

SUMMARY OF 2021 LOCAL RULE AMENDMENTS

LGR 2(d). Judicial Day – A definition added to the general rules outlining “judicial day”. All instances of “court day(s)” were changed to “judicial day(s)” in order to promote clarity and consistency in the local rules.

List of all Local Rules changing verbiage from “court day(s)” to “judicial day(s)”:

- LCR 4. Civil Case Schedule
 - LCR 4(k). Joint Statement of Evidence
 - LCR4(m). Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions
- LCR 7. Civil Motions
 - LCR 7(b)(4)(A). Filing and Scheduling of Motions
 - LCR 7(b)(4)(D). Opposing Documents
 - LCR 7(b)(4)(E). Reply
 - LCR 7(b)(8)(A). Motions for Revision of a Commissioner’s Order
 - LCR 7(b)(8)(B)(v)
 - LCR 7(b)(10)(D)
- LCR 59. New Trial, Reconsideration, and Amendment of Judgments
 - LCR 59(b). Response and Reply
- LCR 77. Superior Courts and Judicial Officers
 - LCR 77(i)(9). Orders to Show Cause
- LCR 93.04. Adoption Proceedings
 - LCR 93.04(d). Court’s Working Copies
 - LCR 93.04(h). File Review
- LCR 98.04. Estates-Probate-Notices
 - LCR 98.04(b)(7)
- LCR 98.20. Guardianships and Trusts
 - LCR 98.20(b). Service and Filing of Reports (Initial Appointment)
 - LCR 98.20(d). Reports and Accountings and Contested or Noted Matters
- LCAR 4.4(a). Notice of Settlement
- LJuCR 1.8. Procedural Motions
 - LJuCR 1.8(b). Time Limits
- LJuCR 1.9. Discovery
 - LJuCR 1.9(e). Motions to Compel, Motions for Protective Orders, and Motions for Production of Records Held by Third Parties
- LJuCR 2.5. Modification of Shelter Care Order
 - LJuCR(b). Modification of Shelter Care Order after 30 Day Hearing
- LJuCR 3.8. Disposition Hearing

- LJuCR 3.8(c)(1). Agency Reports
- LJuCR 3.9 Review Hearing
 - LJuCR 3.9(d)(2)(A)
 - LJuCR 3.9(d)(2)(C)
- LJuCR 3.12. Contested Dependency Motions
 - LJuCR 3.12(d)(1)(B)
 - LJuCR 3.12(d)(1)(C)
- LJuCR 3.14. Reconsideration and Revision
 - LJuCR 3.14(A)(2). Response and Reply
 - LJuCR 3.14(b)(2). Providing Copies to the Judge
 - LJuCR 3.14(b)(4). Responsive Document
- LJuCR 7.6 Arraignment-Juvenile Offense Proceedings
 - LJuCR 7.6(a)(1)
- LJuCR 7.14. Motions-Juvenile Offense Proceedings
 - LJuCR 7.14. Generally.
- LFLR 5. Where to Schedule Motions in Family Law Proceedings
 - LFLR 5(d). Motions to be Heard by Judges
 - LFLR 5(e)(3). Motions for Reconsideration
- LFLR 6. Family Law Motions Calendar Procedures
 - LFLR 6(b)(2)
 - LFLR 6(b)(3)
 - LFLR 6(c)(1)
 - LFLR 6(d)(1)
 - LFLR 6(g)(1)(B)
- LFLR 9. Commencement of NonParental Custody Proceedings
 - LFLR 9(b)(1). Service
 - LFLR 9(b)(2). Court Review
- LFLR 17. Contempt and Other Enforcement Actions
 - LFLR 17(a)(4)

LGR 16(d). Broadcasting of Court Proceedings – A new rule proposed by a sub-committee of the local rules committee to establish procedures for live streaming court proceedings.

LGR 31. Access to Court Records – Cleans up language to add clarity and adds family law and guardianship cases to the list of records which are accessible through the Clerk's electronic records system. This rule was adopted on an emergency basis.

LCR 7(b)(4). Dates of Filing, Hearing and Consideration – Increases the amount of time for filing and scheduling a motion from six days to nine days. Incorporates change from court days to judicial days to promote consistency in the local rules.

LCR 7(b)(4)(H). Stipulated and Agreed Motions – Adds language to the rule that all stipulated and agreed motions shall be noted for consideration before the hearing judge two judicial days after filing. The Ex Parte and Probate Department is excluded from this rule.

LCR 7(b)(10)(D). Motions Shortening Time – Adds language that absent emergency situations, motions for shortening time must be noted at least two judicial days after it is filed and served on the opposing party.

LCR 79. Books and Records Kept by the Clerk – Aligns the local rules with current procedures regarding exhibits and clarifies procedures regarding turning unscannable materials into file exhibits. The RCW was added to promote clarity to the rule.

