King County Superior Court

2013 Proposed Local Rule Revisions

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LCR 4. CIVIL CASE SCHEDULE

(a) ***Case Schedule*.** Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed electronically the Clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in paper form the Clerk will provide two copies to the party filing the initial pleading.

(b) ***Cases not governed by a Case Schedule*.** Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

(1) Change of name;

(2) Domestic violence protection (RCW chapter 26.50);

(3) Anti-harassment protection (RCW chapter 10.14);

(4) Uniform Reciprocal Enforcement of Support Act (URESA) and Uniform Interstate Family Support Act (UIFSA). See LFLR 5;

(5) Unlawful detainer;

(6) Foreign judgment;

(7) Abstract or transcript of judgment;

(8) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;

(9) Civil commitment;

(10) Proceedings under RCW chapter 10.77;

(11) Proceedings under RCW chapter 70.96A;

(12) Proceedings for isolation and quarantine;

(13) Vulnerable adult protection (RCW 74.34);

(14) Proceedings referred to referee under RCW 4.48. See LCR 53.1;

(15) Adoptions;

(16) Sexual Assault protection (RCW 7.90)

(17) Emancipation of a Minor. See LFLR 18;

(18) Will Contests, Probate and TEDRA Matters ~~with the exception of Will Contests~~;

(19) Marriage Age Waiver Petitions. See LFLR 19;

(20) Receivership Proceedings (filed as an independent action and not under an existing proceeding);

(21) Work Permits;

(22) Small Claims Appeals;

(23) Petition to Approve Minor/Incapacitated Adult Settlement (when filed as an independent action and not under an existing proceeding).

(c) ***Service of Case Schedule on Other Parties*.**

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR30.2 (d), with proof of service to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(d) ***Amendment of Case Schedule.*** 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 trial date may be changed only as provided in LCR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge, except as provided below:

(1) The Deadline for Disclosure of Possible Primary Witnesses and/or the deadline for Disclosure of Additional Witnesses (LCR26 (b)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: "No party may assert this delay in the Disclosure of Witnesses as a basis for a continuance of the established trial date".

(2) The Discovery Cutoff (LCR 37(g)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: "No party may assert this extension of the Discovery Cutoff as a basis for a continuance of the established trial date".

(e) ***Form of Case Schedule.***

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing:	0
Confirmation of Issues (LFLR 4(c) for dissolution and modification cases):	F+16
Status Conference, if needed (Domestic Relations cases only-see LFLR 4(e)):~~Confirmation of Joinder (LCR 4.2(a) for civil cases); or~~	F+20~~F+23~~
Confirmation of Joinder (LCR 4.2(a) for civil cases):~~Confirmation of Issues (LFLR 4(c) for dissolution and modification cases); or~~	F+23~~F+16~~
~~Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases):~~	~~F+34~~
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1):	F+23
Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases):~~Status Conference, if needed (Domestic Relations cases only-see LFLR 4(e)):~~	F+34~~F+20~~
Disclosure of Possible Primary Witnesses (LCR 26(b)):	T-22

Disclosure of Possible Additional Witnesses (LCR 26(b)):	T-16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)(LCR 38(b)(2)):	T-14
Discovery Cutoff (LCR 37(g)):	T-7
Deadline for Engaging in Alternative Dispute Resolution:	T-4
Deadline for filing "Joint Confirmation Regarding Trial Readiness" (LCR 16):	T-3
Exchange of Witness and Exhibit Lists and Documentary Exhibits(LCR 4(j)):	T-3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56, CR 56):	T-2
Deadline for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions:	T-1
Joint Statement of Evidence (LCR 4(k)):	T-1
Trial:	T

IT IS ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in CR 37, may be imposed for noncompliance. IT IS FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated:_____ _____

Judge

I understand that a copy of this document must be given to all parties: _____
(Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

(f) ***Monitoring*****.** At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

(g) ***Enforcement; Sanctions; Dismissal; Terms***.

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term

"monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

(h) ***Failure to Follow Schedule.*** The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for a status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

(i) ***Failure to Appear on Scheduled Trial Date***

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall file their proposed final documents within thirty days of the trial decision.

(j) ***Exchange of Witness and Exhibit Lists.*** In cases governed by a Case Schedule pursuant to LCR 4, the parties shall exchange, no later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires. See LCR 26 (witness disclosure requirements.)

