



King County

Amendments to the

LOCAL RULES

OF THE

SUPERIOR COURT

FOR

KING COUNTY

EFFECTIVE
SEPTEMBER 1, 2016

**Amendments to the
LOCAL RULES OF THE SUPERIOR COURT
FOR KING COUNTY**

Effective September 1, 2016

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KING COUNTY LOCAL GENERAL RULES

(Cite as LGR)

LGR 29. PRESIDING JUDGE IN SUPERIOR COURT **[NEW]**

(a) Election, Term, Vacancies, Removal and Selection Criteria.

(1) Elections.

(A) General Provisions. Each elected position (Presiding Judge, Assistant Presiding, and Executive Committee) shall be handled by a separate election. The procedures set forth below shall be undertaken separately for each position in the following order: Presiding Judge, Assistant Presiding Judge and members of the Executive Committee.

(B) Solicitation of Candidate. Prior to each election, a questionnaire shall be circulated to every judge to determine whether that judge wishes to be a candidate for the position at issue. The solicitation for the position of Presiding Judge shall occur no later than October 1 of the year in which a Presiding Judge is to be elected. Immediately after a Presiding Judge has been elected, candidates for the position of Assistant Presiding Judge shall be solicited and an election for that position shall be held. Immediately after the election of an Assistant Presiding Judge, candidates for the Executive Committee shall be solicited. The questionnaire for each position shall include a description of the election process and the deadline by which the questionnaire must be returned.

(C) Candidate Information. A list of all judges who have responded affirmatively to the questionnaire shall be available from the Chief Administrative Officer throughout the nomination process. One week prior to the deadline for returning the questionnaires, the Chief Administrative Officer shall provide each judge with a list of all persons who have answered affirmatively regarding the race in question.

(D) Reconsideration of Previously Submitted Questionnaire. Up until the deadline for returning questionnaires, a judge may withdraw a previously submitted questionnaire and re-submit a new questionnaire indicating whether that judges wishes to be a candidate for the position in question.

(E) Distribution of Ballots. Except where there is only one candidate for a position, ballots will be immediately circulated to all judges after the deadline for returning the questionnaire for that position has passed. Each judge shall return the ballot in the time allotted. Voting may be by absentee ballot when necessary.

(F) Counting. Ballots shall be counted by the three most junior judges present at the King County Courthouse on the first judicial day following the return date specified in the ballot.

(G) Run-Off Elections. A candidate who receives a majority of votes cast shall be elected. If one candidate does not receive a majority of votes cast, there shall be a run-off election.

(H) Single Candidate. When only one candidate has submitted his or her name for consideration, that candidate shall be deemed elected without the need for the distribution and counting of ballots.

(2) Term.

(A) The Presiding Judge shall serve an initial term of two-years. Thereafter, the Presiding Judge may run for re-election for successive one-year terms. The term shall commence on January 1 of the year in which the Presiding Judge's term begins.

(B) The Assistant Presiding Judge shall serve a one-year term, commencing on January 1. A candidate for Assistant Presiding Judge who wishes to serve in the last year of the term of the Presiding Judge shall indicate an intention to seek the position of Presiding Judge for the following term.

(C) The elected members of the Executive Committee shall serve a two-year term. The terms are to be staggered such that approximately half the elected members are chosen in odd-numbered years and half in even-numbered years. Terms shall commence on January 1.

(3) Vacancies. If a judge who has been elected to any office resigns from office or is otherwise unable to complete a term, the Presiding Judge shall promptly establish an election process consistent with the method provided in these rules.

(g) Executive Committee.

(1) Membership of the Executive Committee.

(A) The Presiding Judge and Assistant Presiding Judge shall serve as members of the Executive Committee.

(B) The immediate past Presiding Judge shall serve as a member of the Executive Committee for the year following the judge's service as Presiding Judge.

(C) The chief judges of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center shall serve as members of the Executive Committee.

(D) There shall be six additional members of the Executive Committee (seven if there is no immediate past Presiding Judge) elected at large. The member elected to fill the seventh position, in the absence of an immediate past Presiding Judge, shall be elected for a one year term, as determined by lot drawn from all newly elected members.

(E) When the Executive Committee is considering a report or recommendation made by a committee, the chair of that committee shall be invited to attend the meeting and may vote on issues pertaining to that committee.

(2) Powers and Duties of the Executive Committee.

(A) Decide matters of policy affecting the court, not reserved to the judges as a whole. Decisions shall be final unless referred to the judges as a whole pursuant to sec.(a)(13) of this rule. Provided, however, that decisions involving urgent matters may be implemented after notice to the judges.

(B) Make recommendations on policy matters to the judges at any meeting of the judges.

(C) Recommend the designation and duties of the committees of the court and receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chair of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.

(D) Act in an advisory capacity to the Presiding Judge.

(E) Review and advise the Presiding Judge concerning his or her decision, in the capacity of Presiding Judge, to report a judge or commissioner to the Judicial Conduct Commission.

(F) Determine whether disciplinary action of a commissioner, short of termination, is appropriate.

(G) Approve an expenditure budget and review and approve actual unfunded items.

(H) Determine the general qualifications of and establish a training program for pro tem judges and pro tem court commissioners. Training may be delegated to the relevant standing committee.

(I) Conduct the annual performance review of the Chief Administrative Officer and the Director of Judicial Administration.

(J) Meet at least once a month and provide written agenda and timely notice of the regular Executive Committee meetings to all judges and commissioners. If attachments are available in electronic form, they shall be distributed with the agenda.

(K) Promptly distribute to the judges written minutes of action taken by the Executive Committee.

(L) In the absence of the Presiding and Assistant Presiding Judge, the senior member of the Executive Committee shall serve as Acting Presiding Judge.

(h) Respective Chief Judge. In these Local Rules, “respective Chief Judge” means:

(1) in civil cases with a Seattle case-assignment-area designation (SEA), the Chief Civil Judge;

(2) in criminal cases with a Seattle case-assignment-area designation (SEA), the Chief Criminal Judge;

(3) in civil or criminal cases with a Kent case-assignment-area designation (KNT), the Chief Judge of the Maleng Regional Justice Center;

(4) in juvenile offender cases, the Chief Juvenile Judge; and

(5) in family law cases, the Chief Judge of the Unified Family Court.

[Adopted effective September 1, 2016.]

LGR 30. MANDATORY ELECTRONIC FILING AND SERVICE

(b) *Electronic Filing Authorization, Exception, Service, and Technology Equipment.*

(4) Electronic Filing and Service.

(A) Mandatory Electronic Filing. Attorneys shall electronically file (e-file) all documents using the Clerk’s online eFiling application unless this rule provides otherwise. Non-attorneys are not required to e-file but may do so.

(i) Documents That Shall Not Be E-Filed. The following documents must be filed in paper form rather than e-filed:

- Original wills and codicils, including new probate cases that include original wills or codicils;
 - Certified records of proceedings for purposes of appeal;
 - Documents presented for filing during a court hearing or trial;
 - Documents for filing in an Aggravated Murder case;
 - Administrative Law Review (ALR) Petitions;
 - Interpleader or Surplus Funds Petitions;
 - Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
-

- Affidavits for Writs of Garnishment and Writs of Execution;
- New cases or fee based documents filed with an Order in Forma Pauperis.

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(ii) Documents That May Be E-Filed. The following documents may be e-filed:

- Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
- Answers to Writs of Garnishment.
- Appeals of lower court decisions.
- Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(iii) Working Copies for E-Filed Documents. Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eFiling application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

(iv) Waiver of the Requirement to E-File. If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must make a showing of good cause and explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

(v) Non-Compliance with this Rule. If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4A.630.060 for each paper document filed.

(B) Mandatory Electronic Service.

(i) Effecting E-Service. When a party e-files a document, the party must electronically serve (e-serve) the document via the e-service feature within the Clerk's online eFiling application. A related document that is not filed but which must be served —e.g., a proposed order or a document served to comply with LCR 7(b)(4)(F) — shall also be e-served via the eFiling application using the "Upload Additional Documents to E-Serve" feature. E-service under this subsection (b)(4)(B)(i) constitutes service under CR 5 and is complete as stated in CR 5(b)(7). *Exceptions:* This subsection (b)(4)(B)(i) does not apply when a statute or rule requires that a document be personally served on the receiving party, the receiving party is not represented by an attorney and has not registered to accept e-service, or the receiving attorney has a waiver under subsection (b)(4)(A)(iv) above.

(ii) Accepting E-Service. Attorneys must promptly register ~~(opt in)~~ to accept e-service via the Clerk's eFiling application in each case in which the attorney appears (unless the attorney has a waiver under subsection (b)(4)(A)(iv) above). Likewise, a party that is not

represented by an attorney must promptly register ~~(opt-in)~~ to accept e-service via the Clerk's eFiling application in each case in which the party e-files a document.

(d) Authentication of Electronic Documents.

(2) Signatures

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(ii) The King County Electronic Log of Detective Investigations is designated as a local and secure system for law enforcement to submit electronically signed documents to the King County Prosecuting Attorney for filing in Superior Court.

[Adopted effective June 1, 2009; amended effective September 1, 2010; September 1, 2011; September 1, 2012; January 1, 2014; April 1, 2014; June 27, 2014; September 2, 2014; September 1, 2015; **September 1, 2016.**]

LGR 31. ACCESS TO COURT RECORDS

(d) Access.

(2) On-line 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.

KING COUNTY LOCAL ZERO RULES **[Rescinded]**

See King County Local Court Management Rules (LCMR) online:
www.kingcounty.gov/courts/SuperiorCourt

FOREWORD

[Rescinded – See LCMR Forward.]

~~The Zero Local Rules have been adopted for the internal management and operation of the King County Superior Court in conformance with GR 29.~~

[Effective September 1, 1986; rescinded September 1, 2016.]

LCR 0.1 DEPARTMENT NUMBER AND SENIORITY

[Rescinded – See LCMR 1.]

~~(a) **Departments.** The Superior Court for King County shall be divided into as many individual numbered departments as there are judges authorized by law. When a judge leaves office, the department number shall be assigned to his or her successor. Each judge in order of seniority may select an unassigned courtroom at such time as the Presiding Judge establishes for assignment of unassigned courtrooms.~~

~~(b) **Seniority.** For matters decided by seniority, such as courtroom assignments, seniority will be determined by length of service on the King County Superior Court. If a judge has a break in service, the prior period of service on this bench will count for seniority purposes. If more than one judge is sworn in on the same day, seniority will be decided by a means agreed upon by the new judges, or, if they cannot agree, by lot.~~

~~(c) **Assignments.** The assignment of department numbers and courtrooms whenever necessary, shall be incorporated into an order signed by the Presiding Judge and filed with the Clerk.~~

~~(d) **Report to County Election Department.** Before the time for filing a declaration of candidacy for superior court judge, the Presiding Judge will report to the County Election Department the departmental numbers of the positions to be filled. The position numbers on the ballot shall be the assigned departmental numbers.~~

[Effective September 1, 1986; amended effective September 1, 1994; November 21, 1996; September 1, 2008; rescinded September 1, 2016.]

LCR 0.2 COURT MANAGEMENT

[Rescinded – See LCMR 2.]