LCR 98.22. Minor Guardianship – New rule to address changes created by newly enacted Uniform Guardianship Act legislation. This rule was adopted on an emergency basis.

LCrR 3.2. Pretrial Release – A proposal submitted by Judge Kessler, Ret. as a proposed change to the statewide criminal rules as part of the equity and social justice proposal for the year. The local rules committee adopted subsection (b) for presentation to the judges as a whole and has been adopted on an emergency basis.

LMPR 1.11. Findings of Fact and Conclusions of Law – Rescinded from the local rules to align with current procedure in mental health hearing procedures. This rule was rescinded on an emergency basis.

King County Local Juvenile Court Rules – Title III. Dependency Proceedings – Proposed changes reflect the adoption of the e-working copies pilot that has been in process for the past two years. Changes set forth requirements for submission of electronic working papers for matters heard on dependency calendars. The list of amended citations are as follows:

- LJuCR 3.2(c)(3). Where Pleadings and Documents Filed
- LJuCR 3.8(c)(1). Agency Reports
- LJuCR 3.9(d)(2)(C). Working Copies
- LJuCR 3.12(b)(2). Scheduling Motions
- LJuCR 3.12(d)(1)(B) & (C). Filing and Scheduling of a Motion
- LJuCR 3.12(e)(1). Motion for Oral Testimony

LFLR 2. Days and Times for Scheduling Hearings; Court Holidays – Changes “non-judicial” to “nonjudicial” to create spelling consistency in the Local Rules.

LFLR 23. Informal Family Law Trials – A new rule putting processes in place for Informal Family Law Trials (IFLT). This rule was adopted on an emergency basis for implementation in the Family Law Department.

Contents

LGR 2(d). JUDICIAL DAY4

LGR 16(d). BROADCASTING OF COURT PROCEEDINGS.....4

LGR 31. ACCESS TO COURT RECORDS5

LCR 7(b)(4). DATES OF FILING, HEARING AND CONSIDERATION.....5

LCR 7(b)(4)(H). STIPULATED AND AGREED MOTIONS.....6

LCR 7(b)(10)(D). MOTIONS SHORTENING TIME6

LCR 79. BOOKS AND RECORDS KEPT BY THE CLERK.....6

LCR 98.22 MINOR GUARDIANSHIP7

LCrR 3.2. PRETRIAL RELEASE.....9

LMPr 1.11. FINDINGS OF FACT AND CONCLUSIONS OF LAW10

LJuCR 3.2 WHO MAY FILE PETITION--VENUE.....10

LJuCR 3.8 DISPOSITION HEARING12

LJuCR 3.9 REVIEW HEARING.....14

LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS15

LFLR 2. DAYS AND TIMES FOR SCHEDULING HEARINGS; COURT HOLIDAYS19

LFLR 23. INFORMAL FAMILY LAW TRIALS.....19

LGR 2(d). JUDICIAL DAY

Judicial Day. A “judicial day” is a weekday that is not a legal holiday. See RCW 1.16.050; RCW 2.28.100.

LGR 16(d). BROADCASTING OF COURT PROCEEDINGS

Court proceedings may only be broadcast, livestreamed, recorded, or photographed with prior authorization by a judicial officer. A judicial officer may authorize the broadcasting or livestreaming of court proceedings only after providing the parties notice and considering the input of any interested person, any compelling privacy or safety interests, as well as the public interest in access to court proceedings. The notice required by this rule shall be provided at least 24 hours before the proceeding, absent emergent circumstances. The court shall not broadcast or livestream any proceeding brought under RCW 13.34.115, 13.50.260, 26.33.060, or 71.05.010.

LGR 31. ACCESS TO COURT RECORDS

(d) Access.

~~(2) Public online document review through the Clerk's electronic records system shall be restricted to cases filed on or after November 1, 2004 and limited to the case types listed in (i) through (iv). These restrictions do not apply to onsite access in the clerk's office, to King County agencies, to government agencies approved by the clerk, to parties to a case, and to attorneys of record. On-line document review through 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 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 family law cases, defined as those categorized with a number 3 as the third digit of the case number and the unsealed portions of those cases categorized with a number 5 as a third digit. 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). All probate and guardianship cases, defined as those cases categorized with a number 4 as the third digit of the case number, except for guardianship cases.~~

~~(v) Miscellaneous public records kept by the clerk and categorized with a 0 as the third digit of the case number.~~

~~(f)...~~

LCR 7(b)(4). DATES OF FILING, HEARING AND CONSIDERATION

(b) Motions and Other Documents

(1) Scope of Rules...