(k) ***Joint Statement of Evidence.*** In cases governed by a Case Schedule pursuant to LCR 4 the parties shall file, no later than 5 court days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

(l) ***Non-dispositive Pretrial Motions.*** All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LCR 7(b). Responsive documents shall also be served and filed pursuant to the requirements of LCR 7(b). In addition, working copies of all motion documents shall be provided pursuant to the requirements of LCR 7(b).

(m) ***Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions.*** Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a working copy submitted to the assigned Judge, no later than five court days before the scheduled trial date.

Official Comment

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or JuCR 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

3. Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

4. A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

5. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

6. The deadlines in the Case Schedule do not supplant the duty of parties to timely answer interrogatories requesting the names of individuals with knowledge of the facts or with expert opinions. Disclosure of such witnesses known to a party should not be delayed to the deadlines established by this rule.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008; June 1, 2009; September 1, 2010, December 1, 2010, March 1, 2011, June 1, 2011, September 1, 2011, September 1, 2012.]

LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a)-(c) ***[Reserved].***

(d) ***Filing.*** No motion for any order shall be heard unless the original documents pertaining to it have been filed with the Clerk.

(k) ***Copies of Cases Not to be Filed.*** Working copies of cases shall be provided to a judge pursuant to LCR 7(b), but shall not be filed with the clerk. 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.

[Amended effective September 1, 1994; September 1, 1999; September 1, 2002; June 1, 2009.]

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 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 Limits. The initial motion and opposing memorandum shall not exceed 12 pages without authorization~~authority~~ of the court; reply memoranda shall not exceed five pages without the authority of the court.

(C) Form of Proposed Orders; Mailing Envelopes. The moving party and any party opposing the motion shall attach a proposed order to the working copies of their documents. The original of each proposed order shall be submitted to the hearing judge but shall not be filed with the Clerk. For motions without oral argument for which working copies are submitted in paper form, the moving party shall also provide the court with pre-addressed stamped envelopes addressed to each party/counsel. Envelopes are not necessary when submitting working copies electronically via the Clerk's eFiling Application. However, parties are required to include addresses for each party/counsel on the distribution list tab within the eWorking copies component.

(D) Presentation by Mail. With respect only to those matters that must be presented to the assigned judge, the Chief Civil Judge, the chief judge of the Maleng Regional Justice Center or the Chief Judge of the Unified Family Court Department, parties may present agreed orders and ex parte orders based upon the record in the file by mail, addressed to the court. When signed, the judge/commissioner will file such order with the Clerk. For agreed orders presented in paper form, an addressed stamped envelope shall be provided for return of any conformed materials.

(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.]

LCR 16. PRETRIAL DEADLINES AND PROCEDURES

(a) ***Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.***

(1) Mandatory Joint Confirmation of Trial Readiness. Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk, and provide a working copy to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

(A) Type of trial and estimated trial length;

(B) Trial week attorney conflicts;

(C) Interpreter needs;

(D) To what extent alternative dispute resolution has been used in the case;

(E) Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

(b) ***Alternative Dispute Resolution (ADR) – All cases.*** See also LCR 4.

(1) ~~**Court Order.**~~ Unless excused by an order signed by the judge to whom a case is assigned, or a family law commissioner in the case of a family law matter, the parties in every case governed by a case schedule as set forth by LCR 4(b) shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party no later than 28 days before trial.

(2) Preparation for Conference.

(A) Attendance and Preparation Required. The attorney in charge of each party's case shall personally attend all alternative resolution proceedings and shall come prepared to discuss in detail and in good faith the following:

(i) All liability issues.

(ii) All items of special damages or property damage.

(iii) The degree, nature and duration of any claimed disability.

(iv) General damages.

(v) Explanation of position on settlement.

(B) Family Law Cases--Requirements. See LFLR 16.

(3) Parties to Be Available.

(A) Presence in Person. The parties shall personally attend all alternative resolution processes, unless excused, in advance, by the person conducting the proceeding.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference or other dispute

resolution process, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend in person with sufficient authority to bind the insurer to a settlement. If the representative is not available in King County, the representative shall be available by telephone at the parties' expense.

(4) Failure to Attend. Failure to attend the dispute resolution procedure in accordance with paragraphs (A) and (B) above may result in the imposition of terms and sanctions that the judge may deem appropriate.

(5) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in the matter, unless all parties agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990, September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004; September 1, 2004; September 1, 2007; September 1, 2008; June 1, 2009, September 1, 2012]

LGR 15. DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

(c) ***Sealing or Redacting Court Record~~s~~.***

(1) Motions to Destroy, Redact or Seal Previously Filed Documents.