~~(a) **Authority.** The authority to manage and conduct the court is vested in the superior court judges and shall be exercised through regular monthly or special meetings of the judges. Judges have the final authority over any matters pertaining to court organization and operation and over any individual or committee of the court, except as indicated below.~~

~~(b) **Judges' Meetings.** Regular meetings shall be held once a month. Special meetings may be called by the Presiding Judge as needed. A quorum shall consist of one-third of the judges of the bench. Meetings of the judges and of the Executive Committee shall be conducted under Robert's Rules of Order, where not inconsistent with these rules. The Presiding Judge shall chair the meetings. The Presiding Judge shall preside from the Maleng Regional Justice Center for the February, April, June, August, October and December meetings, unless one of the extended judges' meetings is scheduled for a month in which the meeting would otherwise be held at the Maleng Regional Justice Center. At least three times a year, the judges meeting shall be scheduled for an entire afternoon, with the expectation that all judges will attend in person.~~

~~(c) **Majority of Judges.** Except where these rules specify otherwise, decisions shall be made by a majority of judges who are in attendance at a meeting.~~

~~(d) **Executive Session.** The Judges or the Executive Committee may, by majority vote, enter executive session to discuss matters involving personnel and pending, impending and potential litigation, or other matters deemed confidential for purposes of the attorney-client privilege. A motion to enter executive session shall set forth the purpose of the executive session, which shall be included in the general minutes. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the general session minutes. The presiding judge shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. The presiding judge shall designate the Chief Administrative Officer or a member present to take minutes, which shall be kept separately from the minutes of the regular meeting.~~

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.3 DIVISION OF MANAGEMENT AUTHORITY

[Rescinded – See LCMR 3 & LGR 29(g)(2)]

~~(a) **Powers and Duties of the Judges.**~~

- ~~(1) Elect and remove at-large members of the Executive Committee.~~
- ~~(2) Elect and remove a Presiding Judge.~~
- ~~(3) Elect and remove an Assistant Presiding Judge.~~
- ~~(4) Appoint and remove commissioners.~~
- ~~(5) Attend judges' meetings.~~
- ~~(6) Attend committee meetings.~~
- ~~(7) Create and dissolve standing committees.~~
- ~~(8) Create and abolish departments. See LGR 0.7~~

~~(9) Enact local rules. Local rules shall be enacted only by a majority of all judges of the court. See CR 83.~~

~~(10) Adopt policies that govern or provide guidelines for management of the court.~~

~~(11) Adopt general policies for the assignment of cases and judges, as recommended by the Presiding Judge and Executive Committee.~~

~~(12) Approve the budget of the court.~~

~~(13) Review of decisions made by the Executive Committee when such decisions are not otherwise reserved to the judges as a whole: If four members of the Executive Committee vote to refer the matter for decision by the judges as a whole, the decision shall be referred to the judges for final decision at the next regular judges' meeting. Attend and participate in a meeting of the Executive Committee, if a judge chooses to do so. Only judges who are members of the Executive Committee, except a committee chair under LCR 0.5(e), may vote.~~

~~(14) Participate in administration of the court consistent with CJC 3(B)(1).~~

~~**(b) Powers and Duties of Presiding Judge.**~~

~~(1) Lead the management and administration of the court's business, recommend policies and procedures that improve the court's effectiveness, and allocate financial resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.~~

~~(2) Serve as the spokesperson for the court in all dealings with the executive and legislative branches and with the media. If the matter is of such a nature that the Presiding Judge requires advice and counsel, he/she shall contact the members of the Executive Committee, if possible under the circumstances.~~

~~(3) Call such special meetings of the judges and Executive Committee as may be required.~~

~~(4) Assign judicial officers to calendars, departments and special calendars to hear cases and other matters pursuant to general policies established by the judges of the court.~~

~~(5) Assign judicial officers to the various special and standing committees of the court and appoint the chairperson of such committees.~~

~~(6) Assign judges to the King County Superior Court facilities. In making these assignments, the Presiding Judge shall consider all relevant factors including the willingness of a judge to serve, the need for diversity, and what assignments will be in the best interest of the court as a whole.~~

~~(7) Select, in consultation with the Executive Committee, the chief judges of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center.~~

~~(8) Coordinate the vacations and educational leaves of judicial officers.~~

~~(9) Approve exceptions to the duty time policy.~~

~~(10) Serve as the direct supervisor of the court commissioners, subject to delegation to other judges as appropriate.~~

~~(11) Supervise all personnel under the judicial branch, including the Chief Administrative Officer and the Director of the Department of Judicial Administration.~~

~~(12) With the assistance of the Chief Administrative Officer and Director of the Department of Judicial Administration, develop and coordinate statistical and management information.~~

~~(13) Ensure that the annual training on record keeping is held, as required by LCR 0.09(g).~~

~~(14) Supervise the preparation and filing of reports required by statute and court rules.~~
~~(15) Perform such other duties as are provided in these rules, or as are assigned by a majority of the judges.~~

~~**(c) Powers and Duties of the Assistant Presiding Judge.**~~

~~(1) Serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge.~~

~~(2) Perform such further duties as these rules, the Presiding Judge, Executive Committee or a majority of the judges shall direct.~~

~~**(d) Powers and Duties of the Executive Committee.**~~

~~(1) Decide matters of policy affecting the court, not reserved to the judges as a whole. Decisions shall be final unless referred to the judges as a whole pursuant to sec. (a)(13) of this rule. Provided, however, that decisions involving urgent matters may be implemented after notice to the judges.~~

~~(2) Make recommendations on policy matters to the judges at any meeting of the judges.~~

~~(3) Recommend the designation and duties of the committees of the court and receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chair of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.~~

~~(4) Act in an advisory capacity to the Presiding Judge.~~

~~(5) Review and advise the Presiding Judge concerning his or her decision, in the capacity of Presiding Judge, to report a judge or commissioner to the Judicial Conduct Commission.~~

~~(6) Determine whether disciplinary action of a commissioner, short of termination, is appropriate.~~

~~(7) Approve an expenditure budget and review and approve actual unfunded items.~~

~~(8) Determine the general qualifications of and establish a training program for pro tem judges and pro tem court commissioners. Training may be delegated to the relevant standing committee.~~

~~(9) Conduct the annual performance review of the Chief Administrative Officer and the Director of Judicial Administration.~~

~~(10) Meet at least once a month and provide written agenda and timely notice of the regular Executive Committee meetings to all judges and commissioners. If attachments are available in electronic form, they shall be distributed with the agenda.~~

~~(11) Promptly distribute to the judges written minutes of action taken by the Executive Committee.~~

~~(12) In the absence of the Presiding and Assistant Presiding Judge, the senior member of the Executive Committee shall serve as Acting Presiding Judge.~~

[Amended effective September 1, 2008; November 27, 2009; September 1, 2015; rescinded September 1, 2016.]

LCR 0.4 QUALIFICATIONS FOR PRESIDING OR ASSISTANT PRESIDING JUDGE

[Rescinded]

~~Only those judges who have served for at least four years as a member of the King County Superior Court bench are eligible to be elected Presiding Judge or Assistant Presiding Judge.~~

[Amended effective September 1, 2008; rescinded September 1, 2016]

LCR 0.5 MEMBERSHIP OF THE EXECUTIVE COMMITTEE

[Rescinded – See LGR 29(g)(1)]

~~(a) The Presiding Judge and Assistant Presiding Judge shall serve as members of the Executive Committee.~~

~~(b) The immediate past Presiding Judge shall serve as a member of the Executive Committee for the year following the judge's service as Presiding Judge.~~

~~(c) The chief judges of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center shall serve as members of the Executive Committee.~~

~~(d) There shall be six additional members of the Executive Committee (seven if there is no immediate past Presiding Judge) elected at large. The member elected to fill the seventh position, in the absence of an immediate past Presiding Judge, shall be elected for a one year term, as determined by lot drawn from all newly elected members.~~

~~(e) When the Executive Committee is considering a report or recommendation made by a committee, the chair of that committee shall be invited to attend the meeting and may vote on issues pertaining to that committee.~~

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.6 ELECTIONS

[Rescinded – see LGR 29(a)(1-2)]

~~(a) **General provisions.** Each elected position (Presiding Judge, Assistant Presiding, and Executive Committee) shall be handled by a separate election. The procedures set forth below shall be undertaken separately for each position in the following order: Presiding Judge, Assistant Presiding Judge and members of the Executive Committee.~~

~~(b) **Terms of office.**~~

~~(1) The Presiding Judge shall serve a three-year term. The term shall commence on January 1 of the year in which the Presiding Judge's term begins.~~

~~(2) The Assistant Presiding Judge shall serve a one-year term, commencing on January 1. A candidate for Assistant Presiding Judge who wishes to serve in year three of the term of the Presiding Judge shall indicate an intention to seek the position of Presiding Judge for the following term.~~

~~(3) The elected members of the Executive Committee shall serve a two-year term. The terms are to be staggered such that approximately half the elected members are chosen in odd-numbered years and half in even-numbered years. Terms shall commence on January 1.~~

~~(c) **Solicitation of Candidate.** Prior to each election, a questionnaire shall be circulated to every judge to determine whether that judge wishes to be a candidate for the position at issue. The solicitation for the position of Presiding Judge shall occur no later than October 1 of the year in which a Presiding Judge is to be elected. Immediately after a Presiding Judge has been elected, candidates for the position of Assistant Presiding Judge shall be solicited and an election for that position shall be held. Immediately after the election of an Assistant Presiding Judge, candidates for the Executive Committee shall be solicited. The questionnaire for each position shall include a description of the election process and the deadline by which the questionnaire must be returned.~~

~~(d) **Candidate information.** A list of all judges who have responded affirmatively to the questionnaire shall be available from the Chief Administrative Officer throughout the nomination process. One week prior to the deadline for returning the questionnaires, the Chief Administrative Officer shall provide each judge with a list of all persons who have answered affirmatively regarding the race in question.~~

~~(e) **Reconsideration of Previously Submitted Questionnaire.** Up until the deadline for returning questionnaires, a judge may withdraw a previously submitted questionnaire and re-submit a new questionnaire indicating whether that judge wishes to be a candidate for the position in question.~~

~~(f) **Distribution of ballots.** Except where there is only one candidate for a position, ballots will be immediately circulated to all judges after the deadline for returning the questionnaire for that position has passed. Each judge shall return the ballot in the time allotted. Voting may be by absentee ballot when necessary.~~

~~(g) **Counting.** Ballots shall be counted by the three most junior judges present at the King County Courthouse on the first judicial day following the return date specified in the ballot.~~

~~(h) **Run-off elections.** A candidate who receives a majority of votes cast shall be elected. If one candidate does not receive a majority of votes cast, there shall be a run-off election.~~

~~(i) **Single Candidate.** When only one candidate has submitted his or her name for consideration, that candidate shall be deemed elected without the need for the distribution and counting of ballots.~~

~~(j) **Vacancies.** If a judge who has been elected to any office resigns from office or is otherwise unable to complete a term, the Presiding Judge shall promptly establish an election process consistent with the method provided in these rules.~~

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.7 SPECIAL DEPARTMENTS

[Rescinded – see LCMR 4]

~~(a) **Special Departments.** Special departments of the court shall be established and assigned such business as is provided by law, by rules adopted by the Supreme Court or Washington State Superior Court Judges' Association (RCW 2.08.230), by these rules, or by the Presiding Judge. The following special departments are established:~~