(4) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion documents no later than 4:30 p.m. nine six court judicial days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases assigned to a judge, if the motion is set for oral argument on a ~~non-judicial~~ nonjudicial day, the moving party must reschedule it with the judge's staff; for motions without oral argument, the assigned judge will consider the motion on the next judicial day.

(B)

(D) Opposing Documents. Any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and

deliver working copies to the hearing judge no later than ~~12:00 noon~~ 4:30 p.m. four two court judicial days before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

(E) Reply. Any documents in strict reply shall be similarly filed and served no later than ~~12:00 noon 4:30 p.m. two court judicial days on the court day~~ before the hearing.

LCR 7(b)(4)(H). STIPULATED AND AGREED MOTIONS

(b) Motions and Other Documents

(1) Scope of Rules...

(4) Dates of Filing, Hearing and Consideration...

(H) Stipulated and Agreed Motions. Stipulated and agreed motions, except motions that shall be presented to the Ex Parte and Probate Department pursuant to LCR 40.1(b)(2)(A), shall be served and filed in accordance with this rule and noted for consideration before the hearing judge two judicial days after filing.

(H) **Confirmation and Cancellation.** Confirmation is not necessary, but if the motion is stricken, the parties shall immediately notify the opposing parties and notify the staff of the hearing judge.

LCR 7(b)(10)(D). MOTIONS SHORTENING TIME

(b) Motions and Other Documents

(10) Motions Shortening Time...

(D) Except for emergency situations, the motion must be noted at least two judicial days after it is filed and served on the opposing party and the court will not rule on a motion to shorten time until the close of the next court day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

LCR 79. BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits; Filing and Substitution...

(2) ~~Unsuitable Materials for Filing~~ Inappropriate Materials for Filing

(A) Unsuitable Materials. Whenever there is presented to the clerk for filing in a cause any document or other material that is deemed by the clerk to be improper or inappropriate for filing (e.g., explicit photos), the clerk ~~shall affix his/her file mark thereto and may forthwith orally~~ may 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 to that effect and the material shall be converted to a file exhibit. File exhibits are not retained by the clerk as an exhibit in the cause as part of the permanent record and are eligible for destruction 60 days after completion of the case or appeal per RCW 36.23.070. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court except ~~to the parties or their attorneys of record~~ as specified in the order to seal.

(B) Unscannable Material. Whenever there is presented to the clerk for filing in a cause any item such as tapes, CD's, DVD's, USB drives and oversized items such as blueprints or plat maps that cannot be scanned, it shall be converted to a file exhibit. File exhibits are not retained as part of the permanent record and are eligible for destruction per RCW 36.23.070 ~~60 days after completion of the case or appeal.~~

(3) --Same; Not Evidence Unless Ordered...

LCR 98.22 MINOR GUARDIANSHIP

(a) Applicability. This rule shall apply to petitions for guardianship of a minor filed pursuant to ch. 11.130, RCW.

(b) Forms. The statewide guardianship pattern forms (GDN M 001-605) shall be used for all court filings in these matters. If there is no statewide guardianship pattern form, parties may use local forms. The pattern forms can be found at www.courts.wa.gov.

(c) Proceedings.

(1) How Initiated. An action for Guardianship of a minor brought by a nonparent must be filed under a new cause number and cannot be commenced under an existing case. The case is commenced by the filing of a Summons, Petition, Declaration Explaining the Reasons for Minor Guardianship, and Motion to Withhold Certain Documents from the Minor. (*Optional: Although optional, it is highly recommended that the issue of whether minors receive the documents be considered and resolved at the initial stage of the proceedings.*) At the time of filing, the petitioner shall also submit the Order Directing DCFS/CPS to Release Information and the Order to Withhold Certain Documents from the Minor (optional) to Ex Parte via the Clerk.

Note: If the children subject to the guardianship do not have the same parents, separate cases must be filed for each child or group of children who have the same parents.

Immediately after filing the case and receiving the Case Schedule, the petitioner **must** complete Notice of Hearing (**GDN M 101**) with the date and time that the court has set and the list of people entitled to notice. The Notice of Hearing should be served along with the Summons, Petition, and Case Schedule.

(2) Requirements. The petitioner(s) shall obtain a Washington State Patrol and Child Protective Services (CPS) background checks on the proposed guardian and all adult household members of the guardian. The proposed Guardian shall attend the mandatory lay guardian training within 60 days of filing or, if the training is not yet available, within 60 days of the training being available.

(3) Case Assignment. All Minor Guardianship actions shall be assigned to the Unified Family Court judge(s) designated by the Chief UFC Judge. All motions will be heard in the Ex Parte Department on the ex parte guardianship calendar unless provided herein or ordered by the court. Upon certification by an Ex Parte Commissioner or the assigned judge that a case is contested, a trial date will be assigned and additional deadlines set. If a case is set for trial then all motions will be heard by the assigned judge. Until a case has been set for trial, no discovery shall be permitted.