(A) Civil. Motions to destroy, redact or seal all or part of a previously filed civil or domestic relations court record shall be filed with the clerk and presented, in accordance with GR 15 and GR 22, to the assigned judge or if there is no assigned judge, to the Seattle Chief Civil Judge for civil cases with a Seattle designation and to the Chief Judge of the Maleng Regional Justice Center~~in Kent~~ for civil cases with a Kent designation, the Chief Unified Family Court Judge for family law cases with children, with the following exceptions.

(B) Criminal. Motions for cases that are not pending trial shall be presented to the assigned judge or his or her successor or, if there is no trial assigned judge or successor, to the Seattle Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center.

(C~~A~~) Guardianship, Trusts and Probate: (Title 11) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte~~ and Probate~~ Commissioner.

(D~~B~~) Vulnerable Adult Protection Order: (RCW 74.04) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte ~~and Probate~~ Commissioner.

(E~~C~~) Minor/Incapacitated Settlement: The motion shall be presented to the judicial officer who approved the minor settlement unless the judicial officer who approved the minor settlement is a pro tem commissioner, in which case the motion shall be brought before the assigned judge or any regularly sitting Ex Parte ~~and Probate~~ Commissioner.

(F~~D~~) Name Changes Based on Domestic Violence: If no assigned judge, motion may be presented by the requesting party to any regularly sitting (but not a pro tem) Ex Parte ~~and Probate~~ Commissioner.

(G~~E~~) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 Cases: In a proceeding brought pursuant to RCW 26, "financial source document", "personal health care record" and "confidential report" as defined under and submitted in accordance with GR 22 will be automatically sealed by the clerk without court order, if accompanied by the proper cover sheet. See, also, LFLR 5(c) and LFLR 11 with

respect to family law court records in general.

(2) Motions to Seal/Redact when Submitted Contemporaneously with Confidential Document – Not to be Filed.

(2) Orders to Destroy, Redact or Seal. Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order; the clerk's office is directed to return any order that is not so captioned to the judicial officer signing it for further clarification.

(A) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Criminal Cases Pending Trial. Submit to the Chief Criminal Judge, pursuant to the protocol in the Criminal Department Manual: http://www.kingcounty.gov/courts/SuperiorCourt/criminal.aspx.

(B) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Sexually Violent Predator Cases Pending Trial. Submit to assigned judge, pursuant to (E) below.

(C) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Dependency and Termination Cases Pending Fact Finding. Submit to the Chief Juvenile Judge, pursuant to the published protocol available on the Court's Website XXX.

(D) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Juvenile Offender Cases Pending Trial. Submit to the Chief Juvenile Judge, pursuant to the protocol in the Juvenile Department Offender Manual: http://www.kingcounty.gov/courts/JuvenileCourt/offenders.aspx

(E) All Other Motions.

(i) The moving party shall provide the following directly to the hearing judge and not file**:** **See also LCR 26(c), LCR 79 (d)(6), LFLR 5(c) and LFLR 11. The** clerk is directed to not accept for filing and to return to the signing judicial officer any order that is in violation of this order.

(3) Motions to Seal/Redact Filed Contemporaneously with Confidential Document(s).

(A) Contemporaneously with filing the motion to seal, the moving party shall provide the following as working copies:

(i a) The original unredacted copy of the document(s) the party seeks to file under seal to the hearing judge in an envelope for in camera review. The words "SEALED PER COURT ORDER DATED [insert date]" shall be written on the unredacted document(s). The following information shall be written on the envelope: The case caption and cause number; a list of the document(s) under review; and the words "SEALED PER COURT ORDER DATED [insert date]."

(ii b) A proposed redacted copy of the subject document(s).

(iii c) A proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).

d) A self-addressed envelope with appropriate postage for the return of the document, should the party request said return.

(B ii) If the hearing judge denies, in whole or in part, the motion to seal, the judge will return file the original unredacted document(s) unsealed with an and the proposed redacted document(s) to the submitting party upon request to return if envelope with postage was provided and will file the order denying the motion to seal. The words "SEALED PER COURT

~~ORDER FILED [insert date]" will be crossed out on the unredacted document(s).~~

~~**(C)** The unredacted document(s) shall not be filed electronically. If submitted through the Clerk's Working Copies Application, the unredacted document(s) will be placed, by the Clerk's Office, in an envelope as described above.~~

(iii~~D~~) If the hearing judge grants the motion to seal~~, in whole or in part,~~ the judge will file the sealed document(s) contemporaneously with a separate order granting the motion. If the judge grants the motion by allowing redaction, the judge shall write the words "SEALED PER COURT ORDER DATED [insert date]" in the caption of the unredacted document before filing.