~~(1) Presiding Judge's Department~~

~~(2) Unified Family Court Department~~

- ~~(3) Juvenile Court Department~~
- ~~(4) Ex Parte and Probate Department~~
- ~~(5) Criminal Department~~
- ~~(6) Civil Department~~

~~(b) **Assignment of Judicial Officers.** The Presiding Judge shall assign each judicial officer to one of the special departments to facilitate the efficient assignment of cases and motions. However, all judges shall have full authority to hear any case properly filed in King County Superior Court, regardless of that judge's regular departmental assignment. No judge may reject a case assignment on the basis of departmental assignment.~~

~~(c) **Departmental Manuals.** Departments may maintain and develop departmental policy manuals. The manuals shall be updated as needed by the Chief Judge of the department, with any major policy changes to be approved by the Executive Committee.~~

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.8 CHIEF JUDGES

[Rescinded – See LCMR 5 & LGR 29(h)]

~~(a) **Selection.** The Presiding Judge, in consultation with the Executive Committee, shall select a chief judge of the following special departments: Civil, Criminal, Juvenile and Unified Family Court and the Chief Judge of the Maleng Regional Justice Center. A presiding judge shall select chief judges only for the year in which the Presiding Judge holds office.~~

~~(b) **Term.** Each chief judge shall serve a term of twelve months, beginning January 1. The judge may be reappointed for successive one-year terms, in accordance with LGR 0.8(a).~~

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.9 STANDING AND SPECIAL COMMITTEES

[Rescinded – see LCMR 6]

~~(a) **Standing Committees.** There shall be the following standing committees of judges and commissioners:~~

~~(1) **ADR.** Oversee and make recommendations concerning the mandatory arbitration program and other court-annexed alternate dispute resolution programs~~

~~(2) **Security, Construction and Facilities.** Develop policies to ensure the safety and security of all courthouse users. Assist in planning for court facilities; make recommendations about maintenance and upgrading of facilities; monitor construction of facilities.~~

~~(3) **Courts and Community.** Promote public understanding of the justice system through public presentations, teaching, and community events; strive to eliminate barriers to justice that may result from differences in culture, economic status, language, and physical or mental disabilities; ensure that the court's commitment to a diverse workforce is reflected in its policies.~~

~~(4) **Ex Parte/Probate:** Work with Ex Parte Commissioners to oversee the ex parte calendars and the handling of probate matters. The Ex Parte committee shall be chaired by the Chief Civil Judge.~~

~~(5) **Family Law:** Oversee and make recommendations concerning the handling of family law matters. The Family Law committee shall be chaired by the Chief Judge of the Unified Family Court.~~

~~(6) **Interpreter:** Oversee and make recommendations concerning the work of the court's interpreter staff.~~

~~(7) **Local Rules:** Review existing rules and suggest new rules as appropriate based on changes in the law or court procedures.~~

~~(8) **Jury:** Make recommendations as to policies concerning jurors.~~

~~(9) **Mental Health Committee:** Oversee and make recommendations for the handling of the civil commitment calendar.~~

~~(10) **Sealed Files/Adoption:** Oversee and make recommendations concerning the court's handling of sealed files and adoptions and review requests made by persons who wish to review a sealed adoption file or who need copies of documents in a file or an original from the department of vital statistics.~~

~~(11) **Technology:** Plan for use of technology in the court including computer and video, and make recommendations about hardware, software and staffing.~~

~~(12) **Self-Represented Parties (Pro Se):** Identify procedural and substantive barriers faced by self-represented civil litigants and mitigate those barriers through education, programs and procedures.~~

~~(b) **Administrative Committees.** The Presiding Judge shall appoint the following committees:~~

~~(1) **Audit:** Develop procedures for and approve expenditures of county funds for indigent litigants subject to the provisions of King County Local Rule 98.50 Sexually Violent Predator Office of Public Defense and King County Local Criminal Rule 3.1(f) — Right to and Assignment of Counsel Services Other than Counsel.~~

~~(2) **Budget:** Draft and recommend to the Court a budget for adoption by the judges.~~

~~(3) **Personnel:** Develop personnel policies for adoption by the court.~~

~~(4) **Strategic Planning/Performance Measures:** Develop strategic direction for the Court and establish associated performance metrics.~~

~~(c) **Special Committees.** The Presiding Judge may appoint such special committees as he/she may deem advisable and for a term to be set by the Presiding Judge. Special committees have a duty to study and make recommendations to the Presiding Judge in connection with any subject matters assigned to them. As needed, the Presiding Judge shall convene a long-range planning committee as a special committee.~~

~~(d) **Departmental, Maleng Regional Justice Center, Special Calendar Committees.** The Criminal, Civil, Mental Illness, Unified Family Court, and Juvenile Departments, and the Maleng Regional Justice Center shall each have a committee that shall include all of the judges assigned to that department, special calendar or facility.~~

~~(e) **Appointment of Committee Chairs and Members.** The Presiding Judge in December of each year shall solicit from each judge and commissioner committee preferences and thereafter appoint the chair and members of each committee, effective January 1. Any judge or commissioner may join any standing or departmental/special calendar committee.~~

~~(f) **Duties.** Standing, administrative, and departmental/special calendar committees shall have the responsibilities outlined above and shall carry out specific assignments from the Presiding Judge or the Executive Committee. By March 1 each committee chair shall submit to the Executive Committee the goals that the committee will seek to accomplish that year. At the end of each year each committee shall report to the Executive Committee concerning the work of the committee during the year, and shall make recommendations concerning additional matters the committee should address in the future. Committees shall keep minutes of meetings, and the chair shall include an agenda with the written notice of meetings.~~

~~(g) **Training on Record Keeping.** Each year, the court, by February 15, shall conduct a training concerning the taking of minutes and other record-keeping duties of committees which shall be attended by the chairpersons of all committees and assigned staff.~~

[Amended effective September 1, 2008; November 27, 2009, September 1, 2012; rescinded September 1, 2016.]

LCR 0.10 COMMISSIONERS

[Rescinded – See LCMR 7]

~~(a) **Appointment.** Court commissioners shall be appointed by the judges and serve at the pleasure of the judges.~~

~~(b) **Recruitment.** The judges may select a commissioner for a vacant position by transferring another commissioner to the vacant position, by appointing from the eligibility list or by conducting an open selection process. In the event that an open selection process is to be utilized, the Chief Administrative Officer shall advertise the vacancy in state and local bar publications and accept applications from attorneys.~~

~~(c) **Selection Committee.** There shall be a special committee appointed by the Presiding Judge vested with the responsibility for conducting investigations and interviews as it deems appropriate. Any judge or commissioner may attend and participate, and any judge may attend, participate and vote as a member of the Selection Committee in this selection process, so long as this judge has attended all meetings and interviews. The Selection Committee may submit a list of names of applicants to the screening committees of the various bar associations for evaluations to be completed within 45 days. The Selection Committee shall make a report and recommendation to the Executive Committee, which shall make a recommendation to the judges.~~

~~(d) **Final selection.** The selection of a commissioner shall be made by a majority vote of the judges meeting in executive session. Upon receiving a recommendation from the Selection Committee and the Executive Committee, the judges by a majority vote may transfer a commissioner to a vacant court commissioner's position without considering other candidates.~~

~~(e) **Eligibility List.** After the selection of a commissioner pursuant to the procedure established above, there shall be an "eligibility list" maintained for three years by the Chief Administrative Officer. The list shall contain the names and all related information of applicants considered in accordance with the above-described procedure. If the court needs to appoint another commissioner during the three-year period that the list is maintained, the judges, upon receiving a recommendation from the Selection Committee and Executive Committee, may appoint someone from that list. The court may also supplement this eligibility list, at any time, through an open recruitment process, in the absence of a specific Commissioner position vacancy.~~

~~(f) **Performance Review.** Performance reviews shall be conducted by the Personnel Committee in consultation with the relevant standing committee. The conclusions of the review shall be provided to the members of the Executive Committee and to the commissioner.~~

~~(g) **Retirement.** Commissioners shall retire at the same age at which state law requires judges to retire.~~

~~(h) **Disciplinary process.** The Presiding Judge and the Executive Committee shall determine whether disciplinary action, short of termination, is appropriate. A commissioner may not be terminated without the consent of the judges as a whole.~~

~~(i) **Annual Report.** Commissioners shall file an annual report with the Presiding Judge by April 15 of each year in a format specified by the Executive Committee. The reports may be reviewed by the Commissioner Performance Review Committee as necessary.~~

[Amended effective September 1, 2007; September 1, 2008, September 1, 2012; September 1, 2015; rescinded September 1, 2016.]

LCR 0.11 PRO TEMPORE JUDGES AND PRO TEMPORE COMMISSIONERS

[Rescinded – See LCMR 8]

~~—(a) **Pro Tempore Judges and Pro Tempore Commissioners.** The Presiding Judge, with the advice of the relevant standing committees, shall be responsible for the selection of pro tem judges and pro tem commissioners and shall ensure that such pro tem judges and pro tem commissioners are properly trained. Pro tem judges and pro tem commissioners:~~

~~—(1) Serve at the pleasure of the Presiding Judge and Executive Committee. An appointment as a pro tem judge or pro tem commissioner shall work fewer than nine hundred ten (910) hours in a calendar year, except for Term Limited appointments. The pro tem judge, or pro tem commissioner, or the Court may terminate an appointment as pro tem judge or pro tem commissioner at any time without cause or prior notice.~~

~~—(2) Are not subject to the Court's personnel rules or any other employee handbook except for policies that *explicitly apply* to pro tem judges and pro tem commissioners.~~

~~—(3) Are not eligible for leave, overtime pay, medical or retirement benefits or any other employment-related benefits.~~

~~—(4) May be required to attend training pertaining to the particular services being provided. Attendance at a Court-required training is mandatory and a condition of continued placement as a pro tem judge or pro tem commissioner.~~

~~—(b) **Assignments.** The Court has the discretion to make calendar assignments and to change assignments.~~

[Adopted effective September 1, 2007; Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.12 CHIEF ADMINISTRATIVE OFFICER

[Rescinded – See LCMR 9]

~~—(a) **Appointment.** The Chief Administrative Officer shall be appointed by a majority of all of the judges and serve at the pleasure of the judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Chief Administrative Officer include, but are not limited to, the following:~~

~~——(1) Administer all non-judicial activities of the court, including case setting and the utilization of jurors.~~

~~——(2) Employ, assign, supervise and direct the work of the employees of the court except the commissioners, special masters, referees, and each judge's bailiff.~~

~~——(3) Prepare and administer the budget of the court.~~

~~——(4) Stay abreast of current best practices in court administration and advise the Presiding Judge of potential changes to current court policies.~~

~~——(5) In consultation with the Presiding Judge, implement the court's strategic plan and provide leadership and continuity in court initiatives.~~

~~——(6) Represent the court in dealings with the state Administrative Office of the Courts.~~

~~——(7) Assist the Presiding Judge in representing the court on all management matters in dealing with governmental bodies, and other public and private groups having a reasonable interest in the administration of the court.~~

~~——(8) Prepare the agenda, arrange, attend and act as recording secretary for judges' meetings, and for those committee meetings where the Chief Administrative Officer's presence would be reasonable and productive.~~

~~——(9) Prepare an annual report to the court.~~

~~—(b) **Vacancy.** Upon a vacancy in the office of Chief Administrative Officer, the Executive Committee shall recruit qualified applicants for the position. This may include appointment of a special committee. The Executive and Special Committee will interview and screen candidates for the position, and shall present no more than three final candidates to the judges for their review and consideration. The candidate receiving a majority vote of all of the judges shall be named to the vacancy.~~

[Amended effective September 1, 2008; November 27, 2009; rescinded September 1, 2016.]