(4) Finalization. Agreed or default Minor Guardianship finalizations shall be noted on the ex parte guardianship calendar.

(d) Presentation of Order Appointing Guardian Ad Litem or Visitor. The initial Orders appointing a Guardian ad Litem, Attorney, and Visitor shall be presented via the Clerk to the Ex Parte Department.

(e) Notice and Hearing. Except as otherwise noted herein, all hearings shall be scheduled with a Note for Calendar on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note shall be filed at least 14 days prior to the scheduled hearing date. The Ex Parte judicial officer may set special hearings at other times at their discretion. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon four judicial days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two judicial days before the date the motion is scheduled for hearing.

(f) Status Hearing. At the time of filing, the court will set a hearing approximately 60 days after filing. The parties shall appear at that hearing to address whether service has been completed on all parties requiring notice, background and CPS checks have been completed, any necessary court visitor, GAL, or attorney has been appointed, and other issues necessary for the case to move forward. If neither the petitioner nor the proposed guardian appears at the scheduled hearing, the case may be dismissed. The court will determine whether the case is likely to be resolved by agreement, or by default, or should be certified for trial. After certification that a case is contested, all motions and other proceedings shall be set before the assigned judge.

(g) Petitions for Emergency Minor Guardianship. When an Emergency Minor Guardianship Petition (**GDN M 202**) is filed, a hearing will be set before the assigned UFC judge on the first Friday that is at least 14 days after filing. Any Motion for Immediate Order, without notice (**GDN M 204**) shall be heard in the Ex Parte Department according to the process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The return hearing will be set before the assigned UFC judge on the first Friday that provides at least three calendar days' notice to responding parents.

(h) Petitions for Standby Guardians. Following expiration of the required statutory 60 days, a hearing regarding appointment of a standby guardian may be noted in the Ex Parte Department on the guardianship calendar with at least 14 days' notice.

(i) Motions for Temporary Child Support, Temporary Restraining Orders and to Restrain or Permit Relocation. Motions to set temporary child support, for a temporary restraining order, or to permit or restrain relocation, shall be set before the assigned UFC judge on at least 14 days' notice. Parties may petition the court for temporary restraining orders entered on an emergency basis to prevent immediate injury, loss, or damage. See also CR 65. The moving party shall present the Motion for Ex Parte Restraining Order in the Ex Parte Department. The Order to Show Cause shall schedule a return hearing before the UFC judge within 14 days, unless extended for good cause. **Note:** The statute does not provide for temporary guardianship orders in actions for full guardianship. To obtain an immediate guardianship order or to seek a temporary guardianship order for up to 60 days, you must file an Emergency Minor Guardianship Petition.

(j) Domestic Violence, Anti-Harassment, or other order seeking protection under another defined statute. Any matter related to issuance of a protection order that includes protecting a child subject to any minor guardianship matter shall be filed separately from the Minor Guardianship matter under a new cause of action. The court shall set full protection order hearings before the assigned judge to be heard concurrent with these proceedings.

(k) Acceptance of Appointment. The guardian name(s) must be typed or printed on the acceptance of appointment as it appears in the order. If a guardian changes their name, they must obtain an order for new letters and file an acceptance of appointment under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

LCrR 3.2. PRETRIAL RELEASE

(b) Showing of Likely Failure to Appear – Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond with sufficient sureties, or the deposit of cash, which need not be the same amount as the bond, in lieu thereof;

(5) Require the accused to return to custody during specified hours or be placed on electronic monitoring, if available; or

(6) Impose any condition other than detention deemed reasonably necessary to assure appearance as required. If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

LMPR 1.11. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Proposal to rescind LMPR 1.11 from the Local Court Rules

(a) Hearing. In any case tried to the Court without a jury, the Court shall state its findings of fact and enter its decision on the record. Written findings at this stage of the proceedings may be in abbreviated form.

(b) Supplemental Written Findings and Conclusions on Appeal. The Court shall enter supplemental written findings and conclusions in a case that is appealed to the courts of appeal. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such proposed findings and conclusions, together with a copy of the taped report of proceedings, to the appropriate Judge or Commissioner, and opposing counsel of record within 21 days after receiving the respondent's notice of appeal.

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(c) Location for court proceedings for dependency actions filed in King County; filing of documents and pleadings and designation of case assignment area.

(1) All proceedings of any nature shall be conducted in the case assignment area designated on the dependency petition unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(2) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon the filing of the petition alleging dependency. Case Assignment Area designations shall not be changed between the time of filing of a dependency petition and the entry of a disposition order except as necessary to correct a mistaken designation, to prevent undue hardship to a party or by the Court on its own motion as required for the just and efficient administration of justice.

