



# King County Superior Court Emergency Local Rule Amendments

## LFLR 23. Informal Family Law Trials

**(a) Applicability.** Informal Family Law Trials (IFLT) may be held to resolve all issues in actions for divorce, parentage, parenting plan and child support, relocation, and non-parental custody, and for modification of parenting plans or non-parental custody orders. This rule applies immediately to cases involving children assigned to UFC judges and will apply to all cases after January 2, 2021.

**(b) Requirements to select an IFLT.** All parties must state whether they wish to proceed with an IFLT or a traditional trial. All parties must agree in order to proceed with an IFLT. Each party shall make its selection in writing using the Family Law Trial Selection Form. The Family Law Trial Selection form must be filed prior to the trial commencing. For cases in which there is a pretrial conference hearing, the selection shall be made at that hearing. If there is no pretrial conference hearing, the selection shall be made in the Joint Confirmation of Trial Readiness form. If a party does not file a selection using either form prior to the trial commencing, the case will proceed as a traditional trial.

### **(c) Changing the trial format.**

- (1) A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT. The motion shall be filed at least 21 calendar days prior to the trial date.
- (2) By agreement, parties may request to change from a traditional family law trial to an IFLT. This motion must be made at least 14 calendar days before the trial date unless good cause is shown.
- (3) The motions referenced above shall be noted before the assigned trial judge without oral argument as outlined in LFLR 5.
- (4) The assigned trial judge may refuse to allow the parties to use the IFLT process and direct that a case proceed with a traditional trial. The assigned trial judge may exercise this discretion at any time, including after an IFLT has started, but prior to ruling. In assessing whether this change in format should be made after trial has started, the trial judge will consider whether enforcement of traditional trial rules after the IFLT has started will prejudice either party.
- (5) A change in the type of trial may result in a change to the trial date.

### **(d) Procedure Prior to the IFLT.**

- (1) Parties must affirm or agree to the following at either the pretrial conference or by filing the Family Law Trial Selection Form before the IFLT:
  - (A) They understand the rules and procedures of the IFLT process;
  - (B) They are agreeing to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the IFLT process;
  - (C) The case does not need more than one day (five hours) of court time to be heard; and
  - (D) They waive the right to appeal the court's use of the IFLT process or 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.
- (2) Prior to or at the beginning of the IFLT, the assigned trial judge may ask the parties or their lawyers for a brief summary of the issues to be decided.

(3) **Trial Materials.** The requirements below are subject to the orders of the assigned trial judge. At least one week before trial, each party must submit:

(a) Proposed final orders in Microsoft Word format to the assigned trial judge and to any other parties.

(b) For any case involving financial issues, including child support, spousal maintenance, division of property/debts, attorney fees, the parties must submit to the court and to any other party a financial declaration and documents required by Local Family Law Rule 10.

**(e) Procedure During the IFLT.**

- (1) Lawyers and parties are prohibited from questioning the parties.
- (2) Lay witnesses (non-experts who are not named in the case caption) are not allowed to testify in IFLTs. Any testimony from lay witnesses must be submitted in the form of a declaration.
- (3) The judge will swear in the parties.
- (4) The person who filed the petition with the court will speak to the judge under oath concerning all issues in dispute. The judge may ask questions to develop evidence required by any statute or rule.
- (5) The judge will ask the other parties or lawyers if there are any other relevant areas for the judge to ask the first participant about. If the judge determines the requested area of questioning is relevant, then the judge will ask questions about that subject.
- (6) The above process will then be repeated for each other participant.
- (7) If a Guardian ad Litem (GAL) or CASA is assigned to the case, or if Family Court Services (FCS) has completed an assessment or evaluation, the judge will read the GAL's, CASA's, or FCS's report. The author/expert may not be called as a witness unless a participant notes an intention to call the evaluator on the Family Law Trial Selection Form. If Family Law Trial Selection Form is timely filed and the author/expert appears voluntarily or by subpoena, then they will be questioned under oath by the assigned trial judge as outlined in this rule.
- (8) GAL reports, CASA reports, and FCS evaluations and assessments will be entered into evidence as a court exhibit as provided by RCW 26.09.220.
- (9) Expert reports will be read by the judge and entered into evidence as a court exhibit.
- (10) If any participant requests or arranges expert witness testimony, the expert will be sworn and then questioned by counsel, the parties, and/or the judge.
- (11) The parties may offer any additional documents for the judge's consideration. The judge will decide the weight, if any, to give each document. The judge may ask or order that parties provide additional documentation or evidence if needed to make a final decision.
- (12) Declarations, letters, or other submissions by the parties' minor children will not be considered.
- (13) All parties will have the opportunity to respond briefly to the testimony of the other parties using the format outlined in this rule.
- (14) The parties or their attorneys will be offered the opportunity to make a brief closing argument.
- (15) The judge may put reasonable time limits on any person's testimony or argument.
- (16) The assigned trial judge retains jurisdiction to modify these procedures as justice and fundamental fairness require.