LCR 0.13 DIRECTOR OF JUDICIAL ADMINISTRATION

[Rescinded – See LCMR 10]

~~—(a) **Appointment.** The Director of Judicial Administration shall be appointed by a majority of all of the judges and serve at the pleasure of the judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Director of Judicial Administration include, but are not limited to, the following:~~

~~——(1) Administer the Department of Judicial Administration, including the maintaining of the official court files, (including those maintained in electronic form), records and indexes necessary for the efficient administration of justice and the court system, and supervising the performance of such other duties assigned to the department by the Presiding Judge or a majority of the judges.~~

~~——(2) Employ, assign, supervise and direct the work of the employees of the Department of Judicial Administration.~~

~~—— (3) Assist the Presiding Judge in representing the court in dealing with governmental bodies, and other public and private groups having a reasonable interest in the record keeping of the court.~~

~~—— (4) Prepare a report for and attend judges' meetings and attend those committee meetings where the presence of the Director of Judicial Administration would be reasonable and productive.~~

~~—— (5) Prepare an annual report to the court concerning the activities of the department.~~

~~—— (b) **Vacancy.** Upon a vacancy in the office of Director of Judicial Administration, the Executive Committee shall recruit qualified applicants for the position. This may include appointment of a special committee. The Executive and Special Committees will interview and screen candidates for the position, and shall present no more than three final candidates to the judges for their review and consideration. The candidate receiving a majority vote of all of the judges shall be named to the vacancy.~~

[Amended effective September 1, 2008; ~~rescinded September 1, 2016.~~]

LCR 0.14 BAILIFFS

[Rescinded – See LCMR 11]

~~—— Each judge shall be limited to one bailiff and shall appoint and supervise his or her own bailiff. The bailiff shall serve at the pleasure of the judge.~~

~~—— In the absence of the judge, and unless assigned to other duties by the judge, the bailiff shall be supervised by the Chief Administrative Officer. The Chief Administrative Officer shall appoint and supervise as many additional general bailiffs as are needed.~~

[Amended effective September 1, 2008; November 27, 2009; ~~rescinded September 1, 2016.~~]

LCR 0.15 SELECTION OF MEMBERS TO THE BOARD OF TRUSTEES OF THE SUPERIOR COURT JUDGES ASSOCIATION

[Rescinded – See LCMR 12]

~~—— (a) **Membership.** Each judge is a member of the Superior Court Judges Association established by RCW 2.16.010.~~

~~—— (b) **Board of Trustees.** Two judges shall serve as members of the Board of Trustees of the Superior Court Judges Association as representatives of Association District No. 1. The two representatives shall serve staggered terms of three years, commencing at the close of the Annual Spring Meeting of the Association at which the member is elected.~~

~~—— (c) **Method of Selection.** In the year preceding the election of a District No. 1 Board member and after the election of the Executive Committee, a questionnaire shall be circulated soliciting candidates for the position of nominee for District No. 1 Board member. Voting and election of such nominee shall proceed as set forth in Rule 0.6. In case of a vacancy, and on the request of the Board of Trustees, the same election procedure shall be followed.~~

~~—(d) **Notification to Association.** Upon conclusion of the balloting procedure set forth in (c) above, the Presiding Judge shall notify the President Judge of the Association of the name of the judge elected and request that such name be transmitted to the nominating committee of the association with the recommendation that such name be submitted to the membership at the next Annual Spring Meeting of the association as the nominee for the Association District No. 1 position on the Board of Trustees.~~

[Amended effective September 1, 2008; ~~rescinded September 1, 2016.~~]

LCR 0.16 PILOT PROJECTS

~~[Rescinded – See LCMR 13]~~

~~—Pilot projects in King County Superior Court shall operate through published procedures approved by the Presiding Judge and the Executive Committee.~~

[Adopted effective September 1, 2000; amended effective September 1, 2008; ~~rescinded September 1, 2016.~~]

LCR 0.17 INVESTIGATIONS BY THE JUDICIAL CONDUCT COMMISSION: ACCESS TO SEALED FILES AND DOCUMENTS

~~[Rescinded – See LGR 31(f)(2)]~~

~~—(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.~~

[Adopted effective May 1, 2003; amended effective September 1, 2008; ~~rescinded September 1, 2016.~~]

KING COUNTY LOCAL CIVIL RULES (Cite as LCR)

CONFORMING TO CR RULES AS REQUIRED BY CR 83

III. PLEADINGS AND MOTIONS (Rules 7-16)

LCR 7. CIVIL MOTIONS

(b) *Motions and Other Documents.*

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LCR 12, LCR 26, LCR 40, LCR 56, and the LFLR's.

(2) Hearing Times and Places. Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, Maleng Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300 or by accessing <http://www.kingcounty.gov/courts/clerk>. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

(3) Argument. All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings, other than rulings regarding involuntary commitment and Title 13 proceedings;

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions to be presented in person to the Ex Parte and Probate Department pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") issued by the Clerk;

(E) Motions for which the Court allows oral argument.

(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 six court 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 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) Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

(C) Oral Argument Requested on All Other Motions. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or opposition.

(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 two court 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 on the court day before the hearing.

(F) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. The copies provided to the judge and all parties should be in the same form, including but not limited to markings, highlights, and color copies. Working copies shall be submitted as follows:

(i) Electronic Submission of Working Copies. Judges' working copies of an e-filed motion and all documents in support or opposition may be electronically submitted using

the Clerk's eFiling application. The Clerk may assess a fee for the electronic submission of working copies.

(ii) E-Filed Documents for which Working Copies Shall Not be Electronically Submitted. Judges' working copies shall not be electronically submitted for any document of 500 pages or more in length or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

(iii) Delivery of Working Copies in Paper Form. The upper right corner of all judges' working copies submitted in paper form shall be marked "working copies" and note the date of consideration or hearing, the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented ("moving party," "opposing party," or other descriptive or identifying term), and shall be delivered to the judges' mailroom or appropriate department in the courthouse in which the judge or commissioner is located.

(G) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the court over objection of counsel except upon the imposition of appropriate terms, unless the court orders otherwise.

(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.

(5) Form of Motion and Responsive Pleadings.

(A) Note for Motion. A Note for Motion shall be filed with the motion. The Note shall identify the moving party, the title of the motion, the name of the hearing judge, the trial date, the date for hearing, and the time of the hearing if it is a motion for which oral argument will be held. A Note for Motion form is available from the Clerk's Office.

(B) Form of Motion and of Responsive Pleadings. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the court is requested to grant or deny.

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

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings. Responsive pleadings shall conform to this format.

(v) Authority. Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing Judge and to counsel or parties, but shall not be filed with the Clerk. See LCR 5(k).

(vi) Page-Word Limits. The initial motion and opposing memorandum shall not exceed 4,200 words 12 pages without authorization of the court; reply memoranda shall not exceed 1,750 words five pages without the authority of the court. The word count includes all portions of the motion/memorandum, including headings and footnotes, except 1) the caption; 2) tables of contents and/or authorities, if any; and 3) the signature block. The signature block

shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains _____ words, in compliance with the Local Civil Rules."

(C) Form of Proposed Orders; Mailing Envelopes; E-mail Address. The moving party and any party opposing the motion shall include with their submissions a proposed order. The original of each proposed order shall be submitted to the hearing judge along with any working copies. If the motion is to be considered without oral argument, the moving party shall at the time of filing the motion provide to the court either pre-addressed stamped envelopes addressed to each party/counsel, or e-mail addresses, for the court's use in providing courtesy copies of entered orders. Where working copies are provided via the Clerk's eWorking Copies Application, the parties shall request courtesy copies of entered order(s) through the Clerk's application.

(6) Motions to Reconsider. See LCR 59.

(7) Reopening Motions. No party shall remake the same motion to a different judge without showing by affidavit what motion was previously made, when and to which judge, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judge.

(8) Motions for Revision of a Commissioner's Order. For all cases except juvenile and involuntary treatment proceedings:

(A) A motion for revision of a commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

(B) A hearing on a motion for revision of a commissioner's order shall be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

(i) For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

(ii) For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the Maleng Regional Justice Center Chief Judge. For family law cases involving children the hearing shall be scheduled by the Chief Unified Family Court Judge.

(iii) All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(iv) The commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned judge or Chief Judge working copies of the motion, notice of hearing, and copies of all documents submitted by all parties to the commissioner, pursuant to LCR 7(b).

(vi) For cases in which a timely motion for reconsideration of the commissioner's order has been filed, the time for filing a motion for revision of the commissioner's order shall commence on the date of the filing of the commissioner's written order of judgment on reconsideration.

(9) Motion for Order to Show Cause. Motions for Order to Show Cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For cases where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to the Ex Parte and Probate Department.

(10) Motion Shortening Time.

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other pleading.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next business 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.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court.

(11) Motion for Stay of Proceedings.

(A) Motions for stay of proceedings shall be heard by the individual judge assigned or if not assigned by the Chief Civil Judge, Chief Judge of the Maleng Regional Justice Center or Chief Unified Family Court Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; June 1, 2009; September 1, 2011; September 1, 2012; September 2, 2013; September 2, 2014; [September 1, 2016](#).]

LCR 12. PRELIMINARY HEARINGS

(d) Motions under CR 12(b) and CR 12(c) shall be subject to the word page limitations and scheduling requirements of CR 56, ~~and~~ LCR 56 and LCR 7(b)(4)(B).

[Adopted effective September 1, 2012; ~~amended effective September 1, 2016.~~]

LCR 55. DEFAULT AND JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the Clerk's office. When there has been an appearance by any non-moving party, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Chief Civil Department for Seattle case assignment area cases and the Chief Judge of the Maleng Regional Justice Center for Kent case assignment area cases. The Motion in support of the Order for Default shall affirmatively state whether or not there has been an appearance by any non-moving party. Failure to so state shall result in the denial of the motion for default without prejudice.

(2) Late Appearance or Answer. When a non-moving party has appeared or answered before consideration of the Motion for Order of Default, the moving party shall notify the hearing judge or commissioner.

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party shall move for entry of judgment against the party in default from the Ex Parte and Probate Department through the Clerk's office. If the Court determines that testimony is required, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.

~~**(c) Setting Aside Default Judgments.** Orders to show cause to vacate default judgments shall be presented to the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk. Orders to show cause are returnable to the assigned judge. If no judge is assigned, orders to show cause are returnable to the Chief Civil Judge for Seattle cases and the Chief Judge of the Maleng Regional Justice Center for Kent cases. See LCR 7(b)(8). Also see LCR 60(e)(1).~~

~~**(d) Failure to Appear at Trial.** The failure of a party to appear at trial is not governed by this rule. (See LCR 43.)~~

~~**(ge) Family Law Cases.** In family law proceedings (see LFLR 1), motions for default and for default judgment are governed by LFLR 5 and 15, not by LCR 55. See LFLR 5.~~

[Adopted effective September 1, 1996; amended effective September 1, 2003; September 1, 2004; September 1, 2008; January 1, 2009; September 1, 2015; ~~September 1, 2016.~~]

LCR 56. SUMMARY JUDGMENT

(c) Motions and Proceedings

(1) Argument. The court shall decide all summary judgment motions after oral argument, unless the parties waive argument. The assigned judge shall determine the length of oral argument.