(1) For petitions for dependency the case area designation shall be based on the DCFS office filing the petition.

(a) Seattle Case Assignment Area. All petitions from the King East, Martin Luther King and White Center DCFS Offices and for children known to be protected by the Indian Child Welfare Act.

(b) Kent Assignment Area. All petitions from the King South DCFS office.

(c) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas for petitions filed from the King West and Adoptions and Permanency office and any non-DCFS filed petition as follows:

(i) Seattle Case Assignment Area. All of King County except for the areas included in the Kent Case Assignment Area.

(ii) Kent Case Assignment Area. All of the areas of King County using the following postal zip codes: 98001; 98002; 98003; 98010; 98022; 98023; 98025; 98030; 98031; 98032; 98038; 98042; 98047; 98051; 98092; 98198.

(iii) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(2) For cases regarding Children in Need of Services and At Risk Youth, the case area designation shall be based on where the custodial parent resides.

(B) Change of Case Assignment Area Designation. The Court may order that a juvenile's case assignment area designation change upon the establishment of dependency and the entry of a disposition order based on one of the following reasons: hardship to one of parties; transfer of the case within the supervising agency or to a new agency; a need for judicial continuity of control over the case; transfer is in the best interest of the child; correction of a mistaken designation or for such other reason deemed just and proper by the Court or when required for the just and efficient administration of justice. A case should not be transferred solely to accommodate an attorney.

(1) Method. A motion for change of case assignment area designation may be made by any party to the dependency or by the Court on its own motion. Such a motion shall only be made in writing ~~as required by LJuCR 3.10~~ and shall be titled Motion to Change Case Assignment Area and shall specify the factors for change of case assignment area. A proposed Order to Change Case Assignment Area shall be included with the working papers submitted for the Court. If the motion is agreed to by the parties, the motion shall so state and the proposed order shall include the signatures of the parties. The Order to Change Case Assignment Area shall be filed by the prevailing party. All cases shall proceed in the original case assignment area until the order is entered and filed. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(C) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(D) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(3) *Where Pleadings and Documents Filed.* Pursuant to LGR 30, all pleadings and documents for any dependency proceeding in King County must be electronically filed with the Clerk of the Superior Court using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form at the court facility in the case assignment area of the case. ~~Working copies must be provided for the judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.~~

(A) Working copies for motions and hearings. Unless otherwise specified in these rules, all parties to a motion or hearing must submit a proposed order and working copies to the court pursuant to the procedures outlined on the dependency website: <https://www.kingcounty.gov/courts/superior-court/dependency.aspx>.

(4) *Inclusion of Case Assignment Area Code.* All pleadings and documents shall contain after the cause number the case assignment designation code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

LJuCR 3.8 DISPOSITION HEARING

(a) *Time.* If a juvenile has been found to be dependent, the Court shall immediately hold a disposition hearing unless there is good cause for continuing the matter. Pending disposition, the terms and conditions of any current shelter care order will continue in effect unless otherwise ordered by the Court.

(c) *Evidence.*

(1) *Agency Reports.* The petitioner or supervising agency and CASA shall submit a report regarding a long range plan in accordance with RCW 13.34.120 and .130 clearly stating goals for the next six months. The parent, guardian, or legal custodian may also file a report to aid the court in disposition. In those disposition hearings set before a particular judge, working copies of all reports shall be provided to the judge two court judicial days prior to the hearing. ~~Judicial working copies shall be submitted pursuant to LCR 7(b) to the extent not inconsistent with this rule.~~ Copies shall be served on counsel and parties six court judicial days prior to the disposition hearing. Unless otherwise ordered by the Court, no written response is required. However, if provided, it shall be served two court judicial days prior to the hearing.

(2) No report shall be submitted to the Court prior to the fact-finding hearing, but shall be served on the parties and counsel as required by this section.

(3) The Court shall consider the social study and other appropriate pre-dispositional studies and evaluations in addition to information produced at the fact finding and disposition hearings. Pursuant to ER 1101, the Rules of Evidence need not apply in disposition hearings.

(d) (Reserved)

(e) *Transferring Legal Custody.* A disposition which orders removal of the juvenile from his or her home shall have the effect of transferring legal custody to the agency or

legal custodian charged with the juvenile's care. The transfer of legal custody shall give the legal custodian the following rights and duties:

- (1) To maintain the physical custody of the juvenile;
- (2) To protect, educate and discipline the juvenile;
- (3) To provide food, clothing, shelter, education as required by law, and routine medical care for a juvenile; and
- (4) To consent to emergency medical care, surgical care, including anesthetics, administration of medications as prescribed by the child's treating physician, and to sign releases of medical information to appropriate authorities, pursuant to law. Reasonable efforts shall be made by the custodial agency to contact and secure the consent of the child's parents, if they are available, to any emergency medical and surgical care needed by the child. If the parents disagree with the proposed emergency medical or surgical care, either they or the custodial agency may set an emergency hearing with notice to all parties.

