LOCAL COURT RULES FOR SUPERIOR COURT OF SNOHOMISH COUNTY

Originally Effective September 1, 1989
Including Amendments Effective September 1, 2024

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(SCLCR)

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PART I. ADMINISTRATIVE RULES (SCLAR)

RULE 0.01 CITATION-SCOPE

These rules shall be cited as SCLR (Snohomish County Local Rules). When a rule creates a requirement or duty of an "attorney," "counsel," or "lawyer," the rule shall equally apply to a party pro se.

RULE 0.02 Organization of the Court

(a) Departments. The Superior Court for Snohomish County is organized into the following departments: A Presiding Judge's Department; Trial Departments; Court Commissioner Departments; and Juvenile Departments. Trial departments may be given special calendar assignments.

(b) Commissioners and Clerks. Except where otherwise required by law or court rules, the terms "judge" and "court" include commissioners. The term "clerk" includes deputies and other employees authorized to act on behalf of the clerk. Court Commissioners have the power, authority and jurisdiction established by RCW 2.24.040, including the specific authorization to accept pleas in adult criminal cases.

[Amended effective emergent September 1, 2020; effective permanent September 1, 2021]

(c) Disqualification of Judge. [Rescinded]

[Rescinded effective emergent September 1, 2020; effective permanent September 1, 2021]

(d) Judges Pro Tem. Judges pro tem shall be appointed by the Presiding Judge or designee, when required, in accordance with R.C.W. 2.08.180. Judges pro tem will be appointed from a list approved by the judges.

(e) Order in the Court-Arms-Recording Devices.

(1) Sheriff and Bailiff Preserve Order. The Sheriff or law enforcement officers, county security officers, and bailiff shall preserve order in the courtroom without special direction from the court, and may be armed.

(2) Courtroom Security. Commissioned peace or law enforcement officers, county security officers or bailiffs present in court shall be chargeable with maintaining courtroom security, under the direction of the judge, and pursuant thereto shall be permitted to possess firearms.

(3) Arms and Weapons Prohibited. No person, other than a county security officer, bailiff or commissioned peace or law enforcement officer, shall possess in court, or any area within the court's authority to prohibit or designate, any firearm or weapon, as defined by statutes relating to courtroom security, except as provided in this rule, unless such firearm or other weapon is or will be offered as an exhibit.

(4) Recording and Photography. The broadcasting, televising, recording or photographing of proceedings shall be allowed only with the approval of the court.

(f) Appearances-Business by Mail or Messenger.

(1) Appearances. All appearances before the court shall be by a party pro se, by an attorney admitted to practice in the State of Washington, by a legal intern authorized under A.P.R. 9, or by an attorney entitled to appear in a matter under A.P.R. 8(b).

(2) Presentation by Mail. Any order, finding, judgment or other document requiring the signature of a judge or commissioner may be presented by mail under the following conditions:

(A) Signature on Pleadings. All such documents shall bear the personal original signature of counsel or party pro se presenting the same, and the endorsement of approval or waiver of notice of presentation signed by all non-presenting parties not previously adjudged in default, or their attorneys.

(B) Covering Letter-Request for File. All such documents shall be accompanied by a covering letter of explanation personally signed by the presenting party pro se or an attorney and shall request the clerk to deliver the file to the judge or commissioner, if deemed appropriate.

(C) Return Envelope. A self-addressed envelope bearing sufficient pre-paid postage for the return of any requested conformed copies shall be enclosed; and if not, all such copies may be discarded. If no such envelope is enclosed, and for any reason the presented order(s) are not signed, the same may be discarded without further notice.

(D) Fees. A check or money order for all fees, including the clerk's processing fee, shall be included with the above documents.

(3) Presentation by Messenger. No order or judgment may be presented in open court or in chambers to any judge by any person not authorized to appear before the court as specified in these rules; provided, however, that an attorney or party may obtain from a judge or commissioner prior telephone or oral consent to the delivery of an order by a secretary, clerk, or messenger for signature in chambers, provided further, that such matters would not require testimony.

(g) Pre-assignments. Cases involving complex issues of fact or law, or in which substantial pretrial proceedings are anticipated, may be preassigned by the Presiding Judge or designee to a trial department at any time for pretrial proceedings and/or for trial. A pre-assignment may be made on motion of one or more parties to be decided without oral argument (unless requested by the court) or on motion of the court. If a jury trial is anticipated to last two or more weeks, including voir dire and motions in limine, the parties or counsel must move for pre-assignment. Confirmation of a motion for pre-assignment is not required.

[Amended effective September 1, 1997; Amended effective September 1, 2021]

RULE 0.03 COURT ADMINISTRATION

Administration of the court shall be by such rules, policies and administrative orders, as defined in GR 7(a), as are established by a majority of the judges with notice to the Snohomish County Bar Association. Such rules, policies and administrative orders shall be on file with the Court Administrator and Snohomish County Law Library. They shall be made available to the Snohomish County Bar Newsletter.
[Amended effective September 1, 2002]

RULE 0.04 PILOT PROJECTS

Pilot projects in Snohomish County Superior Court shall operate through published procedures approved by the court.
[Adopted effective September 1, 2000]

RULE 0.05 PRESIDING JUDGE

(a) Election and Term. The judges shall meet to elect a Presiding Judge by majority vote. The election shall occur during the month of December of the first year of the term of the current Presiding Judge. Selection criteria will be in accord with those delineated by GR 29. The term of the Presiding Judge shall be a minimum of two years and begin on January 1.

(b) Assistant Presiding Judge. The immediate past Presiding Judge shall serve as the Acting Presiding Judge in the absence, or upon request of the Presiding Judge during the first year of the Presiding Judge's term. The future Presiding Judge shall serve as the Acting Presiding Judge in the absence, or upon the request of the Presiding Judge during the second year of the Presiding Judge's term. In the event that the Presiding Judge and both the future and immediate past Presiding Judges are not available, the Presiding Judge may designate one or more Judges as Acting Presiding Judge.

(c) Duties. The Presiding Judge and Assistant Presiding Judge shall perform all duties of the position required by General Rule 29.

(d) Vacancies. 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.

(e) Committees. The Presiding Judge may create standing or ad-hoc committees to address policy matters relating to specific areas and appoint Judges to chair and serve on those committees.
[Amended effective September 1, 2005; amended effective January 14, 2015; amended effective September 1, 2015; amended effective September 1, 2023]

RULE 0.06 COURT RECORDS

Records Submitted for in Camera Review. Upon completion of in camera review of documents in a case, the documents shall be sealed by the clerk and maintained as an exhibit. The order sealing shall indicate the documents were

presented to the court for in camera review and shall contain the notation: The court records sealed herein shall be maintained as an exhibit.
[Re-adopted effective September 1, 2007]

PART II. GENERAL RULES

(SCLGR)

RULE 15. SEALING AND REDACTION OF COURT RECORDS

(c)(1) Motions to seal or redact court records pursuant to GR 15 shall be noted before a judge or regularly appointed Court Commissioner. Motions to seal or redact may not be heard by a Judge Pro Tem or Court Commissioner Pro Tem unless the motion is brought to seal/redact Juvenile Court records pursuant to RCW 13.50.050 and is unopposed by the State.

(2) Any party or interested person who moves to seal or redact a court record shall propose written Findings of Fact and Conclusions of Law which identify the compelling privacy or safety concerns which are alleged to outweigh the public interest in access to the court record. Copies of the written Motion to Seal or Redact and proposed Findings of Fact and Conclusions of Law shall be served on all other parties and to the court at least five (5) court days before the date fixed for such hearing.
[Amended effective September 1, 2020]

(3) Any party or interested person who moves to redact a court record shall provide the court, the clerk and each opposing party a redacted copy of the court record which is the subject of the motion to redact.
[Effective July 1, 2006 as emergency local court rule; effective September 1, 2006 as permanent local court rule; amended effective December 9, 2009; amended effective September 1, 2020]

RULE 19. REMOTE PROCEEDINGS

Consistent with standards that may be promulgated by the Office of the Administrator of the Courts, the Superior Court will maintain video conferencing and remote proceeding abilities for use where specified by these rules, ordered by the Court, or as necessary for the administration of justice.
[Effective September 1, 2021]

RULE 30. ELECTRONIC FILING AND SERVICE

(a) Electronic Filing Authorization, Exception, and Service.

(1) **Electronic Filing and Service.**

(a) **Mandatory Electronic Filing.** Attorneys shall electronically file (e-file) all documents using the Clerk's online e-filing application unless this rule provides otherwise. Unrepresented parties are not required to e-file but may do so.

(b) **Documents That Shall Not Be E-Filed**. The following documents must be filed in paper form and not e-filed:

- Original paper wills and codicils (excluding electronic wills), including will only and new probate cases that include original paper wills or codicils;
- Certified records of proceedings for purposes of appeal;
- Interpleader or Surplus Funds Petitions;
- Documents presented for filing during a court hearing or trial;
- Documents submitted for in-camera review pursuant to SCLCR 0.06 and GR 15;
- New cases or fee-based documents filed with an Order to Waive Fees or in accordance with GR 34;
- New case filings when there is a request for immediate relief;
- Affidavits for Writs of Garnishment and Writs of Execution

Comments: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(c) **Documents That May Be E-Filed**:
Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(d) **Waiver of the Requirement to e-file.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must make a showing of good cause and explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available, consider each application and provide a written response to the attorney. Attorneys who receive an approved waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

(e) **Non-Compliance with this Rule.** If an attorney files a document in paper form and does not have an approved waiver from mandatory e-filing, the Clerk is authorized to reject the document and return it to the attorney for e-filing.

(2) **Working Copies.** If authorized by court rule, Judicial working copies may be submitted directly to the judicial officer or to his/her court designee using the Clerk's e-filing application via the "serve only" option. Working copies shall be merged as one PDF and visibly display the

hearing date and time, case name, case number and submitting party on page one. Working copy items not suitable for e-filing shall continue to be required in paper form and presented pursuant to SCLCR 7(b)(2)(b) or the applicable rule for the relevant case type.

(3) **Electronic Service.**

(a) **Effecting E-Service.** When a party e-files a document, the party may electronically serve the document via the "serve only" feature within the Clerk's e-filing system. E-service under this subsection constitutes service under CR 5 and is complete as stated in CR 5(b)(7). An affidavit of service is required to be e-filed or filed as proof of service regardless of service method.

Exceptions: This subsection does not apply when a statute or rule requires that a document be personally served on the receiving party; or when the receiving party is not represented by an attorney and has not registered to accept e-service.

Comment: When using the "File and Serve" option to effect service, service will not be completed until the filed document has been accepted by the clerk's office. For immediate service of documents, use the "serve only" option.

(b) **Accepting E-Service**. Attorneys may elect to accept e-service via the Clerk's e-filing system in each case in which the attorney appears by providing their e-mail address on the "public service contact list". Likewise, a party that is not represented by an attorney may register their e-mail address to accept e-service via the Clerk's e-filing system in each case in which the party e-files a document. An affidavit of service is required to be e-filed or filed as proof of service regardless of service method.

[Adopted Emergent Effective July 31, 2020; Amended Effective September 1, 2022; Renamed from SCLCR 30 Effective January 10, 2024, scribe error- permanent September 1, 2024]

RULE 30.A DIGITAL SIGNATURES

[RESCINDED]

[Effective Emergent March 23, 2020; Effective Permanent September 1, 2020; Rescinded Effective November 18, 2022]

RULE 31.1. ACCESS TO ADMINSTRATIVE RECORDS

(i) Exemptions.

(6) Documents submitted to the Snohomish County Office of Public Defense or Superior Court related to an attorney's request for trial, adjudicatory hearing, or appellate court defense expert, investigator, or other services pursuant to SCLCrR 3.7, any report or findings submitted to the attorney, court, or Snohomish County Office of Public Defense by the expert, investigator, or other service provider, and the invoicing of the expert,

investigator or other service provider during the pendency of the case in any court shall be exempt from public disclosure pursuant to GR 31.1 and this local rule. Payment records are not exempt, provided they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.
[Effective January 1, 2017]

RULE 40. INFORMAL FAMILY LAW TRIALS (IFLT)

(1) **Scope of IFLT Trials**. Upon the consent of both parties and with approval of the court, Informal Family Law Trials (IFLT) may be held to resolve any or all issues in original actions or modification for dissolution of marriage, separate maintenance, invalidity, child support, parenting plans, residential schedules, relocation, child custody, and other family law matters as established by statute.

(2) **Selecting IFLT process for trial.** The parties may select an IFLT before trial by filing an Informal Family Law Trial Selection and Waiver form with the clerk. Each party may file the form and request the IFLT separately, or the parties my jointly request the IFLT.

a. **Presumption for IFLT if parties agree;** Agreement by the parties creates a presumption that the trial will proceed as an IFLT. However, the judge assigned for trial retains the ultimate discretion to find that an IFLT is not appropriate for a particular case, and the judge has discretion to order that the case proceed as a traditional family law trial. If the judge assigned for trial declines to follow the presumption for an IFLT, then it will be presumed that either party will have the right to a continuance if they request it.
b. **Notice of approval of IFLT trial;** If the selection is made by both parties at least 45 days before the trial date, court administration will confirm the selection of an IFLT by sending a letter to each party and any counsel at the address on file with the court. If the parties make their joint or independent selection closer than 45 days to trial, the presiding judge at civil trial call will notify the parties that their trial will be assigned out as an IFLT trial.

(3) **Compliance with other rules and procedures required.** Even if proceeding with an IFLT, the parties are still required to comply with rules regarding procedural and discovery requirements for litigation, notably:

a. **Documents required to be filed and submitted;** The parties must file documents specifically required by statutes, rules and court procedures, including:
    i. Proof of compliance with the Alternative Dispute Resolution requirements of SCLSPR 94.04(c)(3).

ii. Proof of compliance with pre-trial arbitration regarding child support and/or maintenance if subject to SCLSCCAR 1.2 and RCW 7.06.
iii. Compliance with the filing of certain financial documents as required by SCLSPR 94.04(e).
iv. Proof of Attendance at a parenting seminar if required by SCLSPR 94.04(d)(4).
v. Compliance with civil discovery and disclosure rules that require, at a minimum, the disclosure to the opposing party of any document or exhibit that a party plans to submit for review by the court supporting their position.
vi. Each party must file with the judge who is assigned for trial their proposed final order/decree for divorce/dissolution, and, if applicable, a proposed order regarding child support (with proposed worksheets) and a proposed parenting plan, as well as any other proposed order relevant to the issues to be resolved at trial.

b. **Evidentiary Documents prepared for submission as exhibits;** Each party must be prepared to provide to the judge assigned for trial any other document upon which they intend to rely as evidence. Such documents could include the following if relevant:
   i. If the court is required to divide real or personal property, each party should provide to the judge assigned for trial any documents related to the ownership or fair division of the property involved in the disputed division.
   ii. If a party is asserting claims of domestic violence or other criminal activity against the opposing party, the party should provide to the judge assigned for trial any documentation related to the claim – such as police reports, protection orders, evidence documenting a conviction, etc.
   iii. If a party has undertaken any rehabilitative programs and wants their participation considered by the court, the party should provide to the judge assigned for trial any related documents such as counseling records, substance abuse treatment, anger management/domestic violence classes, assessments, etc., that demonstrates completed or ongoing compliance in said programs.
   iv. If a party wants the judge to consider records associated with a child, such as report cards, attendance records, counseling records, etc., the party should provide such records to the judge assigned for trial.

c. **Working copies required;** Each party is required to prepare a trial notebook to submit to the judge assigned for trial that contains:

i. An indexed copy of the relevant documents identified in (3)(a) and (b), above, and (4)(f), below; and
ii. Copies of any other documents the party anticipates relying on in the IFLT.
iii. In their working copy notebook, the parties should also include a written summary of the issues that the party believes are important for the judge to consider. The court will inquire about these issues pursuant to (4)(c), below.

(4) **IFLT Trial Procedures;** When a trial is conducted pursuant to this rule, in accordance with ordinary trial management, the following procedures will be followed subject to discretion of the judge assigned for trial, who retains the discretion to modify any of these procedures as justice and fundamental fairness require, with prior notice to the parties.

a. **The Rules of Evidence do not apply;** The Rules of Evidence shall not apply to the proceedings. The judge hearing the matter shall determine the credibility and weight of the evidence that is offered.
b. **Formal consent to IFLT process;** At the beginning of an IFLT, the parties will be asked to affirm that they understand the rules and procedures of the IFLT process, they are consenting to this process freely and voluntarily, and they have not been threatened or promised anything for agreeing to the IFLT process. Parties must affirm that they waive the right to appeal the court's use of the IFLT process and the court's admission of evidence pursuant to the IFLT process that is not consistent with the traditional court process, court rules, and Rules of Evidence. However, nothing in this rule prevents a party from filing a direct appeal of any final order or decision after the IFLT.
c. **Summary of Issues;** The judge may ask the parties or their lawyers for a brief summary of the issues to be decided at the outset of the hearing. It would be a best practice to include a written summary of issues included in the trial notebook as well.
d. **Statements of the parties concerning issues in dispute;** Starting with the petitioner, each party will be allowed to address the court under oath concerning all issues in dispute and present evidence. A represented party is not questioned by their counsel but may be questioned by the judge to develop evidence required by any statute or rule; for example, the court may make inquiry into the applicable requirements of the Washington State Child Support Schedule if child support is at issue.
e. **Parties not subject to cross examination;** The parties will not be subject to cross-examination unless permitted by the court. However, the court will ask the non-presenting party or their counsel whether there are any other areas the party wishes the

court to inquire about. The court will inquire into these areas if requested and if relevant to an issue to be decided by the court.

f. **Declarations and expert reports;** Each party may also present up to five declarations (limited to 20 pages total) from laypersons who would otherwise be called as witnesses in a traditional family law trial. Each party may also present any expert reports as an exhibit. These documents are in addition to the documents described in paragraph 3, above.

g. **Acceptance of exhibits;** In addition to the documents described in subsection (f), above, the court shall also receive and admit other exhibits offered by the parties. The judge will determine what weight, if any, is given to each exhibit. The judge may also order the record to be supplemented with more documentation when necessary.

h. **Lay witnesses prohibited;** Neither side will call any lay witnesses. However, upon request of either party, an expert can be sworn and subjected to questioning by counsel, the parties, or the judge.

i. **Trial procedures the same for each party;** Following the petitioner's statement and presentation to the judge, the respondent shall present their case to the judge using the same procedure.

j. **Brief rebuttal and summation;** At the conclusion of the process, the parties or their counsel will be offered the opportunity to respond to the statements of the other party, and to make a brief legal argument.

k. **Decision**; At the conclusion of the case, the judge shall announce the ruling or may take the matter under advisement and make every effort to issue prompt rulings no later than the 90-day statutory requirement. The judge shall enter findings and orders consistent with statutes and case law.

l. **Court has discretion to modify trial procedure;** The judge may modify the trial procedures as justice and fundamental fairness require.

(5) **Opting out of IFLT selection and proceeding with a traditional trial;** The judge assigned to trial may refuse to allow the parties to utilize the IFLT. Additionally, a party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT at any time, using the following procedures:

a. **Pretrial Opt-out;** Pretrial motions to opt out of the IFLT and proceed with a traditional family law trial shall be noted on the Judges Civil Motions calendar on 5 days' notice to the opposing party; if the motion to opt out of the IFLT is agreed by the

opposing party, an agreed order to change the manner of trial may be presented ex parte to the court commissioner.

b. **Trial;** Motions to opt out of the IFLT made during the trial shall be directed to the trial judge.

c. **Presumption of trial continuance resulting from opting out;** There will be a presumption that any order to opt out of the IFLT will cause a trial continuance.

(6) **Selecting IFLT after traditional trial has started;** If the parties request an IFLT after a traditional trial has started, the court will consider whether instituting an IFLT process after the traditional trial process has started will prejudice either party or the best interests of any child. The decision to continue with a traditional trial is solely within the discretion of the judicial officer hearing the matter.

(7) Any change in the type of trial to be held may result in a change of the trial date.

[Adopted Emergent Effective April 13, 2023; permanent September 1, 2023]

PART III. CIVIL RULES (SCLCR)

I. INTRODUCTORY (RULES 1-2A) [RESERVED]

II. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS (RULES 3-6)

RULE 3. PETITION TO RESTORE FIREARMS

(a) Petitions to restore firearm rights may be brought under a civil cause number pursuant to the civil rules, or under the cause number of the original conviction of the prohibiting crime(s).

(b) A party filing a petition to restore firearms rights must serve the Snohomish County Prosecutor, or his or her designee, at least 42 days before the scheduled hearing date. A petition that is not filed within the requirements of this rule will not be heard on the date noted for hearing.

(c) Service on the county prosecutor or his or her designee shall be made by (i) hand delivering a copy to the office of the prosecuting attorney and leaving it with the prosecutor, a deputy prosecutor, or clerk employed by the prosecutor’s office or (ii) by mail. If service is by mail the provisions of CR 5(b)(2)(A)&(B) shall apply.

(d) Within 10 days of service of the petition, the prosecutor shall take reasonable steps to notify the listed victim of a prohibiting crime and any person who previously obtained a full protection order or no-contact order against the person petitioning for restoration of firearm rights, if those persons have requested notification, and any other person entitled, by statute, to notice, of the procedure to provide a sworn written statement regarding the existence of any additional facts or information that they may have relevant to whether the person petitioning for restoration of firearm rights meets the requirements for restoration under the law.

(e) The prosecutor shall file a response to the petition to restore firearms rights. The response shall be in writing and shall include:

(i) A declaration that the prosecuting attorney has reviewed the relevant records, including written verification from Washington state patrol that Washington state patrol has conducted a records check of all civil and criminal records relevant to the prohibitors in RCW 9.41.040, and based on that information, whether there is sufficient evidence to determine that the person petitioning for restoration of firearm rights meets all the requirements set forth in RCW 9.41.040 and in this section to petition for and to be granted restoration of firearm rights; and

(ii) all steps taken to comply with section (d) of this rule; and

(iii) any other information required by statute to be provided.

The response to the petition and the written statements identified in section (d) of this rule shall be filed and served at least five days before the scheduled hearing date.

[Adopted New September 1, 2011; amended September 1, 2014; amended September 1, 2022; amended effective September 1, 2023]

RULE 6. TIME

(d) For Motions--Affidavits.

(1) *Notes for Civil Motions Calendar*. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12 noon two (2) court days prior to the hearing. Copies of any documents replying to the response must be filed with the clerk and served on all parties and the court not later than 12 noon of the court day prior to the hearing. This section does not apply to CR 56 summary judgment motions. Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings.

(2) *Notes for Family Law Motion Calendar*. Any party desiring to bring any family law motion, other than a motion to reconsider (governed by SCLCR 59), on the family law motion calendar must file such motion documents with the Clerk and serve all parties and the court at least twelve (12) days before the date fixed for such hearing. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than

12:00 noon five (5) court days before the hearing. Copies of any additional responding or reply documents must be filed with the clerk and served on all parties and the Court not later than 12:00 noon three (3) court days before the hearing.
Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings.
[Adopted September 1, 2012]

III. PLEADINGS AND MOTIONS (RULES 7-16)

RULE 7. PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(2) *Form*.