(2) Dates of Filing and Hearing. The deadlines for moving, opposing, and reply documents shall be as set forth in CR 56 and the Order Setting Case Schedule. In all other regards, parties shall file and deliver documents and the court shall set all hearings in conformance with LCR 7.

(3) Form of Motion and Opposition Documents. The parties shall conform all moving, opposing, and reply ~~documents memoranda~~ to the requirements of LCR 7(b)(4), except that moving and opposing memoranda shall not exceed 8,400 words 24 pages. Reply memoranda shall not exceed 1,750 words five pages without authority of the court. The word count includes all portions of the memorandum, including headings and footnotes except 1) the caption; 2) tables of contents and/or authorities, if any, and 3) the signature block. The signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains _____ words, in compliance with the Local Civil Rules."

(4) Motions to Reconsider. The parties shall conform all motions to reconsider to the requirements of CR 59 and LCR 7(b)(5).

(5) Reopening. Reopenings are subject to the requirements of LCR 7(b)(6).

(e) Form of Affidavits; Nonconforming Evidence. A party objecting to the admissibility of evidence submitted by an opposing party must state the objection in writing in a responsive pleading, a separate submission shall only be filed if the objection is to materials filed in the reply.

[Note: Judgment upon multiple claims or involving multiple parties, see CR 54(b).]

Official Comment

[Amended effective September 1, 2011, Subsection (e) is added to obviate the filing of motions to strike objectionable evidence, to relieve parties of the need to file such motions six days in advance and thus, under LCR 7, to file an accompanying motion to shorten time for a timely consideration of the objection. This rule is intended to clarify local practice and to conform to *Cameron v. Murray*, 151 Wash.App 646,658, 214 P.3d 150 (Div. I, 2009).]

[Amended effective September 1, 1983; September 1, 1984; May 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2004; September 1, 2005; September 1, 2008; September 1, 2011; September 1, 2016.]

LCR 60. RELIEF FROM JUDGMENT OR ORDER

(e) Procedure on Vacation of Judgment.

(2) Notice. When a party moves to vacate a judgment, the show-cause hearing on the motion shall be scheduled as follows: (i) before the Ex Parte and Probate Department, if the judgment was entered in the Ex Parte and Probate Department and the case was never assigned to a judge; (ii) before the judge who signed the judgment, if the judge is still on the court and the judgment was not signed in the Ex Parte and Probate Department; or (iii) before the respective Chief Judge in all other situations. See also LCR 7(b)(9) (presenting motion for order to show cause). If a judicial officer grants the motion to vacate and a new trial date is

necessary, the officer will, as appropriate, set the new trial date or refer the case to the Chief Judge or Clerk for assignment of a judge and trial date.

(5) Family Law Cases. In family law proceedings (see LFLR 1), motions to vacate a judgment are governed by LFLR 5, not by LCR 60.

(1) Default Judgment: The return on the order to show cause to set aside a default judgment shall be as follows:

(A) Case originally assigned to a judge who has not been assigned (transferred) to a new case designation area or to juvenile court: The order to show cause shall be returned to the judge to whom the case had been originally assigned, regardless of which judicial officer signed the judgment of default.

(B) Case originally assigned to a judge who has left the court or who has transferred to a court facility other than that reflected in the case designation: The order to show cause shall be returned to the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.

(C) Case not assigned to a judge: The order to show cause shall be returned to the department that entered the default judgment.

(2) Judgment following trial: The return on the order to show cause to set aside a judgment following trial shall be before the judge who presided over the trial. If that judge has left the court, the return on the order to show cause shall be before the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, depending upon the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.

(3) Where the relief sought includes the right to a trial, a motion to re-set trial date shall be filed contemporaneously with the motion for relief from judgment.

[Adopted effective September 1, 2004; amended effective September 1, 2007; September 1, 2008; September 1, 2016.]

X. SUPERIOR COURTS AND CLERKS (Rules 77-80)

LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions.

(1) Continuous Session. There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

(2) Court Hours.

(A) Presiding Department. The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday, ~~and Saturday from 10:00-12:00. No judge need attend personally on Saturdays except upon call.~~ When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

(B) Trial Departments. Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4

PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

(C) Ex Parte Department. The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday. See LCR 40.1

(i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

(1) Presiding Judge; Duties. The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of all communications intended for the Superior Court not personally addressed to any judge nor relating to business which has been assigned to any particular department.

(2) --Same; Jurors. The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the determination for requests for excuse from jury service to senior jury staff.

(3) --Same; Liaison with Departments. If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle case assignment area cases and the Chief Maleng Regional Justice Center Judge for Kent case assignment area cases, for hearing or reassignment.

(4) --Same; Criminal Arraignments, Emergency Orders and Writs. The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to the most senior UFC Judge at the Maleng Regional Justice Center. Applications for emergency and miscellaneous applications on criminal or infraction matters shall be presented to the Chief Criminal Judge or Chief Judge of the Maleng Regional Justice Center. No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center, or except as provided in LCR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

(5) --Same; Ex Parte Orders. The Chief Civil Department or Chief Judge of the Maleng Regional Justice Center may hear any matters assigned to or arising out of the Ex Parte Department.

(6) --Same; Judges Pro Tempore. All judges pro tempore shall be appointed by the Presiding Judge.

(7) --Same; Absence. The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

(8) --Same; Delegation of Duties. The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

(9) Orders to Show Cause. The court shall make orders to show cause returnable in not less than five days except for good cause shown.

Comment: See also LFLR 5(c) (*Where to Schedule Specific Motions in Family Law Proceedings*).

LCR 78. CLERKS

(a) Powers and Duties of Clerk.

(1) Certification. The Clerk, upon application and payment of the fee provided by law, shall certify any one or more of the rules of this Court, or subsections thereof.

(c) Orders by Clerk.

(1) Commission to Take Testimony in Probate and Adoption Proceedings. Upon the filing of a request the Clerk shall issue a commission to take testimony in any probate or adoption proceeding, unless otherwise ordered by the Court.

(f) Bonds.

(1) Cash Bonds; Minimum Amount. Cash bonds ordered to be posted with the Clerk in probate and other matters will be in the amount of at least \$25 and shall be paid in cash.

(2) --Same; Withdrawal. The party posting a cash bond, promptly at the conclusion of the matter to which it relates, shall present to the Court an order authorizing withdrawal, and forthwith upon its entry, withdraw the bond.

(g) ~~Payment and Disbursal of Trust Funds.~~

~~(1) Payment of Trust Funds.~~ ~~Trust funds shall be paid to the Clerk with one of the following methods of payment: cash, cashier's check, money order, certified check, government check, attorney's check, or company's check.~~

~~(2) Disbursal of Trust Funds.~~ Trust funds that are paid by attorney's check or company's check will be available to be disbursed eight court days after receipt by the Clerk. Trust funds that are paid by cash or guaranteed funds ~~any other method listed in subsection (1) above~~ will normally be available to be disbursed the first or second court day following receipt by the Clerk.

(h) Interest Bearing Accounts.

(1) Requests and orders directing the Clerk to place trust funds in amounts exceeding \$2,000.00 into an interest bearing account, must be delivered to the Cashier Section of the King County Superior Court Clerk's Office. If the request or order was filed prior to payment of the trust funds, a copy of the request or order must be delivered to the Cashier Section at the time the trust funds are paid.

(i) Waiver of ECR On-Line fees. Requests to waive fees for ECR On-line shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk

KING COUNTY LOCAL CRIMINAL RULES (Cite as LCrR)

LCrR 3.2 PRETRIAL RELEASE

(Reserved)

(a) Personal Bond; Ten Percent Deposit.

~~(1) Whenever bond has been set, either by use of a bail schedule, or by order in an individual case, unless the court order setting bond specifically provides to the contrary, the bond requirement may be met by deposit in the registry of the court in cash of a sum equal to ten percent of the amount of the bond and by the filing of a personal appearance bond in a form provided by the court.~~

~~(2) The appearance bond shall obligate the defendant to appear for all required court hearings and for trial and to keep a correct address and phone number on file with the court.~~

~~(3) Failure to comply with the obligations of the appearance bond without just cause will result in:~~

~~(A) Liability for the entire amount of the bond; and~~

~~(B) Forfeiture of the cash posted.~~

~~(4) Failure to comply with those obligations without just cause will also constitute grounds for imprisonment pending trial.~~

~~(5) The cash deposit will be returned to the person who posted the bond upon a showing that the defendant has fulfilled the conditions of the bond and upon presentation of an order showing the defendant has fulfilled the conditions and exonerating bond.~~

[Amended effective September 1, 2001; September 1, 2015; December 1, 2015; March 1, 2016; June 15, 2016; September 1, 2016.]

KING COUNTY LOCAL MENTAL PROCEEDING RULES (Cite as LMPR)

LMPR 1.8 TAKING TESTIMONY VIA VIDEO OR TELEPHONE

(a) General. The Court may take testimony from any witness, including the respondent, via video, telephone, or other electronic means consistent with CR 43(a). The testimony shall be taken in open court with the respondent ~~present, unless the respondent waives his or her presence appearing either in-person or by video, unless the respondent or his or her guardian ad litem, if the court has appointed one, waives his or her presence.~~

(b) Specific. The Court will conduct all evidentiary non-jury hearings via video for respondents detained at:

- Northwest Hospital and Medical Center in Seattle;
- Navos Mental Health Solutions inpatient facility in West Seattle;
- Cascade Behavior Health Hospital and Treatment Center in Tukwila;
- Fairfax Behavioral Health facility in Kirkland; and
- Multicare Behavioral Health facility in Auburn.

Nothing in this rule precludes any respondent from filing a motion to request an in-person hearing, which the court may grant for good cause in appropriate circumstances. In considering such a motion, the Court may consider, among other things, whether the respondent's alleged mental illness has an impact on the respondent's ability to perceive or participate in the proceedings by video. LMPR 1.9 shall govern the filing of that motion and the response, if

any. The Court may rule on such motion based on the written submissions of the parties and may also allow testimony by video or in-person.

(bc) Standards for Video Proceedings. For any hearing conducted via video, the technology used must permit the presiding judicial officer, counsel, all parties, and the witness to be able to see, hear, and speak when authorized, during the proceedings, to and allow attorneys to use exhibits or other materials during trial, and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent and/or respondent's counsel. To the extent there are any statutes, case law, or constitutional standards relating to conducting video proceedings, such standards are incorporated herein by reference.

(cd) Video Pilot Projects. The court may implement video pilot projects consistent with LCMR 13 (KCLCR 0.16).

[Adopted effective September 2, 2014; amended effective October 29, 2015; January 27, 2016; April 26, 2016.]

