

**KING COUNTY SUPERIOR COURT CLERK'S OFFICE**

**CONTACT:** Joel McAllister, Customer Service Manager 206-477-0810

**ISSUED BY:** Barbara Miner, King County Superior Court Clerk

**ISSUE DATE:** October 20, 2014

**ISSUE NO:** 14-007



**King County**

# CLERK'S ALERT

## Matters to be Presented to Ex Parte and Probate via the Clerk

This Alert is being sent to remind practitioners of the provisions in KCLCR 40 and 40.1 addressing which matters are to be presented to Judges, and which matters are to be presented to the Ex Parte and Probate Department.

Generally, matters required to be presented to the Ex Parte and Probate Department include:

- Cases not assigned. All motions and proceedings pertaining to cases not assigned a case schedule or judge on filing, or where the initial hearing is not held before the assigned judge (with the exception of a few specific items set in local rule to be presented to one of the chief judges).
- Assigned cases. Although assigned to a judge, the following matters shall be presented to the Ex Parte and Probate Department:
  - All agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person or entity in a civil proceeding (including family law proceedings), including motions for orders to show cause, provided that the order does not affect the case schedule, direct the Clerk to seal a document or file, or purport to direct the manner in which another Department or Judge handles a hearing.
  - Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated individual.
  - Judgments on arbitration awards.
  - Civil and family law emergency restraining orders, including DV, sexual assault, stalking and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

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**Matters to be Heard by Assigned Judge**

Regardless of the type of motion, the following case types are not heard in the Ex Parte and Probate Department:

- Juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management.
- Motions for orders affecting a case schedule.
- Motions for orders to seal a document or case file.
- Marriage waivers are to be noted before the Chief UFC Judge; LFLR 19.

**Method of Presentation to Ex Parte & Probate Department**

General guidelines for presentation in Ex Parte include:

- Generally, Ex Parte hearings associated with domestic violence, sexual assault, stalking, vulnerable adult or anti-harassment protection orders will be held in person.
- Any Ex Parte matters requiring testimony will be held in person.
- Any Ex Parte matters not requiring notice to other parties and not requiring oral testimony are required to be presented through the Clerk's Office, and will be subject to a presentation fee of \$30.00 for up to five orders, submitted in the same case at the same time.

Additional information on presentation of motions to the Ex Parte and Probate Department can be found in the Ex Parte Motions and Hearings Manual, available in the Clerk's Office and online at <http://www.kingcounty.gov/courts/Clerk>

**Motions for Default or to Dismiss**

Motions for default are to be noted before the assigned Judge if any party has made an appearance. See CR 5(a)(3) and LCR 40.1(b)(2)(P). If no party has made an appearance, the motion is to be presented to the Ex Parte and Probate Department, via the Clerk. Similarly, if presenting a Motion to Dismiss that does not dismiss all parties, it is to be noted before the assigned Judge. If the Motion to Dismiss is as to all parties, it is to be presented to the Ex Parte and Probate Department, via the Clerk. See Ex Parte Manual, II.f.

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