(e) ***Motions to Unseal or Examine.*** See LCR 77(i)(11) with respect to motions to unseal or examine a sealed court record.

(f) ***Orders to Destroy, Redact or Seal.*** Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order other than a protective order in criminal cases; the clerk's office is directed to return any order that is not so captioned to the judicial officer signing it for further clarification. See also LCR 26(c), LCR 79 (d)(6), LFLR 5(c) and LFLR 11. The clerk is directed to not accept for filing and to return to the signing judicial officer any order that is in violation of this rule.

[Adopted effective September 1, 2008; amended effective January 1, 2009; January 1, 2009; September 1, 2009; September 1, 2010]

LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS.

(a) ***Location of Courthouse (Case Assignment) and Courtrooms.*** Except as otherwise ordered or directed, all proceedings filed under a case with a "UFK" or "KNT" designation shall be heard at the Maleng Regional Justice Center, 401 4th Ave. N. in Kent, and all proceedings filed under a "UFS" or "SEA" designation shall be heard at the King County Courthouse, 516 Third Avenue in Seattle. See LCR 82 as to the designation of case assignment areas. The Family Law Motions courtrooms in Kent are located at Room 1-G and in Seattle at Room W-291. Other courtroom numbers may be obtained from the King County Superior Court Clerk or by accessing http://www.kingcounty.gov/courts/clerk.

(b) ***Where to Schedule Motions; General Rule.*** Except as otherwise provided in these rules, contested pre-trial and post-trial motions in family law proceedings, including non-marital relationships involving parenting and/or the distribution of assets/liabilities, shall be heard on the Family Law Motions Calendar. See LFLR 6 for Family Law Motions Calendar Procedures. Agreed orders and orders to show cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

(c) ***Where to Schedule Specific Types of Motions; Exceptions to General Rule [LFLR 5(b)].*** The following specific types of Family Law Motions are to be scheduled as follows:

(1) Entry of Agreed and Default Final Decrees Parenting Plans and Custody Orders: Uncontested final Decrees of Marriage Dissolution~~,~~ and Legal Separation ~~and~~

~~Invalidity~~ as
well as all Final Parenting Plans or Residential Schedules and Final Dissolution of Domestic Partnership Orders shall be presented to the Ex Parte and Probate Department by noting the motion on the uncontested dissolution calendar on at least fourteen (14) days notice, provided that, the matter need not be noted for hearing when presented by an attorney of record, who as an officer of the court, has signed and filed a certificate of compliance in the form prescribed by the court. At least one party shall appear to provide oral testimony or formal proof with respect to entry of a final decree of dissolution or~~,~~ legal separation ~~or invalidity~~ unless a final parenting plan with respect to all dependent children of the relationship has already been entered or there are no dependent children of the relationship and the final proposed orders are presented by an attorney, in which case the final orders may presented through the Clerk's Office pursuant to LCR 40.1 and shall be accompanied by the certificate of compliance as well as a declaration under penalty of perjury signed by one of the parties within the last 30 days stating that the wife is not pregnant and there are no dependent children of the relationship. The declaration shall be in substantially the same form as set forth in Appendix 1 and shall be available online at www.kingcounty.gov/courts/clerk. ~~-~~All final non-parental custody orders entered by agreement or default shall be presented on the uncontested dissolution calendar on at least 14 days notice, whether or not the parties are represented by counsel, provided that they may also be presented at the time of the Mandatory Case Review hearing (as set forth in the Case Schedule).

APPENDIX I- Model Form Declaration in lieu of Formal Proof for Decree of Dissolution, Invalidity or Legal Separation

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In Re the Marriage of:
_____, NO.
Petitioner,

And

DECLARATION IN LIEU OF FORMAL PROOF

_____,
Respondent.

REQUEST: The [ ] petitioner [ ] respondent requests immediate entry of Findings of Fact, Conclusions of Law and Decree without the necessity of a personal appearance~~-~~, and states:
RESIDENCE: Either the petitioner or respondent was a resident of the State of Washington or was a member of the Armed Forces and was stationed in the State of Washington when the petition was filed.
90 DAY WAITING PERIOD: If this is a dissolution of marriage, the marriage is now irretrievably broken and more than 90 days have elapsed since the later of
_____,
20____, the date on which the Petition was filed, and _____,
20____, the date:

[ ] the respondent signed an acceptance of service.
[ ] the summons and petition were personally served upon the respondent.
[ ] the summons and petition were mailed pursuant to an order for service by mail.
[ ] the summons was first published pursuant to an order for service by publication.