(a) Notes for Motion. The motion documents must include an order to show cause or a note for motion calendar, the motion, and supporting documents. The note for motion calendar must be on the form approved by the court. The note for motion calendar must be signed by the attorney or party pro se filing the same, with the designation of the party represented. The note for motion calendar must identify the type or nature of relief being sought. The note or other document shall provide a certification of mailing of all documents related to the motion. The certificate shall state the person and address to whom such mailing was made, and who performed the mailing. Absent prior approval of the court, materials will not include audio or video recordings.
[Amended effective September 1, 2023]

(b) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered by the party filing such documents to the judicial officer who is to consider the motion no later than the day they are to be served on all other parties. All working copies shall state, in the upper right corner, the following: the date and time of such hearing, the jurist assigned, if any, and the Department or room number of the department where the motion is to be heard.

(c) Late Filing; Terms. Any material offered at a time later than required by this rule may be stricken by the court and not considered. If the court decides to allow the late filing and consider the materials, the court may continue the matter or impose other appropriate remedies including terms, or both.

(d) Motion; Contents Of. A motion must contain the following (motions shall comply with any applicable mandatory form requirements):

1. Relief Requested.

The specific relief the court is requested to grant;

2. Statement of Grounds.

A concise statement of the grounds upon which the motion is based;

3. Statement of Issues.

A concise statement of the issue(s) of law upon which the court is requested to rule;

4. Evidence Relied Upon.

The evidence, on which the motion or reply is based, shall be identified with particularity. Absent prior court approval, this evidence shall not include audio or video tape recordings. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim, or a photocopy of relevant pages thereof must be attached to the motion. Deposition testimony in connection with a motion shall not require publication thereof unless a challenge is made thereto, and good cause is shown for such publication by an opposing party. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the court. Any document in a language other than English shall be filed with a coversheet identifying the document.

5. Legal Authority.

Any legal authority relied upon must be cited. Provided that items 2. through 5. above may be contained in a memorandum of authority in support of the motion.

6. Reapplication on Same Facts.

Except as stated below, when a motion has been ruled upon in whole or in part, the same motion may not be later presented to another judge. If the prior ruling was made without prejudice or when the prior motion has been granted conditionally, and the condition has not been met, any subsequent motion may be presented as set forth below. Reapplication shall be made in the same manner as a motion to reconsider.

NOTE: SEE SCLCR 59 FOR MOTIONS FOR RECONSIDERATION.

7. Subsequent Motion; Different Facts. If a subsequent motion is made upon alleged different facts, the moving party must show by affidavit what motion was previously made, when and to which judge, what order or decision was made on it, and what new facts are claimed to be shown. For failure to comply with this requirement, the subsequent motion may be stricken, any order made upon such subsequent motion may be set aside, or provide such other relief as the court deems appropriate.

8. Land Use Petition Appeals.

(a) Filing. A party filing a Land Use Petition Appeal (LUPA) shall note a motion and an initial hearing, on the civil motions calendar pursuant to RCW 36.70C.080, within seven days after serving the LUPA petition on the parties identified in RCW 36.70C.040(2). At the same time the motion is noted, the party filing the petition shall deliver working copies for the Superior Court Presiding Judge to Court Administration for pre-assignment of a judge. The pre-assigned judge will handle the initial hearing. After pre-assignment, the matter shall then be stricken from the Civil Motions calendar. The motion and initial hearing will be set no sooner than 35 days and no later than 50 days after service of the parties.

(b) Motion. The Motion shall include the following:

1. Request for pre-assignment for initial LUPA Hearing

2. Specific relief and/or action sought at this time

3. List of the names, e-mail addresses (if known), telephone numbers and mailing addresses of all other attorneys in the case and/or all other parties requiring notification regarding this case

4. Proposed outline of hearing/filing deadlines based on the filing date as directed by statute.

5. Any other matters required by RCW 36.70C.080

(c) Pre-assignment. The presiding judge will assign the case to a judge who will handle the initial hearing and all other hearings in the case. The assigned judge may reschedule the initial hearing, if necessary, based on the assigned judge's availability.

(d) Other parties. The other parties shall note all matters required by RCW 36.70C.080 to be heard at the initial hearing.

[Amended effective September 1, 2017]

9. Confirmation Process.

(a) Manner of Confirming. Unless these rules indicate that confirmation of a particular motion is not required, in order that a motion, or an order to show cause, or matter be argued or ruled upon, a party pro se or attorney for the moving party must confirm their hearing before 12:00pm two (2) court days prior to the hearing; provided however, motions for summary judgment heard on the judges 9:30 a.m. civil motions calendar must be confirmed before 12:00pm three (3) court days prior to the hearing; otherwise, the matter will be stricken. Confirmations are accepted for a 24-hour period beginning at 12:00 p.m. the court day before the confirmation deadline. Only by stipulation of the parties and agreement of the court may an unconfirmed matter be heard. Confirmations shall be made electronically at www.snohomishcountywa.gov/Confirmations , or by telephone to (425) 388-3587. The case name, cause number, date and time of the motion, title or type of motion, calendar on which the motion appears, the name and telephone number of the person confirming, and e-mail address of the person confirming when confirmation is accomplished electronically, is information which must be provided to the person or recording taking the confirmation. The court may establish written rules to prioritize the setting of certain types of cases in sessions with hearing limits.

[Amended effective September 1, 2021; amended emergent effective May 12, 2022; amended permanent effective September 1, 2022; amended effective September 1, 2024]

(b) Strikes or Continuances. The court must be notified immediately if any confirmed matter will be stricken or continued. No confirmed matter may be continued after 5:00 p.m. two court days before the hearing, except by leave of the court. Failure to notify of such continuance or strike of a confirmed motion may result in sanctions and/or terms.

[Amended effective September 1, 2017]

10. Time and Place of Hearing.

(a) Times, days, and locations of various motions shall be as set forth in the Snohomish County Superior Court administrative order entitled Times, Days, and Location of Various motions. A summary of common civil motions is set forth in Table A, which can be found on the court's website: https://www.snohomishcountywa.gov/6297/Motions. The most common and current calendars can be found here: https://snohomishcountywa.gov/1338/Calendars-and-Schedules. Calendars and summaries subject to change without formal notice as needs arise. Any person noting a hearing should confirm the time and location for their hearing before filing their calendar note.

[Amended effective emergent December 21, 2020; amended effective emergent November 18, 2020; amended effective September 1, 2020; amended effective September 1, 2021; amended emergent effective January 1, 2022; permanent effective September 1, 2022; amended emergent effective September 6, 2022, amended effective September 1, 2023]

(b) Unopposed Matters. If no one appears in opposition to a motion at the time set for hearing, the court may enter the order sought, unless the court deems it inappropriate to do so. If no one appears in support of a motion, the court may strike the matter or deny the motion unless the court deems it inappropriate to do so.

(c) Manner of Hearing. Parties shall appear in person or remotely to present oral argument, unless the Court indicates that it will decide a particular motion on the pleadings alone or that in person appearance is required.

(1) Judge's Civil Motions: In person hearings will be held in the assigned department of the judge who will be hearing the calendar. Remote hearing information for Judge's Civil Motions is available here: https://snohomishcountywa.gov/5772/Judge-Civil-Motions. Parties and counsel will be notified by the law clerk for the assigned Judge no later than 4:30pm the day before the hearing if a motion will be decided without oral argument.

(2) Commissioner Civil Motions: In person hearings will be held in Courtroom 1B. Remote hearing information for Commissioner Civil Motions is available here: https://www.snohomishcountywa.gov/5660/TelephonicRemote-Appearances-Zoom-Hearing. To determine whether a motion will be decided without oral argument, parties and counsel should review the Snohomish County Superior Court Commissioner Hearings Page: https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30 p.m. on the last day of the confirmation period.

[Effective September 1, 2021]

(d) Time for Argument Special Setting. No more than five (5) minutes per side will be allowed for argument unless specially permitted by the court. If more than one half (1/2) hour of judicial time, including preparation and in-court time, is required, the moving party shall at the earliest possible opportunity advise the confirmation clerk or law clerk/bailiff of the judge who will be hearing that calendar. The matter may then be pre-assigned, specially

set, or placed on the trial calendar, at the discretion of the Presiding Judge or designee. If placed on the trial calendar, unless otherwise authorized by the court, the parties or their attorneys shall be present for the trial calendar call on the day of the setting. Upon stipulation of all parties or upon court order, a motion may be presented without oral argument.

(e) Shortening time. Before taking any action on less notice than that required by this or any other rule, a party must present a motion and affidavit, and must obtain an order to shorten time. The documents may be presented ex parte if the motion contains a written certification that the other parties pro se or attorneys were notified of the time and place of the hearing requesting the order shortening time.

11. Presentation of Order.

Each party shall have a proposed order prepared at the time the motion is called for hearing. Unless specifically authorized by the court, the prevailing party shall present a proposed order before the conclusion of the calendar on which the matter was heard.

12. Motions for Revision of Commissioner's Order.

(a) A party seeking revision of a commissioner's order shall, within the time specified by statute, file and serve on all other parties a motion and completed calendar note. The filing of the written order of the commissioner shall commence the running of the time. Except as set forth in (B), below, review of rulings shall be de novo on the materials submitted to the commissioner. It is the responsibility of the party seeking revision to provide the Judge with working copies of the motion and all materials submitted to the Commissioner for consideration. However, the Court will not consider any supporting materials not previously filed and provided to the Commissioner in support of or in opposition to the order for which revision is sought, or any materials stricken or not considered by the Commissioner**.** Except as set forth in (B), below, a transcript or recording of proceedings held before the commissioner shall not be filed or considered by the Court, unless specifically authorized by the judge hearing a motion to revise. Any motion for revision shall state each particular finding of fact, conclusion of law, order or ruling for which revision is sought. Any such motion shall additionally contain a brief statement, for each such claimed error, which states the movant's claim of the correct finding, conclusion, order, or ruling. The Motion for Revision shall be filed timely and shall be scheduled by the movant to be heard not more than 14 days after the motion is filed.

(b) Revision of a Civil Commitment Order or Civil Protection Order including Sexual Assault Protection Order, Extreme Risk Protection Order, or Vulnerable Adult Protection Order.

Motions to revise a Commissioner's order as to any civil commitment order or civil protection order shall be as set forth in (A), above, except as follows:

i. The review of the rulings shall be de novo on the materials submitted to the commissioner and on the recorded or reported record of the hearing.

[Amended emergent effective September 6, 2022; amended permanent September 1, 2024]

[Adopted effective October 1, 1990; amended July 1, 1991; amended September 1, 1992; amended September 1, 1993; amended September 1, 1994; amended September 1, 1996; amended September 1, 1997;, amended September 1, 1998; amended September 1, 1999; amended September 1, 2000; amended September 1, 2001; amended September 1, 2002; amended September 1, 2003; amended September 1, 2005; amended September 1, 2006; amended September 1, 2007; amended as emergent December 12, 2007; amended September 1, 2008; amended September 1, 2009, amended emergent January 13, 2010; amended September 1, 2010; amended September 1, 2012; amended emergent December 7, 2012, amended September 1, 2013, amended September 1, 2016; amended September 1, 2017; amended September 1, 2018; amended September 1, 2020; amended effective September 1, 2021; amended effective September 1, 2023; amended effective September 1, 2024]

RULE 9. TORRENS ACT PETITIONS (Chapter 65.12 RCW)

[RESCINDED]

[Adopted Effective February 1, 2019; rescinded emergent effective June 9, 2022; rescinded permanent effective September 1, 2022]

RULE 10. FORM OF PLEADINGS AND OTHER PAPERS

(h) Unsuitable Materials Filed as Pleadings or Documents. The format requirements of GR 14 shall apply to motions and attachments to pleadings and other papers filed with the clerk. Any item presented to and accepted by the clerk for filing that does not comply with GR 14 and is not a document, such as compact disks, digital video disks, audio tapes, thumb drives, and similar devices containing recorded information, shall be treated as an exhibit and may be converted to an exhibit without further order of the court. In order to make such recorded information part of the permanent court record, they must be transcribed by the filing party and filed as a document in paper format. All exhibits filed with the clerk are subject to the Secretary of State's exhibit retention schedule.

The clerk has the authority to reject filings that are not presented in proper form required by rules or practices pursuant to CR 5(e) and GR 14.

(i) Action Documents. Pleadings or other papers requiring action on the part of the clerk, other than file stamping, docketing and placing in the file, shall be considered action documents. Action documents shall include a special "Clerk's Action Required caption directly below the case number on the first page.

(j) Caption – Names of Parties.

(1) For all cases, including criminal, protection order, family law, parentage, and all juvenile matters, case initiating document(s) shall include the names of all known parties in the caption.

(2) In the event the filing party seeks to conceal the name of one or more party, the filing party may file the case initiating document(s) using the initials of the party and must immediately seek an order from the Presiding Judge or the Civil Motions Judge pursuant to motion practice rules, and GR 15

sealing and redaction rules, allowing the case to proceed using initials. If no motion is filed with the case initiating documents, the clerk shall reject the case. If the court denies the order to proceed using initials to identify a party, the order will instruct the clerk and the parties as to a new caption for the case using names of the parties, after affording the plaintiff the opportunity to file a motion to dismiss pursuant to CR 41.
[Amended September 1, 1993; Amended September 1, 1994; Amended September 1, 1997; Deleted September 1, 2001; Amended September 1, 2012; Amended effective September 1, 2019]

RULE 11. SIGNING OF PLEADINGS

(a) Address of Party Appearing Pro Se. A party appearing pro se shall state on a notice of appearance, pleadings, and other documents filed by such party, his/her mailing address, street address where service of process and other papers may be made, telephone number and e-mail address. A party pro se shall advise the court and other parties by written notice of any changes of address and/or telephone and e-mail address. Upon request, the clerk shall provide a form, approved by the court, for this purpose.
[Amended effective September 1, 2010; September 1, 2012]

(b) Notice of Rule Requirements. When a party physically appears in court, pursuant to process served upon him/her, but without an attorney and without filing a written pleading or other paper, the clerk shall deliver a printed Notice of Appearance form containing the substance of subsection (a) of this rule and approved by the court. This notice shall be completed by the party pro se and filed.
[Amended effective September 1, 1993]

RULE 15. AMENDED AND SUPPLEMENTAL PLEADINGS

(e) Interlineations.

(1) Pleadings and Other Papers. Interlineations, corrections and deletions on pleadings and all other papers to be filed with the clerk shall be initialed by the party or counsel filing them.
[Amended September 1, 2009; Amended September 1, 2012]

IV.PARTIES (RULES 17-25) [RESERVED]

V. DEPOSITIONS AND DISCOVERY

(RULES 26-37)

RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY

(k) Completion of Discovery. Unless otherwise stipulated to by the parties, or ordered by the court upon good cause shown and such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementation thereto must be completed no later than 35 calendar days prior to the date assigned for trial. Nothing herein stated shall modify a party's responsibility to promptly supplement responses to discovery rules or otherwise comply with discovery prior to the 35-day cutoff. In any case brought under Title 26 R.C.W. discovery shall be completed no later than 14 calendar days prior to the trial date. Motions to compel shall be made before the discovery cutoff date except upon a showing of good cause.
[Adopted effective September 1, 2012; amended effective September 1, 2017; amended effective September 1, 2018; amended effective September 1, 2019]

(l) Disclosure of Expert Witnesses. In all family law and civil matters, expert witnesses shall be disclosed 30 days prior to the discovery cutoff date, unless otherwise ordered by the court.
[Adopted Effective September 1, 2018]

VI. TRIALS (RULES 38-53.2)

RULE 38. JURY TRIAL OF RIGHT

(b) Demand for Jury.

(1) Must Be on Separate Document. A Demand for Jury Trial shall be contained in a separate document.

RULE 40. ASSIGNMENT OF CASES; SETTING OF TRIALS-FILING OF PLEADINGS-TIME OF TRIALS-CONTINUANCES-SETTLEMENT

(b) Methods; Noting of Non-criminal Cases.

(1) The original Note for Trial, on the form approved by the court, is to be filed and served in the manner provided in CR 40. Such note SHALL be in the form of, and contain ALL requested information in such form as is required by the court. Presence of counsel or parties pro se is not required. In the event of non-appearance, the matter shall be set regularly and counsel of record and parties pro se indicated on the Note for Trial form will be notified by mail of the trial date.
[Amended effective emergent January 1, 2019]

(2) If a party incorrectly asserts in the Note for Trial that a case is not arbitrable, the court may at any time prior to trial on its own motion transfer such case to civil arbitration and strike any scheduled trial date. Counsel of record and parties pro se will be notified by mail of the assignment to arbitration.

[Amended effective emergent January 1, 2019]

(3) The parties may amend a Note for Trial from non-arbitrable to arbitrable at any time prior to trial by written stipulation served on the Arbitration Coordinator and filed with the clerk.

[Amended effective emergent January 1, 2019]

(4) If after two years, a case, other than a family law case, has not been resolved or noted for trial under this rule, the court may require the parties to appear to show cause why the matter should not be set for trial or the court should not take other appropriate action. Any trial set pursuant to this subsection shall be deemed confirmed by the court.

[Amended effective emergent January 1, 2019; amended effective September 1, 2023]

(d) Trials.

(3) *Confirmation*. Failure to confirm a trial as set forth below may result in dismissal of the case or the striking of the trial date and the imposition of sanctions and/or terms against the parties or counsel.

A. Non-Jury Trials. It shall be the duty of each attorney of record or party pro se in a case set for a non-jury trial to jointly or separately confirm, no sooner than 8:00am on the first court day of the week and no later than 12:00pm of the last court day of the week two weeks prior to the trial date, in such written form as approved by the court, or by electronic confirmation at: www.snohomishcountywa.gov/TrialConfirmation.

B. Jury Trials.

(i) For jury trials set on or before September 5, 2024, it shall be the duty of each attorney of record or party pro se in a case set for a jury trial to jointly or separately confirm, no sooner than 8:00am on the first court day of the week and no later than 12:00pm on the last court day of the week two weeks prior to the trial date, in such written form as approved by the court, or by electronic confirmation at: www.snohomishcountywa.gov/TrialConfirmation.

(ii) For jury trials set on or after September 6, 2024, it shall be the duty of each attorney of record or party pro se in a case set for a jury trial to jointly or separately confirm, no sooner than 8:00am on the first court day of the week and no later than 12:00pm on the last court day of the week one week prior to the trial assignment date set forth in the Notice of Trial Setting, in such written form as approved by the court, or by electronic confirmation at: www.snohomishcountywa.gov/TrialConfirmation.

(5) Interpreters. Not later than four (4) weeks prior to the date of trial, a party requiring the assistance of an interpreter, or their attorney, shall notify court administration of need for an interpreter, and shall further identify the language or languages for which interpretation is required. If a requested

interpreter will no longer be needed due to settlement, continuance, or other reason, court administration must be promptly notified, or sanctions may be imposed.
[Effective September 1, 2021; amended permanent September 1, 2024]

(g) Reduction or Waiver of Jury. If a jury is to be waived or reduced from a twelve (12) to a six (6) member panel, the Court Administrator MUST be so notified no later than 12:00pm on the last court day of the week prior to the trial date, except as approved by the court.

(h) Reporting for Trial. All parties and counsel shall report to the Presiding Department on the date set for trial for assignment to a trial department unless otherwise notified by the Court Administrator. If no trial department is available for trial at such time, the Presiding Judge shall hold or excuse the parties for such time as circumstances dictate. Parties and counsel shall appear in person unless:

(1) the hearing is for a Sexual Assault, Extreme Risk, or Vulnerable Adult Protection Order; or

(2) the hearing is a motion to revise a civil commitment or civil protection order signed by a Commissioner; or

(3) the Court has approved a stipulation for remote trial or ordered that a trial occur remotely, or previously approved the remote appearance of the party or counsel at the Civil Trial Calendar or at trial; or

(4) the parties are appearing for civil jury trial assignment after September 5, 2024.

If any of (1) through (4) apply, the parties may appear remotely in a manner set forth by the Court in an Administrative Order or on the Court website.
[Amended effective September 1, 2021; amended emergent effective October 12, 2023; amended emergent effective February 14, 2024; amended permanent September 1, 2024]

(i) Civil Trials; Reporting Voir Dire and Closing Arguments. Counsel must advise the court prior to trial if they wish to have voir dire, opening statements and closing arguments reported. Approval of such request shall be within the discretion of the court.

[Amended September 1, 1991; September 1, 1992; September 1, 1993; September 1, 1995; September 1996; September 1, 1997; September 1, 1999; September 1, 2000; amended emergency October 3, 2005; amended permanent September 1, 2006; September 2009; amended emergency January 13, 2010; amended permanent September 1, 2010; September 1, 2012; September 1, 2017; Amended effective emergent January 1, 2019; permanent September 1, 2019; Amended effective September 21, 2021; amended effective September 1, 2023; amended permanent September 1, 2024]

RULE 41. DISMISSAL OF ACTIONS

(g) Request for Inactive Case Status.

(1) How Made. In civil cases where a point of stability has been reached such that there will be no need for further litigation, but where it may not be in the interests of the parties or of justice to dismiss the case, any party may file a motion requesting that the case be removed from the active pending caseload of the court to an inactive status.

(A) Civil Domestic Cases. Motions to place civil domestic cases on inactive status shall be set on the personal calendar of one of the ADR Judges, pursuant to SCLCR 7 and SCLCR 6(d)(2). A date and time may be obtained by e-mailing ADR.Compliance@snoco.org.

(B) Civil Non-Domestic Cases. Motions to place civil non-domestic cases on inactive status shall be set on a commissioner's civil motions calendar, pursuant to SCLCR 7 and SCLCR 6(d)(1).

(2) Placement in Inactive Case Status. Placement in an inactive case status under this rule shall be by order of the court on its own motion or by motion of any party. A review hearing may be set by the court at any time. At any review hearing, the court may maintain the case in inactive status, dismiss the case, set the case for trial, or take other action requested by any party or deemed necessary for the administration of justice. A case in an inactive case status shall not be subject to clerk's dismissal pursuant to SCLCR 40(b)(4).

(3) Removal from Inactive Case Status. A case placed in inactive case status under this rule may not be removed from this status except upon order of the court or upon the filing of a notice of settlement or by voluntarily dismissing the case. Any party may file a motion requesting that a case be removed from inactive status in the same manner as set forth for the initial motion for placement on inactive status pursuant to section (1) of this rule.

(4) Dismissal of Civil Non-Domestic Cases in Inactive Case Status. Every two years following placement or extension of placement in inactive case status, the clerk will notify all parties to an inactive civil non-domestic case that unless requested otherwise by one or more parties noting a motion for extension, the court will dismiss the case. This notice shall be made regardless of whether the court has set a review hearing pursuant to section (2). A motion for extension of the inactive status shall be made in the same manner as set forth for the initial motion for placement on inactive status pursuant to section (1) of this rule.

[Adopted effective: September 1, 1993; amended effective September 1, 1999; amended on emergency basis effective October 3, 2005; amended as permanent effective September 1, 2006; amended effective September 1, 2009; amended effective September 1, 2010; amended effective September 1, 2018; amended effective September 1, 2022]

RULE 51. INSTRUCTIONS TO JURY AND DELIBERATIONS

(a) Proposed [Reserved]

(b) Submission. Proposed instructions, including supplemental instructions and copies shall be submitted as follows:

(1) An original, numbered and with citations, and stamped "original" on the first page shall be provided to the courtroom clerk.

(2) One copy numbered and with citations, and one copy without citations or numbers shall be provided to the trial judge.

