

## 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- (d) **Superior Court Always Open.** [Rescinded].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.
- (C) Pro Se Dissolutions. All pro se dissolutions will be heard at 1:30 p.m. on Wednesday.
- (D) Civil Protection Orders. Civil Protection Order matters will be heard at 8:30 a.m. on Thursday.
- (E) Temporary Relief. Show cause hearings and motions for temporary relief will be heard on Friday at 9:00 a.m. [See KCFLR 2.]

- (F) Child Support Modification. All child support modifications, including applications for post-secondary support, shall be heard by affidavit on Wednesday 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).]
- (G) Adoptions. Any adoptions requiring notice, including pro se adoptions, will be heard on Tuesday at 3:00 p.m. All other adoptions may be heard on any Ex Parte Calendar except Friday. [See KCLSPR 93.04.]
- (H) 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) Minor Guardianship Matters. Minor Guardianship matters will be heard at 1:30 p.m. on Tuesday.
- (8) Trial Settings. Trial setting dockets shall be Friday at 9:00 a.m. [See KCLCR 40(b)(1)(A).]
- (9) 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.]
- (10) 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).

(11) 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 or Minor Guardianship actions filed under RCW 11.130.
- (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.
- (iv) *Reapplication for Order. Reserved.* [See KCLCR 7(b)(1)(C) (reapplication for order).]
- (v) [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; amended by emergency order August 24, 2023, effective October 1, 2023; amended by emergency order December 19, 2023, effective January 1, 2024.*