DEFAULT: The respondent is _____ is not_____ in default.
MARRIAGE :The parties were married on _____ 20____, at [city, state] _____ and separated on _____, 20____.
PREGNANCY: The wife is not now pregnant.
CHILDREN: The following children have been born to or adopted by either party:

Name	Date of Birth	Father of child	Mother of child

DEPENDENT CHILDREN: [SELECT ONE]:
[-] -A final parenting plan has been entered for all dependent children of the marriage.
[-] -There are no children under the age of 18 years of age born to or adopted by the wife or who are otherwise dependent upon the wife, or, all such children were born before the marriage and have not been adjudicated or acknowledged to be the husband's child.
PROPERTY: All property and all debts of the parties are fairly and completely divided in the Decree.
DEFAULT : If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.
PERJURY : I declare under penalty of perjury under the laws of the State of Washington that this foregoing is true and correct.

Dated:_____, 20_____.

[Signed]_____at _____, Washington

Presented by: [Signed] _____
Bar Number: _____
Approved, notice of presentation waived:
[Signed]_____

~~**(2) UFC Cases:** If a case has been accepted into Unified Family Court (UFC) for case management, motions shall be scheduled and heard in accordance with the Order upon Acceptance to Unified Family Court. See LFLR 7.~~

(2~~3~~) -Support Modification Calendar: Pre-trial Motions related to the support modification calendar shall be brought as set forth in LFLR 14.

(3~~4~~) -Motions to be scheduled before judges: Motions scheduled before judges shall be brought using the timelines required by the applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days notice and without oral argument unless otherwise directed by the court. The following motions shall be scheduled before the assigned

judge, or if there is no assigned judge, by the Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court Judge:

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

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

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

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

(E) -Motions related to discovery. Motions to obtain discovery, such as to appoint an expert or to require an evaluation of a party, valuation of a business or property, or inspection of property, shall be scheduled on the family law motions calendar. Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge. See LFLR 14 for child support and spousal maintenance modifications and adjustments.

(F) -Motions to Enforce a CR2A Agreement.

(G) –Motions for Revision of a Commissioner's Order. See LCR 7(b)(8).

(H) Motions to reinstate a case that has been dismissed. If the trial date has passed, the case no longer has an assigned judge; therefore, motions to reinstate the case or vacate the order of dismissal must be brought before the Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court Judge.

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

(4~~5~~) -**Motions related to Trials and Appeals:** Presentation of final orders related to a trial, motions to reconsider or vacate a judgment or decree entered after trial, and motions relating to the appeal of a final order entered after a motion or a trial (including motions to waive fees for the appeal, to stay the underlying order), shall be noted before the trial judge. If a commissioner entered the final order that is appealed, such motions shall be noted before the Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge. Motions in limine and trial motions shall be brought before the trial judge.

(5~~6~~) -**Motions to Vacate Orders.**

(A) -An agreed order to vacate an order shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office, unless the effect of the order would be to reinstate a case that has been dismissed or where the trial date has passed, in which case the agreed order shall be presented pursuant to LCR 60.

(B) -An agreed order to vacate a Clerk's dismissal so that parties may enter final orders shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

(C) -A motion to vacate an order signed by a judge shall be noted before that judge, unless the original order was entered by agreement or after a default, in which case the motion to vacate shall be noted before the Chief Civil/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge.

(D) -A motion to vacate an order signed by a commissioner shall be noted on the family law motions calendar unless the effect of that motion would be to reinstate a case that

has been dismissed. *See* section (3)(H) above.

(6~~7~~) Change of Case Assignment Area or Consolidation of Cases: A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge provided that family law commissioners may consolidate a domestic violence protection order proceeding under a family law proceeding.

(7~~8~~) Motions for Reconsideration. See LCR 59.

(8~~9~~) Motions for Default Orders and Default Judgments.