KING COUNTY LOCAL JUVENILE COURT RULES (Cite as LJJuCR)

TITLE I. SCOPE AND APPLICATION OF RULES

LJJuCR 1.2 JURISDICTION OF JUVENILE COURT

[Rescinded]

~~(a) **Generally.** (Reserved)~~

~~(b) **Indian Children.** In the case of an Indian child, as defined by the federal Indian Child Welfare Act of 1978 and RCW 13.38, jurisdiction and proceedings under these rules shall be in accordance with those acts. Court validation of a voluntary consent to foster care placement of Indian Children shall be in accordance with RCW 13.34.245 and RCW 13.38.150.~~

[Adopted effective September 2, 2013; amended effective September 1, 2016.]

LJJuCR 1.3 DEFINITIONS

~~(Reserved)~~

~~(a) "Dependency Calendar" means those calendars regularly assigned to a judicial officer excluding the Lead Dependency Judge.~~

[Effective September 2, 2013; amended effective September 1, 2016.]

LJJuCR 1.4 APPLICABILITY OF OTHER RULES

[Rescinded]

~~—(e) **Discovery**~~

~~—(1) **Generally.** Discovery procedures in cases involving alleged dependent or dependent children (including termination and guardianship proceedings) shall generally be governed by CR 26-37.~~

~~—(2) **Completion of Discovery.** Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed as provided in the case schedule. Discovery requests must be served early enough that responses will be due and depositions will have been completed by the applicable cutoff date. Discovery requests that do not comply with this rule will not be enforced, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date. Nothing in this rule shall modify a party's responsibility to reasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.~~

~~—(f) **Summary Judgment**~~

~~—(1) **Motion.** A motion for summary judgment may be filed by any party in accordance with LCR 56.~~

[Adopted effective September 2, 2013; rescinded effective September 1, 2016.]

LJuCR 1.7 PRE-TRIAL HEARINGS [New]

(a) Pre-Trial Hearings

(1) Dependency Cases. The pre-trial hearing shall be set in the original Case Schedule.

(2) Termination and Guardianship Cases. At the preliminary hearing, the parties shall select a pre-trial date approximately one month before the trial date, if the case is not resolved at the preliminary hearing.

(3) Pre-trial Hearing Continuances. Pre-trial hearings may be continued by stipulated order on agreement of all the parties so long as the trial date remains unchanged.

(b) Pre-Trial Order. If the case is not resolved at or prior to the pre-trial hearing date, the matter shall be set for a contested Fact Finding hearing and a pre-trial order shall be entered. The order shall set forth the expected length of trial, particular witness problems, final disclosure dates and other related matters. Only after a pre-trial order is signed, will the case be placed on the trial board for assignment.

(c) Fact Finding Hearing Continuances Entered in Conjunction with Pre-trial Order. A separate order of continuance is required, if the parties are seeking to change the Fact Finding hearing date. A new date cannot simply be written on the pre-trial order.

[Adopted effective September 1, 2016.]

LJuCR 1.8 PROCEDURAL MOTIONS [New]

(a) Scope of Rule. Except as covered by LJuCR 2.3-2.5 (Shelter care); LJuCR 3.12 (Contested motions: dependency calendar), LJuCR 3.13 (Emergency Hearing and Hearings

Set on Shortened Time-Contested Dependency Calendar and LJuCR 3.14 (Reconsideration and Revision), this rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington.

(b) Time limits: Except as otherwise provided in these rules or in the civil rules, when a motion is set without oral argument, the moving party shall file and serve all motion documents, including a note for motion, no later than six court days before the date the party wishes the motion to be considered. The response shall be filed and served no later than noon two court days before the date the motion is to be considered. Any documents in strict reply shall be filed and served no later than noon the day before the date the motion is to be considered.

(c) Motions to Shorten Time. Motions for shortened time shall be noted without argument, pursuant to the provisions of LCR 7(b)(10), except in those situations where the substantive motion is to be heard on the contested motion calendar. See LJuCR 3.12.

(d) E-filing and E-Service. [Reserved]-See LGR 30.

(e) Proposed Orders. The moving party and any party opposing the motion shall each include a proposed order with their submissions.

(f) Motions to Withdraw-Court Appointed Counsel. Withdrawals and substitutions shall be made in compliance with CR 71.

(1) For cases pending a contested Fact Finding hearing (after entry of a pre-trial order), a motion to withdraw, whether or not a new attorney from the same division seeks to substitute in as counsel, must be set for hearing before the lead dependency judge, with oral argument.

(2) Other than as set forth in (i), a withdrawal and substitution may be noted without oral argument.

(3) Whenever an attorney is seeking to withdraw because of a conflict with the client or because counsel can no longer locate the client, the motion shall be noted with oral argument with sufficient time to comply with the notice requirements of CR 71.

(g) Motions to Compel or For Protective Order. See LJuCR 1.9(e)

(h) Motions to Continue Fact Finding Hearing.

(1) Good Cause Required. No motion to continue shall be granted absent a showing of good cause.

(2) Motions to Continue Fact Finding hearing made prior to or at time of entry of a pre-trial order. If all parties agree to the continuance, a motion need not be separately noted, however, no case will be continued, even by agreement, without court approval. If the parties agree that the motion to continue may be made a shortened time at the pre-trial hearing, no formal motion for shortened time is required. In all other situations, six-days notice is required. These motions shall be heard by the judicial officer presiding at the pre-trial hearing.

(3) Motion to continue Fact Finding hearing made after entry of a pre-trial order. The motion shall be made on six-days notice without oral argument, unless oral argument is requested by the court or by a party. The motion will not be granted except under extraordinary circumstances, where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires. These motions shall be heard by the chief dependency judge.

(4) Trial Assignment Board. Dependency staff maintain a list of cases on which pre-trial orders have been entered. If a lawyer becomes unavailable for more than one day after the entry of the pre-trial order, that lawyer must file a motion to continue or present a proposed agreed order from all parties. An email to the bailiff is insufficient.

(i) **Motions for Summary Judgment.** Motions for summary judgment shall be noted before the chief dependency judge and shall comply with the requirements of CR 56 and LCR 56.

(j) **Departmental Motions to Dismiss.** Unless agreed to by all parties, a motion to dismiss made pursuant to CR 41 shall be noted on six-days notice without oral argument and shall include the cause number of any pending family law action.

[Adopted effective September 1, 2016.]

LJuCR 1.9 DISCOVERY [New]

(a) **Discovery.** All parties have an on-going duty to promptly provide discovery.

(b) **Discovery Cut-off Date.** The discovery cutoff date is an event listed on the case schedule: it is the last date by which formal discovery shall occur, absent agreement of the party or court order. Formal discovery includes the discovery mechanisms set forth in CR 26-37 and shall be conducted in compliance with those rules.

(c) **On-going Discovery.** Because of the nature of these cases, parents, children and caregivers are often in treatment or engaging in visits or services until shortly before (or sometimes during) trial. The trial court will address any issues that arise because of late-provided documents on a case-by-case basis.

(d) **Discovery following the entry of an order of dependency.** The parties may resume engaging in formal discovery throughout the pendency of the dependency case. The pre-trial discovery cut-off is not intended to prevent parties from engaging in such discovery post trial.

(e) **Motions to Compel or For Protective Order.** Motion to compel or for a protective order shall be noted without oral argument on six-days notice, pursuant to the provisions of LJuCR 1.8(b). A discovery conference shall be held before a motion to compel or for protective order is filed. See CR 26(i) and LCR 37(e). When the matter is pending trial, the motion shall be noted before the chief dependency judge. All other motions to compel or for protective order shall be noted on the appropriate dependency calendar as determined by case designation.

Comment: Before a trial court may exclude evidence for violation of a local discovery rule, the three-part test of *Burnett v. Spokane Ambulance*, 131 Wn. 2d 484 (1997) and *Jones v. Seattle*, 179 Wn. 2d 322 (2013) must be appropriately applied.

[Adopted effective September 1, 2016.]

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) *Notice of Right to Shelter Care Hearing.* The notice of the 72-hour and 30-day shelter care hearings shall be given to the child's parents, guardians, or legal custodians, and child's Tribe as soon as reasonably possible after the child is taken into custody. Notice may be made by any means reasonably certain of notifying the parents, guardians or custodians of the child, and child's Tribe, including but not limited to written, telephone or in person communication and

shall specify the time and place of the hearing, the right to an attorney and the general allegations of the petition or motion to take child into custody. Proof of notice or of attempts to provide notice of the hearings shall be made by testimony, written declaration or affidavit and submitted for the legal file at the 72-hour hearing. Notice shall also be given to children age 12 and over and they shall be advised of their right to attend the hearings and their right to be represented by an attorney. If a child age 12 and over wishes to attend the 72-hour or 30-day shelter care hearing, the agency having custody of the child shall be responsible for arranging transportation for the child.

(b) Shelter Care Hearing Required. The party filing a dependency petition and setting a 72-hour shelter care hearing shall at the time of filing the petition also set a second shelter care hearing to be held on the Juvenile Court "Contested Calendar:" within 30 days of the 72-hour shelter care hearing and a Fact Finding hearing to be held at King County Superior Court within 75 days of the filing of the petition. The Clerk shall issue a case schedule and a notice and summons pursuant to RCW 13.34.070 for a pretrial **hearing conference** and a Fact Finding hearing, setting the Fact Finding hearing within 75 days of the petition being filed. In all dependency cases filed, the petitioner shall be responsible for ensuring service of the summons and notice on all necessary parties.

(c) Notice of Shelter Care Hearing. The petition and/or motion to take child into custody, the notice of custody and rights required by RCW 13.34.062 and the notice and summons for the fact-finding hearing shall be served on the parents, guardians or legal custodians, child's Tribe and to any child age 12 and older as soon as reasonably possible and a receipt signed by the receiving party or a declaration or affidavit of service shall be filed in the legal file. If the notice and summons for the **pretrial and** Fact Finding hearings cannot be served on a required party prior to or at the 72-hour hearing, it must be served as soon as possible pursuant to the requirements of RCW 13.34.070, 13.34.080, and 13.38.070.

(d) Indian Children. (Reserved)

(e) Notice to Attorneys of Record. Where there is already a previously assigned or retained attorney of record for any party, including an attorney or CASA for the child, in a dependency proceeding presently pending in Juvenile Court, they shall be provided notice of the shelter care and fact-finding hearings no later than 24 hours prior to the 72-hour shelter care hearing whenever reasonably possible.

(f) Courtesy Notice to Public Defender Agencies and CASA. The petitioning party in a dependency and/or the moving party for an order to take a child into custody shall make available an electronic copy of the petition and any resultant order to OPD, the CASA program, and contracted defense agencies responsible for providing attorney-of-the-day services on the day the petition is filed. The public defender office and CASA program shall be responsible for obtaining said copies.

(g) Continuances of the 72-Hour Hearing. Any person or agency entitled to such notice as set forth above may move for a continuance of the 72-hour hearing if it appears they did not receive timely notice of the hearing. A continuance may be granted by the Court under such conditions as shall ensure the safety and well-being of any child subject to the proceeding. If a child remains in the home of a parent, guardian or legal custodian, the Court may allow the parties to continue the initial shelter care hearing to a new date to be set no later than 14 days from the filing of the petition under such conditions as shall ensure the safety and well-being of any child subject to the proceedings.