(3) One copy without citations or numbers in Word compatible electronic format shall be provided to the trial judge, unless this requirement is waived by the court.

(4) One copy, numbered and with citations, shall be served on each opposing counsel or party pro se.

[Amended effective September 1, 2003; Amended effective September 1, 2009; amended September 1, 2012]

RULE 52. DECISIONS, FINDINGS AND CONCLUSIONS

(1) *Findings and Conclusions*; the substantially prevailing party shall prepare proposed findings and conclusions. Any party objecting to proposed Findings of Fact and/or Conclusions of Law shall comply with:

(A) Proposed Changes in Opposition. Provide the court and opposing counsel with a copy of such proposed documents, which indicate all changes the objecting party proposes. Deletions shall be shown by a strike out and additions shown by underlining; or

(B) Alternate Proposed Documents. Provide the court and opposing counsel with a complete set of alternate proposed documents which easily identifies proposed deletions and additions.

(C) Oral objections at the time of presentation, without documentation as provided in (A) or (B) above, will not be permitted.

[Amended effective September 1, 2009]

VII. JUDGMENT (RULES 54-63)

RULE 54. JUDGMENTS AND COSTS

(g) Interlineations.

Any interlineations, corrections, and deletions in orders and judgments signed by the judge/commissioner must be initialed by the judge/commissioner.

[Amended effective September 1, 2009; Amended September 1, 2012]

RULE 56. SUMMARY JUDGMENT

(c) Motion and Proceedings.

(1) *Procedure*.

(A) Motions for summary judgment or other relief under CR 56 shall comply in all respects with SCLCR 7 except as modified by this rule.

(B) Time of Hearing.

(i) Motions for summary judgment are heard at a time and place as set forth in as in SCLCR 7.

(ii) Time for Argument. No more than ten (10) minutes per side will be allowed for argument unless additional time is allowed by the court. If more than one (1) hour of judicial time, including preparation and in court time, is required, the moving party shall so advise the law clerk/bailiff of the judge

who will be hearing that calendar. The matter may then be preassigned, specially set, or placed on the trial calendar, at the discretion of the court.
[Amended October 1, 1990; Amended September 1, 1993; Amended September 1, 2005; Amended September 1, 2009; Amended September 1, 2012]

RULE 58. ENTRY OF JUDGMENT

(a) When.

(1) *Judgments and Orders to Be Filed Forthwith*. Unless otherwise authorized by the court, any order, judgment, or decree that has been signed by the court shall not be taken from the courthouse, but must be filed forthwith in the clerk's office or with the clerk in the courtroom, by the attorney or party pro se obtaining said order.

(d) *Judgments on Notes*. An attorney or party pro se filing a judgment on a negotiable instrument must attach to the judgment the original instrument unless the original has been previously filed.
[Amended effective September 1, 2009]

RULE 59. NEW TRIAL, RECONSIDERATION AND AMENDMENT OF JUDGMENTS; POST TRIAL MOTIONS

(e) Hearing on Motion.

(3) *Nature of Hearing*. A Motion for Reconsideration must be heard by the Judge or Commissioner who initially ruled on the motion.

(A) Noting the Hearing. Motions for Reconsideration may be noted for hearing on any court day on the 8:30am personal calendar of the appropriate Judge or Commissioner, using the Note for Calendar – Motions for Reconsideration on the court's website. Motions for Reconsideration will be decided on the written motion, briefs, and affidavits or declarations only, unless the Court requests oral argument. Confirmation is not required. Unless the hearing is stricken by the moving party, the motion will be considered and decided.

(B) Motion and Supporting Documents. Motions, briefs and affidavits or declarations in support of the motion for reconsideration shall be filed and served on all parties when the motion is filed. At the time of filing, the moving party shall provide working copies of the calendar note, the filed motion, and any supporting documents.

(C) Responses. Any briefs, affidavits or declarations in response to the motion must be filed and served on all parties, and working copies must be provided to the judicial officer who will hear the motion.

(D) Proposed Order. Each party must include a proposed order in the materials delivered to the judicial officer. Should any party desire a copy of the signed and filed order, a pre-addressed, stamped envelope shall accompany the proposed order.
[Amended effective October 1, 1990; September 1, 1992; September 1, 1993; September 1, 1998, September 1, 2009; amended effective September 1, 2023]

VIII. PROVISIONAL AND FINAL REMEDIES (RULES 64-71)

RULE 69. EXECUTION

(a) Supplemental Proceedings.

(1) Time. Supplemental proceedings shall be noted as set forth in SCLCR 7, or at such other time as designated by the court.

(2) Failure to Appear.

(A) Debtor. Failure of the person to be examined to appear may result in issuance of a bench warrant by the court, provided that specific warning of that consequence was contained in the order directing supplemental proceedings. Service of such order must be made personally upon the debtor.

(B) Examining Attorney. Failure of the examining attorney to appear may result in release of the debtor from examination and may result in imposition of terms against the attorney if subsequent supplemental proceedings are scheduled for the same debtor.

[Amended effective September 1, 2007; Amended September 1, 2012]

IX. APPEALS (RULES 72-76) [RESERVED]

X. SUPERIOR COURTS AND CLERKS

(RULES 77-80)

RULE 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions. The court shall be in session generally from 9:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4:30 p.m., Monday - Friday (excluding legal holidays) at the discretion of the judge hearing the matter.

[Amended September 1, 1999; September 1, 2009]

RULE 79. BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk.

(1) *Exhibits; Filing and Substitution*. All exhibits and other papers received in evidence during trial must be filed at the time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other paper to be filed or substituted in the files, in lieu of the original.

(A) Exhibits Kept Separate. Exhibits shall be kept by the clerk separate from the file(s) in the case.

(B) Exhibits; Inspection. Unless otherwise ordered by the court, exhibits shall not be inspected in the clerk's office except in the presence of a clerk.

(C) Original Court Record; Copies. An original court record shall not be admitted as an exhibit, but a copy thereof may be so admitted.

(D) Exhibits; Packaged and Labeled. Exhibits containing blood borne pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(i) Blood borne pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container or Styrofoam container. All items shall be labeled to identify the contents as potentially biologically hazardous materials.

(ii) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. They shall be labeled identifying the contents.

(iii) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(iv) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(v) Paper bags alone shall not constitute proper packaging.

(2) *Identification of Exhibits Containing DNA*.

(A) RCW 5.70.010 mandates the preservation of certain DNA evidence admitted by a governmental entity in certain adult criminal or juvenile offender cases. To aid in compliance with these mandates, parties must identify each exhibit that contains DNA evidence when it is presented to the Clerk. Preservation of certain DNA evidence is subject to the retention requirements of RCW 5.70.010.

(B) Upon presentation to the clerk of exhibits containing DNA evidence subject to the requirements of RCW 5.70.010, the clerk shall label the exhibit as one containing DNA evidence subject to special retention requirements.

(C) Upon resolution of the case and expiration of the period for any appeals, the party who offered such DNA evidence must retrieve the evidence admitted so the evidence may be preserved and/or maintained as described in RCW 5.70.010.
[Amended effective September 1, 2019]

(3) *Improper or Inappropriate Materials*. Whenever any paper or other material is presented to the clerk for filing but is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix the file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the document or material should not be made a part of the file, an order shall be entered directing the document or material to be retained by the clerk as an exhibit in the cause. The court may order that the document or material be sealed, in which event the requirements of GR 15 shall apply.

(4) *Same; Not Evidence Unless Ordered*. Exhibits filed pursuant to subsection two (3) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(5) *Withdrawal of Exhibits*.

(A) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by:

(i) The judge having the cause under consideration.

(ii) Official court reporters and law clerks/bailiffs, without court order, for use in connection with their official duties.

(iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel. The clerk shall require an itemized receipt for all exhibits withdrawn, and upon their return, they shall be checked against the original receipt.

(B) Failure to Return Exhibits; Sanctions. If any person fails to return any exhibit within the time required, and fails to comply with the clerk's request for return thereof, the clerk may, without notice to the attorney or other person concerned, apply to the Presiding Judge for an order for the immediate return of such exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(C) Exhibits; Permanent Withdrawal. After final judgment and after the time for appeal, and no appeal having been taken, the court, on application of any party or other person entitled to the possession of one or more exhibits, and for good cause shown, may with discretion order the withdrawal of such exhibit(s) and delivery to such party or other person.

(i) Same; Narcotics. When narcotics or dangerous drugs have been admitted in evidence or have been identified, and are being held by the clerk as a part of the records and files in a criminal case, and all proceedings in the cause having been completed, the prosecuting attorney may apply to the court for an order directing the clerk to deliver such drugs to an authorized representative of the law enforcement agency initiating the prosecution, for disposition according to law. If the court finds these facts and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The clerk shall then deliver the drugs and take from the law enforcement agent a receipt which shall be filed in the cause. The clerk shall also file any certificate issued by an authorized federal or state agency and received by a representative thereof showing the nature of such drugs.

(D) Return of Exhibits and Unopened Depositions. In any non-criminal cause, on a stipulation of the parties that when judgment in the cause shall become final, after an appeal, or upon judgment of dismissal, or upon filing of a satisfaction of judgment, the clerk may return all exhibits and unopened depositions or may destroy them. Absent such stipulation of the parties, the clerk is authorized to seek an order, upon notice to parties, for withdrawal and destruction of all offered and entered exhibits, opened and unopened depositions.
[Amended effective September 1, 2021]

(E) Original Court Audio Recordings. Audio recordings produced in any court, such as a court of limited jurisdiction, and submitted to the Court Clerk, are original records of the submitting court's proceedings. These recordings will not be withdrawn from the Clerk. The Clerk shall make a copy of such recordings, or, at the Clerk's discretion, the portion of the recordings which relates only to the proceeding at issue.

(6) *Sealed Files and Materials.* The clerk shall not permit the examination of any sealed file or other sealed materials except by order of the court. Such order shall include findings to meet the requirements of GR 15 and any applicable statutes.

(7) *Videotaped Depositions.* Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. Except as ordered by the court, if a party wishes such published deposition to be a part of the court file, then the party shall submit a true and accurate transcript of such deposition.

[Amended effective September 1, 2019]

(e) Destruction of Records.

(1) Electronically Scanned Records. Records, or portions thereof, and records that have been destroyed pursuant to R.C.W. 36.23.065, may be reproduced and used in accordance with R.C.W. 36.23.067 for a trial or hearing. The party or attorney needing a reproduction of a scanned or microfilmed record or records shall request the clerk at least six (6) court days before the scheduled court date to reproduce the necessary materials.

[Amended effective September 1, 1992; September 1, 1993; June 23, 2008; amended effective September 1, 2019]

XI. GENERAL PROVISIONS (RULES 81-86)

PART IV. SUPERIOR COURT CIVIL ARBITRATION RULES (SCLSCCAR)

1. SCOPE AND PURPOSE OF RULES

RULE 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITION

(a) Purpose. The purpose of arbitration of civil actions under Chapter 7.06 RCW, as implemented by the Superior Court Civil Arbitration Rules (SCCAR), is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims under one hundred thousand dollars ($100,000), exclusive of attorney fees, interest and costs, and claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments regardless of the number or amount of such payments. Superior Court Civil Arbitration Rules (SCCAR) as supplemented by these Snohomish County Local Civil Arbitration Rules (SCLSCCAR) are not designed to address

every question that may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of relevant statutes and rules.
[Amended effective September 1, 2007; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) "Arbitration Coordinator" Defined. In these rules, "Arbitration Coordinator" means the Judicial Coordinator for the Snohomish County Superior Court assigned to facilitate arbitration actions. The appointment of the Arbitration Coordinator and other administrative matters are addressed in SCLSCCAR 8.7.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 1.2 MATTERS SUBJECT TO ARBITRATION

Pursuant to the authority granted by statute, a claim filed prior to January 1, 2019 is subject to civil arbitration only if it does not exceed fifty thousand dollars ($50,000), exclusive of attorney fees, interest and costs; or if it involves solely the establishment, modification, or termination of child support or maintenance payments or arrearages, regardless of the number or amount of such payments.

A claim filed after January 1, 2019 is subject to civil arbitration only if it does not exceed one hundred thousand dollars ($100,000), exclusive of attorney fees, interest and costs; or if it involves solely the establishment, modification, or termination of child support or maintenance payments or arrearages, regardless of the number or amount of such payments.
[Amended effective September 1, 2006; Amended effective emergent January 1, 2019; permanent September 1, 2019; amended effective September 1, 2020]

2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

RULE 2.1 TRANSFER TO ARBITRATION

(a) Time of Transfer. A matter is deemed transferred to Arbitration upon filing of the Initial Statement of Arbitrability.
[Amended effective emergent January 1, 2019]

(b) Initial Statement of Arbitrability. In every civil case the party filing a notice for arbitration shall serve the Arbitration Coordinator and all parties and file with the clerk an Initial Statement of Arbitrability on the form prescribed by the court.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(c) Response to an Initial Statement of Arbitrability. Within fourteen (14) days after the Initial Statement of Arbitrability has been served and filed, any party disagreeing with the Initial Statement of Arbitrability shall

serve the Arbitration Coordinator and all parties and file with the clerk a Response to Initial Statement of Arbitrability on a form prescribed by the court. In the absence of such response, the Initial Statement of Arbitrability shall be deemed correct and a non-responding party shall be deemed to have stipulated to arbitration if the Initial Statement of Arbitrability provides that the case is arbitrable. If a party asserts that a claim exceeds either the fifty thousand dollar ($50,000) or one hundred thousand dollar ($100,000) limit, whichever is applicable, or seeks relief other than a money judgment (except for the establishment, modification or termination of child support or maintenance payments regardless of the number or amount of such payments), the case is not subject to arbitration except by stipulation.
[Amended effective September 1, 2007; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(d) 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 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, and thereafter only upon leave of court for good cause shown. The parties may amend a Response from non-arbitrable to arbitrable at any time prior to trial by written stipulation served on the Arbitration Coordinator and filed with the clerk.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(e) By Stipulation. A case in which all parties file a stipulation to arbitrate under SCCAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.

(f) Jury Demand. Where any party indicates, pursuant to this rule, that the case is arbitrable or stipulates to arbitration, that party may simultaneously demand a jury trial in the form and manner set forth in these local rules. The case shall then be assigned a position on the jury trial calendar as provided in section (g) of this rule. The jury demand must be made and the jury fee paid not later than the time at which the initial statement of arbitrability is filed which indicates the matter is arbitrable or by a party responding to the initial statement when the response to the statement is filed, otherwise the right to trial by jury is waived unless, after the arbitration decision, a jury demand is filed at the time in the manner set forth in SCLSCCAR 7.1(b)(2)(ii).

(g) Trial Calendar. A non-jury case that is assigned to arbitration shall not be assigned a position on the trial calendar except as provided in SCLSCCAR 7.1. A jury case that is assigned to arbitration shall simultaneously be assigned a position on the jury trial calendar.
[Amended effective October 1, 1993]

RULE 2.2 COURT MAY DETERMINE ARBITRABILITY

(a) Motions; How Made. Motions to establish whether a case is actually subject to arbitration shall be governed by the state and local rules pertaining

to civil motions practice. Such motions shall be noted for hearing on a date not more than twenty-one (21) days from the date the response is filed and served if the Initial Statement of Arbitrability provides that the case is arbitrable. A party failing to timely note such cases for motion shall be deemed to have stipulated to arbitration unless otherwise ordered by the court for good cause shown. Such stipulations to arbitration under this rule shall be established by ex parte court order and shall be filed with the clerk and shall be served upon all parties and the Arbitration Coordinator.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) Determination of Non-arbitrability. If upon motion the court determines that a case is not arbitrable, the moving party shall serve all parties and file a Note for Trial Setting with the Clerk on the form prescribed by the court.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(c) Determination of Arbitrability. If upon motion the court determines that a case is arbitrable, the prevailing party shall serve upon the Arbitration Coordinator an order transferring the case to arbitration and if a non-jury trial date has been set, it shall be stricken by Arbitration Coordinator subject to being renoted pursuant to SCLSCCAR 7.1.
[Amended October 1, 1990; Amended October 1, 1997; Amended September 1, 2012; Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 2.3 ASSIGNMENT OF ARBITRATOR

(a) Generally; Stipulations. When a case is set for arbitration, a list of five (5) proposed arbitrators will be furnished to the parties. Except to determine the proposed arbitrator's availability, the parties shall not contact the arbitrator regarding the matter being arbitrated. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five (5) proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within fourteen (14) days after a list of proposed arbitrators is furnished to the parties, nominate one (1) or two (2) arbitrators and strike two (2) arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Arbitration Coordinator will appoint an arbitrator from among those not stricken by either party.
[Amended effective emergent January 1, 2019]

(c) Response by Only One (1) Party. If only one (1) party responds within fourteen (14) days, the Arbitration Coordinator will appoint an arbitrator nominated by that party.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(d) No Response. If neither party responds within fourteen (14) days, the Arbitration Coordinator will appoint one (1) of the five (5) proposed arbitrators.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(e) Additional Arbitrators for Additional Parties. If there are more than two (2) adverse parties, such parties may request the Arbitration Coordinator to include additional proposed arbitrators on the list, with the above principles of selection to be applied. The number of adverse parties and additional proposed arbitrators shall be determined by the Arbitration Coordinator, subject to review by the Presiding Judge.
[Amended effective October 1, 1993; Amended effective emergent January 1, 2019; permanent September 1, 2019]

3. ARBITRATORS

RULE 3.1 QUALIFICATIONS

(a) Minimum Qualifications.

(i) An arbitrator must be a member of the Washington State Bar Association who has been admitted to the Bar for a minimum of five (5) years, or who is a retired Superior Court Judge or Commissioner.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(ii) An arbitrator must have completed a minimum of three credits of Washington State Bar approved continuing education credits on arbitrator professional and ethical considerations per RCW 7.06.040(2)(a). Completion of this is waived if arbitrator has ruled on five (5) or more Snohomish County arbitration cases.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(iii) By stipulation the parties to a case may agree to an arbitrator not on the Snohomish County Arbitration Panel if the arbitrator so chosen is a duly qualified member of an arbitration panel established under the Local Superior Court Civil Arbitration Rules of another county in the State of Washington. The parties may stipulate to a non-lawyer arbitrator upon approval of the Arbitration Coordinator.
[Amended emergency effective December 8, 2010; Amended September 1, 2011; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Arbitration Coordinator may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court certifying the person has completed the continuing education requirements or is requesting a waiver. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Arbitration Coordinator's office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(c) Refusal-Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify

the Arbitration Coordinator immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(C) governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials of a case to the Arbitration Coordinator.
[Amended September 1, 1993; Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 3.2 AUTHORITY OF ARBITRATORS

In addition to the authority conferred on arbitrators under SCCAR 3.2, an arbitrator has the authority to:

1. Determine the time, place and procedure to present a motion before the arbitrator;

2. Require a party or attorney representing such party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator, unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk, with proof of service of party(s). The aggrieved party shall have ten (10) days thereafter to appeal the award of such expenses in accordance with the procedures described in RCW 2.24.050. If within ten (10) days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under SCCAR 6.3; and

3. Award attorney's fees as authorized by these rules, by contract or by law. Motions for involuntary dismissal and motions for summary judgment shall be decided by the court and not by the arbitrator. Agreed orders which are dispositive shall be presented to the court.
[Amended effective July 1, 1991; September 1, 1992; September 1, 1993.]

4. PROCEDURE AFTER ASSIGNMENT

RULE 4.2 DISCOVERY

(a) Discovery Pending at the Time Case Is Transferred to Arbitration. Except upon stipulation of the parties or as may be otherwise authorized by SCCAR 4.2 or by SCLSCCAR 4.2(c) below discovery pending at the time a case is transferred to arbitration is stayed. However, interrogatories with the exact language as set out below are permitted:

1. State the amount of general damages being claimed or the amount and basis of support and arrearages being sought.

2. State each item of special damages being claimed, and the amount thereof.

3. List the name, address, and phone number of each person having knowledge of any facts regarding liability.

4. List the name, address, and phone number of each person having knowledge of any facts regarding damages claimed or the amount and basis of support and arrearages being sought.

5. List the name, address, and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

6. List the amount of each defendant's liability insurance policy limit(s), including any umbrella or excess insurance policy limit(s) applicable to each cause of action in plaintiff's complaint.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

7. For each non-party individual or entity that you allege is at fault, list the name, address and phone number of each such non-party and state the factual basis as to why such non-party is at fault.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) Additional Discovery. In determining when additional discovery beyond that directly authorized by SCCAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Civil Rules except that motions concerning discovery shall be determined by the arbitrator.

(c) Admissibility of Discovery. All discovery admissible under the Civil Rules or Rules of Evidence will be admissible at the arbitration hearing whether or not such discovery was produced before or after the appointment of an arbitrator.

[Amended effective September 1, 1993.]

5. HEARING

RULE 5.1 NOTICE OF HEARING

(a) Notice of Hearing – Time and Place - Continuance. An arbitration hearing shall be scheduled to be heard in Snohomish County, unless otherwise agreed by the parties, at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order for good cause shown. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuances to the Arbitration Coordinator and all parties.

[Amended emergency effective December 8, 2010, amended effective September 1, 2011; Amended effective emergent January 1, 2019; permanent September 1, 2019]

(b) Confirmation-Settlement or Other Disposition. The parties shall confirm scheduled arbitration hearing dates with the arbitrator at least one (1) week prior to the hearing. Failure to timely confirm a scheduled arbitration hearing may result in cancellation of the hearing by the arbitrator. The parties shall also promptly notify an arbitrator of any prehearing case settlement or other disposition.

(c) Waiver of Hearing-Child Support Modification Matters. In cases of child support modification, the parties may stipulate to waive oral argument and testimony. Such waiver shall be in writing, on a form approved by the court, if any. Such writing shall specify the documents and written materials to be considered by the arbitrator. It shall be submitted prior to the confirmation date as set forth in subsection (b).

[Amended effective September 1, 1994; amended emergency effective June 11, 2008, amended effective September 1, 2008]

RULE 5.2 PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT

In addition to the requirements of SCCAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the clerk.

RULE 5.3 CONDUCT OF HEARING- WITNESSES-RULES OF EVIDENCE

(f) Offers of Settlement. The parties shall, prior to conclusion of the arbitration hearing, advise the arbitrator in general terms that an offer of settlement has been made pursuant to RCW 4.84.250. Such advisement shall disclose neither the amount nor the party making such offer of settlement. The corresponding request for attorney fees shall be made to the arbitrator by affidavit only, not later than five (5) calendar days after the date of the arbitration hearing and shall be addressed by the arbitrator in the arbitration award.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(g) Length of Hearing. The arbitrator may set a reasonable time limit on the length of the arbitration hearing.

[Amended September 1, 1993; Amended September 1, 2011; Amended September 1, 2012]

6. AWARD

RULE 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the court.

(b) Content. The award shall dispose of all issues raised in the pleadings or submitted by the parties and shall do so in specific monetary terms whenever possible.

(c) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.
[Amended effective September 1, 1993.]

RULE 6.2 FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award under SCCAR 6.2 may be presented to the Arbitration Coordinator, ex parte. The Arbitration Coordinator may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 6.3 JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Civil Motions Judge or court commissioner, by any party, on five (5) days' notice in accordance with SCCAR 6.3.
[Amended effective September 1, 1997]

7. TRIAL DE NOVO

RULE 7.1 REQUEST FOR TRIAL DE NOVO

(b) Calendar.

