



# King County Superior Court Emergency Local Rule Amendments

Red-line version

## LFLR 5. Where to Schedule Hearings in Family Law Proceedings

For “Respective Chief Judge” see LGR 29(h).

**(a) Case Assignment.** ~~Reserved. 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.** ~~Unless otherwise required by the court, at least one party shall complete a formal proof declaration, available online at <https://kingcounty.gov/courts/clerk/forms.aspx>. 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 <https://www.kingcounty.gov/courts/superior-court/family/family-law-instructions.aspx>, is signed by at least one party to the case.~~

**(B) Petitions for Invalidity.** ~~These final orders shall be presented to the assigned judge according to LCR 7.~~

**(B)(C) Uncontested final orders presented by attorneys.** ~~An attorney must sign and file a certificate of compliance for all finalizations. Final orders in cases **without** children shall be presented Ex Parte via the Clerk. Final orders in cases **with** children shall be presented to the “Orders for Review” queue.~~

~~(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) (D) Uncontested final orders presented when both parties are self-represented pro-se.** ~~Final orders shall be reviewed by a court-approved program which shall submit the reviewed documents to a judicial officer for signature. See <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx> for more information about how to submit orders for review. 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) **Case Assignment.** ~~Hearings with a “KNT” designation shall be noted at the Maleng Regional Justice Center (MRJC) in Kent and hearings with a “SEA” designation shall be noted at King County Courthouse in Seattle. For judicial economy, the court may hear motions in either courthouse.~~



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~~(1)(2)~~ Agreed orders continuing a family law hearing shall be presented to a family law commissioner submitted to the "Orders for Review" queue in the Clerk's e-filing application. See LFLR 6(g)(1)

~~(2)(3)~~ Unless otherwise specified in this rule, all contested motions in family law cases shall be heard on the family law motions calendar.

~~(3)~~ ~~(4)~~ Motions in Trial by Affidavit cases. All motions in trial by affidavit cases, including motions related to discovery, shall be heard by the assigned judge 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 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 excluding motions 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)** Motions to dismiss a petition that are not agreed or where notice of the motion is not required. 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)** Motions to consolidate two or more actions under one case schedule shall be brought before the assigned judge if all actions are assigned to the judge. All other motions for consolidation shall be noted consistent with LFLR 5(d)(2)(A)(i).

~~**(I)** Any other motion identified in Section (e) below. De Facto Parentage court review hearings shall be noted with 14 days' notice and without oral argument.~~

~~**(J)** Motions to Restrict Abusive Litigation. See LCR 40(b)(19)~~

~~**(K)** All motions on Petitions for Visits while the case is active. See LFLR 9.~~

~~**(L)** Any other motion identified in Section (e) below.~~

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

~~**(A)** The following motions shall be scheduled before the Respective Chief Judge (UFC for cases with Children; Civil for cases without Children):~~

~~**(A)(i)** **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)(ii)** **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.~~

~~**(B)** The following motions shall be heard by the Chief UFC Judge.~~

~~(i) All motions in surrogacy cases. See LFLR 22.~~

~~(ii) Petitions for Emancipation of a Minor cases.~~



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## (iii) Petition for Waiver of Marriage Age cases.

### (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 after trial, 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, or department 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 or Orders For Review Queue at the same time as the agreed final orders, as provided in LFLR 5(b)(2) and LCR 40.1(b)(I).

(3) **Motions for Reconsideration.** See LCR 59. All motions for reconsideration, including those before family law commissioners, shall be scheduled without oral argument with ~~six~~ judicial 14 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 and Motions to Overset.** Motions for orders shortening time for hearings scheduled in front of a UFC Judge 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. For hearings set on the family law motions calendar, motions to shorten time or to overset the calendar shall be submitted to the "Orders for Review" Queue in the Clerk's e-filing application.~~

(5) **Writs of Habeas Corpus.** Applications for writs of habeas corpus relating to minor children shall be presented as described at <https://kingcounty.gov/courts/superior-court/family.aspx> ~~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 because no objection to the relocation has been filed, 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



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example, when an appearance but no answer has been filed), motions for default shall be noted before the Chief UFC Judge 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 Visitation cases.** Motions in Petition for Visitation 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).~~

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Clean version

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

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**(A) Divorces and Legal Separations.** Unless otherwise required by the court, at least one party shall complete a formal proof declaration, available online at <https://kingcounty.gov/courts/clerk/forms.aspx>.

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**(D) Uncontested final orders presented when both parties are self-represented.** Final orders shall be reviewed by a court-approved program which shall submit the reviewed documents to a judicial officer for signature. See <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx> for more information about how to submit orders for review.

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**(1) Case Assignment.** Hearings with a “KNT” designation shall be noted at the Maleng Regional Justice Center (MRJC) in Kent and hearings with a “SEA” designation shall be noted at King County Courthouse in Seattle. For judicial economy, the court may hear motions in either courthouse.

**(2)** Agreed orders continuing a family law hearing shall be submitted to the “Orders for Review” queue in the Clerk’s e-filing application. See LFLR 6(g)(1).

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**(H)** Motions to consolidate two or more actions under one case schedule shall be brought before the assigned judge if all actions are assigned to the judge. All other motions for consolidation shall be noted consistent with LFLR 5(d)(2)(A)(i).

**(I)** De Facto Parentage court review hearings shall be noted with 14 days' notice and without oral argument.

Fact finding hearings on Petitions to Stop Parentage Based on Sexual Assault.

**(J)** Motions to Restrict Abusive Litigation. See LCR 40(b)(19).

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