The Court may, in its disposition order, modify the rights and duties granted to the legal custodian as a result of the transfer of legal custody.

(f) Transfer to New Agency. In the event of transfer of legal custody to an agency other than the original agency, the newly appointed custodian shall have the same rights and duties as outlined in (f) above, unless modified by the Court.

(g) Agreed Disposition. If the parties agree to a disposition plan and order, the proposed order will be submitted to the Court with all reports. The Court may set the case for a hearing on its own motion with notice to the parties accompanied by a statement of reasons for such setting.

(h) Contested Dispositional hearing. In the event parties enter agreed dependency orders and seek to set a contested dispositional hearing, the contested dispositional hearing shall be set on the Contested Motions Calendar in accordance with LJuCR 3.12 provided the matter is not expected to exceed 30 minutes. If the matter is expected to take longer than 30 minutes, a pretrial hearing order shall be entered identifying the contested issues and setting the matter for judicial assignment.

(i) Retention of Case. A judge hearing a dependency proceeding may elect to retain authority over that case for future dependency hearings on the motion of a party or the Court's own motion. All orders entered in the proceeding shall specify that the case has been retained until such time as it is released by the Court. All time periods and procedures set forth in these rules and the applicable statutes shall be complied with by the parties and Court. Hearings and motions shall be set with the retaining Judge's bailiff. In the event an emergency hearing or motion is necessary and the moving party certifies that the retaining Judge is not available, the moving party shall set the hearing or motion on the designated contested dependency motions calendar in accordance with these rules.

LJuCR 3.9 REVIEW HEARING

(a) Dependency Review Hearings. The status of all dependent children must be reviewed by the Court at least every six months from the beginning date of placement episode or the date dependency is established, whichever is first and shall make findings as required by RCW 13.34.138. Initial review hearings will be per the procedure set out in LJuCR 3.9(b). Contested dependency motions will be per the motion procedure set out in LJuCR 3.12 and permanency planning hearings will be per the procedure set out in LJuCR 3.9(c)

(b) Initial Review. The first dependency review hearing held after dependency is initially established shall be an in-court review and shall be set within six months from the beginning date of the placement episode and no more than ninety ("90") days from entry of the dispositional order, whichever comes first. The initial review may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134, or when otherwise appropriate.

(c) Permanency Planning Review Hearing. The Court shall hold permanency planning review hearings for every child in out-of-home care pursuant to RCW 13.34.130. The first permanency planning review hearing shall be held as specified in RCW 13.34.145 and there shall be a subsequent permanency planning review hearing every 12 months thereafter until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first. The agency supervising the placement of the child shall submit a permanency plan for care of the child to the parties and the Court. Any such plan submitted shall not affect efforts to provide services for the reunification of the family pending approval or implementation of the permanency planning goal unless the Court specifically orders otherwise. All permanency planning review hearings shall be held in court unless all parties to the dependency, including the child, agree in writing to the entry of a permanency planning order.

(d) Scheduling and Noting Contested Issues.

(1) Scheduling an Initial Review, Dependency Review, or Permanency Planning Hearing. Cases set for an initial review, dependency review, or permanency planning hearing shall be heard as follows: The petitioner shall set the case for hearing by obtaining an open date from the Court Coordinator via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov; any party may move to set a case for a review or permanency planning review hearing to ensure that such a review is held within the time periods specified by law; or the Court on its own motion and order may set a case for a review or permanency planning hearing at any time during the dependency by providing the parties with 14 days' notice of the hearing, an identification of the issues to be addressed, and a briefing schedule if appropriate.

(2) Reports and Contested Issues.

(A) The person or agency supervising the dependency will file and serve a written report and proposed order to all parties not less than 14 days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising

agency's proposed court order must be filed and served on the supervising person or agency, and all other parties at least seven days prior to the hearing. Documents in strict reply, if any, shall be filed and served no later than noon of the second ~~court~~ judicial day prior to the hearing. All pleadings filed shall contain the name of the judicial officer expected to hear the matter or the courtroom assigned, and the date and time of the hearing in the upper right hand corner of the pleading.

(B) Any party wishing to request clarification, a modification, or enforcement of the dispositional order, prior review or permanency planning order, or are requesting additional relief from the Court shall utilize the procedures set out for motions in LJuCR 3.12, and shall attach to their pleadings a copy of the order sought to be modified. Failure to do so will prevent that party from being heard on the contested issue at the hearing. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or their counsel, the Court may consider the contested issue or continue the hearing.