(1) Trial De Novo. When a trial de novo is requested in a non-jury case as provided in SCCAR 7.1, the party making the request shall simultaneously file a Note for Trial on the form prescribed by the court. If no note for trial is timely filed, the party requesting a trial de novo may be subject to sanctions.
[Amended effective September 1, 2001]

(2) Trial De Novo-Jury.

(i) When a trial de novo is requested as provided in SCCAR 7.1, and the case has been set for jury trial at the time of the initial statement of arbitrability, the trial shall be on the date originally assigned pursuant to SCLSCCAR 2.1(f) unless within thirty (30) days after the request for trial de novo is filed the party originally demanding the jury trial serves, files, and notes a motion to withdraw the jury demand. If such motion is granted the court may advance the trial date. If after twenty (20) days from the filing of an arbitration award, no party has requested a trial de novo under SCCAR 7.1, the case shall be stricken from the trial calendar.
[Amended effective emergent January 1, 2019; permanent September 1, 2019]

(ii) When a trial de novo is requested as provided in SCCAR 7.1 and no jury trial date has been previously set, any jury demand shall be made in the following manner. Such demand shall be served and filed by the appealing party simultaneously with a Note for Trial on the form prescribed by the court, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

(3) Trial De Novo-Service and Filing. When a trial de novo is requested as provided in SCCAR 7.1 (a), the party making the request shall complete the Request for Trial De Novo form, including the trial setting information, and file the original with the clerk and serve a copy on all parties.

[Amended effective September 1, 2002; Amended effective emergent January 1, 2019; permanent September 1, 2019; amended emergent effective September 16, 2022; permanent September 1, 2023]

RULE 7.2 PROCEDURE AT TRIAL

(a) The clerk shall automatically seal any award and any memorandum decision/award if a trial de novo is requested.

(b) If the trial de novo is not confirmed, the opposing party may move for entry of judgment on the arbitrator's award upon proper notice. If the trial de novo is confirmed and the party who requested the trial de novo fails to appear at trial, then the opposing party may move to strike the trial and obtain a judgment on the arbitrator's award without further notice. If the trial de novo is confirmed and the party opposing the request for trial de novo fails to appear at trial, then the trial shall proceed in the normal course.

[Amended effective September 1, 1993; Amended September 1, 2012]

RULE 7.3 COSTS AND ATTORNEY FEES

SCCAR 7.3 shall apply only to costs and reasonable attorney's fees incurred after the filing of the request for a trial de novo.

8. GENERAL PROVISIONS

RULE 8.1 STIPULATIONS; EFFECT ON RELIEF GRANTED

If a case not otherwise subject to civil arbitration under SCLSCCAR 1.2 is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

[Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 8.4 TITLE AND CITATION

These rules are known and cited as the Snohomish County Local Superior Court Civil Arbitration Rules. SCLSCCAR is the official abbreviation.

RULE 8.6 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tem of the Superior Court. Hearing time and reasonable preparation time are compensable, and reasonable costs incurred by the arbitrator are reimbursable.

(b) Form. When the award is filed, the arbitrator shall submit to the Arbitration Coordinator a request for payment on a form prescribed by the court. The Arbitration Coordinator shall determine the amount of compensation and costs, if any, to be paid. The decision of the Arbitration Coordinator will be reviewed by the Presiding Judge at the request of the arbitrator. Compensation to the arbitrator shall not exceed one thousand two hundred fifty dollars ($1,250), and costs reimbursement shall not exceed fifty dollars ($50.00), without special approval by the Presiding Judge. Written explanation of excess hours required.

[Amended effective September 1, 1993; amended effective September 1, 2007; Amended effective emergent January 1, 2019; permanent September 1, 2019]

RULE 8.7 ADMINISTRATION

(a) Arbitration Coordinator. The Presiding Judge shall designate a person to serve as Arbitration Coordinator. The Arbitration Coordinator, under the supervision of the Presiding Judge or designee, shall supervise arbitration under these rules, and perform any additional duties which may be delegated by the Presiding Judge or designee.

[Amended effective September 1, 1999; Amended effective emergent January 1, 2019; permanent September 1, 2019]

PART V. SPECIAL PROCEEDINGS RULES (SCLSPR)

RULE 93.04 DISPOSITION OF REPORTS -ADOPTIONS

(a) Proceedings to Dispense With Consent. Applications for dispensing with the consent of a parent or terminating a parent's rights shall be noted on a commissioner's calendar. If such application is contested, the matter shall be referred to the Court Administrator's office to be assigned a trial date.

(b) Ex Parte; Other Than Final Decrees. All non-contested adoption proceedings, other than the entry of final decrees, may be heard ex parte. Application shall be made to the Civil Motions law clerk, or such other place as set forth in an administrative order, for a hearing on a final decree of adoption.

(c) Testimony Required. Testimony shall be required in the following adoption proceedings:

1. Upon entry of the findings and decree; and
2. Contested matters.

The court may on its own motion require testimony at any stage of an adoption.

(d) Preplacement and Post Placement Reports. It shall be the responsibility of the petitioner or counsel to ensure delivery to the court of the preplacement, post placement and guardian ad litem reports required for relinquishments, approvals of consent, terminations, or for adoptions. Reports must be delivered to the appropriate department no later than one day prior to the date for hearing in which the report is required, in order for the judge or commissioner to have an opportunity to read and consider the same.

(e) Release of Adoption Information. Any release of adoption file material must be only by court order. If the applicant is an intermediary previously approved by the court, or an attorney for an adopting parent seeking only a certified copy of the Decree of Adoption, the order may be approved by a judge or court commissioner. All other orders for release must be approved by a judge or full-time commissioner.

[Amended effective October 1, 1997]

RULE 94.04 FAMILY LAW PROCEEDINGS

(a) Applicability of the Rule. Unless otherwise specified, this rule applies to all family law proceedings, including paternity actions and non-parental custody and/or visitation actions, defined as follows: Any proceeding in which the court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of child custody, visitation, parenting plan, child support or spousal maintenance, or the temporary distribution of property or obligations.

(b) Court's Automatic Temporary Order Upon Filing of Certain Family Law Cases.

(1) Application. This rule shall apply to the following types of cases filed after May 1, 2010:

A. All family law petitions seeking dissolution of marriage, legal separation, parentage, or declaration of invalidity; and

B. Actions brought by parties to committed intimate relationships or state registered domestic partnerships, involving parenting or distribution of assets/liabilities.

(2) Court's Automatic Temporary Order In Dissolution, Legal Separation, Invalidity, Committed Intimate Relationship, or State Registered Domestic Partnership Actions. Upon the filing of a Summons and Petition in any dissolution, legal separation, invalidity, committed intimate relationship, or state registered domestic partnership action, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

A. The parties shall be 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 party of any extraordinary expenditure made after the order is issued.

B. The parties shall be restrained from assigning, transferring, borrowing, 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.

C. Each party shall be immediately responsible for his or her own future debts whether incurred by credit card, loan, security interest, or mortgage, except as agreed in writing by the parties.

D. Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied. This provision does not apply to documents protected by the attorney-client or attorney work product privilege.

(3) Court's Automatic Temporary Order In Actions Involving Minor Child(ren). Upon the filing of a Summons and Petition in any action specified in Sections (b) (1) (A) or (b) (1) (b) that involves minor children, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

A. Under the automatic temporary order, the term "parent" is limited only to those persons listed on a valid birth certificate or a presumed father under RCW 26.26.116.

B. Each parent shall be restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supersede previously issued orders to the extent that the orders may be inconsistent.

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

D. Each parent shall ensure that the child(ren) not be 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).

(4) Service of Automatic Temporary Order. It is the responsibility of the Petitioner to serve a copy of the Automatic Temporary Order on the Respondent.

(c) Family Law Proceedings-Courtroom Calendars and Procedures.

(1) At the time of filing a family law case (except establishing parentage actions, Modifications-Support Only): The petitioner will receive a Compliance Schedule that sets required dates for 1) Proof of service of the Summons, Petition and Notice of Compliance Requirements for the case 2) Alternative Dispute Resolution/Mediation 3) ADR Compliance hearing. The petitioning party is required to have the Compliance Schedule served on the respondent/s with the summons and petition, or if service has already occurred, within 5 court days of filing the case. If any respondent is served by publication, the

petitioning party will have the Compliance Schedule served within 5 days of the respondents filing a response or notice of appearance.

(2) Service: In all family law cases, if 180 days after filing the petition, no proof of service, no joinder by the respondent, or no response to the petition has been filed, the case may be dismissed by the Court on its own motion without further notice to the parties. In lieu of dismissal, the Court may order the case placed on inactive status or set the case for a domestic status conference.

[Amended effective September 1, 2017]

(3) Alternative Dispute Resolution Required In Family Law.

(A) *Alternative dispute resolution required in family law*. All contested issues in the following cases shall be submitted to mediation, or a judicial settlement conference: petitions filed under RCW 26.09; 26.10; 26.26 and committed intimate relationship cases and petitions for modifications of final orders exclusive of Child Support/Maintenance Modification actions, which are in mandatory arbitration. If a guardian ad litem (GAL) has been appointed, the parties shall provide the GAL with the date of ADR at least ten (10) days prior to its scheduled occurrence.

(B) *When alternative dispute resolution is not required.* ADR shall NOT be required in the following cases:

a. For good cause shown upon motion and approval by the court.

b. Where a domestic violence restraining order or protection order (excluding Ex-Parte orders) involving the parties has been entered by a court at any time within the previous twelve (12) months.

c. Where a domestic violence no contact order exists pursuant to RCW 10.99;

d. Where the court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation.

(C) *Alternative dispute resolution timing*. In all matters in which ADR/Mediation is required, the parties must comply with the requirement no later than 8 months from filing the case or prior to confirming the trial, whichever comes first. Compliance may be accomplished by both parties attending ADR/Mediation and submitting a Notice of ADR Compliance signed by the mediator, by receipt of a court order waiving ADR/Mediation or by demonstrating that the case is exempt from the ADR/Mediation Requirement by providing the required exemption information on a filed Notice of ADR/Mediation Compliance. The parties may also advise the court of any attempted ADR/Mediation. However, an attempt will likely not satisfy the compliance requirement. The ADR Judge will review the information provided and the court file to determine whether compliance has been met in a particular case, or whether it is appropriate to waive mediation on the Court's own motion.

[Amended effective emergent September 12, 2018; permanent September 1, 2019; amended effective September 1, 2021]

(D) *Failure to comply*. Failure of the parties to fulfill the ADR/Mediation Requirement by the time of the ADR Compliance hearing may result in the case being dismissed unless the case file or a status report demonstrates efforts to move the case towards completion. Refusal or delay by either party may constitute contempt of court and result in sanctions imposed by the court, including the imposition of monetary terms.
[Amended effective September 1, 2021]

(E) *Division of costs*. The parties shall be equally responsible for the cost of ADR unless a different division of the cost is ordered by the court pursuant to (F), below, or agreed upon by the parties.
[Amended effective September 1, 2021]

(F) *Motions*. The Domestic Compliance Schedule, which consists of an ADR/Mediation Compliance deadline and an ADR/Mediation Compliance Hearing, is a schedule set and confirmed by the Court, and cannot be continued by agreement of the parties. Continuances of the Domestic Compliance Schedule may only by granted by leave of the Court, for good cause shown.

Before First Compliance Hearing: Motions to waive or compel ADR/Mediation, continue the Domestic Compliance Schedule or change the allocation of the cost of ADR/Mediation as set forth in this rule, shall be noted on the Commissioner's Domestic Motions calendar a minimum of 14 days prior to the date of the first ADR/Mediation Compliance Hearing.

After First Compliance Hearing: Motions to waive or compel ADR/Mediation, continue the Domestic Compliance Schedule, or change the ADR/Mediation cost allocation made after the initial ADR/Mediation Compliance Hearing must be noted in front of a Compliance Hearing Calendar Judge a minimum of 14 days prior to the next ADR/Mediation Compliance Hearing. A special set date and time may be obtained by e-mailing: ADR.compliance@snoco.org.

Either party may, by motion on the Commissioner's Domestic Motions Calendar, seek a court order requiring ADR in a case where it would not be required as set forth in (3)(B) above, if the moving party believes that the parties would be able, through ADR, to resolve their dispute fairly under the particular circumstances of the case.
[Amended effective September 1, 2016; amended effective September 1, 2021]

(4) ADR *Compliance Hearing.* At the time of filing, the case shall be set for an ADR compliance hearing at 37 weeks or the next available session thereafter. All cases that enter all final orders or file a notice of settlement or ADR Compliance pursuant to SCLSPR 94.04 (i) seven (7) calendar days prior to this date will have their ADR compliance hearing stricken automatically. If final orders or notice of settlement or compliance are filed less than seven (7) calendar days prior to the ADR compliance hearing, the parties should also provide a copy of the document to ADR.Compliance@snoco.org. The ADR

Compliance calendar is held without oral argument except as set forth below. The Court, on or shortly after the date of the scheduled hearing, will review the court file to determine what action to take, which may include setting the case for an in person hearing, setting the case for trial, dismissing the case, ordering financial sanctions, or taking other action deemed necessary to move the case forward. In order to assist the Court in making appropriate decisions, parties are encouraged to file an ADR Compliance Status Report within 21 days before their scheduled hearing. The ADR Compliance Status Report can be found on the Court's website. If the form is filed less than five (5) days before the hearing, a working copy should also be e-mailed to the Court at ADR.compliance@snoco.org. One Zoom ADR calendar will be scheduled approximately one time per month. The purpose of this hearing is to allow additional oversight for cases where the ADR Compliance Judge determines that a hearing is required. These hearings shall be heard via Zoom and the Zoom link information will be printed on the Court order if a case is set to the Zoom calendar.

[Amended effective September 1, 2019; amended effective September 1, 2021]

(5) Trials. Parties may file a note for trial setting per Rule 40(b)(1) prior to their compliance hearing to receive an earlier trial date. If the trial date assigned by court administration is after the ADR compliance hearing date, the trial will be court confirmed. Parties who have obtained their own trial date must still follow the above requirements regarding the need to appear at the ADR compliance hearing or the case will be dismissed.

A. Trial Continuances in Family Law Cases. In all family law cases, a motion or stipulation for trial continuance shall list the date(s) upon which trial was previously set. Motions or Stipulations for trial continuances shall be considered on the pleadings and without oral argument unless the parties are notified that oral argument is requested by the Court. Parties and counsel who wish to submit notices of unavailability must do so at the time the motion or response is filed.

[Amended effective September 1, 2021]

B. Dismissal for Unattended Trials in Family Law Cases. In all family law cases, the Court on its own motion may dismiss any case, which was properly confirmed, by the parties or court confirmed, but the parties failed to appear on the date of trial, unless a motion for continuance has been previously granted.

[Amended September 1, 2012]

(6) Family Law Proceedings Motions.

A. Except as otherwise provided in this rule, all motions, and returns on orders to show cause shall be as set forth in SCLCR 7 or SCLCR 56, or SCLCR 59.

[Amended effective September 1, 2021]

B. Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions shall be limited to a sum total of twenty-five (25) pages.

The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in reply shall be limited to a sum total of five (5) pages. Motions for temporary orders shall be made using pattern form FL Divorce 223 and shall include all relief sought in a single motion, including, but not limited to: child support, child custody, debt or asset allocation, use of vehicles, family home, etc. Parties are not prohibited from bringing additional motions at a later date so long as the subsequent motion is based on a demonstrable change of circumstances or newly discovered information that could not have been reasonably known at the time of the initial motion. Motions to amend temporary parenting plans shall be governed by RCW 26.09.194. All declarations and affidavits must be legibly hand printed or typed in at least twelve (12) point type, double-spaced, and comply with GR14. All pages, including attached declarations and affidavits shall be sequentially numbered. Such sequential numbers shall appear in the bottom left corner of the documents.
[Amended effective September 1, 2021]

C. Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. Photographs, text messages, e-mail, electronic communications, depositions and similar material shall count toward the page limit.
[Amended effective September 1, 2021]

D. Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

E. Expert Reports and Evaluations. Declarations, affidavits, and reports from guardians ad litem, police reports, substance abuse evaluations, psychological evaluations and other expert witnesses do not count toward the page limitation.

F. Miscellaneous exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the Court in lieu of the court file do not count toward the page limit. Any such copies shall be provided under coversheet indexing same by docket number and/or original filing date.
[Effective September 1, 2021]

G. Circumvention Prohibited. Parties may not circumvent this rule by filing several motions in the same family law matter on the same day or in such close proximity matters are likely to be continued to be heard together. A Countermotion filed requesting the same or related relief and scheduled to be heard with the opposing motion shall not provide the parties with an additional 25/25/5 page limit. A countermotion requesting additional or different relief than the initiating motion is not included in this prohibition.
[Effective September 1, 2021]

H. Sanctions. Failure to comply with this rule may result in sanctions that may include, but are not limited to, striking over limit pleadings.

(7) Paternity actions brought by the prosecutor shall be heard as set forth in an administrative order of the court.

(8) Return on Show Cause actions in Domestic Violence cases shall be heard as set forth in an administrative order of the court.

(9) Formal Proof Required. A party shall provide a written declaration or oral testimony in support of final orders in a legal separation or marriage dissolution matter. If a written declaration is submitted it shall be on the form prescribed by the court.

[Adopted September 1, 2015, amended effective September 1, 2017; amended effective September 1, 2023]

(d) Child Custody or Parenting Plan Proceedings.

(1) Information Required. In child custody, visitation, or parenting plan cases, each party shall timely submit all information, forms, and worksheets required by statute. Any such forms or worksheets that are not complete may be stricken or other sanctions imposed.

(2) Evaluations. The court may order a custody or parenting or residential evaluation, mental health evaluation, alcohol or drug evaluation, mediation, treatment, counseling investigation and/or physical examination. The issue of costs shall be addressed in the order requiring such evaluation, and shall contain an hourly rate and maximum payment if the cost is to be at public expense. Any order failing to comply will be void.

(3) Child Advocate.

(A) Appointment. Upon motion, the court may appoint a guardian ad litem or special advocate. The order shall be on a form as approved by the court and shall designate the appointee, the duties, and make provisions for payment of fees.

(B) Notice. The guardian ad litem or child advocate shall receive notice and copies of all discovery and hearings. (C) Discharge. The guardian ad litem or child advocate shall be discharged only by order of the court.

(4) Parenting Seminars.

(A) Definition of Applicable Cases. This rule applies to all cases filed under Ch. 26.09, 26.10 or Ch. 26.26 of the RCW filed after September 1, 1994, including dissolutions, legal separations, major modifications and paternity actions (in which paternity has been established) where the parties are parents of children under the age of 18, and where a parenting plan or residential plan is required which involves more than purely financial issues.

(B) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (A) above, and in those additional cases arising under Title 26 RCW where a court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such non-parent parties as the court may direct, shall participate in, and successfully complete, an approved parenting seminar within 60 days after service of a petition, or an initiating motion, on the responding party. Standards for an approved parenting seminar shall be established by Administrative Order of this court. Successful completion shall be evidenced by the parties filing a certificate of

attendance/completion with the court. This document shall be filed separately and not as an attachment to other documents.

(C) Special Considerations/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

[a] waive the requirement of completion of the seminar; or

[b] provide an alternative voluntary parenting seminar for battered spouses.

(3) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

D) Failure to Comply*.* Delay, refusal, or default by one parent does not excuse timely compliance by the other parent. However, a parent who fails to complete the parenting seminar, shall be precluded from confirming the case for trial or presenting any final order affecting the parenting/residential plan, and may be precluded from seeking affirmative relief in this or subsequent proceedings in this file, until the parenting seminar has been successfully completed. Refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default, and/or striking of pleadings.

(5) Background checks. Prior to presenting a permanent parenting plan to the court for entry, the party or parties presenting the final parenting plan shall submit a completed background check form to the Snohomish County Superior Court Administration Office. Such request must be submitted no less than five court days prior to the date of presentation of the final parenting plan. Upon receipt of a completed background check form, Superior Court staff shall complete a search of the Judicial Access Browser System and Odyssey for the existence of any information and proceedings relevant to the placement of the child. This search shall be performed no more than 14 days prior to the proposed date of presentation of the permanent parenting plan.

[Amended effective November 14, 2007; amended effective October 14, 2009, amended effective September 1, 2011, amended effective September 1, 2017; amended effective September 1, 2023]

(6) *Visitation pursuant to RCW 26.11.*

A Petition to Establish, Modify, or Terminate Visitation, pursuant to RCW 26.11 shall be initiated by the filing and service of a summons and petition. The initial hearing to determine whether or not it is likely visitation will be granted, modified, or terminated shall be noted on the Judge’s Civil Motion calendar, in the same manner as a family law motion, at 9:30 AM, except that if there is a pending Dependency action, this hearing shall be scheduled by contacting the law clerk of the appropriate Dependency Judge. If it is determined that it is more likely than not visitation will be granted, modified, or terminated, the matter shall be set for a hearing on the Presiding Judge’s Trial Call calendar.

Any motion for fees shall be brought before the Judge who shall have made the original determination regarding establishment of visitation, modification of visitation, or termination of visitation, unless the request for attorney fees is made at the time of the hearing on the merits.
[Amended effective emergent May 9, 2018; Amended scribe error July 15, 2024]

(e) Petitioner and Respondent- Declarations of Income. Any application or response regarding child support shall be by motion and shall include a completed child support worksheet and other information, which might be required by statute. Any application or response regarding spousal maintenance, child support, attorney's fees, or any other financial relief, shall be by motion and shall include a Financial Declaration in the form approved by the court. In order to provide sufficient income information to the court, each party shall file separately and under seal pursuant to GR 22, complete copies of the last two (2) years for federal income tax returns, which shall include copies of all W-2 forms, 1099 forms and all schedules, 1040 forms and either a copy of the most current paystub with the year-to-date information included within the same or, if such information is not available, all paystubs for the prior six (6) months.

All orders establishing, setting, or modifying any temporary or permanent child support obligation must be in the form of a separate order, on mandatory forms where appropriate, with the adopted child support worksheet attached.
[Amended effective September 1, 2017]

(f) Restraining Orders.

(1) Where Presented. Applications for Temporary Restraining Orders may be presented ex parte. Motions for relief to be effective during the pendency of litigation shall be noted for hearing on a commissioner's calendar. Agreed restraining orders may be presented ex parte.

(2) Notice to Opponent. If an appearance has been made by a party, notice to the party pro se or counsel must be given prior to application for any immediate temporary restraining order, which will be heard by a commissioner ex parte.

(3) Mutual Orders. All immediate temporary restraining orders shall be made mutual where appropriate.

(*4) Motions to Quash or Terminate Temporary Restraining Orders*. A motion to quash a temporary restraining order or to terminate a restraining order shall be noted for hearing on a commissioner's calendar.

