

LGR 31. ACCESS TO COURT RECORDS

(d) Access.

(2) On-line ~~document review through access to~~ the Clerk's electronic records system outside of the clerk's office and outside of King County's wide area network shall be restricted to cases filed November 1, 2004 and forward and shall be limited to the following case types:

(i) All criminal cases, defined as those categorized with a number 1 as the third digit of the case number;

(ii) All civil cases, defined as those categorized with a number 2 as the third digit of the case number, with the exceptions of petitions for domestic violence protection orders and petitions for antiharassment protection orders;

(iii) All probate cases, defined as those cases categorized with a number 4 as the third digit of the case number, except for guardianship cases.

(iv) Final parenting plans, decrees, and child support orders in cases filed under RCW 26.09, 26.10, and 26.26.130(7)(b).

(f) Distribution of Court Records Not Publicly Accessible

(2) Investigations by the Judicial Conduct Commission: Access to Sealed Files and Documents

(A) Confidential Use: Upon request, the clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

(B) Public Use: No materials in a sealed file may be made public, unless the Commission has first obtained an order pursuant to GR 15 and LCR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge.

Official Comment

1. Procedures, terms and conditions for on-line access are available in the clerk's office and online at www.kingcounty.gov/courts/clerk.

[Adopted effective November 5, 2004; amended September 1, 2005; February 23, 2006; September 1, 2015; September 1, 2016; **September 1, 2018**.]

LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS

For "Respective Chief Judge" see LGR 29(h).

(a) Case Assignment. Hearings in cases with "UFK" or "KNT" designations shall be at the Maleng Regional Justice Center (MRJC), in Kent, and hearings in cases with "UFS" or "SEA" designation shall be at the King County Courthouse, in Seattle. For judicial economy, the court may allow motions to be heard in either courthouse.

(b) Motions to be heard in the Ex Parte and Probate Department.

(1) Unless otherwise specified in this rule, motions for orders to show cause and agreed orders shall be presented Ex Parte via the Clerk. When setting a hearing before a judge, the

motion for order to show cause shall include proof that the judge's staff has approved the hearing to be set on that date. See LCR 7(b)(9).

(2) Uncontested Final Orders.

(A) Divorces and Legal Separations. At least one party shall appear to provide oral testimony about the final order of divorce or legal separation, unless a formal proof declaration, available online at <http://www.kingcounty.gov/courts/superior-court/family/family-law-instructions.aspx>, is signed by at least one party to the case.

(B) Uncontested final orders presented by attorneys.

(i) Cases involving children. When presenting a final parenting plan, residential schedule, or a final nonparental custody order, an attorney must sign and file a certificate of compliance and present the final orders in person to the Ex Parte and Probate Department.

(ii) Cases that do not involve children. Final orders not related to the placement of children entered by agreement or default may be presented Ex Parte via the Clerk with the attorney's certificate of compliance and formal proof declaration, if applicable.

(C) Uncontested final orders presented when both parties are pro se. When presented by pro se parties, agreed final orders or final orders entered after an order of default shall be:

(i) Presented to a judicial officer through a court-approved program operated by the Facilitator's Office, or;

(ii) Noted for a final decree hearing in the Ex Parte and Probate Department with fourteen days' notice and proposed final orders shall be reviewed by the Facilitator's Office prior to the hearing.

(c) Motions to be heard by Family Law Commissioners.

(1) Agreed orders continuing a family law hearing shall be presented to a family law commissioner.

(2) Unless otherwise specified in this rule, all contested motions in family law cases shall be heard on the family law motions calendar.

(3) Motions in Trial by Affidavit cases. All motions in trial by affidavit cases, including motions related to discovery, shall be heard by the assigned trial by affidavit family law commissioner. See LFLR 14.

(4) Motions to link a domestic violence protection order case with a family law case involving the same parties may be heard by family law commissioners.

(d) Motions to be heard by Judges. Hearings before judges shall be scheduled using the timelines required by applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days' notice and without oral argument. The court may allow or require oral argument.

(1) Assigned Judge. The following motions shall be scheduled before the assigned judge, or if there is no assigned judge, the Respective Chief Judge:

(A) Motions to seal a file or a document within a file, even if agreed;

(B) Motions to change the trial date, or a deadline in the case schedule;

(C) Motions for summary judgment, except for summary judgment motions in parentage actions which shall be heard on the family law motions calendar;

(D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);

(E) Motions to enforce a CR2A agreement;

(F) Motions for revision of a commissioner's order. See LCR 7(b)(8).

(G) Uncontested final decrees of invalidity. Hearings shall be noted with oral argument before the assigned judge or before the judicial officer presiding over the status/noncompliance calendar. At least one party shall appear to provide oral testimony with respect to entry of a final decree of invalidity.

(H) Any other motion identified in Section (e) below.

(2) Chief Judges. The following motions shall be scheduled before the Respective Chief Judge:

(A) Change of Case Assignment Area or Consolidation of Cases. A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Respective Chief Judge.

(B) Motions related to an appeal of a commissioner's order. If a commissioner entered the final order that is appealed, any motions related to the appeal shall be noted before the Respective Chief Judge.