(C) Working Copies. Working copies of all pleadings shall be ~~time-stamped and~~ submitted pursuant to LJuCR 3.2(c) ~~to the Court Coordinator~~ by noon three ~~court~~ judicial days prior to the hearing, and all replies shall be submitted ~~to the Court Coordinator~~ by the close of business two days prior to the hearing.

(3) Hearings. All review and permanency planning hearings shall be in-court hearings and the court will make findings as required by RCW 13.34.138, RCW 13.34.145, and/or other applicable statute.

(4) Agreed Continuances. By agreement a hearing may be continued for reasons approved by the court, provided that the hearing may not be continued past the date at which a review or permanency planning order for the child must be entered. If a hearing is continued past the date at which a review or permanency planning order must be entered for any reason, the Court may enter an order maintaining the status quo pending the hearing. If the supervising agency fails to submit a timely report, and any party makes a request to the supervising agency, at least seven days prior to the hearing, to continue the hearing due to the agency's untimely report, the supervising agency shall take responsibility for obtaining a new date from the Court Coordinator via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov, and for seeking an agreed order by all parties to continue the hearing. If an agreed order continuing the hearing is entered in advance of the hearing, the parties need not appear.

LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS

(a) Scope of the Rule. This rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington, except for procedural motions (LJuCR 1.8) and Motions for Reconsideration and Revision (LJuCR 3.14).

(b) Motions Format and Procedures.

(1) Motions to Be in Writing. Motions must be in writing dated and signed by the attorney or party, and shall conform to LJuCR 3.12(d).

(2) Scheduling Motions. All contested dependency motions shall be heard on

the dependency calendars as set by court staff, except where a judge has retained the case or issue or a procedural motion is brought after a judge has entered a pretrial order. ~~All proposed dates for dependency motions shall be approved and administered by court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov.~~ All proposed dates for such matters must be approved by court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov. The approval will be based on the availability of time to hear the matter on the proposed date, unless ordered by the Court as an overset.

(3) Motion—Contents of. A motion for a contested hearing must conform to the following format:

(A) Relief Requested. The specific relief the Court is requested to grant.

(B) Statement of Facts. A succinct statement of the facts contended to be material.

(C) Statement of Issues. A concise statement of the issue(s) on which the Court is requested to rule.

(D) Evidence Relied Upon. The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations unless a reasonable basis exists why such statements could not be procured, in which case the proponent of the evidence must identify the source of the hearsay and its basis of knowledge for the facts or opinions asserted. Any party wishing to request clarification, modification, or enforcement of a prior order shall attach to their pleadings a copy of the order sought to be modified.

(E) Authority. Any legal authority relied upon must be cited.

(F) Proposed Order. The moving party and any party opposing the motion shall serve a copy of their proposed order with the motion and include it with the working copies provided for the Court. The original of the proposed order shall not be filed with the Clerk, nor included with the working copies for the Court, but brought to the hearing by the moving party.

(c) Time of Hearing.

(1) Unopposed Matters. The Court will, on request, enter the order moved for if no one appears in opposition 30 minutes after the time set for hearing unless the Court deems it inappropriate. The opposing party may move to strike a matter if the moving party fails to appear 30 minutes after the time set for hearing unless the Court deems it inappropriate.

(2) Hearing Order. Motions will be heard in the order designated by the Court.

(3) Time for Argument. No more than five minutes per party or less as directed by the judicial officer hearing the matter, will be allowed for argument unless specially authorized by the Court upon prior application to the judicial officer who will be hearing the matter.

(d) Contested Motions. Contested dependency motions may be set by a party or by the Court on its own motion. Motion hearings may include full dependency reviews but shall be limited to particular noted issues and will not include 72-hour shelter care, 30-day shelter care, or permanency planning hearings.

(1) Motion by a Party.

(A) Filing and Scheduling of Motion. Any party desiring to bring a motion for a contested hearing shall file with the Clerk and serve upon all parties at least 14 days before the date fixed for such hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. The note must contain the title of the Court; the case number and a title of the cause; the designation "Juvenile Dependency Motions"; the date and time when the same shall be heard; the words "Note for Motion Calendar"; the names, addresses and telephone numbers of attorneys for all parties; the nature of the motion; and by whom made. This note shall be signed by the attorney or party filing the same, with the designation of party represented.

(B) Working copies of the note and motion together with all supporting documents including affidavits shall be submitted pursuant to LJrCR 3.2(c) to the Dependency Court Staff Office by noon three court judicial days prior to the hearing.