(5) Temporary Restraining Orders; Testimony. No temporary order removing a person from or restraining a person from entering premises in which that person then resides, or has resided within fourteen (14) days of the application; or which affects the custody of a minor child in which another person has parental rights; or which grants to a person possession of property in the name or possession of another; shall be issued except: (a) after a hearing of which the adverse party has been given prior notice deemed adequate by the court hearing the same; or (b) at which sworn testimony or

statement is received from a person or persons having personal knowledge of the facts, and the court waives the notice requirement. In general, an ex parte order establishing, vacating or changing child custody, or residence may only be entered under one or more of the following circumstances:

A. There is already an existing order entered in a different cause or proceeding, and this order is merely to confirm the status quo in this proceeding;

B. The parties have been separated more than fourteen (14) days, and the moving party has had the actual uninterrupted custody of the children for the last fourteen (14) days, or the other party has voluntarily vacated the family residence more than fourteen (14) days hence;

C. Less than fourteen (14) days have elapsed since separation of the parties, but during this time, the responding party has voluntarily acceded to the present arrangement by removing himself/herself from the family residence, or by leaving the children behind in the physical custody of the moving party; or

D. The parties have not as yet separated or have only recently done so, and there are substantial, documented allegations of physical, emotional, or sexual abuse of the other party or of the children which present a substantial danger of immediate irreparable harm such that an emergency order without notice ought to be entered. The applicant for such an order is expected to appear personally before a commissioner and give testimony in support of the request.

(6) Show Cause Hearings; Testimony. All show cause hearings, except for contempt, domestic violence, and anti-harassment hearings, shall be by affidavit and declaration only. In anti-harassment and domestic violence actions, only the parties may testify without cross-examination, or make statements as allowed by the court. The court may take testimony if it appears to the court necessary for an adequate determination of the matter.

(7) Agreed or Non-contested Orders and Decrees. In any case in which the respondent has appeared, pro se or through counsel, prior to the entry of an order of default, all orders, findings, or decrees shall be endorsed by the non-presenting party or his/her attorney and shall indicate approval or waiver of notice of presentation.

(g) Modification Proceedings.

(1) Modification of Temporary Orders. Temporary orders may be modified by motion based upon a change of circumstances.

(2) Entry of Modified Decree by Default. No permanent decree of modification of support, maintenance, visitation, parenting plan, or custody shall be entered by default unless the adverse party was served with at least twenty (20) days notice of such proceedings (sixty (60) days if out of state), together with copies of pleadings.

(3) Custody, Parenting, or Visitation Modifications.

(A) Commencement. A proceeding to modify custody, a parenting plan, visitation, or support is commenced by the filing of such documents as is required by various statutes.

(B) Threshold Hearings-Temporary Relief. Any party may, by motion or show cause order, request temporary relief or a threshold hearing based on affidavits. Responsive documents shall be served on the moving party as required by SCLCR 7.

(C) Disposition. Contested matters involving modification of support or maintenance only will be set for arbitration, unless a trial by affidavit is approved by the court upon motion.

(h) Alternative Dispute Resolution Required In Family Law. Moved to (c) Family Law Proceedings-Courtroom Calendars and Procedures (3) Alternative Dispute Resolution Required in Family Law.
[Emergent effective August 31, 2019]

(i) Notice of Settlement. When all issues in a Title 26 matter have been settled, the mediator, if any, or the attorneys or parties shall file within seven (7) days of settlement, a Notice of Settlement of All Issues in the form prescribed by the court. Facsimile or scanned image signatures are allowed. If final documents are not filed and entered within sixty (60) days after the filing of the Notice of Settlement, the Court may order the parties to appear and show cause why the matter should not be dismissed, or may take further actions as it deems appropriate.
[Amended effective September 1, 2019]

(j) Surrogacy Agreements.

(1) Where Presented. Any request to validate a genetic surrogacy agreement, any request for a determination as to whether or not the parties and the surrogacy agreement comply with RCW 26.26A, any issues regarding the rights and duties of the parties to any surrogacy agreement whether or not compliant with RCW 26.26A, any issues related to parentage under a surrogacy agreement, or any issues related to the termination of a surrogacy agreement, shall be set for hearing at 9:00 AM before the Juvenile Offender Judge or other Judge as designated by the presiding Judge.

(2) Procedure. A party may request a hearing date by sending an e-mail to surrogacy@snoco.org requesting a specific date for a hearing. There shall be no need to appear for the hearing for the matters listed in section one (1) above unless requested to appear by the Judge. Accompanying all of the working copies shall be an original copy of all proposed orders. If a Judge determines that the proposed surrogacy agreement is non-compliant with the statute, any request to determine the rights and duties of the parties shall be noted before the same Judge who determined the agreement was not compliant with the statute. For any motions to be heard specifying the rights and duties of a party to a non-compliant surrogacy agreement, the matter shall be heard on affidavits only unless the court requests testimony and/or oral argument.

(3) Time. The deadline for filing pleadings for any of the matters enumerated in section one (1) above, shall be the same as those set forth in CR 6(d).
[New effective emergent January 1, 2019]

(k) Requests for Special Immigrant Juvenile Findings and Petitions for Vulnerable Youth Guardianship.

(1) *Where heard*. Motions or petitions filed pursuant to RCW 13.90 or requesting findings pursuant to 8 U.S.C. Sec. 1101(a)(27)(J) should be noted for hearing in front of one of the following:

(A) The Superior Court Judge on the dependency rotation; or

(B) The Superior Court Judge contemporaneously hearing a matter involving consideration of the same facts, or a request for the same or similar findings; or

(C) The Superior Court Commissioner contemporaneously hearing a matter involving consideration of the same facts, or a request for the same or similar findings.

(2) *Jurisdiction conferred*. Jurisdiction to hear these matters is conferred upon Snohomish County Superior Court commissioners and these matters are specifically referred to them for consideration under the conditions of (1)(C), above.
[Adopted emergent effective January 1, 2022; effective permanent September 1, 2022]

[Adopted October 1, 1990; amended September 1, 1992; amended September 1, 1993; amended September 1, 1994; amended September 1, 1995, amended September 1, 1996; amended September 1, 1997; amended ;amended September 1, 1999; amended September 1, 2002; amended September 1, 2005;amended emergent November 14, 2007; amended September 1, 2008; amended emergent October 14, 2009; amended permanent effective September 1, 2010; amended effective September 1, 2010; amended effective September 1, 2011, amended effective September 1, 2012; amended effective September 1, 2015, amended effective September 1, 2016, amended effective September 1, 2017, amended effective September 1, 2018; amended emergent effective September 12, 2018; amended effective September 1, 2019;amened effective September 21, 2021, amended effective e September 1, 2022]

RULE 94.05 – Parentage Actions – Temporary Parenting Plans and Child Support Orders Converted to Permanent Orders [RESCINDED]

[Rescinded effective January 1, 2015]

RULE 95.00 Civil Protection Order Trials. Extreme Risk, Sexual Assault, and Vulnerable Adult Protection Order Proceedings

(a) Petitions–where heard. A petition for a temporary extreme risk, sexual assault, or vulnerable adult protection order filed in Superior Court pursuant to Chapter 7.105 RCW will be heard on the day the petition is filed or the next judicial day on the Ex Parte Calendar in the Commissioners Department. A petition for a final temporary extreme risk protection order

filed in Superior Court pursuant to Chapter 7.105 RCW will be set on the Presiding Judge's Civil Trial Calendar.

(b) Review hearing–where heard. Where a final extreme risk protection order has been granted, the judicial officer granting the order shall retain jurisdiction over the matter and set a review hearing within three judicial days, requiring the Respondent to appear and provide proof of compliance with the order to surrender firearms. If proof of compliance is provided prior to the hearing, the matter may be stricken from the Court's calendar.

(c) Motions to Modify, Terminate or Renew–where heard. A motion to modify, terminate, or renew an extreme risk, sexual assault, or vulnerable adult protection order shall be noted for hearing before the same judicial officer who issued the original order or their successor or other designated judicial officer.

[Adopted effective emergent September 1, 2018; amended effective emergent September 6, 2022; permanent September 1, 2023; amended emergent effective February 5, 2024; amended permanent September 1, 2024]

RULE 96.01 CIVIL CONTEMPT PROCEEDINGS; REQUIREMENTS

The following shall apply to indirect, remedial or civil contempt proceedings brought under RCW 7.21.030 or similar statutes.

(a) Warnings; Failure to Appear. The Order to Show Cause shall contain language warning the responding party that failure to appear could result in a warrant for arrest.

(b) Personal Service. Unless otherwise authorized by the court, the Order to Show Cause, motion, and affidavits must be personally served upon the responding party.

(c) Arrest or Other Remedies Upon Failure to Appear. At the hearing, if the responding party fails to appear and upon showing of proof of service, and if the warning required above is in the order, the court may order an arrest. Other requested remedies may also be ordered upon default, even if a warrant is not authorized.

[Amended effective September 1, 1992]

RULE 96.02 CHANGE OF NAME PROCEDURE [RESCINDED]

[Adopted effective October 1, 1990; rescinded September 1, 1993]

RULE 98.04 ESTATES-PROBATE

(a) Ex Parte. All probate matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under R.C.W. 11.28.240, or where such notice has been waived, may be heard ex parte. Applications by mail should be in conformance with SCLAR 0.02(f)(2). A death certificate or comparable documentation of the death of the decedent shall be filed with any petition to open a probate matter.

(b) Notice Required. All matters in probate proceedings in which notice is required shall be placed on the Guardianship/Probate calendar.

(c) Testimony for Certain Proceedings Required. Sworn testimony of any person or persons having personal knowledge of the facts may be required in certain probate proceedings as determined by the court.

[Amended effective September 1, 1997; amended emergency effective January 14, 2015; permanent effective September 1, 2015; amended effective September 1, 2019; amended effective September 1, 2023]

RULE 98.05 ESTATES – WILLS – WITHDRAWAL OF WILLS FILES UNDER SEAL

A non-testator request to withdraw a will filed with the court under seal pursuant to RCW 11.12.265 shall be granted only upon a hearing and good cause shown, after notice to the testator unless deceased and, in that case, to the named personal representative(s), heirs and legatees as the court shall determine appropriate under the circumstances of the case.

[New effective September 1, 2017]

RULE 98.16 ESTATES-GUARDIANSHIPS-SETTLEMENT OF CLAIMS OF MINORS

(a) Appointment of Representation. Appointment of representation of a minor for purposes of a minor settlement shall be by order of the Court.

(b) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e) Guardianship of Minor.

(1) *Finalization or Conversion and Consolidation of Cases Filed Pursuant to RCW 26.10.* Effective January 1, 2021, no new action pursuant to RCW 26.10 may be filed with the Court. As of the effective date of the repeal of RCW 26.10, no action shall be taken to modify, adjust, enforce, or otherwise affect orders in any Non-Parent Custody action filed pursuant to RCW 26.10, unless the matter has been converted to an action under the Uniform Guardianship Act, RCW 11.130, and the cases consolidated under the Guardianship cause number.

a. Motions to convert pending RCW 26.10 cases. All cases in which final orders have not been entered, including those on inactive status, must have final orders entered prior to the effective date of the repeal of RCW 26.10 or be converted to a Minor Guardianship Custody action using the form prescribed by the Court.
    (i) *Who may file.* A motion to convert a pending case may be filed by the Petitioner only, unless one or more of the following situations apply:
        1. The effective date of the repeal of RCW 26.10 has passed; or

2. All parties are in agreement with the conversion and have joined in the motion; or
3. The matter has been set for trial, and that trial is set after the effective date of the repeal of RCW 26.10; or
4. One or more respondents demonstrates, by facts set forth in a sworn declaration or affidavit, and supported by sufficient evidence in the record, that it is unlikely that the action will be finalized by the effective date of the repeal of RCW 26.10, even though the parties are demonstrating good faith efforts to finalize their case.

(ii) Deadline for conversion. Any pending Non-Parent Custody action not finalized or converted to a Minor Guardianship Action by the effective date of the repeal, or June 30, 2021, whichever is later shall be dismissed.

(iii) Manner and Place of Hearing. Motions to convert pending cases may be noted for a hearing at 8:30am on any Friday between January 8, 2021 and June 25, 2021 on the Motions to Convert NPC Calendar. The motion and notice of the hearing shall be on the Notice of Hearing and Motion for Order to Convert Pending Non-Parent Custody Case to Minor Guardianship, Consolidate the Cases, and Grant Leave to File an Amended Petition form prescribed by the court. The motion and a proposed order shall be provided as a working copy at the time the motion is filed, or the hearing shall be stricken. The hearing will be conducted on the pleadings provided, and the Court will review the court file to determine the status of the case and ensure notice was adequately provided to all parties requiring notice.

(iv) Amended Petition Required. A Minor Guardianship Petition shall be presented as a working copy with every Motion to Convert, Consolidate, and Amend. If the pending Non-Parent Custody action includes more than two legal parents, a Petition shall be filed for each set of legal parents as set forth in SCLSPR 98.16(e)(2)(A).

(v) Service of Documents after Conversion. If the Court grants the Motion to Convert and Consolidate, the Petitioner shall serve the amended petition, a summons, and a copy of the Order on Motion to Convert and Consolidate shall be served on all persons entitled to notice under RCW 11.130.195 by the Petitioner no later than 14 days after the Order has been granted.

b. Motions to convert final RCW 26.10 cases. A motion to convert shall be made by filing a Notice of Hearing and Motion to Convert and Consolidate in the form prescribed by the Court and available on the Court's Website. No later than fourteen days after the order has been granted, the Petitioner shall serve a copy of the Order on Motion to Convert and Consolidate on all persons entitled to notice under RCW 11.130.195.

c. Conversion of Cases with Multiple Minors and More Than Two Legal Parents.

(i) In the event that an existing non-parental custody action has multiple minors who do not all have the same legal parents, the clerk's office will create a new action for each minor or minors who share the same legal parents.

(2) *Filing*. A cause of action for the appointment of a guardian, standby guardian, or emergency guardian for a minor shall be commenced by the filing of a summons, petition, and supplemental declaration. The petitioner shall also file a coversheet for a judicial information system background check, which may be run by the Court at any point during the pendency of the action, including, but not limited to, the 60 day review hearing, and prior to the appointment of a guardian. The background check coversheet shall contain the requested information for each petitioner, each proposed guardian, and each person over the age of 18 who resides in the home of any petitioner or any proposed guardian.

d. Actions Involving Multiple Children. A Minor Guardianship may have multiple minors named as respondents so long as those minors have the same legal parents. If there are more than two legal parents, a separate action must be filed for each set of legal parents.

(3*) Child Abuse and Neglect Check.* No later than 14 days after the filing of the action, the petitioner shall seek and obtain an order directing the department of children, youth, and families to release information as provided under RCW 13.50.100. The order shall direct the release of any and all child abuse and neglect information about each petitioner, each proposed guardian, and each person of the age 18 who resides in the home of the petitioner or proposed guardian.

(4) *Washington State Patrol Criminal Identification Information.* No later than 14 days after the filing of the action, the petitioner shall file, and serve on all persons entitled to notice under RCW 11.130.195, the results of the Washington State patrol examination required by RCW 11.130.210.

(5) *Mandatory Forms*. In the event a statewide pattern guardianship form exists, those forms shall be used. If no state-wide form exists, then the

Snohomish County Minor Guardianship forms shall be used. Both the mandatory and statewide pattern guardianship forms can be obtained on Snohomish County Superior Court's website: https://snohomishcountywa.gov/5523/Snohomish-County-Superior-Court-Forms. These forms are subject to future updates, corrections, amendments, or other alterations. Notice of these changes may be placed on the Snohomish County Superior Court's website or on the Washington Courts website.

(6) *Trial and Hearings; Where Heard; Case Schedule.*

a. Petition for Minor Guardianship or Standby Minor Guardianship. All pre-trial hearings, except those permitted to be heard in the ex parte department, or as otherwise set forth in these rules will be heard on the Minor Guardianship Calendar on Wednesdays at 10:00am in Courtroom 1E.

b. Case Schedule. When an action is commenced under RCW 11.130.190 or .220, the case will be assigned a review hearing and a court confirmed trial date. The case schedule must be served, together with the summons, petition, and supplemental declaration, on each person entitled to notice pursuant to RCW 11.130.195(a)(i)-(iv). If service of the summons, petition, and supplemental declaration occurs prior to the issuance of this case schedule, then the case schedule must be served within five (5) court days after the case is filed. Failure to follow the case schedule may result in monetary sanctions, dismissal of the case, or other action deemed necessary by the court.

   i. Review Hearing. A court-confirmed review hearing shall be set for the first available Minor Guardianship Calendar that falls 60 days from the date of filing. At the review hearing, the Court will consider whether an appointment of a guardian ad litem, court visitor attorney for minor, or attorney for a parent should be made, will inquire as to the applicability of the Indian Child Welfare Act and the status of any required notice, and will issue such orders as it deems necessary. Motions or objections to any appointments to be considered at this hearing shall be filed and served on all parties at least five (5) court days prior to the hearing. At the review hearing, the Court will also consider any other timely filed motions, including a motion for default.

   ii. Trial. A court confirmed trial date will be set on the first Tuesday, Wednesday, or Thursday that is 180 days from the date of filing. If the 180th day is a Monday, Friday, weekend,

or court holiday, then the hearing will be set for the next available court day Tuesday through Thursday.

c. Petition for Appointment of Emergency Guardian*.*
    i. Petitions for appointment of an emergency guardian shall be heard on the Minor Guardianship calendar. Petitions requesting appointment without notice to the other party will be heard in the ex parte department. Petitions must include, or be accompanied by, an affidavit setting forth a factual basis for allegations contained in the petition.
    ii. When the Court receives a Petition for Appointment of Emergency Guardian without notice, the Court may:
        1. Appoint a guardian without notice, as requested in the Petition, and schedule a hearing on the appropriateness of the appointment, to be heard within five court days. If the next Minor Guardianship Calendar is not within five court days of the appointment, the appropriateness hearing shall be set for the next Monday, at 10:30am in Courtroom 1B;
        2. Deny the appointment without notice and set a hearing on the next Minor Guardianship Calendar; or
        3. Deny the Petition for Appointment of Emergency Guardian.
    iii. When the Court appoints an Emergency Guardian after a hearing for which all parties have received notice, it may set a renewal hearing on the Minor Guardianship Calendar, at which hearing the Court will determine whether the emergency guardian's authority will be extended for an additional 60 days, or longer, pending the outcome of a full hearing if a Minor Guardianship Custody action is also pending.

d. Ex Parte; Working Copies Required. All guardianship matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under applicable statutes, or where such notice has been waived, may be heard ex parte. It shall be the responsibility of the presenting party to submit to the court working copies of any pleadings or other documents or proof on which the requested action is based.

(7) *Service.* Service of the pleadings identified in SCLSPR 98.16(e)(2) shall be made in accordance with RCW 11.130.220(5)(a). If, 90 days after filing the petition, the court file does not contain valid proof of service on, or joinder or response by at least one notice party, the case may be dismissed

by the Court on its own motion without further notice to the parties, or the Court may take other action as it deems appropriate.

a. When Personal Service Cannot be Made. The Court may order that service be made by alternative service pursuant to CR 4(d) and RCW 4.28.100, after receipt of a motion for alternative service in the form prescribed by the Court. Such motion may be presented ex parte.

(8) *Appointment of Attorney for Minor.* If the Court determines that an attorney should be appointed for a minor, the Court will enter an order directing the Snohomish County Office of Public Defense to appoint the next available attorney, and direct the minor or Petitioner to take a copy of the order of appointment to OPD for processing.

(9) *Appointment of Attorney for Parent.*

a. A parent who is entitled to the appointment of an attorney pursuant to RCW 11.130.200(5)(a),(b), and (c)(i) may contact the Snohomish County Office of Public Defense to request and screen for the appointment of counsel at any time after receiving the summons and petition, or becoming aware that an action has been filed. Prior to the appointment of counsel, a parent will be required to complete and file the Notice of Appearance, Objection to Appointment of Guardian, and Request for Attorney on the form prescribed by the Court, and shall present a conformed copy to the Office of Public Defense.

b. If a parent appears at any proceeding and has not been appointed counsel, the court shall inquire as to the indigency status of the parent and determine whether an attorney should be appointed under RCW 11.130.200(5)(c)(i)-(iii). A parent may be required to complete a financial declaration or other form at the direction of the Court. If the Court determines that an attorney should be appointed, the Court will enter an order directing the Snohomish County Office of Public Defense to appoint the next available attorney and the parent will be directed to take a copy of the order of appointment to the Office of Public Defense for processing.

(10) *Appointment of Guardian ad Litem or Court Visitor; Registry.* Guardians ad Litem and Court Visitors appointed pursuant to RCW 11.130 shall be appointed from a registry maintained by the Court, in a system of consistent rotation. If a party believes that there is a need for particular expertise, or there is a conflict of interest with one of the members of the registry, that information shall be set forth in a declaration and provided to the Court and all parties prior to any hearing at which a Guardian ad Litem or Court Visitor is requested or appointed. In the event the court does not select

the person next on the list, it shall include in the order of appointment a written reason for its decision.

a. Review Hearing. When appointing a Guardian ad Litem or Court Visitor, the court may set a 60-day review hearing to review issues identified in a GAL or Court Visitor Report and confirm the feasibility of the trial date.
b. Supplemental Order. When appointing a Guardian ad Litem or Court Visitor, the Court may also enter a Supplemental Order Appointing Guardian ad Litem or Court Visitor, setting deadlines for the completion of certain documents and a due date for the report.
c. Application of Rules. All statutes, state or local rules, administrative or emergency orders, or other regulations that regulate the actions of a Title 11 guardian ad litem, including procedures related to the management of grievances, shall also apply to any Guardian ad Litem or Court Visitor appointed pursuant to RCW 11.130.

(11) *Background Check.* The Court will review the results of the Background Check at the 60-day review hearing and before entering any initial or final order pursuant to RCW 11.130, or at any other time the Court believes a review to be appropriate. The Court may decline to enter final orders in the event a background check is more than 14 days old.

(12) *Alternative Dispute Resolution.* Local rules regarding mandatory alternative dispute resolution do not apply to Minor Guardianship Custody cases.

(13) *Motions for Orders for Restraint or Protection.* Any party may request relief under RCW 26.50, 10.14 or other statute governing orders for protection or restraint under another defined statute. Initial petitions shall be heard in the ex parte department. All further hearings shall be heard on the guardianship calendar, concurrently with the guardianship action. All documents filed in the related action for protection or restraint shall be served on all persons entitled to notice pursuant to RCW 11.130.195(1)(a).

(14) *Motions for Orders for Child Support.* All proceedings to establish or enforce child support under RCW 11.130.255 or .257, except those proceedings initiated by the State of Washington, shall be heard on the Minor Guardianship calendar or other calendar designated by the Commissioner, or by the Judge following trial. Actions initiated or enforced by the State of Washington may be heard on the State's support calendars.

[Amended effective emergent January 1, 2021; permanent effective September 1, 2021]

(f) Guardianships.

(1) Non-Certified Professional Guardian or Conservator Appointments and Waiver of Training Requirements. Upon filing of a Motion To Defer or Waive Guardian/Conservator Training pursuant to RCW 11.130.090(2) the court may defer the time period for completion of the required training for a

period of ninety (90) days or waive the training requirement upon a showing of good cause. In establishing good cause, the court may consider: the length of time the guardian/conservator has successfully fulfilled the relevant duties; the timeliness of filing of all required reports; whether the duties of the guardian have been monitored by a state or local agency; and any founded allegations against the guardian for abuse, neglect, or breach of fiduciary duty.

(2) Ex Parte; Working Copies Required. All guardianship matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under applicable statutes, or where such notice has been waived, may be heard ex parte. It shall be the responsibility of the presenting party to submit to the court working copies of any pleadings or other documents or proof on which the requested action is based.

(3) Notice Required.