(e) Specific Motions.

(1) Motions related to trials and appeals of judges' orders. The following motions shall be noted before the trial judge: motions in limine, trial motions, presentation of final orders related to a trial, motions relating to the appeal of a final order entered by a judge, including motions to waive fees for the appeal and motions to stay the underlying order pending the appeal.

(2) Motions to Vacate. All return hearings scheduled before a judge shall be set as provided in LFLR 5(b)(1).

(A) Active Cases. In cases where there is still a pending trial date, the order to show cause on the motion to vacate an order shall set the return hearing before the judicial officer who signed the order, except the return hearing on a motion to vacate an order of default in an active case shall be scheduled before the assigned judge.

(B) Closed Cases. When a case has been dismissed or final orders have been entered, the order to show cause on the motion to vacate shall set the return hearing before the Respective Chief Judge except in the following circumstances:

(i) If it is a motion to vacate final orders entered after a trial, the order to show cause shall set the return hearing before the trial judge. If that judge has left the court, the return hearing on the order to show cause shall be scheduled before the Respective Chief Judge.

(ii) If the parties are presenting an agreed motion to vacate a dismissal and enter agreed final orders, the motion may be presented in the Ex Parte and Probate Department at the same time as the agreed final orders, as provided in LFLR 5(b)(2).

(3) Motions for Reconsideration. See LCR 59. All motions, including those before family law commissioners, shall be scheduled without oral argument with six court days' notice before the judicial officer who entered the order to be reconsidered. No response shall be filed unless requested by the court, as provided in LCR 59(b).

(4) Orders Shortening Time. Motions for orders shortening time shall be heard in accordance with LCR 7. Motions to shorten time that seek to set a hearing on the family law motions calendar shall be heard by a commissioner assigned to that calendar.

(5) Writs of Habeas Corpus. Applications for writs of habeas corpus relating to minor children shall be presented to and returnable to the designated judge in the Unified Family Court Department at the MRJC. Contact the Office of Court Operations at the MRJC (206-477-2600) to find out which judge is handling habeas corpus matters relating to minor children.

(6) Relocation Motions.

(A) Motions for temporary orders to restrain or authorize relocation of a child in a relocation or modification case shall be noted with oral argument in front of the assigned judge with 14-days advance notice. However, if no objection has been filed, and therefore there is no assigned judge, these motions shall be heard by the Chief UFC Judge.

(B) Ex parte motions authorized by statute shall be presented in person in the Ex Parte and Probate Department.

(7) Motions for Default.

(A) **Notice not required.** When notice is not required under CR 55, motions for default shall be presented Ex Parte via the Clerk's Office or presented with proposed final orders as outlined in section (b)(2) of this rule.

(B) **Notice required.** If notice to an opposing party is required under CR 55 (for example, when an appearance but no answer has been filed), motions for default shall be noted on the family law motions calendar with oral argument.

(8) Motions related to discovery and appointment of experts.

(A) Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge.

(B) Motions to appoint experts, such as a parenting evaluator or an expert for asset valuations, shall be scheduled on the family law motions calendar. All other motions under CR 34 or CR 35 shall go to the assigned judge.

(C) Motions related to discovery in domestic violence protection order cases shall be heard on the family law motions calendar.

(9) Motions in Petition for Visits cases. Motions in Petition for Visits cases shall be noted without oral argument before the assigned judge. Motions after final orders are entered shall be noted on the Family Law Motions Calendar pursuant to LFLR 5(c).

[Adopted effective September 1, 2004; amended effective September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 2, 2013; September 2, 2014; September 1, 2017; **September 1, 2018.**]

LFLR 9. COMMENCEMENT OF NONPARENTAL CUSTODY PROCEEDINGS

(a) Non-Parent Custody An action for custody of a child brought by a non-parent is commenced by a summons and petition under a new cause number and may not be commenced under an existing dissolution, paternity or other case. Upon filing, the Clerk's Office will issue a case schedule. The petitioners must obtain a Washington State Patrol and Child Protective Services (CPS) background check on themselves and all adult household members. The King County local form order for obtaining a CPS background check, available from the Clerk's office or at www.kingcounty.gov/courts/clerk, shall be used. Petitioners must also obtain an Order finding Adequate Cause before the date specified in the Case Schedule and attend a mandatory case review hearing. See Chapter 26.10 RCW, these rules and the Order Issuing Case Schedule for other requirements.

(b) Petition for Visits. A petition for visits may not be filed under any other existing case.

(1) Service. The petitioner must serve the other parties within 10 days of filing the petition. The petitioner must file proof of service and provide a working copy at least 6 court

days prior to the court review. If service cannot be made within 10 days, the petitioner must file a motion to amend the case schedule and continue the trial date before the assigned judge.

(2) Court Review. Upon filing the summons and the petition, the Clerk's Office will issue a case schedule that includes a date for a court review before the assigned judge. Parties do not need to appear for this hearing. Parties shall provide working copies six court days prior to the court review. Working copies shall comply with LCR 7(b) to the extent that the rule is not inconsistent with this rule.

[Adopted effective September 1, 2004; amended July 24, 2018.]