subject to arbitration because the sole relief sought is a money judgment and involves no claim in excess of \$100,000.00 exclusive of attorney fees, interest and costs. (CAR 1.2)
- The undersigned contends that its claim exceeds \$100,000.00 but hereby waives any claim in excess of \$100,000.00 for purposes of arbitration. (CAR 1.2)

(1) Any party not in agreement with the Initial Statement of Arbitrability shall file and serve a response (KCLCR-Exhibit I) at least three (3) days prior to the arbitration setting docket date. If a response objecting to civil arbitration is filed, the Court shall administratively strike the matter from the Trial Setting Calendar. Dispute regarding the assignment to arbitration shall be noted and processed on the civil motions calendar in accordance with KCLCR 77(k).

DATE: \_\_\_\_\_

SIGNED \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

List the name, address and phone number of all attorneys or parties who were provided notice:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_



Superior Court of Washington  
County of Kitsap

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s).

No. \_\_\_\_\_

**RESPONSE TO STATEMENT  
OF ARBITRABILITY**

**(RSSA)**

TO THE CLERK AND TO ALL OTHER LAWYERS: (Per List on Reverse Side.)

The undersigned lawyer disagrees with the prior Statement of Arbitrability filed in this case and contends that this case:

- Should be arbitrated
- Should **not** be arbitrated

for the reasons indicated in Part II.

II. RESPONDED STATEMENT OF ARBITRABILITY

- This case is subject to arbitration because the sole relief is a money judgment, and it involves no claim in excess of \$100,000.00, exclusive of attorney fees, interests, and costs.
- The undersigned contends that its claim exceeds \$100,000.00, but for purposes of arbitration waives any claim in excess of that amount.
- This case is **not** subject to civil arbitration because:
  - (a) Plaintiff's claim exceeds \$100,000.00;
  - (b) Plaintiff seeks relief other than a money judgment;
  - (c) Defendant's counterclaim or cross claim exceeds \$100,000.00;
  - (d) Defendant's counterclaim or cross claim seeks relief other than a money judgment; or
  - (e) Case is not an appeal of a Small Claims Judgment from District Court.

III. INSTRUCTIONS

- 3.1 Important: Type the names and address of all lawyers on reverse side.
- 3.2 Serve a copy on the other parties and file the original with the COUNTY CLERK.
- 3.3 Provide a copy to the Arbitrator Department of the Superior Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for \_\_\_\_\_

Type Name: \_\_\_\_\_



**Superior Court of Washington  
County of Kitsap**

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s).

No. \_\_\_\_\_

**ARBITRATION AWARD**

(ARBA)

The issues in arbitration having been heard on \_\_\_\_\_, 20\_\_\_\_.

I make the following award:

Twenty days after the award has been filed with the clerk, if no party has sought a trial de novo under CAR 7.1, any party on notice to all parties may present to the Ex Parte Department a judgment on the arbitration award for entry as final judgment in this case.

Was any part of this award based on the failure of a party to participate at the hearing? Yes  No  (CAR 5.4)

If yes, please identify the party and explain:

Dated: \_\_\_\_\_

\_\_\_\_\_  
ARBITRATOR

**ORIGINAL TO BE FILED WITH THE SUPERIOR COURT CLERK, KITSAP COUNTY COURTHOUSE, TOGETHER WITH PROOF OF SERVICE ON THE PARTIES. A COPY MUST ALSO BE SENT TO THE SUPERIOR COURT SCHEDULER/JUDICIAL ASSISTANT.**

**[Rescinded].**

*Amended on an emergency basis, effective April 1, 2020; amended, effective September 1, 2020.*





**Superior Court of Washington  
County of Kitsap**

**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KITSAP COUNTY**

In re the Guardianship of :

No.

**ORDER RE GUARDIAN AD  
LITEM / COURT VISITOR  
FEES**

The Court finds that the Guardian ad Litem / Court Visitor fees herein are reasonable and should be granted.

**ORDER**

IT IS HEREBY ORDERED that fees in the amount of \$\_\_\_\_\_ and costs in the amount of \$\_\_\_\_\_ shall be paid to \_\_\_\_\_ by Kitsap County, Washington, for services in the above cited case.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented By:

\_\_\_\_\_

**Attached is Affidavit of Fees.**



Superior Court of Washington  
County of Kitsap

**SUPERIOR COURT OF WASHINGTON/TRIBUNAL SUPERIOR DE WASHINGTON  
COUNTY OF KITSAP/CONDADO DE KITSAP**

In Re the Marriage of: / *Respecto al matrimonio de:*  
 In Re the Parentage of: / *Respecto a la filiación de:*

\_\_\_\_\_  
Petitioner / *Demandante*

y

\_\_\_\_\_  
Respondent / *Demandado*

NO.

TEMPORARY RESTRAINING ORDER/  
*ORDEN DE RESTRICCIÓN TEMPORAL*  
(TMRO)

**I. NOTICE TO PARTIES / AVISO A LAS PARTES**

**1.1 An action has been started in this court that affects your marriage. Both parties are now required to obey the following order unless the court changes it. Either of you may ask the court to change or clarify this order. The court has the authority to punish violations of this order and to require the violator to pay attorney fees to the other party for having to bring the violation before the court.**

*En este Tribunal se inició una acción que afecta su matrimonio. Ambas partes están ahora obligadas a obedecer la siguiente orden a menos que el Tribunal la cambie. Cualquiera de ustedes puede pedir al Tribunal que cambie o esclarezca esta orden. El Tribunal tiene la autoridad para penar las violaciones a esta orden y exigir al transgresor que pague los honorarios de los abogados de la otra parte por haber tenido que presentar la violación ante el Tribunal.*

**II. ORDER / ORDEN**

**IT IS ORDERED / ASÍ SE ORDENA:**

**2.1 TEMPORARY ORDERS FOR ALL PARTIES / ÓRDENES TEMPORALES PARA TODAS LAS PARTES**

(a) Both parties are restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other of any extraordinary expenditure made after this order is issued.