(a) Notes for Motion Calendar. All matters in guardianship proceedings not involving testimony in which notice is required shall be noted on the Court Commissioner's Guardianship/Probate calendar. The court may, in its discretion, require a guardianship matter be noted for motion.

(4) Role of Court Visitor.

(a) In addition to the duties set forth in RCW 11.130.280, Court Visitor shall ascertain the desire of a respondent to be represented by counsel, and the extent and nature of the respondent's assets for use in securing representation and shall make a motion for the appointment of counsel when necessary.

(5) Order Appointing Guardian and Execution and Form of Letters of Guardianship. All Orders Appointing Guardians shall contain the following information to ensure the timely and accurate issuance of Letters of Guardianship by the Clerk's Office. The following information shall be completed and placed directly below the case caption or on a separate cover page in all Orders Appointing Guardians:

CLERK'S ACTION REQUIRED

Due Date for Report and Accounting: _____

New Letters Expire On: _____

Due Date for Initial Personal Care Plan: _____

Due Date for Inventory: _____

(6) Reporting Date.

(a) Upon signing of the order appointing Guardian or declaring a trust and appointing a trustee, the next report (and all reports thereafter) shall be due no later than 90 days after the anniversary date of the appointment, unless otherwise ordered by the court. The order shall include a Clerk's Action Required summary on the first page in a format approved by the Court.

(b) Guardianships in which venue is changed to Snohomish County shall retain the reporting period established by the previous jurisdiction until the next accounting is reviewed by the court.

(c) Guardianships with multiple guardians and/or trustees shall have all reports no later than 90 days after the anniversary of the appointment of the first guardian/trustee, unless otherwise ordered by the court.

(d) If a successor guardian or trustee is appointed, reports shall be due no later than 90 days after the anniversary of that appointment, unless ordered by the court.

(e) Any changes to the reporting cycle of a guardian or trustee shall be approved by the court.

[Amended emergent January 1, 2022; effective permanent September 1, 2022]

(g) Minor Settlements.

(1) Compliance with SPR 98.16. The requirements of SPR 98.16 will be strictly enforced in all matters in which the court is requested to approve a settlement involving a beneficial interest or claim of a person under the age of eighteen (18).

(2) Petition.

(a) Contents. A petition for approval of a settlement of each minor's claim shall contain:

1. The full name and birth date of each minor;
2. The relation of the guardian ad litem to each minor;
3. A brief statement of the basis for the claim unless a summons and complaint have been previously filed;
4. An itemization of special damages;
5. A statement of the collateral sources for payment of special damages, whether reimbursement is sought and the terms thereof, including the allocation of fractional shares of the costs of recovery;
6. A description of the injuries, length of disability and prognosis of future disability. Medical reports may be attached and incorporated in the petition;
7. The amount of proposed settlement;
8. The amount of attorney's fees requested or agreed upon and an itemization of the court costs and expenses incurred in preparation and prosecution of the claim; and,
9. The proposed distribution of settlement funds.

(3) Hearing on Approval of Settlement.

(a) Report of Counsel or Guardian Ad Litem. At the time the petition for approval of the settlement is heard, independent counsel or the guardian ad litem should be prepared to advise the court of his/her opinion of the probable chances of recovery, including issues of primary negligence, contributory negligence, reasonableness of attorney's fees, etc., and the basis for such opinion. Reasonably current medical reports shall be available. The minor and

custodial parent or the parent designated primary residential parent under the Parenting Act shall be present at the hearing unless their presence is waived by the court.
[Amended effective September 1, 2020]

(b) Time of Hearing. Application shall be made to the Civil Motion Judge's law clerk/bailiff for a time to hear the matter or for assignment to a department to hear the matter.

(4) Filing of Receipt. Within 60 days of the approval of the settlement, the petitioner shall file a receipt, signed by a representative of the financial institution, acknowledging receipt of the funds and acknowledging that the financial institution will hold the funds in compliance with the court order and SPR 98.16W. A copy of the receipt shall be provided to the judge approving the settlement. The copy shall bear the stamp of the clerk showing that it has been filed and shall be provided to the judge within two working days of being filed.
[Amended effective September 1, 2024]

(i)[Reserved]

(j)Control and Orders for Remaining Funds.

(1) $25,000 or less. [Reserved]

(2) More than $25,000. [Reserved]

(3) Conditions for use of Trust. A trust established pursuant to SPR 98.16W must meet the following additional requirements:

(a) The selection of the trustee(s) and the terms of the trust shall be approved by the same judge as approved the settlement. If that judge is not available, the presiding judge may assign the matter to a different judge. A working copy of the proposed trust document, note for hearing and trustee's fee schedule shall be furnished to the judge no less than 6 court days in advance of the hearing.
[Amended effective September 1, 1992; amended effective September 1, 1993; amended effective September 1, 1997; amended effective September 1, 1999; amended effective September 1, 2001; amended effective September 1, 2003; amended effective emergent November 9, 2011, permanent September 1, 2012; amended effective September 1, 2018; amended effective September 1, 2020]

PART VI. CRIMINAL RULES (SCLCrR)

1. SCOPE, PURPOSE AND CONSTRUCTION

RULE 1.1 SCOPE, APPLICATON OF CIVIL RULE

All local civil rules and Supreme Court Civil Rules shall apply in criminal cases, unless contrary provision is made in these or other rules governing criminal cases.

RULE 1.2 PURPOSE AND CONSTRUCTION

(a) Where the term "probation" is used herein it will also apply to "community supervision".
(b) Where the singular term "party" is used, it shall be interpreted to also include cases involving multiple parties.
(c) The term "party" refers to the litigant and their attorney, if applicable. Unless a rule requires a specific action by the defendant, any duties placed upon a party may be undertaken by the attorney for the party on behalf of the party.

[Amended effective September 1, 2021]

2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS

RULE 2.2 WARRANT OF ARREST AND SUMMONS

(b) Issuance of Summons. Upon the Prosecuting Attorney's filing with the clerk an information without directing or requesting the issuance of a warrant for the arrest of the defendant, the clerk shall issue, or re-issue, a summons commanding the defendant to appear before the Court at a specified time and place. Summons shall also issue upon the filing of a motion for modification or revocation of probation, provided that the motion be supported with a properly executed affidavit setting forth the basis for the requested modification or revocation of probation.

3. RIGHTS OF DEFENDANTS

RULE 3.1 RIGHT TO AND ASSIGNMENT OF LAWYER

(d) Assignment of Lawyer.

(4) Certificates of Compliance with the Standards for Indigent Defendants required by CrR 3.1 and JuCr 9.2 shall be filed quarterly with the Snohomish County Clerk.

All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrR 3.1/JuCr 9.2 Certificate of Compliance with the Standards for Indigent Defendants is on file with the Snohomish County Clerk.

(f) Services Other Than a Lawyer. Pursuant to CrR 3.1(f) and JuCR 9.3, all requests and approval for expert services expenditures are hereby delegated to the Snohomish County Office of Public Defense (OPD). Upon finding that investigative, expert, or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the

OPD shall authorize the services. The OPD shall set both the hourly rate and total remuneration for such expert(s) or other services based upon usual and customary rates in the community for such services at public expense. Where, after review by the Director of the OPD, services are denied in whole or in part, the defendant may move for de novo review before the Judge designated by the Presiding Judge to review denial of requests for services under CrR 3.1 (f) and JuCR 9.3
[Effective October 1, 2012; amended effective September 1, 2021]

RULE 3.2 RELEASE OF THE ACCUSED

(j) Any in-custody defendant may file a motion for bail review on the daily criminal hearings calendar if the hearing will take less than 10 minutes. If it will take longer than 10 minutes, it may be noted on the extended motions calendar for review of bail.

The parties can find Hearing Availability at https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules. Prior to requesting a date and time for the bail review motion to be set before either the criminal hearings judge or the extended criminal motions judge, the party noting the motion shall check the website above to assure availability.

On any nonviolent offense, a motion for bail review may be noted on the calendars with at least 24 hours' notice of the hearing.

On any violent offense, a motion for bail review may be noted with at least 48 hours' notice. Violent Offense is as defined in RCW 9.94A.030(55) and any sexually related or domestic violence charge.

A calendar note identifying the appropriate calendar, the date and time for the hearing, and the anticipated amount of time the hearing will take must be filed and provided with the working copies.
[Effective Emergent March 23, 2020; permanent effective September 1, 2020; amended effective September 1, 2021]

(k)(3) **Bond Riders**. Where the court rules that a defendant may post a rider, the defendant shall file proof from the original bonding company that the entity will continue to honor the full bond amount. Such proof must be filed in the court file within two court days of the court's order authorizing a rider unless a different deadline is included in the court's order. The court shall set a review hearing to determine whether proof of a rider has been filed. If proof is not filed, the lack of proof shall be prima facie evidence that the defendant has failed to post the required bail, and the court shall authorize a warrant or remand the defendant into custody, unless the time period for compliance is extended.
[Adopted effective September 1, 2022]

RULE 3.2.1 PRELIMINARY APPEARANCE OF DEFENDANT

(d) Generally. Unless a defendant has appeared or will appear before a court of limited jurisdiction for a preliminary appearance pursuant to CrRLJ 3.2.1(a), any defendant, whether detained in jail or subjected to court authorized conditions of release, and any person in whose case the Juvenile Court has entered a written order declining jurisdiction, shall be taken or required to appear before the Superior Court in person or by electronic audio-visual device as soon as practicable after the detention is commenced, the conditions of release are imposed, or the order is entered, but in any event before the close of business on the next judicial day. A person is not subject to conditions of release if the person has been served with a summons and the only obligation is to appear in court on a future date.

[Amended effective September 1, 2021]

RULE 3.3 TIME FOR TRIAL

(c) Time for Arraignment and Trial. The in-custody arraignment calendar shall be heard at the time as indicated for such in an administrative order of the court. The out-of-custody arraignment calendar shall be heard at the time as indicated for such in an administrative order of the court. All first appearances, arraignments, setting of bail, and similar matters in criminal cases shall be placed on such calendars. Guilty pleas will be taken at either omnibus hearings or plea calendars.

(1) Setting of Omnibus Hearings. At the time of the arraignment the court shall set the omnibus hearing.

(2) Sentencing. Upon the entry of a plea of guilty, sentencing shall be assigned to a judge by the judge taking the plea.

(f) Trial Settings/Confirmation Hearings. Criminal cases shall be set for trial at the time of arraignment, or entry of plea, by the judge hearing such matters.

[Amended effective September 1, 1997]

RULE 3.4 PRESENCE OF DEFENDANT

(b) When Necessary. The defendant shall be personally present (physically or remotely in the court's discretion) at all hearings identified in CrR 3.4(b) and at hearings held pursuant to CrR 3.5, except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown.

(1) Presence of the Defendant. The Court finds that the unless all parties have agreed to a trial continuance to a particular date and the defendant has signed the order of continuance, the personal physical appearance of the defendant is necessary at the trial calendar on Friday at 9:30 AM except

as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. The Court further finds that when one party is requesting a continuance and the other party is objecting to the continuance or it's duration, the personal appearance of the defendant is necessary. At a request for a continuance the Defendant's personal appearance may be either physically in-person or remotely by Zoom, at the Defendant's discretion, unless otherwise specified or ordered by the Court. The Court predicates these findings upon the need for:

(A) the defendant to confer with counsel as to the disqualification of the assigned trial judge; and

(B) the defendant to confer with counsel as to how to conduct jury selection; and

(C) the Court to timely respond to a disqualification of the assigned trial judge; and

(D) the Court to confirm that there are no issues that necessitate a trial continuance; and

(E) the Court to enter appropriate orders when a case is not ready for trial and the defendant has not agreed to a continuance; and

(F) the Court to confirm that any accommodations necessary to ensure a fair trial of the accused and the ability of witnesses to testify are secured.

Absent findings in support of a contrary conclusion, the failure of the defendant to appear will prevent the case from moving forward.

Absent good cause, motions in limine will begin on the same day that the Court assigns the case out to trial, following assignment. The defendant may appear physically or remotely for motions in limine, but the defendant shall appear in court physically for jury selection. A defendant may only appear remotely for motions in limine, rather than in-person, if the defendant does so by means of a smartphone or a tablet, or other device with a camera, has the ability to hear and be heard, has reliable internet service, and has access to a location that will permit them to participate with no disruptions.

(e) Record. In any hearing where the defendant is in custody in the Snohomish County Jail and no sworn testimony is to be taken, including but not limited to preliminary appearance, arraignment, re-arraignment, bail review, trial setting or continuance, and/or extradition waiver, the court may in its discretion conduct such hearing with the defendant present in person or by electronic audio-visual device, and may make an electronic, mechanical, or shorthand record thereof in accordance with CR 80.

[Amended effective October 1, 1990; amended effective September 1, 2021]

RULE 3.7 SERVICES OTHER THAN A LAWYER

[RESCINDED; MOVED TO SCLCRR 3.1]

[Effective January 1, 2017; rescinded, moved to SCLCrR 3.1 effective September 1, 2021]

4. PROCEDURES PRIOR TO TRIAL

RULE 4.1 ARRAIGNMENT

Defendants and counsel may appear for out-of-custody arraignments through Zoom pursuant to the Zoom Protocols and Procedures for Criminal Hearings and Extended Criminal Motions located at: https://www.snohomishcountywa.gov/5740/Criminal-Zoom-Hearings.

Protection orders, Orders to Surrender Weapons, or similar orders should be signed in advance of the hearing if the defendant will be appearing remotely. The court may continue or set over all or part of an arraignment to allow additional time for signed orders to be presented.

[Effective September 1, 2021]

RULE 4.5 OMNIBUS HEARING

(a) Omnibus Hearing. When a plea of not guilty is entered, the Court will set the case for an Omnibus Hearing at the time indicated for such as set forth in an administrative order of the court, and in such courtroom as may be posted.

(1) At the omnibus hearing, the Court will address the issues set forth in CrR 4.5(c) and the Snohomish County Superior Court omnibus order.

(2) Parties may submit fully completed, agreed, and signed proposed omnibus orders, on the form prescribed by the Court, for approval by the criminal motions Judge ex parte, or present them at an omnibus hearing.

(3) If the parties do not present a fully completed, agreed, and signed proposed omnibus order at or before the omnibus hearing, they must appear at the hearing. At the hearing, the court will hold a contested omnibus hearing, set future hearings at the request of either party, or take no action.

(4) Any party may schedule an additional omnibus hearing at any time prior to trial, with proper notice to the opposing side. The parties may also, at any time, submit a fully completed, agreed, and signed proposed omnibus order to the criminal motions judge ex parte.

(5) An omnibus order must be entered prior to trial. Failure of the parties to enter an agreed omnibus order or to note an omnibus hearing to obtain rulings on an omnibus order may be considered by the Court as a factor in making individualized determinations on contested motions to continue the trial.

[Amended effective September 1, 1992; September 1, 1993; September 1, 1997; September 1, 1998; amended emergency effective April 4, 2011; amended September 1, 2011; amended effective September 1, 2016; amended emergency effective October 1, 2019; amended effective September 1, 2020; amended effective September 1, 2021;

amended emergent effective January 1, 2022; amended emergent effective April 1, 2022, effective permanent September 1, 2022; amended emergent effective August 10, 2023: amended permanent September 1, 2024]

RULE 4.11 MENTAL HEALTH SCREENING

[RESCINDED]

[Adopted effective March 5, 2015; permanent effective September 1, 2015, amended effective September 1, 2019; rescinded effective September 1, 2021]

5. VENUE [RESERVED]

6. PROCEDURES AT TRIAL

RULE 6.1 TRIAL BY JURY OR BY THE COURT

(e) Stipulated Trial. A Stipulated Bench Trial on Agreed Documentary Evidence begins on the day the Stipulation is accepted and concludes on the day the Court enters its verdict and imposes sentence, if applicable. Absent an extraordinary circumstance, the entire trial shall be presided over by the same judicial officer. At the time of the entry of the stipulation, the State shall file all documents for the Court's consideration under a coversheet entitled Appendix C. Copies of the filed documents shall be provided to the Court and the Defendant.

(f) Not Offered Exhibits. All exhibits marked but not offered at trial shall be subject to the same retention requirements as those admitted or rejected.

[Effective September 1, 2021]

RULE 6.3 SELECTING THE JURY

Jury selection shall be conducted in a manner consistent with CrR 6.3, and shall occur in person unless all counsel and the defendant stipulate to remote jury selection and the Court approves the stipulation.

[Effective September 1, 2021]

RULE 6.12 WITNESSES [RESCINDED; MOVED TO SCLCRR 6.1)

[Rescinded, moved to SCLCrR 6.1 effective September 1, 2021]

7. PROCEDURES FOLLOWING CONVICTION

RULE 7.1 PROCEDURES BEFORE SENTENCING

(e) Sealing of Records. No sentencing records or reports will be sealed except by order of the court pursuant to the procedures set forth in GR 15.

[Amended effective September 1, 2000]

RULE 7.8 POST-CONVICTION MOTIONS

(a) Filing and Service. A motion for post-conviction relief pursuant to CrR 7.8 shall be filed with the Clerk and served on the Snohomish County Prosecuting Attorney. The motion shall be accompanied by supporting affidavits and documentation.

(b) Scheduling the Hearing. At the time the motion and supporting documentation is filed, the moving party shall set the matter for a hearing on the personal calendar of the sentencing Judge or successor. Hearings shall be noted using the Calendar Note designated by the Court and shall be set on the Judge's Personal Calendar. The moving party may select any day, Monday-Friday at 8:30am and note the matter without requesting a date and time from the court.

(1) Sentencing Judge Unknown. If the moving party does not know the appropriate judge to hear the matter, the party should note the hearing to be heard before the Presiding Judge, who will transmit the motion to the appropriate judge.

(c) Order to Show Cause. Unless the Court transfers the matter to the Court of Appeals for consideration as a Personal Restraint Petition, the Court will issue an Order to Show cause why the requested relief should not be granted. The moving party shall submit a proposed Order to Show Cause together with any working copies if represented by counsel. Unrepresented parties are urged and encouraged, but not required, to submit a proposed order.

(1) Except as otherwise set forth in this rule, or shortened by the Court, the Show Cause Hearing shall be set for a date not less than 45 days after the date the motion is filed.

(d) Response and Replies. Responses shall be filed and served not less than 15 days before the date set for the show cause hearing, and replies shall be filed and served not less than 7 days before the date set for the show cause hearing unless the time for responses or replies is extended or shortened by the court. The response may take the form of a motion to transfer the defendant's motion to the Court of Appeals, for consideration as a personal restraint petition.

(e) Manner of Hearing. The hearing will be without oral argument, unless argument is requested by the Court or a request for oral argument is granted by the Court. Any party requesting oral argument shall set forth the basis for the request in writing. If, after receipt of the motion or response, the Court determines that oral argument is necessary, or grants a request for oral argument, the Court will notify the parties and arrange for a date and time for oral argument.

(f) Motions pursuant to State v. Blake, NO. 96873-0. The timelines set forth in this rule shall apply to motions for relief based on the February 25, 2021 Washington State Supreme Court decision in State v. Blake, unless the

motion, if granted, would result in the release of the defendant immediately or within 45 days after the date the motion is filed. In such a circumstance, the motion shall be filed and served on the prosecutor not less than 28 days before the proposed date for the Show Cause hearing, and the prosecutor's response shall be due not less than 14 days before the Show Cause hearing, and any reply shall be not less than 5 days before the Show Cause hearing unless the time is extended or shortened by the court.

(g) Agreed Orders. Parties are encouraged to submit agreed orders to the sentencing judge or successor. However, if it would expedite the release of the defendant or increase efficiency, an agreed order may be submitted to the criminal hearings judge.
[Effective September 1, 2021]

8. MISCELLANEOUS

RULE 8.1 TIME

Except as set forth herein, time shall be computed and enlarged in accordance with CR 6 and SCLCR 6.
[Effective September 1, 2021]

RULE 8.2 MOTIONS

(a) Related Rules. CrR 3.5, CrR 3.6, CR 6, CR 7(b), SCLCR 6(d)(1), SCLCR 7(b)(2)(d)(1) – (7), and SCLCrR 8.1 shall govern motions in criminal cases. A motion for reconsideration shall be governed by CR 59(b), (e), and (j).

(b) Scheduling; Timing of Motions. Motions to suppress, CrR 3.5 hearings, and similar matters, shall be heard at the time indicated for such as set forth in an administrative order of the court and may be assigned to Trial Departments as may appear appropriate to the judge. Hearings pursuant to CrR 3.5 must be noted by the prosecuting attorney and completed by one week prior to the trial date or the court may impose sanctions, including suppression of the statements at trial, absent good cause to excuse the delay. Motions to suppress must be heard by one week prior to the trial date or the court may impose sanctions. If good cause is found to excuse the delay in bringing the CrR 3.5 or other motion, no sanctions shall be imposed on account of the delay. Examples of good cause include but are not limited to: court congestion; inability to interview necessary witnesses in a timely fashion, so long as the delay was not caused by the party requesting the finding of good cause; unavailability of necessary witnesses; and failure of a party to timely provide discovery to the party seeking a finding of good cause. If any party's failure to provide discovery creates good cause to excuse delay, such failure may be a basis for the court to impose sanctions, including financial

sanctions. Matters in criminal cases requiring disposition other than on the regular Arraignment, Omnibus or Criminal Motions Calendars, shall be presented to the Criminal Motions Judge, except for motions for pre-assignment which shall be presented to the Presiding Judge.

(c) Criminal Hearings and Motions. There shall be two criminal departments: Criminal Hearings, held in Courtroom 1A and Criminal Motions, held in another courtroom designated by the Court. The times and dates of the hearings to be heard in each department will be set forth in an Administrative Order and Court Calendars. Attorneys and parties shall identify available dates and times for their motions by reviewing the Criminal Hearings and Motions Availability at https://snohomishcountywa.gov/1338/Calendars-and-Schedules.

i. Parties may note a matter in the Criminal Hearings department, Courtroom 1A by e-mailing a scheduling request to the criminal hearings e-mail: criminalhearings@snoco.org. The e-mail must state in the subject line the date and time requested for the hearing and the case name and cause number.
    A. Motions to vacate record of conviction and motions for certificates of discharge shall be heard on the pleadings only unless a criminal hearings judge requires argument.
ii. Parties may note an Extended Motion (any motion that will require more than 10 minutes of court time) by filing a calendar note in the form prescribed by the Court.
iii. The Calendar Note must be accompanied by a motion and must be filed and served on all parties and sent to the criminal working copies e-mail (criminal.workingcopies@snoco.org) not less than five (5) court days before the date requested for the hearing. Responsive materials, if any, must be filed and served on all parties not later than 12:00pm two (2) court days before the hearing. Any reply must be filed and served on all parties not later than 12:00pm one (1) court day before the hearing. By filing a Calendar Note, the attorney/party represents to the Court that the initial briefing necessary for the matter has been filed or is being filed contemporaneously with the calendar note, that all witnesses necessary for the hearing are available, and that any additional briefing will be completed in accordance with this rule. The law clerk monitoring the criminal working copies e-mail will schedule matters into a requested hearing slot. Where there are scheduling conflicts, the law clerk will notify the affected attorneys/parties.
iv. Confirmation Required. The moving party must confirm their hearing between 12:00pm Thursday and 12:00pm Friday of the week immediately preceding the week the hearing is to be heard. If Friday is a court holiday, the confirmation window closes at

12:00pm on the last court day of that week. The Court may strike any unconfirmed hearing.