(h) Subsequent Shelter Care Hearing for Unavailable Party. Whenever it appears that a parent, guardian, or legal custodian was unable to attend the initial shelter care hearing, such

person may request a hearing by written application to the Court showing good cause for their inability to attend the initial hearing. The hearing on the question of whether good cause exists may be set on an emergency basis pursuant to LJuCR 3.13.(a) on the appropriate dependency's calendar. Such subsequent hearing, if granted, shall be conducted within 72 hours of the request (excluding Saturdays, Sundays and holidays).

[Effective January 2, 1994; amended effective September 1, 2005; September 2, 2013; **September 1, 2016.**]

LJuCR 2.5 AMENDMENT-MODIFICATION OF SHELTER CARE ORDER

(a) 30 Day Hearing and New Issues

(1a) Time. The second hearing shall be set within 30 days of the first hearing, unless by the agreement on the record or in writing of all parties or the order of the Court.

(2b) Procedure. Unless a party has filed and served written notice of new issues as outlined below, a hearing in open court will not occur; parties presence will be excused; and an order continuing the terms of the 72 hour shelter care hearing will be entered by the court.

(3e) New Issues: Reasonable advance written notice shall be given to the court and other parties of the new issues any party seeks to raise at the 30 day hearing. The party seeking to modify terms or enforce compliance with the terms of a 72 hour shelter care order shall give written notice to the Court and other parties not later than noon three days prior to the hearing. Responses will be provided by noon the day before the hearing. All other issues require six days written notice to the parties and the court according to LCR 7.

(bd) Procedure for Additional Modification of Shelter Care Order after 30 Day Hearing. An additional shelter care hearing can be set on the contested-hearing calendar upon the filing of a note for calendar and a written "Motion and Affidavit of Change of Circumstances" with six court days' notice to all parties. The motion shall specify the change in circumstances, relief requested, statement of facts and the evidence relied upon, and shall be properly served on all parties. All responsive pleadings shall be submitted to the Court and parties pursuant to LCR 7. The hearing date shall be obtained from the Court.

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; September 1, 2005; September 2, 2013; **September 1, 2016.**]

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(a) — (b) (Reserved)

(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, ~~King East, and White Center~~ 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; ~~98048~~; 98051; ~~98054~~; ~~98055~~; ~~98056~~; ~~98057~~; ~~98058~~; ~~98059~~; 98092; ~~98146~~; ~~98148~~; ~~98158~~; ~~98166~~; ~~98168~~; ~~98178~~; ~~98188~~; 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.

(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.

[Adopted effective January 2, 1994; amended effective October 1, 1996; September 1, 2004; September 1, 2005; June 1, 2009; April 1, 2011; September 2, 2013; **September 1, 2016.**]

LJuCR 3.4 NOTICE AND SUMMONS – SCHEDULING OF FACT-FINDING HEARING

[Rescinded]

~~— **(a) Notice and Summons.** At the time of filing the petition, a Notice and Summons and case schedule shall be issued by the Clerk of the Court and served by the petitioner pursuant to RCW 13.34.070. Service by publication shall conform to the requirement of RCW 13.34.080. A 72-hour shelter care hearing date, a pre-trial conference date and a fact finding date shall be obtained at the time of filing and set out in the notice. The notice shall state that a petition begins a process, which if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.~~

~~— **(b) Advice to Be Contained in Notice and Summons.**~~

~~— **(1)** A notice directed to the juvenile and/or to the juvenile's parent, legal custodian, or guardian shall contain an advisement of rights conforming to requirements of RCW 13.34.062, RCW 13.34.070 and RCW 13.34.090 clearly setting forth the right of a party to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a child, parent, guardian, or legal custodian who cannot afford one.~~

~~— **(2)** The Notice and Summons shall also advise the parties that attendance at the pre-trial conference is mandatory, unless excused in advance by the Court.~~

~~— **(3)** The Notice and Summons shall also advise the parties that failure of a party to appear or otherwise plead or respond to the petition shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference.~~

~~—(c) **Scheduling Fact Finding Hearing.** The Court shall schedule a pre-trial conference and a fact finding hearing. The fact-finding hearing shall be set to be held within 75 days of the filing of the petition alleging dependency. The parties may waive their right to a hearing within 75 days and stipulate to continue the hearing to a later time based on exceptional circumstances subject to Court approval.~~

~~—(d) **Indian Children.** If the petitioner knows or has reason to know that the child involved is or may be an Indian child as defined in RCW 13.38, the petitioner shall notify the child's tribe or band of the fact-finding hearing in the manner required by RCW 13.34.070(10), 13.38.070 and 25 U. S. C. 1912.~~

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; August 20, 1998; September 1, 2005; September 2, 2013; **September 1, 2016.**]

LJuCR 3.7 FACT-FINDING HEARING

[Rescinded]

~~(a) **Procedure at Hearing.** The court shall hold a Fact Finding hearing on the petition in accordance with RCW 13.34.110. All Fact Finding hearings shall be assigned per the direction of the Court at the pre-trial conference.~~

~~—(b) (Reserved)~~

~~—(c) **Burden of Proof.** In a Fact Finding hearing on a petition alleging dependency pursuant to RCW 13.34.030(6), the facts alleged in the petition must be proven by a preponderance of the evidence.~~

~~—(d) (Reserved)~~

~~—(e) **Procedure at Pre-trial Conference.**~~

~~—(1) The Court shall hold a pre-trial conference on the date set in the case schedule which shall be at least 6 days prior to the scheduled date of the Fact Finding hearing, at the location specified in the case schedule, unless modified by Court order. All parties must be present at the pre-trial conference unless specifically excused by the Court. Failure of a party to appear or to otherwise plead or respond to the petition, shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference. All parties shall attempt to reach agreement, in advance of the pre-trial conference, on issues regarding discovery, witnesses, evidentiary and other pre-trial questions including a continuance of a trial date. Parties must comply with the requirement of LJuCR 1.4(e) prior to seeking sanctions for failure to provide discovery.~~

~~—(2) At the pre-trial conference, the Court will inquire into the readiness of the case for trial and compliance with the case schedule. Failure to comply with the case schedule may be the basis for Court ordered sanctions.~~

~~—(3) For those cases in which a parent or other respondent appears at the pre-trial conference and states their wish to proceed to trial, but has not filed an answer to the petition in a timely fashion pursuant to LJuCR3.6, and if the Court decides to allow the case to proceed to trial, a continuance of the pre-trial conference may be granted at the request of any other party sufficient to allow the other parties at least five days following the filing of the answer, which shall be filed no later than at the time of the pre-trial conference unless otherwise authorized by the Court due to circumstances beyond the control of the attorney for the answering party, to~~

gather information necessary for completion of the Statement of Evidence based upon the allegations at issue.

~~—— (4) For those cases for which an answer has been filed in compliance with LJuCR 3.6, or following a continuance to allow time for preparation of the Statement of Evidence, as provided above, the Court will consider matters of law, may certify the case for an alternative dispute resolution process, and otherwise define the specific procedural course of the Fact Finding hearing, such as determine the number of witnesses, the length and scope of the Fact Finding hearing defined by the allegations actually at issue as determined by the pleadings, stipulations, and other agreement based upon a “Statement of Evidence” prepared prior to the pre-trial conference.~~

~~—— (5) All motions filed after the pre-trial conference order has been entered shall be brought pursuant to LCR 7 before the designated dependency Judge, unless otherwise assigned.~~

~~—— (f) **Agreed Orders of Dependency or Disposition.** The parent, guardian or legal custodian of a child may waive his or her right to a fact finding hearing by stipulating or agreeing to the entry of an order of dependency or disposition pursuant to RCW 13.34.110.~~

~~—— (1) Prior to entry of any stipulated or agreed order of dependency, the parent, guardian or legal custodian must appear before the court or waive his or her right to appear by executing, in writing, a waiver of the right to appear. The Court must establish on the record that the parent, guardian, or legal custodian possesses the knowledge and understanding of the legal effect of the stipulated order as required by RCW 13.34.110(2)(c).~~

~~—— (2) If the parent, guardian, or legal custodian fails to appear before the court after stipulating to entry of an agreed order of dependency, the Court may approve entry of the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear and chose not to do so.~~

[Amended effective September 1, 1983; January 2, 1994; March 20, 1997; August 20, 1998; September 1, 2005; September 2, 2013; **September 1, 2016.**]

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.

(b) (Reserved)

(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 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 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 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 LJCR 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 conference 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 3.10 MODIFICATION OF ORDER

[Rescinded]

~~Any party may move to change, modify, or set aside an order only upon a showing of a change of circumstances. The motion must be in writing pursuant to LJuCR 3.12 and must clearly state the basis for the motion and the relief requested.~~

[Amended effective September 1, 1983; January 2, 1994; September 1, 2005; formerly LJuCR 3.13 renumbered effective September 2, 2013; ~~rescinded effective September 1, 2016.~~]

LJuCR 3.11 GUARDIANSHIP IN JUVENILE COURT

(a) *Petition for Guardianship for Dependent Child.* A petition requesting the establishment of a guardianship may be filed in the Juvenile Court. The petition shall conform to the requirements of RCW 13.36.030.

(b) *Scheduling and Notice.* The scheduling and notice of hearings on the guardianship petition shall be in accordance with that required for termination proceedings in Title IV. of these rules.

(c) *Procedure; Evidence; Burden of Proof.* The court shall hold a hearing on the petition in accordance with RCW 13.36.040.

(d) *Motions to Modify or Terminate a RCW 13.34 Dependency Guardianship.* Any party to dependency guardianship established under RCW 13.34.232 except a parent whose rights have been terminated may move to modify or terminate a dependency guardianship, or substitute or remove a guardian. The motion shall be set on the Contested Dependency Motions Calendar as per LJuCR 3.12 and all parties including the dependency guardian shall be notified as provided in these rules. If the youth is age twelve (12) or older and not represented by counsel, notice shall additionally be given to the Office of Public Defense for appointment of counsel for the youth. The dependency guardianship may be modified or terminated if the Court finds by a preponderance of the evidence that there has been a substantial change in circumstances subsequent to the establishment of the dependency guardianship and that modification or termination of the dependency guardianship is in the best interest of the child. If a dependency guardianship order is terminated, the case shall return to the underlying dependency status and be set for review as required in LJuCR 3.9.

(e) *Petition to Convert a RCW 13.34 Dependency Guardianship to RCW 13.36 Guardianship.* A dependency guardian or the Department or Supervising agency may request that juvenile court convert a dependency guardianship established under RCW 13.34.232 to a guardianship under RCW 13.36 by filing a petition in conformity with RCW 13.36.030. The petitioner shall give reasonable notice of the petition to all parties in the dependency.

(1) Upon filing a petition to convert to a ch. 13.36 RCW guardianship, the clerk's office shall issue a case schedule setting ~~a preliminary hearing, pretrial conference and fact finding trial~~ hearings as outlined in Title IV of these rules.

(2) If the dependency guardian, youth age twelve (12) or older, and the Department or

Supervising agency agree that the dependency guardianship should be converted to a guardianship under RCW 13.36, the petitioner may present an agreed order to that effect, and the court shall strike all remaining hearings listed in the case schedule, and shall dismiss the underlying dependency.