*Se prohíbe a ambas partes transferir, quitar, gravar, ocultar, dañar o de otra forma disponer de cualquier propiedad excepto en el curso normal de la actividad comercial o las necesidades de vida, o según lo hayan acordado las partes por escrito. Cada parte deberá notificar a la otra sobre cualquier gasto excepcional realizado después de la emisión de esta orden.*

- (b) Both parties are restrained from assigning, transferring, borrowing against, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent children, whether medical, health, life or auto insurance, except as agreed in writing by the parties.

*Se prohíbe a ambas partes asignar, transferir, tomar prestado contra, permitir que caduque, ceder o cambiar el derecho de acceso a los beneficios de cualquier póliza de seguro de alguna o de ambas partes o de cualquier hijo dependiente, ya sea de un seguro médico, de salud, de vida o del automóvil, excepto según lo hayan acordado las partes por escrito.*

- (c) Unless the court orders otherwise, both parties are responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties.

*A menos que el Tribunal ordene lo contrario, ambas partes son responsables por sus propias deudas futuras, ya sean contraídas con la tarjeta de crédito, un préstamo, una hipoteca o derecho de garantía, excepto según lo hayan acordado las partes por escrito.*

- (d) Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court.

*Ambas partes deben tener acceso a todos los documentos sobre impuestos, financieros, legales y del hogar. El acceso razonable a estos documentos no se denegará a menos que haya una orden judicial.*

## **2.2 TEMPORARY ORDERS FOR PARTIES WITH MINOR CHILD(REN)/ ÓRDENES TEMPORALES PARA LAS PARTES CON HIJOS MENORES**

- (a) Both parents are restrained from changing the residence of the child(ren) until further Court order, except as agreed in writing by the parties.

*Se prohíbe a ambos padres cambiar la residencia de los hijos hasta nueva orden judicial, excepto según lo hayan acordado las partes por escrito.*

- (b) Each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.

*Cada padre deberá tener acceso total a los expedientes educativos y médicos de los hijos, a menos que el tribunal haya ordenado algo diferente.*

- (c) Each parent shall ensure that the child(ren) are not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).

*Cada padre deberá asegurar que los hijos no sean expuestos a comentarios negativos sobre el otro padre. Ningún padre podrá hacer comentarios negativos sobre el otro en presencia de los hijos.*

- (d) Unless waived pursuant to KCLFLR 10(d), within ninety (90) days of filing an appearance, answer or other responsive pleading in this action, both parties shall attend a court-approved parent education seminar. Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider.

*A menos que exista una exención conforme a la KCLRLR 10(d), dentro de los noventa (90) días de presentada una notificación de comparecencia, respuesta u otra contestación en esta causa, ambas partes deberán asistir a un seminario educativo aprobado por el Tribunal. Luego de completarlo, cada parte deberá presentar ante el Tribunal un certificado de finalización del seminario proporcionado por la agencia patrocinadora o el proveedor.*

- (e) At least sixty (60) days prior to trial, each parent shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

*Al menos sesenta (60) días antes del juicio, cada padre deberá proporcionar al otro padre un Plan de Crianza Propuesto, si aún no lo han hecho.*

**2.3 EFFECTIVE DATE OF ORDER/ FECHA DE ENTRADA EN VIGOR DE LA ORDEN**

The Petitioner is subject to this order from the time of filing the Petition. **The Petitioner shall serve a copy of this on the Respondent and file a declaration of service in the court file.** The Respondent is subject to this order from the time that the order is served. This order shall remain in effect until further court order.

*El Demandante está sujeto a esta orden desde el momento en que presentó la Demanda. **El Demandante deberá entregar una copia al Demandado y adjuntar una declaración del servicio de entrega al expediente judicial.** El Demandado está sujeto a esta orden desde el momento de la entrega. Esta orden estará vigente hasta nueva orden judicial.*

Dated/ Fecha: \_\_\_\_\_

\_\_\_\_\_  
COURT COMMISSIONER/JUDGE/JUEZA



**Superior Court of Washington  
County of Kitsap**

**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KITSAP COUNTY**

,		No.
	Petitioner(s)/Plaintiff(s)	<b>CERTIFICATION OF SETTLEMENT ATTEMPT</b>
v.		
	Respondent(s)/Defendant(s)	

COMES NOW the  Petitioner/Plaintiff  Respondent/Defendant who hereby certifies that s/he affirmatively contacted the opposing party/attorney on \_\_\_\_\_ at \_\_\_\_\_ am / pm to attempt good faith settlement discussions per KCLCR 16(a)(7) or KCLFLR 6(b).

Attorney for the  Petitioner/Plaintiff  Respondent/Defendant additionally certifies that s/he has properly prepared his/her client to engage in serious, good faith negotiations at the settlement conference, up to and including the development of a specific settlement position in advance of the settlement conference.

Settlement discussions have been unsuccessful, requiring the need to proceed with the mandatory settlement conference scheduled on \_\_\_\_\_.

Dated: \_\_\_\_\_, 20\_\_\_\_

---

Petitioner/Plaintiff/Attorney of Record  
 Respondent/Defendant/Attorney of Record