1. Confirmation by e-mail. Represented parties shall confirm their hearing by sending an e-mail to criminal.workingcopies@snoco.org. Unrepresented parties may confirm by e-mail or by telephone. Opposing counsel and any other person entitled to notice of the hearing shall be included on the confirmation e-mail. The subject line shall indicate that the e-mail is for an extended motion confirmation and shall include the case name and cause number. The body of the e-mail shall state whether the hearing is confirmed or stricken. The court will acknowledge receipt of the confirmation or strike by return e-mail.
2. Confirmation by Telephone. Unrepresented parties may confirm by calling (425) 388-3172 and leaving a voicemail that states their name, the case number, date and time of the hearing, and whether it is stricken or confirmed.

v. Striking or Continuing After Confirmation. The moving party may strike or continue a confirmed hearing by e-mailing the criminal motions law clerk and all parties no later than noon, two days before the scheduled hearing. After that time, a hearing may only be stricken or continued by approval of the Court. Failure to timely strike or continue a hearing may result in sanctions against the party or counsel at the discretion of the Court.

(d) Motions to Reduce or Remit Legal Financial Obligations. Post-conviction motions related to legal financial obligations shall be noted on the Post-Conviction and LFO calendar. The moving party or counsel may use the forms established by the Administrative Office of the Courts and must provide a proposed order to the court. If there is a request for a continuance, the requesting party shall provide a proposed order.

[Effective September 1, 2021, amended emergent effective April 8, 2023; amended permanent effective September 1, 2023; amended permanent effective September 1, 2024]

RULE 8.11 ELECTRONIC WORKING COPIES

Electronic Working Copies are required in criminal cases as follows:

(a) Judicial working copies for criminal matters shall be submitted to the Court in an electronic format at the time the hearing is set, or at the time the response or reply is due as set forth in SCLCrR 8.2(c). Electronic working copies shall be delivered as set forth in paragraph (f) and (g), below. Paper working copies may also be provided.

(b) Judicial working copies of written materials, briefing and exhibits for criminal matters shall be submitted to the Court in an electronic format and in paper format under the following circumstances:

1. Where the time to hear the motion has been shortened by court order or rule, such that responsive pleadings cannot be electronically provided by 4:30pm the day before the hearing; or
2. Where the length of all written materials, including attachments, for one submission (initial filing, response, or reply) exceeds 25 pages; or
3. When submitting proposed jury instructions.

Under these circumstances, the electronic working copy shall be delivered as set forth in paragraph vi and vii below and the paper working copy shall be delivered to the assigned judge by delivery to Court Administration or directly to the assigned law clerk at the time the pleading is due, or as far in advance of the hearing as possible if time has been shortened.

(c) For every working copy provided to any judge, the original materials shall be filed with the Clerk's Office prior to the time the hearing is scheduled to be heard. It is the responsibility of the attorney providing the working copy to ensure it is filed.

(d) Except as required elsewhere in this rule, paper working copies will not be accepted unless it is impossible or impractical for electronic working copies to be provided or in addition to the electronic working copy, a party chooses to supply a paper working copy. If a party asserts that it is impossible or impractical for electronic working copies to be provided, they shall so state by declaration or affidavit, which shall be filed with their paper working copies. Defendants appearing *pro se* are presumed to be unable to submit electronic working copies and may submit hard working copies through Court Administration or may submit electronic working copies as set forth herein.

(e) The following items shall be submitted in hard copy and shall not be submitted electronically: videos, audio recordings, printed photographs, electronic media such as a CD or DVD, or other tangible objects. In these instances, the items should be placed in a manila envelope or other appropriate container and attached to a coversheet that contains the complete caption, a description of the items provided, and the date, time, and location of the hearing. The name, address, phone number and e-mail address of the attorney or party submitting the working copies shall be in the bottom right hand corner of the coversheet.

(f) Electronic working copies for hearings set in the criminal hearings or criminal motions courtrooms shall be sent to: criminal.workingcopies@snoco.org. Electronic working copies for matters set on a judge's personal calendar, or preassigned to a particular judge, shall be sent to the working copy e-mail address for that judge. The working copy e-mail addresses are for criminal matters only at this time and will be located on the Criminal Matters

page on the Snohomish County Superior Court website. Working copies may be sent directly to the correct e-mail address or through the Odyssey File and Serve (OFS) e-service application to the correct e-mail address. Unless the working copy is delivered through OFS, or is for an extended motion set on the motions call calendar, the subject line for the e-mails must contain, in this order:

Location of hearing (i.e., criminal hearings, criminal motions, or name of Judge), date of hearing, time of hearing, case name, case number.

Submissions of electronic working copies that do not conform to these rules will be rejected.

(g) Electronic working copies shall be submitted by providing an electronic document in portable document format (.pdf) or as a Microsoft word document (.doc). All documents filed for a single submission for a particular hearing shall be combined in one document and the document name must contain, in this order:

Date of hearing, time of hearing, case name, case number, party submitting the materials, and the title of the materials.

For extended motions set on the criminal motions call calendar, the date and time of the hearing shall be the date and time of the motions call calendar.

(h) Electronic working copies are considered transitory in nature and will not be regularly maintained by the Court past the date of the hearing for which they were submitted. If a matter is continued, it shall be the responsibility of the attorney who submitted the working copy to ensure that it is resubmitted for the new hearing date and time.

[Effective September 1, 2021]

PART VII. MENTAL PROCEEDINGS RULES (SCLMPR)

RULE 1.1 NOTICE - GENERAL

(d) Notice regarding proceedings under RCW 71.05 and RCW 71.34.

(i) No later than 8:30 am, the day prior to any intended court proceeding under RCW 71.05 and RCW 71.34, the hospital/facility shall prepare a preliminary calendar indicating the matters the hospital/facility intends to be placed on the court calendar for the next judicial day for ITA hearings. The representatives of all necessary parties shall be provided timely copies of the preliminary calendar.

(ii) No later than 3:00 p.m. of that same day a final calendar shall be prepared by each hospital/facility indicating all matters to be heard the following day together with an indication of the nature of the anticipated proceeding. A timely copy shall be provided to the representatives of all necessary parties. The calendar shall be in the same format and include the same information as contained in the attached Form 1 which is a sample calendar.

(iii) No later than 3:00 pm of the day prior to the proceeding any new Petitions shall be filed with the Clerk's Office and notice to the representatives of all necessary parties. Any Petitions filed after 3:00 pm will not be heard on the following day.

RULE 2.4 PROBABLE CAUSE HEARING

(b) Telephonic testimony at hearing:

There shall be a presumption that all witnesses other than case evaluators will be permitted to testify telephonically, unless the judicial officer presiding over the hearing determines there is good cause to require the testimony to be presented in person.

[Adopted as emergent effective July 1, 2019]

PART VIII. JUVENILE COURT RULES (SCLJuCR)

TITLE 1. SCOPE AND APPLICATION OF RULES

RULE 1.2 JURISDICTION OF JUVENILE COURT

(c) When Hearings Not Held at the Juvenile Courthouse. No Superior Court judge or commissioner shall lack jurisdiction over any matter solely because it was filed in the Juvenile Division of Superior Court.

[Adopted effective September 1, 2022]

RULE 1.4 APPLICABILITY OF OTHER RULES

(a) Civil Rules. The computation of any period of time prescribed or allowed by these rules shall be as set forth in CR 6.

[Adopted effective September 1, 1992]

TITLE 2. SHELTER CARE PROCEEDINGS [RESERVED]

TITLE 3. DEPENDENCY PROCEEDINGS

RULE 3.0 MANNER OF APPEARANCE

(a) As an alternative to appearing in person, any party or attorney may appear remotely via Zoom or other video conference platform then in use by the Court, except as prohibited by section (b), below, and unless any summons, subpoena, calendar note or order setting hearing specifically requires the physical appearance of the respondent or any other party, counsel or individual.

(b) Absent specific authorization by the court, parties, attorneys, and witnesses shall appear physically for Dependency and Termination Fact-Findings. Absent specific authorization by the court, any witness and the attorney calling that witness shall appear physically and in person at any hearing or fact-finding.

(c) Any person appearing remotely must have a telephone with stable reception or a stable internet connection and internet capable device that allows for two-way audio communication. Video capability is strongly encouraged but not required.

(d) All remote participants shall remain on mute with video off until their matter is called. When a matter is called, the participants in that case must turn on their video (if available) and unmute themselves. Parties and Participants must not interrupt the court or other parties. If a party or participant continues to interrupt after prior warning, that individual may be removed from the Zoom session or muted by the host.

(e) Remotely conducted hearings are deemed to occur in Snohomish County Superior Court, regardless of where the judicial officer or parties may be physically located.

[Adopted effective September 1, 2022]

RULE 3.4 NOTICE AND SUMMONS-SCHEDULING OF FACTFINDING HEARING

[RESCINDED]

[Adopted effective September 1, 1992; rescinded effective September 1, 1993.]

RULE 3.6 ANSWER TO PETITION

(a) A written answer to a dependency and termination petition shall be made by each party and shall be filed and served on counsel and parties without counsel no later than 7 days before the preliminary hearing.

[Adopted September 1, 1992; amended effective September 1, 2015]

RULE 3.6A PRELIMINARY HEARINGS

(a) In every matter set for a dependency, guardianship, or termination fact-finding hearing, a preliminary hearing shall first be had to resolve all undisputed facts and to consider matters of law. An estimate of the length of fact-finding hearing shall be made to determine whether the hearing should be rescheduled.

(b) Preliminary hearings shall be set at least 14 days prior to the date of the fact-finding hearing.

(c) Any party not appearing at the preliminary hearing in person or by counsel, after proper notice, may be adjudged in default.

(d) Written court reports setting forth the dispositional plan shall be prepared by the agency having or requesting custody and shall be filed and served on all counsel and parties without counsel 7 days prior to the preliminary hearing.

[Adopted effective September 1, 1992]

RULE 3.6B ALTERNATIVE DISPUTE RESOLUTION (ADR) PROCEDURE

(a) ADR Procedure. Any time after filing of an answer/response to a petition for dependency or to a petition for termination of parental rights, the dispute resolution process may be initiated by agreement of the parties or by court order. The alternative dispute resolution process "ADR" includes judicial assisted settlement conferences, non-judicial settlement conferences, mediation or formal family conferencing through the DSHS family group conferencing program.

(b) Statement of Issues. The parties to ADR shall provide to the court, mediator or facilitator and to each other a statement of the relief each party seeks and a statement of the issues each party want addressed and/or resolved. In a dependency "non-termination matter" this statement may take the form of a proposed order of individual service plan. All parties shall provide the statement of relief and issues at least five days prior to the ADR schedule or by agreement.

(c) Confidentiality. Alternative dispute resolution proceedings held pursuant to this rule shall be held in private and shall be confidential. Any person serving as a mediator shall sign a statement of familiarity with applicable statutory confidentiality provisions regarding dependency and termination matters and agreeing to be bound by such provisions.

[Adopted effective September 1, 1998.]

RULE 3.9 DEPENDENCY REVIEW AND PERMANENCY PLANNING HEARINGS

(a) Reports. A written report and, for permanency planning hearings, a permanent plan, shall be prepared by the supervising agency and filed and

served on all counsel and unrepresented parties not less than 14 calendar days prior to any review or permanency planning hearings. The report shall address all factors the Court is required by statute to consider at the hearing. Responsive documents shall be filed and served on said parties and counsel not less than 5 (five) calendar days prior to the hearing. Reply documents, if any, shall be filed and served on said parties and counsel not later than noon 2 court days prior to the hearing. Courtesy copies of all reports, responsive and reply documents shall be provided to the assigned judge at the time of filing with the court.

(b) Dependency Review and Permanency Planning Hearings. Dependency Review Hearings and Permanency Planning Hearings shall be set pursuant to statutory timelines on such calendars as designated by the Court in an Administrative Order.

(i) If a party or CASA/GAL disputes the contents or recommendations contained in the report filed by the supervising agency, and, due to the nature or quantity of contested issues, the Review or Permanency Planning hearing is likely to take longer than 15 minutes, he or she shall obtain a date from the assigned Judge's law clerk for a Contested Hearing and serve a Notice of Contested Hearing on all parties and the CASA/GAL.

(ii) The contested hearing date shall be at least 5 court days after the notice is provided, but shall be set within the timelines for review/hearing set forth by statute. If the contested hearing is set for a time beyond the normal review period, an order maintaining the status quo will be entered pending the contested hearing.

(iii) The Notice of Contested Hearing shall contain the hearing date obtained from the assigned Judge's law clerk, the issues that are contested, and the estimated length of time needed for the hearing. The notice of contested hearing shall be accompanied by documents in support of the issue.

(iv) Any reply documents must be filed and served on all counsel and unrepresented parties not later that noon 2 court days before the contested hearing. Courtesy copies of the Notice of Contested Issues and all reply documents shall be provided to the assigned judge at the time of filing with the court.

(v) The court may set a case on the contested calendar with notice to all parties.

(vi) Failure to timely note a contested hearing may result in entry of a permanency planning hearing order consistent with the agency's court report.

(vii) Inability to contact one's client will not be deemed a basis to transfer a matter to a contested calendar. If desired, counsel can file a written statement as to non-contact as a basis for non-agreement, but the matter will be heard on the regular review calendar.

(c) Motions. Any party may note a motion for hearing on a regularly scheduled contested review calendar. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 7 for civil motions. Whenever a party notes a hearing, that party shall include the proper Zoom link, telephone call-in number, meeting ID, and password for the hearing, as designated at https://snohomishcountywa.gov/195/Juvenile-Court as well as information on how to appear in person.

(i) *Motion with oral argument.* A party wishing to note a motion for hearing shall obtain a date from the assigned Judge's law clerk and shall file and serve the motion, a calendar note, and all supporting documents to all counsel and unrepresented parties at least five (5) court days prior to the date set for the hearing. Any responsive documents must be filed and served on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Any document in reply to the response must be filed and served on all parties no later than noon of the court day prior to the hearing. Courtesy copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court.

Special settings shall be made only with the permission of the assigned judge. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 6 & 7 for civil motions.

(ii) *Motion to Shorten Time.* Motions to have a motion heard with less than five (5) court days' notice, which are not agreed, will be heard on the days and times set by Administrative Order 11 "Times, Days and Location of Various Motions". Copies of the Motion to Shorten Time, the Underlying Motion, and any supporting documents must be served on all parties and the court no later than four business hours (Monday through Friday 8:30 am to 5:00 pm) prior to the hearing regarding shortening time. The documents can be served via e-mail, fax, or other means if the parties have agreed to receive service in that manner.

(iii) Motion without oral argument. Non-dispositive motions which a party reasonably believes can be resolved on pleadings alone may be noted without oral argument in the same manner as other motions except that:

A. The moving party may note the motion on a Motions Without Oral Argument calendar without obtaining a date from the Law Clerk.

B. The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument. The proposed order must also be distributed to all counsel and unrepresented parties at the time of filing and shall be clearly marked "PROPOSED."

C. Any party opposing the motion must file and serve their responsive materials, including an alternative proposed order, on

all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Working copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court.
D. Any party may request that the motion be heard with oral argument by clearly noting "oral argument requested" on the first page of their opposition materials.
E. If the court determines that oral argument is necessary, either on request of a party or on its own determination it will issue an order re-setting the hearing to occur with oral argument not more than three court days after the initially noted date for consideration. Examples of a motion which a party may reasonably believe can be resolved on pleadings alone include: Medical/dental care authorizations requiring a court order where the parents agree to the treatment; travel requests requiring a court order where the parents agree to the travel; requests for youth authorization to participate in Driver's Education; Motions for court-determination of visitation schedule (e.g. around holidays); any proceeding where a parent's agreement is unable to be secured after reasonable attempts to contact.

(d) Working Copies. Working copies of all materials filed for consideration by the court at any hearing shall be provided to the assigned judicial officer at the time the materials are served on the other parties. Working copies may be submitted in either hard copy or electronic copy (as a portable document format (.pdf) or Microsoft word document (.doc)) except as otherwise set forth in this rule as follows:

(i) For every working copy provided to any judge, the original materials shall be filed with the Clerk's Office prior to the time the hearing is scheduled to be heard. It is the responsibility of the attorney providing the working copy to ensure it is filed.

(ii) The following items shall be submitted in hard copy and shall not be submitted electronically: videos, audio recordings, printed photographs, electronic media such as a CD or DVD, or other tangible objects. In these instances, the items should be placed in a manila envelope or other appropriate container and attached to a coversheet that contains the complete caption, a description of the items provided, and the date, time, and location of the hearing. The name, address, phone number and e-mail address of the attorney or party submitting the working copies shall be in the bottom right-hand corner of the coversheet.

(iii) If a party's working copies (including all documents submitted by one party for either initial filing, response or reply) exceeds 25 pages, a hard copy shall also be delivered to the Court as soon as possible after filing, unless otherwise authorized by the Court.

(iv) Electronic working copies shall be sent to dependency.workingcopies@snoco.org directly or through the Odyssey File and Serve (OFS) e-service application. Unless the working copy is delivered through OFS the subject line for the e-mails must contain, in this order: cause number(s); case name with initials (In re XYZ); title of document; date and time of hearing (month-day, time); calendar color (blue or orange). The attached working copy document(s) shall follow the same naming rules, except that inclusion of the calendar color is optional. Submissions of electronic working copies that do not conform to these rules may be rejected.

Example: 22-7-00000-31; In re XYZ; DCYF Court Report; 6-13, 9.00am; Blue

(v) Electronic working copies are considered transitory in nature and will not be regularly maintained by the Court past the date of the hearing for which they were submitted. If a matter is continued, it shall be the responsibility of the attorney who submitted the working copy to ensure that it is resubmitted for the new hearing date and time.

[Adopted effective September 1, 1992; amended effective September 1, 2000; amended emergency effective December 1, 2007; amended permanent effective September 1, 2007; amended permanent September 1, 2008; amended permanent September 1, 2010; amended permanent September 1, 2015; amended permanent September 1, 2022]

RULE 3.12 UNIFIED FAMILY COURT

(a) Purpose of the UFC: The purpose of the Unified Family Court is to promote effective judicial management over cases involving dependent children and their applicable family law case. UFC provides facilitation and case management promoting prompt and informed resolution of the family law matter.

(b) UFC Case Manager. The role of the case manager is to provide coordination for the cases. The case manager summarizes the current family law case for the judge, makes recommendations as to the family law actions needed for the dismissal of the dependency, circulates proposed orders, and tracks cases for timeliness. All information summaries provided to the court shall also be provided to all parties.

(c) Referrals to UFC.

(1) A referral to UFC shall be made when a child is placed with a parent. (2) A referral to UFC may be made at any time by the parties or attorneys, Court Appointed Special Advocate, or the Department of Children, Youth, and Families (DCYF).

(3) The court, upon its own motion, may set any case on the UFC Preliminary Calendar or for a UFC initial hearing.

(4) A person referring a matter to UFC shall submit a completed Unified Family Court Referral and Initial Determination of Eligibility to the assigned Judge at

the time the child is placed with a parent or shortly thereafter. All parties and attorneys shall provide the information necessary to complete the referral. (5) If a case is initially determined to be ineligible for UFC, any party may make a motion to admit the case to UFC at any time.

(d) UFC Preliminary Calendar. The case manager will circulate a proposed Preliminary Hearing Order indicating the family law status and proposed action electronically. The order will enter ex parte on the morning of the hearing and will be presumed agreed unless formal objection is noted. Parties can contest this order by noting their objection and serving all parties by 12:00pm on the Friday prior to the hearing. If the proposed Preliminary Hearing Order is contested, the parties shall attend the preliminary hearing for argument. If a case is accepted for UFC case management, the dependency case and all related family law cases concerning the family and the children, will be transferred to UFC and managed together as a case group by the judge assigned to hear the underlying dependency matter. When a case is transferred to UFC, the court shall enter an order transferring limited jurisdiction and linking the family law and dependency cases.

(e) Planning Conference. A planning conference is set in the UFC preliminary order when appropriate. At the planning conference the family may meet with a family law facilitator for assistance. Families that do not appear for this assistance will be expected to obtain their own assistance and complete necessary family law filings prior to the date set by the court. social workers and Court Appointed Special Advocates should attend the planning conference to give input into the parenting plan.

(f) Motions. Motions in a UFC case shall be scheduled and heard on the assigned judge's UFC calendar. Motions in the family law action shall comply with SCLCR 6(d)(2).

(g) Concurrent Hearings. If available, the UFC Case Manager shall electronically circulate courtesy copies of relevant family law documents to the dependency parties for their input as to the safety of the child. Parties to the dependency objecting to dismissal of the dependency because the family law orders will not adequately protect the child shall note their objection 6 court days prior to the hearing.

(h) Trials. UFC Cases that need to be set for trial at the main courthouse will be set through the case manager to ensure expedited setting. Trials to be set at juvenile court will be set by the assigned dependency judge. All family law rules pertaining to trial apply to the parties.

[Adopted September 1, 2012; amended effective September 1, 2022]

TITLE 4. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

RULE 4.2 PLEADINGS [RESCINDED]

[Adopted effective September 1, 1999; rescinded emergent effective January 1, 2015; rescinded permanent effective September 1, 2015]

TITLE 5. PROCEEDINGS FOR ALTERNATIVE RESIDENTIAL PLACEMENT [RESERVED]

[Amended effective September 1, 1993; rescinded effective September 1, 1997]

TITLE 6. JUVENILE OFFENSE PROCEEDINGS - DIVERSION AGREEMENTS [RESERVED]

TITLE 7. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

RULE 7.0A WORKING COPIES

Working copies of all materials filed for consideration by the court at any hearing shall be provided to the assigned judicial officer at the time the materials are served on the other parties. Working copies may be submitted in either hard copy or electronic copy (as a portable document format (.pdf) or Microsoft word document (.doc)) except as otherwise set forth in this rule as follows:

(i) For every working copy provided to any judge, the original materials shall be filed with the Clerk's Office prior to the time the hearing is scheduled to be heard. It is the responsibility of the attorney providing the working copy to ensure it is filed.

(ii) The following items shall be submitted in hard copy and shall not be submitted electronically: videos, audio recordings, printed photographs, electronic media such as a CD or DVD, or other tangible objects. In these instances, the items should be placed in a manila envelope or other appropriate container and attached to a coversheet that contains the complete caption, a description of the items provided, and the date, time, and location of the hearing. The name, address, phone number and e-mail address of the attorney or party submitting the working copies shall be in the bottom right-hand corner of the coversheet.

(iii) If a party's working copies (including all documents submitted by one party for either initial filing, response or reply) exceeds 25 pages, a

hard copy shall also be delivered to the Court as soon as possible after filing, unless otherwise authorized by the Court.

(iv) Electronic working copies shall be sent to offender.workingcopies@snoco.org directly or through the Odyssey File and Serve (OFS) e-service application. Unless the working copy is delivered through OFS the subject line for the e-mails must contain, in this order: respondent last name; cause number; title of document; date and time of hearing (month-day, time); calendar color (blue or orange). The attached working copy document(s) shall follow the same naming rules, except that inclusion of the calendar color is optional. Submissions of electronic working copies that do not conform to these rules may be rejected.