(f) Motions to Modify a RCW 13.36 Guardianship. A guardian, youth age twelve (12) or older, or parent of the child may petition the court to modify the visitation provisions of a guardianship order by filing with the court a motion for modification and an affidavit setting forth facts supporting the modification. The motion shall be heard as a contested motion pursuant to LJuCR 3.12~~9~~, and if the court finds the motion was brought in bad faith, it may assess attorneys' fees and costs against the moving party in accordance with RCW 13.36.060.

[Adopted effective September 1, 1983; January 2, 1994; July 1, 1994; August 20, 1998; September 1, 2005; September 1, 2009; formerly LJuCR 3.14 renumbered and amended effective September 2, 2013; **September 1, 2016.**]

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 oversight.

(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 to the Dependency Court Staff Office by noon three court 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 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 LJuCR 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, and must attach a proposed order to their working copies, and

(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 to the judicial officer assigned to the calendar on which the motion is set and that 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.

~~(a) **Contested Motions Calendar--Procedure.** 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.~~

~~—(b) **Scheduling a Contested Hearing.**~~

~~—(1) **By a Party.** A party may set a contested dependency motion hearing by following the procedure outlined in this rule. 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 LJuCR 3.9(d)(4). 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 the Court Coordinator 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 the Juvenile Court Coordinator's Office. Motions to expand issues are not permitted if the party initially noting the motion for contested hearing designates the motion as an emergency.~~

~~—(2) **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 material 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) **Court-Approved Date.** The Court Coordinator shall administer the scheduling of all contested dependency review motion hearings via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov. All proposed dates for such matters must be approved by the Coordinator 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.~~

~~—(c) **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) **Motions Documents and Notes—Time and Place for Filing and Scheduling.**~~

~~—(i) 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.~~

~~—(ii) Working copies of the note and motion together with all supporting documents including affidavits shall be submitted to the Dependency Court Coordinator’s Office by noon three court days prior to the hearing.~~

~~—(iii) 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 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 Coordinator’s Office by the noon three days prior to the hearing, and the reply shall be submitted to the Court Coordinator by the close of business two days prior to the hearing.~~

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

~~—(1) **Relief Requested.** The specific relief the Court is requested to grant.~~

~~—(2) **Statement of Facts.** A succinct statement of the facts contended to be material.~~

~~—(3) **Statement of Issues.** A concise statement of the issue(s) on which the Court is requested to rule.~~

~~—(4) **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.~~

~~—(5) **Authority.** Any legal authority relied upon must be cited.~~

~~—(6) **Proposed Order.** A copy of a proposed order shall be served with the motion and shall be included 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.~~

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

~~—(1) **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(b). 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 the Court Coordinator for distribution to the Judge or Court Commissioner scheduled to hear the matter.~~

~~—(2) **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 the Court Coordinator 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.~~

~~—(3) **Hearings Where There is a Motion to Expand Issues.** Where another party has filed a motion to expand issues under LJuCR 3.12(b), 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.~~

~~—(f) **Time of Hearing.** The hearing of the motion will commence at such time as is designated by the Court.~~

~~—(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.~~

~~—(g) **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 except that:~~

~~—(1) The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument, and must attach a proposed order to their working copies, and~~

~~—(2) 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.~~

~~—(3) If the court determines that oral argument is necessary it will issue an order resetting the hearing to occur with oral argument.~~

~~—(h) **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 to the Judge assigned to the calendar on which the motion is set and that Judge will determine whether oral testimony will be allowed and/or set out any limitations without oral argument. Working copies shall be submitted to the Judge 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 Judge'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 Judge.~~

~~—— (i) **Imposition of Sanctions or Terms.** The Court may impose sanctions or terms for any frivolous motion or in granting a continuance of any matter. Nonappearance on a motion by the moving party may result in the imposition of sanctions or terms by the Court on counsel or on one or more of the parties as appropriate.~~

[Adopted effective September 1, 2005; June 1, 2009; formerly LJUCR 3.10 renumbered and amended effective September 2, 2013; September 1, 2016.]

LJuCR 3.13 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME – CONTESTED DEPENDENCY CALENDAR

(a) *Emergency Hearings.* Any party or their attorney may set a contested hearing based upon their certification that an emergency exists that cannot be addressed on shortened time. In this event the matter shall be heard upon reasonable notice following the same procedure as for a 72-hour hearing pursuant to LJUCR 2.3. The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing. ~~The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing.~~

(b) *Removal Hearings for Currently Adjudicated Dependent Children.* If a dependent child is removed from a parent, guardian, or custodian pursuant to RCW 13.34.138(3)(b), an agreed order authorizing the removal shall be entered, or the supervising agency removing the child shall note an emergency hearing to be heard within 72-hours of removal (excluding Saturdays, Sundays, and Holidays) and the hearing shall have the same priority as a 72-hour hearing pursuant to LJUCR 2.4(b). Such hearing may be continued by agreement or order of the court if necessary to allow full briefing of the issue.

(c) *Motion Shortening Time.*

(1) The time for notice and hearing of a motion may otherwise be shortened only for good cause upon written application to the court in conformance with this rule. For purposes of this rule, good cause requires the moving party to demonstrate that the matter is sufficiently

time sensitive and of a nature that it needs to be addressed by the court in less time than would otherwise be required by the rules, and the party bringing the motion could not have reasonably anticipated the matter so as to bring with the normally required notice.

(2) A motion for order shortening time may not be incorporated into any other pleading.

(3) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time, as well as the time and place that the motion to shorten time will be presented. The declaration in support of the motion to shorten time must indicate what efforts have been made to notify the other side of the motion to shorten time, whether efforts to notify were successful, and whether the other side opposes the order shortening time.

(4) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(5) The court may deny or grant the motion and impose such conditions as the court deems reasonable. If the court grants the motion shortening time, the order shall specify deadlines for responsive pleadings or otherwise direct the manner in which the hearing will proceed.

[Adopted effective September 1, 2005; September 1, 2009; formerly LJuCR 3.11 renumbered and amended effective September 2, 2013; **September 1, 2016.**]

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.3 NOTICE OF TERMINATION HEARINGS

(a) Generally. Notice and Summons & Notice to Counsel.

(1) **Notice and Summons.** A notice and summons of the preliminary hearing, ~~pre-trial conference~~ and termination Fact Finding ~~hearing trial~~ shall be issued by the Clerk of the Court or petitioner and served by the petitioner along with a copy of the termination petition and order setting case schedule on all parties, including a child who at the time of the scheduled termination Fact Finding ~~hearing trial~~ will be age 12 or over, in the manner defined by RCW 13.34.070 or published in the manner defined by RCW 13.34.080.

(2) **Notice to Counsel.** In all cases where a party is represented by counsel in the underlying dependency action, the petitioner shall also provide counsel with a copy of the petition, notice and summons, and order setting case schedule. If the youth is age twelve (12) or older and not represented by counsel, a copy shall be given to the Office of Public Defense for appointment of counsel for the youth.

(3) Advice to be contained in the Notice and Summons.

(A) The notice shall clearly state the date, time and place for the hearings and shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.180 for termination petitions, the requirements of RCW 13.36.030 for guardianship petitions, and RCW 13.34.062 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one.

(B) The notice and summons shall also advise the parties that failure to appear or otherwise plead or respond to the Petition shall be the basis for the Court to enter an Order of Default against that party.

(b) **Indian Children.** If the petitioner knows or has reason to know that the child involved is or may be an Indian child as defined in RCW 13.38, the petitioner shall notify the Tribe(s) in the manner required by RCW 13.34.070(10), 13.38.070 and 25 U.S.C. 1912.

(c) **Case Schedule.** Upon the filing of a termination petition, the Clerk of the Court will prepare and file an order setting case schedule and provide one copy to the petitioner. The petitioner shall serve a copy of the case schedule on all parties as provided in these rules. The case schedule shall be in a format set by the Court and shall set the termination Fact Finding ~~hearing trial~~ no more than 150 days after the filing of the termination petition. The case schedule will also identify the designated dependency judge to whom the termination Fact Finding ~~hearing proceeding~~ is assigned.

(d) **Preliminary Hearing.** The case schedule will set a preliminary hearing on the termination petition no more than 90 days after the filing of the petition. The preliminary hearing shall be set on ~~the juvenile court dependency~~ the appropriate dependency calendar and the Court shall determine whether any party shall be found in default and an order of termination of the parent-child relationship entered as to that party.

Nothing in this rule shall preclude any party from noting any additional motions prior to the pretrial ~~conference hearing~~ pursuant to local or civil rule, and shall be set on the ~~juvenile court dependency~~ appropriate dependency calendar.

~~(e) **Pre-trial Conference.** The Court shall hold a pre-trial conference on the termination petition no more than 120 days after the filing of the petition at a location and time specified at the preliminary hearing, unless modified by Court order. The pre-trial conference shall be set on the juvenile court pre-trial calendar. All parties must be present at the pre-trial conference unless specifically excused by the Court. The pre-trial conference shall be conducted as provided in LJUCR 3.7(a)(2)(5). All motions filed after the pre-trial conference order has been entered shall be brought pursuant to LCR 7 before the designated dependency Judge, unless otherwise assigned.~~

[Effective January 2, 1994; amended effective July 1, 1994; August 20, 1998; September 1, 2005; January 1, 2006; September 2, 2013; ~~September 1, 2016.~~]

LJuCR 4.4 AMENDMENT OF CASE SCHEDULE

[Rescinded]

~~—(a) **Generally.** The Court, either on motion of a party or on its own initiative, may modify any date in the case schedule for good cause, except that the fact-finding trial date may be changed only as provided below. If a case schedule is modified on motion of a party, that party shall prepare and present to the Court for signature an amended case schedule, which the party shall promptly file and serve on all other parties. If a case schedule is amended on the Court's own motion, the Court will prepare and file the amended case schedule and promptly mail it to all parties.~~

~~—(b) **Change of Fact-Finding Date**~~

~~—(1) **Limited Adjustment of Fact-Finding Date to Resolve Schedule Conflict.** Any party to a termination proceeding may move for an adjustment of the fact-finding trial date to~~

~~resolve schedule conflicts by making a written motion in accordance with LCR 7. The motion must be brought within 30 days of the filing of the termination petition, notice and summons and order setting case schedule, but only to a day no more than 28 days before or 28 days after the fact-finding trial date listed in the case schedule.~~

~~——— **(2) Continuance of Fact-Finding.** Any motion to continue the fact-finding trial date made more than 30 days after filing of the termination petition, or to continue the fact-finding more than 28 days after the original fact-finding date, will not be granted unless the motion is supported by a showing of good cause. The motion must be made in writing in accordance with LCR 7. If a motion to change the trial date is made after the pre-trial conference, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires.~~

~~——— **(3) Approval of Party.** A motion for continuance made under subsection (2) above will not be considered unless it is signed by both the party making the motion and the party's attorney, if any, or contains an explanation of why it was impracticable for the party to sign the motion and a certification that a copy of the motion has been mailed or otherwise delivered to the party.~~

~~——— **(4) Order Striking Fact Finding Date.** An Order striking Fact Finding Date shall be filed upon any resolution of the case short of the trial date.~~

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005; September 1, 2008; formerly LJuCR 4.5, renumbered effective September 2, 2013; ~~rescinded effective September 1, 2016.~~]