(C) Responsive documents and briefs shall be filed with the Clerk and served upon all parties no later than noon seven days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon of the second court judicial day prior to the hearing. All responsive documents shall have the name of the judicial officer expected to hear the matter or the assigned courtroom, and the hearing date and time noted on the upper right corner. Working copies of the response shall be submitted to the Court Staff Office by noon three days prior to the hearing, and the reply shall be submitted to court staff by the close of business two days prior to the hearing.

(D) Status Quo Order. If the contested hearing will include a full dependency review and the date for the hearing is more than six months from the beginning date of the placement episode or the entry of the previous dependency review order or order of dependency (whichever is first), a status quo order will be entered as provided in LJrCR 3.9(d)(4).

(E) Motion to Expand the Issues. Once a contested motion hearing is scheduled, any party to the dependency may raise additional issues or designate it as a full dependency review by filing a motion to expand issues and noting the matter for hearing with court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov to a date which provides all the parties with at least 14 days' notice of the new issues, and notifying court staff. Motions to expand issues are not permitted if the party initially noting the motion for contested hearing designates the motion as an emergency.

(2) Motion by the Court. When the Court has set a matter on for a full dependency review, the parties will be notified by the Court of the issue(s) to be addressed, in writing at least 14 days prior to the Court-scheduled contested motion hearing, and the parties must respond with written materials which support their respective positions on the issue(s) set for hearing by the Court in the same manner as

a party responding to a motion as set out in LJuCR 3.12.

(3) Striking Hearing or Changing Hearing Date. A contested dependency motion hearing may be stricken, or the hearing date changed, in the following manner:

(A) Striking Hearing. A hearing on a contested dependency motion may be stricken at any time by the moving party, unless another party has previously filed and served a motion to expand issues under LJuCR 3.12(d). Notice that the motion hearing is being stricken shall be given to all parties not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed by filing with the Clerk a Note for Calendar indicating that the hearing has been stricken and serving the notice on all parties. The Note for Calendar should be filed by noon on the business day before the date of the hearing and should be served on court staff for distribution to the judicial officer scheduled to hear the matter.

(B) Changing Hearing Date. The hearing date on a contested dependency motion may be changed once by agreement of all parties. A new date must be obtained from court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov. A Note for Calendar reflecting the new date should be filed with the Clerk at the time that the hearing is changed and should reflect that the original hearing date is stricken.

(C) Hearings Where There is a Motion to Expand Issues. Where another party has filed a motion to expand issues under LJuCR 3.12(d), the hearing originally noted may not be stricken unless the party who filed the original motion agrees, or the court orders that the hearing be continued to accommodate resolution of the expanded issues. The hearing date may be changed by agreement of all parties in the manner described under subsection 3.12(e)(2) supra.

(D) Motions 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 under LJuCR 1.8 except that:

(i) The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument,

(ii) A party may object to the motion being heard without oral argument by clearly noting their objection in their responsive pleadings and timely filing and serving their response.

(iii) If the court determines that oral argument is necessary it will issue an order resetting the hearing to occur with oral argument.

(e) Motion for Oral Testimony. Any party seeking authority to present oral testimony must file a motion requesting oral testimony together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues, and an identification of the witnesses sought to be called.

(1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies of these materials must ~~also~~ be submitted pursuant to LJuCR 3.2(c), ~~to the judicial officer assigned to the calendar on which the motion is set~~ and that the judicial officer will determine whether oral testimony will be allowed and/or set out any limitations without oral argument. ~~Working copies shall be submitted to the judicial~~

~~officer pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.~~

(2) The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

(3) A motion for oral testimony may be joined by the other party, but an order providing for oral testimony cannot be entered by stipulation. The assigned judicial officer's decision will be communicated by writing or by telephone no later than 48 hours before the hearing. If granted such a motion may require the setting of a special hearing time as determined by the assigned judicial officer.

(f) **Imposition of Sanctions or Terms.** Nonappearance on a motion by the moving party or by a party with notice who opposes the motion may result in the imposition of sanctions or terms.

LFLR 2. DAYS AND TIMES FOR SCHEDULING HEARINGS; COURT HOLIDAYS

Family law motions shall not be scheduled on legal holidays and ~~non-judicial~~ nonjudicial days. Hearing dates and times for the Ex Parte Department, Family Law Motions, and Support Modification/Trial by Affidavit Calendars, as well as a list of legal holidays and ~~non-judicial~~ nonjudicial days, may be obtained from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle WA 98104 or the Maleng Regional Justice Center, 401 4th Ave. N. Room 2C, Kent, WA 98032), by telephone at 206-296-9300 or by accessing www.kingcounty.gov/courts/clerk.aspx. Schedules for the Family Law Motions and Ex Parte Department calendars are also available online on the Clerk's website, at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Maleng Regional Justice Center. See Local Civil Rule (LCR) 7 with respect to scheduling a motion before a judge.

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.

(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 seven 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.