Example: Smith; 22-8-00000-31; State's Motion to Revoke PR; 6-13, 10.30am; Orange

(v) Electronic working copies are considered transitory in nature and will not be regularly maintained by the Court past the date of the hearing for which they were submitted. If a matter is continued, it shall be the responsibility of the attorney who submitted the working copy to ensure that it is resubmitted for the new hearing date and time.

[Adopted effective September 1, 2022]

RULE 7.0 MANNER OF APPEARANCE

(a) As an alternative to appearing in person, any party or attorney may appear remotely via Zoom or other video conference platform then in use by the Court, except as prohibited by Section (b), below, and unless any summons, subpoena, calendar note or order setting hearing specifically requires the physical appearance of the respondent or any other party, counsel or individual. Any notice of hearing, other than a court order, that demands the appearance of any party, attorney or witness, shall include the proper Zoom link, telephone call-in number, meeting ID, and password for the hearing, as designated at https://snohomishcountywa.gov/195/Juvenile-Court as well as information on how to appear in person.

(b) Absent specific authorization by the court, parties, attorneys, and witnesses shall appear physically for the following hearings:

1. Arraignments where the respondent is charged with a violation of chapter 9A.44 RCW, chapter 9.68A, or RCW 9A.64.020, or where a charged crime contains an allegation of sexual motivation.
2. Juvenile Offender Fact-Findings.
3. Juvenile Offender Sentencings.
4. Motion to Revoke Deferred Disposition

(c) Any person appearing remotely must have a telephone with stable reception or a stable internet connection and internet capable device that allows for two-way audio communication. Video capability is strongly encouraged but not required, except for at a change of a plea or entry of a

diversion contract. If a respondent seeking to remotely enter a change of plea or diversion contract is unable to appear on video, audio appearance must be specifically authorized by the court.

(d) All remote participants shall remain on mute with video off until Their matter is called. When a matter is called, the participants in that case must turn on their video (if available) and unmute themselves. Parties and Participants must not interrupt the court or other parties. If a party or participant continues to interrupt after prior warning, that individual may be removed from the Zoom session or muted by the host.

(e) Remotely conducted hearings are deemed to occur in Snohomish County Superior Court, regardless of where the judicial officer or parties may be physically located.

[Adopted effective September 1, 2022]

RULE 7.12 DISPOSITION HEARING

(g) Disposition Order. [RESCINDED]

(h) Fingerprints; When Required. Unless otherwise ordered by the court, the fingerprints of a juvenile adjudged to have committed an offense which would be a felony if committed by an adult, shall be affixed to such Disposition Order in the form and manner authorized by R.C.W. 10.64.110.

[Amended effective September 1, 2021]

TITLE 8. DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER [RESERVED]

TITLE 9. RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS [RESERVED]

TITLE 10. JUVENILE COURT RECORDS

RULE 10.5 ACCESS TO JUVENILE OFFENDER COURT RECORDS

(a) Purpose and Scope of this Rule. This rule governs access to juvenile offender case court records that have not been sealed pursuant to RCW 13.50.260, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or

otherwise restricted from public access. This rule is based on RCW 13.50.050(3), RCW 13.50.010(1)(c) and *State v. A.G.S.,* 176 Wash.App. 365, 309 P.3d 600 (2013).

(b) Definition and Construction of Terms as used in this rule.

(1) "Official Juvenile Court File" is defined by RCW 13.50.010(1)(c).

(2) "Juvenile Offender Case" means any cause of action wherein criminal charges are filed against an individual under 18 years of age in juvenile court, and also any request for a finding of probable cause that an individual under the age of 18 years of age has committed a crime, regardless of whether the action is ultimately charged or subsequently diverted or filed into adult court.

(3) "Public access" means unrestricted access to view or copy a requested court record.

(c) Access to Juvenile Offender Case Court Records.

(1) General Policy. Except as otherwise provided by statute, court rule, court order or other mandate, the Official Juvenile Court File shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.

(2) Restricted Access. Except as otherwise provided by statute or court rule, any document filed in a juvenile offender case or under a juvenile offender cause number that is not defined by RCW 13.50.010(1)(c) as a part of the Official Juvenile Court File shall only be accessible as provided in sections (e) and (f) herein.

(d) Filing of Reports or Other Documents in Juvenile Offender Cases--Cover Sheet.

(1) This section applies to documents, reports to the court, evaluations or other assessments that are not part of the Official Juvenile Court File as defined by RCW 13.50.010(1)(c) including, but not limited to, the following:

(A) Evaluations conducted pursuant to RCW 13.20.162 and progress reports;

(B) Competency/Capacity evaluations;

(C) Substance Use Disorder evaluations;

(D) Mental Health evaluations;

(2) Any document, report to the court, evaluation, or other assessment that are not part of the Official Juvenile Court File, shall be filed under seal, by use of a coversheet designated: "Sealed Confidential Document."

(e) Access by Courts, Attorneys, and Parties to Confidential Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in juvenile offender cases:

(A) Judges, commissioners, other court personnel, and the Commission on Judicial Conduct.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a juvenile offender case.

(A) Parties of record as to their case.

(B) Attorneys as to cases where they are attorneys of record.

(C) Juvenile Probation Counselors as to cases where they are the assigned probation counselor.

(f) Access to Court Records Restricted Under This Rule.

(1) Any person may file a motion for access to information filed under seal pursuant to this rule, consistent with RCW 13.50.050.

(2) Any person may file a motion to be heard by the juvenile offender judge, alleging that a particular document was improperly excluded from the official juvenile court file or improperly sealed under this rule, and requesting that the court file all or part of the document unsealed in the Official Juvenile Court File. The motion shall be served on all parties and shall be supported by a sworn declaration setting forth the legal and factual basis for the motion.

[Adopted effective September 1, 2022]

RULE 10.7 SEALING JUVENILE COURT RECORDS [RESCINDED]

[Amended effective September 1, 2015; Rescinded effective September 1, 2021]

TITLE 11. SUPPLEMENTAL PROVISIONS

RULE 11.3 PRE-TRIAL CONFERENCE [RESCINDED]

[Rescinded effective September 1, 2015]

RULE 11.4 VGAL/CASA GRIEVANCE PROCEDURES

(a) Scope. This rule governs grievance procedures for volunteer guardians ad litem(VGAL/CASA) appointed pursuant to RCW 13.34.100, which are beyond the scope of RCW 13.34.100 (10) or RCW 13.34.102 (2) (c).

(b) Filing a Grievance or Complaint. A person with a grievance or complaint beyond the scope of RCW 13.34.100 (10) or RCW 13.34.102 (2) (c) shall file a written complaint or grievance with the Superior Court Administrator. The complaint shall be in writing and must bear the signature, name and address of the person filing the complaint. The complaint shall set forth specific facts to support a determination of potential merit. The complaint shall also indicate whether or not the complaint is in reference to a case then pending in court.

(c) Review of the Grievance or Complaint. Upon receipt of a written complaint or grievance, the Superior Court Administrator shall deliver the written complaint or grievance to the Chair of the Superior Court VGAL Committee or his/her designee. The VGAL Committee Chair or designee shall review the complaint and either:

(1) Make a finding that the complaint/grievance is with regard to a case then pending in the court and either decline to review the complaint/grievance, and so inform the complainant or process the complaint/grievance pursuant to (2) or (3). If the determination is made to decline to review the complaint/grievance due to the case pending in court, the Chair or designee shall advise the complainant that the complaint/grievance should be addressed in the context of the case at bar, either by seeking removal of the VGAL or by contesting the information or recommendation contained in the VGAL's report or testimony. In such cases the Chair or designee shall perform its role in such a manner as to assure that the trial judge remains uninformed as to the complaint/grievance; or

(2) Make a finding that the complaint/grievance has no merit on its face, and decline to review the complaint/grievance and so inform the complainant; or

(3) Make a finding that the complaint/grievance appears to have potential merit and refer the matter to the VGAL Committee. The Committee shall request a written response from the VGAL to be received by the Committee within 10 business days of the date of the written notice of potential merit, detailing the specific issues to which the Committee desires a response. The Committee shall provide the VGAL with a copy of the original complaint. The complaining party will be provided with the response and given an opportunity to reply to the response. The reply will be due to the committee within 5 business days of the Committee's written request for a reply.

(d) Determination as to Potential Merit. In determining potential merit of the grievance or complaint, the Chair or designee shall determine whether a complaint or grievance against a VGAL alleges sufficient facts to support a determination that there has been:

(1) Violation of a code of conduct;

(2) Misrepresentation of qualifications to serve as a VGAL;

(3) A breach of confidentiality of the parties;

(4) Falsified information in a report or testimony to the court;

(5) Gross negligence or recklessness in the preparation of a report to the court;

(6) Failure to report child abuse, when required;

(7) Violation of state or local laws or court rules;

(8) Ex-parte communication with a judicial officer;

(9) An actual or apparent conflict of interest or impropriety in the performance of VGAL responsibilities;

(10) A lack of independence, objectivity, and the appearance of fairness in dealings with parties and professionals; and/or

(11) Any other actions or failure to take action, which would reasonably place the suitability of the person to serve as a Volunteer Guardian Ad Litem in question.

(e) Response and Findings. Upon receipt of a written response to a complaint/grievance from the VGAL, and a reply if any, the Committee shall make a finding as to the issues raised in the complaint/grievance. Such findings shall be in writing and shall state that there is no merit to the issue or issues or that there is merit to the issue or issues. The Committee shall have the authority to request additional information from the complainant or the VGAL prior to making its findings if the Committee deems it appropriate.

The Committee shall have the authority to issue any or all of the following responses: a written admonishment, a written reprimand, refer the VGAL to additional training, suspend or remove the VGAL or take other action based on the findings. During the pendency of this process the VGAL may continue on other appointed cases or continue to receive appointments unless otherwise specifically provided by the Committee. The Committee may impose an interim suspension during this process. In determining its response, the Committee shall consider any prior complaints or grievances which resulted in corrective action under this rule, RCW 13.34.100 (10), or RCW 13.34.102 (2)(c), or the lack of the same, and any mitigating or aggravating factors.

The complainant and the VGAL shall be notified in writing of the Committee's decision following receipt of the VGAL's response.

(f) Confidentiality. A complaint/grievance, investigation, and any initial report shall be confidential unless the Committee has determined that it has merit pursuant to section (e). However, a complaint/grievance which has been found to have potential merit shall be provided to the VGAL for response, and the response shall be provided to the complaining party pursuant to section (c)(3). Any record of complaints filed which are not deemed by the Committee to have merit shall be confidential and shall not be disclosed except as required by law.

(g) Time to Resolution. Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within sixty (60) days of the receipt of the written complaint/grievance if the complaint is filed subsequent to the conclusion of a case.

(h) Finality of Disposition. All resolutions to complaints/grievances by the Committee shall be final and not subject to further appeal. Except that a VGAL who has been removed from the program may appeal to the Presiding Judge. The VGAL shall notify the Superior Court Administrator in writing of such appeal within 10 days of receipt of a written notice of removal from the program. A notice of appeal shall clearly state the basis for appeal. The Presiding Judge or his /her designee shall make a determination on appeals

under this rule. The complainant and VGAL shall be notified in writing of the determination on appeal and of any corrective action taken.

(i) Record. The court shall maintain a record of complaints/grievances filed under this rule or under RCW 13.34.100(10) or RCW 13.34.102(2) (c), and the disposition of those complaints or grievances.

[Adopted effective September 1, 2005; moved to Title 11, Rule 11.4 effective September 1, 2015, amended effective emergent June 1, 2016, effective permanent September 1, 2016]

PART IX. RULES OF APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (SCLRALJ)

TITLE 1. SCOPE AND PURPOSE OF RULES [RESERVED]

TITLE 2. INITIATING AN APPEAL

RULE 2.6 CONTENT OF NOTICE OF APPEAL

(a) Content of Notice of Appeal Generally. The Notice of Appeal shall include a statement of the errors the appellant claims were made by the court of limited jurisdiction and must identify the locations and ending numerical count from the recording log. Respondent's brief must identify, in like manner, the portions of the record requested to be considered by the court. Identification of the entire record or tape of proceedings will not be acceptable or considered unless a motion to prepare and file transcript is timely granted as hereinafter provided.

TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT

RULE 3.1 NOTICE OF HEARING AND ASSIGNMENT

(a) Notice; Hearing; Action That May Be Taken. After an appeal has been filed, the clerk shall note the case on the next Post Conviction & LFO Motions session which is eighty-five (85) days after the filing of the notice of appeal for readiness determination. There shall be no continuances without court order. Notice of hearing shall be mailed to each party or counsel of

record and shall notify them that at such 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, the relief sought by the appeal may be granted on appellant's or the court's motion; or

3. The matter will be assigned to a trial department for substantive hearing on a date certain and the parties so notified.

This procedure shall be followed in both civil and criminal matters. The readiness sessions are conducted without oral argument. The Court may hear oral argument on its own motion or on the motion of either party if such motion is granted by the Court. Readiness hearings with oral argument shall be noted on an available criminal hearings session. Available sessions and courtroom information can be found on the Criminal Hearings, Criminal Motions, and Civil Motions Calendar, posted at https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules.
[Amended effective September 1, 1997, amended effective September 1, 2011, amended effective September 1, 2022]

TITLE 4. AUTHORITY OF COURT OF LIMITED JURISDICTION AND OF SUPERIOR COURT PENDING APPEAL-STAYS

RULE 4.1 AUTHORITY OF COURTS PENDING APPEAL

(a) Motions Made in Superior Court Prior to Assignment for Trial. All motions made prior to assignment to a trial department shall be brought on the Civil Motion Calendar.
[Amended effective September 1, 1997.]

TITLE 5. RECORDING PROCEEDINGS IN COURT OF LIMITED JURISDICTION [RESERVED]

TITLE 6. RECORD ON APPEAL

RULE 6.3A TRANSCRIPT OF ELECTRONIC RECORD

[Rescinded effective September 1, 2021]

TITLE 7. BRIEFS [RESERVED]

TITLE 8. ORAL ARGUMENT [RESERVED]

TITLE 9. SUPERIOR COURT DECISION AND PROCEDURE AFTER DECISION

RULE 9.1 BASIS FOR DECISION ON APPEAL

(f) Form of Decision. At the time of oral argument both parties must submit proposed written decisions containing the reasons therefore, supporting their respective positions, and allowing adequate space for interlineations or additions, for immediate entry.

TITLE 10. VIOLATION OF RULES - SANCTIONS AND DISMISSAL [RESERVED]

TITLE 11. SUPPLEMENTAL PROVISIONS [RESERVED]

PART X. GUARDIAN AD LITEM RULES (SCLGAR)

RULE 1. APPLICABILITY

These rules for guardians ad litem shall be referred to as SCLGALR. These rules apply to guardians ad litem appointed by the court pursuant to Title 11, attorney guardians ad litem appointed by the court pursuant to Title 13 and guardians ad litem appointed by the court pursuant to Title 26 RCW, and to guardians ad litem appointed pursuant to Special Proceeding Rule (SPR) 98.16W, RCW 4.08.050 and RCW 4.08.060.

These rules do not apply to guardians ad litem or Special Representatives appointed pursuant Chapter 11.96A RCW; Volunteer Guardians ad Litem (VGAL) (CASA) in RCW Title 13 cases, with respect to whom other grievance procedures apply; persons appointed to serve as Custodians for Minors pursuant to Chapter 11.114 RCW, or guardians ad litem to hold funds for incapacitated persons under Title 11 RCW.

Complaints by guardians ad litem or by other persons against guardians ad litem (also referred to as "grievances") covered by this local court rule shall be administered under this local court rule.

RULE 2. DUTIES OF THE GUARDIAN AD LITEM

In addition to compliance with GALR 2 (General Responsibilities of Guardian ad Litem, a guardian ad litem (GAL) shall comply with the court's instructions as set out in the order appointing a guardian ad litem, and shall not provide or require services beyond the scope of the court's instructions unless by motion and on adequate notice to the parties, a guardian ad litem obtains additional instruction, clarification or expansion of the scope of such appointment. An attorney guardian ad litem may assist unrepresented parties with the preparation of final documents in a case for which they were appointed. Non-attorney guardians ad litem may submit a proposed Parenting Plan for the convenience of the court.

RULE 3. ROLES AND RESPONSIBILITIES OF ATTORNEY GUARDIAN AD LITEM IN TITLE 13 RCW JUVENILE COURT PROCEEDINGS

[Rescinded effective emergent November 18, 2020; effective permanent September 1, 2021]

RULE 4. AUTHORITY OF GUARDIAN AD LITEM

(a) Proposed. [Reserved]

RULE 5. REGISTRIES

The court shall establish registries for the appointment of guardians ad litem for whom this Rule applies. Absent a finding of good cause the court shall appoint from the registry. The qualifications and processes for application, selection, education, compensation, and retention for guardians ad litem on each of the registries shall be as set forth in administrative policies adopted by the court. These administrative policies may be obtained by contacting the Superior Court Program Administrator.

RULE 6. LIMITED APPOINTMENTS

(a) Proposed. [Reserved]

RULE 7.1 GRIEVANCE PROCEDURES

(a) Filing a grievance.

A person with a grievance or complaint against a Guardian Ad Litem (GAL) under RCW Titles 4, 11, 26, or an Attorney Guardian Ad Litem (AGAL) appointed pursuant to RCW Title 13 or a GAL or AGAL with a grievance or

complaint shall file the complaint with the Superior Court Program Administrator. (See Rule 7.2 for complaint against a Non-Professional Guardian or Certified Professional Guardian under RCW 11.88). The complaint must contain specific assertions of fact and must be signed by the complainant under the penalty of perjury.

A complainant may bring a grievance or complaint against a GAL/AGAL if he or she has a sufficient connection in the case such that his or her rights are impacted by a decision or order or if the complainant is a subject of the GALs/AGALs report.

(b) Processing Grievances or Complaints.

(1) All complaints must be in writing, signed under penalty of perjury, directed to the attention of the Programs Administrator and must bear the signature, name and address of person filing the complaint. Upon receipt of such a complaint, the Programs Administrator shall deliver the complaint to the Chair of the Superior Court GAL Committee or the Presiding Judge in the absence of GAL Committee Chair.

(2) The GAL Committee Chair or Presiding Judge shall review the grievance or complaint and make an initial determination as to whether the grievance/complaint has potential merit. If the grievance/complaint is determined not to have potential merit, the grievance/complaint shall not be further reviewed, and the complainant shall be so notified.

(3) If the grievance or complaint is found to have potential merit, the grievance/complaint shall be referred to the Superior Court GAL Committee for resolution. The GAL/AGAL or appropriate party shall be notified in writing of the grievance/complaint. A copy of the grievance/complaint shall be provided to the GAL/AGAL or appropriate party. A written response shall be requested, detailing the specific issues to which the GAL committee desires response. The response is to be received by the court within ten (10) business days of the date of the written notice.

(4) If a case in which a grievance or complaint is made is pending before a judicial officer serving on the GAL Committee, that judicial officer shall be deemed recused. The judicial officer shall not be informed as to the content of the complaint. In such cases, the Presiding Judge or designee shall appoint another judicial officer to serve on the GAL Committee for the resolution of that specific case.

(5) Any conduct of a GAL or AGAL pertaining to his/her performance of duties in a specific case, during the pendency of that case, which does not implicate the suitability of the person to continue to serve as a GAL/AGAL or involve a violation of the GAL or AGAL Rules or Code of Conduct, shall be addressed by a judicial officer in hearings in that specific case.

(c) Determination as to Potential Merit.

In determining potential merit of the grievance/complaint, the GAL Committee Chair or Presiding Judge shall determine whether a

grievance/complaint against a GAL or AGAL alleges sufficient facts to support a determination that there has been:

1) A violation of a code of conduct;
2) A misrepresentation of qualifications to serve as a GAL or AGAL;
3) A breach of confidentiality of the parties;
4) Falsified information in a report or testimony to the court;
5) Gross negligence or recklessness in the preparation of a report to the court;
6) Failure to report child abuse, when required;
7) Violation of state or local laws;
8) Ex-parte communication with a judicial officer;
9) An actual or apparent conflict of interest or impropriety in the performance of GAL or AGAL responsibilities;
10) A lack of independence, objectivity, and the appearance of fairness in dealings with parties and professionals; and/or
11) Any other actions or failure to take action, which would reasonably question the suitability of the person to serve as a GAL or AGAL.

If the complaint does not allege any of these factors or contain sufficient facts to support allegations, the matter shall be closed. If the complainant has no significant interest in the outcome, then the matter may be closed.

(d) Response and Findings.

(1) Upon receipt of a written response to a grievance or complaint from GAL/AGAL or appropriate party, and a reply if any, the Committee shall make a finding as to the issues raised in the grievance/complaint. The Committee shall issue a written determination of such findings and sanctions to the complainant, GAL/AGAL or appropriate party within the timeframes listed in section (e). The Committee shall have the authority to request additional information from the complainant, GAL/AGAL or appropriate party prior to making its findings, if the Committee deems it to be appropriate.

(2) If the complaint is sustained, the GAL Committee may impose the following sanctions which include but are not limited to: issue a written admonition, a written reprimand, refer the GAL/AGAL to additional training, suspend or remove the GAL/AGAL from the registry, or impose other appropriate sanctions based on the committee's findings. A suspension or removal may apply to each registry on which the GAL/AGAL is listed, at the discretion of the GAL Committee. During the pendency of the complaint process, a GAL/AGAL may continue to receive appointments and shall continue to serve in appointed cases, unless otherwise specifically prohibited by the GAL Committee. The GAL Committee may impose an interim suspension during this process. In its determination of sanctions, the GAL Committee shall take into consideration any prior grievances or complaints which resulted in sanctions authorized by this rule or the lack of same and any mitigating or aggravating factors found by the Committee.

(e) Time to Resolution.

(1) If the grievance or complaint relates to a pending case then it shall be resolved within 25 days of the receipt of the complaint.

(2) If the grievance or complaint is made subsequent to the conclusion of a case, it shall be resolved within 60 days of receipt.

(f) Confidentiality.

The complaint, investigation, and any initial report shall be confidential until a finding of potential merit.

(g) Finality of Disposition.

All resolutions of grievances or complaints by the GAL Committee shall be final and not subject to further appeal. Except that a GAL/AGAL who has been removed from a registry may appeal to the Presiding Judge. An action to remove a GAL/AGAL from a registry may follow the entry of a final disposition.

(h) Appeal.

(1) A GAL/AGAL who has been removed from a registry may appeal to the Presiding Judge.

(2) A GAL/AGAL shall notify the Presiding Judge in writing of such appeal within ten (10) days of receipt of a written notice of removal from a registry. The notice of appeal shall clearly state the basis for the appeal.

(3) The Presiding Judge shall make a determination on appeals under this rule and notify the complainant and GAL/AGAL in writing of the determination on appeal and of any corrective action taken.

(i) Notification of Removal from Registry.

Upon the removal of a GAL from the GAL registry pursuant to the disposition of a grievance, the court shall promptly send notice of the removal to the Administrative Office of the Courts. Upon removal of an AGAL from the AGAL registry, the court shall promptly send notice of the removal to the Juvenile Court Program Manager.

(j) Record.

The court shall maintain a record of grievances or complaints filed and of the disposition of those grievance/complaint.

[Adopted effective September 1, 2004; amended effective April 13, 2005; amended effective February 13, 2008; amended and renumbered 7.1 effective September 1, 2012; amended effective September 1, 2017; amended effective September 1, 2020]

End of Rules