(A) When notice is not required, motions for default orders and judgments shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. If notice to an opposing party is required (for example, when an appearance but no answer has been filed), motions for default orders and judgments shall be noted on the family law motions calendar in accordance with LFLR 6.

(B) Appearance by Responding Parties without Filing a Response. If a party has appeared in the proceeding, but not filed a Response to the Petition, any other party may move for an Order of Default on the Family Law Motion Calendar, to be presented without oral argument through the Clerk's office. Upon entry of the Order of Default, the evidence may be reviewed and a default judgment (including an order setting support) may be entered in the Ex Parte and Probate Department.

(9~~10~~) Orders Shortening Time. Motions for Orders Shortening Time shall be heard in accordance with LCR 7 except that the motion shall be heard by the same judicial officer or calendar that is assigned under these rules to hear the substantive motion.

(10~~1~~) Writs of Habeas Corpus. Application for Writs of Habeas Corpus Relating to Minor Children shall be presented to and returnable to the judge of the Unified Family Court Department currently assigned to the Status/Noncompliance calendar at the Maleng Regional Justice Center (MRJC) in Kent or, in the event of his or her absence, to the most senior judge assigned to~~of~~ the Unified Family Court Department at the MRJC~~Regional Justice Center~~. Contact the office of Court Operations at the MRJC (206-205-2501) to find out which judge is handling Habeas Corpus matters relating to miner children.

[Adopted effective September 1, 2004; amended affective September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010.]

LFLR 16. ALTERNATIVE DISPUTE RESOLUTION (ADR).

(a) ***Alternative Dispute Resolution Required.*** Except in cases involving domestic violence, child support only modifications (RCW 26.09.175), or where waived by a court order, the parties in every case shall participate in a settlement conference, mediation or other alternative dispute resolution process conducted by a neutral third person no later than thirty (30) days before trial.

(b) ***Attendance at the Alternative Dispute Resolution Proceeding.*** All parties and their attorneys, if any, shall personally attend and participate in all alternative resolution proceedings and shall come prepared to discuss all unresolved issues.

(c) ***Required materials.*** Proposed final orders, a financial declaration and, if parenting is

at issue, a proposed parenting plan, as well as any other materials requested by the neutral third person must be provided to the neutral third person and all parties no later than two (2) working days before the day scheduled for the conference. The materials are not to be filed with the Clerk. When the division of property or debt is at issue, the parties shall provide a table listing all their property and debt substantially the following format:

Description of Property	*Community or Separate?*	*Gross and Net value*	*Amount owed/Cost of Sale*	*Award to husband or wife?*

Description of Debt	*Community or Separate?*	*Amount owing*	*Post-Separation?*	*Award to husband or wife?*

Totals: Property to Wife $_____
Property to Husband $_____
Debt to Wife $_____
Debt to Husband $_____
Other Requests: _____
The above property and debt distribution is proposed by: _____
Signature: _____ Date: _____

(d) ***Duty of good faith*****.** Each party is under an obligation to act in good faith in an attempt to resolve the issues without the need for trial. Failure to act in good faith or failure to abide by the provisions of this rule may result in the imposition of sanctions by the assigned judge.

(e) ***Pretrial Procedures in Family Law Cases Involving Children*****.**

(1) Pretrial Conference. In dissolution cases involving families with children, non-parental custody cases, paternity cases not filed by the prosecutor, domestic relocation cases, cases to establish or disestablish paternity and set residential schedules, and in actions to establish or modify a parenting plan, the Court will schedule a pretrial conference, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is unrepresented. The conference may include:

(A) Hearing of non dispositive pretrial motions;
(B) Filing of trial briefs;
(C) The Court's estimate of length of trial;
(D) Any other matters that might simplify the issues and bring about a just, speedy and economical resolution of the matter.

[Adopted effective September 1, 2004; Amended effective September 1, 2008]

LCrR 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) ***Assignment of Lawyer.***

(4) Appointed and assigned counsel shall file quarterly, with the Clerk, on the form recommended by the Supreme Court, a certificate declaring that counsel is in compliance with the applicable Standards for Indigent Defense promulgated by the Supreme Court of Washington. An appointed or assigned attorney who is not in compliance with the applicable standards, or who has not filed a certificate prior to appearing or filing a notice of appearance, shall so advise the court at every hearing.

(f) ***Services Other Than Counsel.*** Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the King County Office of the Public Defender. Upon finding that investigative, expert or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the King County Office of the Public Defender (OPD) shall authorize the services. Where services are denied in whole or in part, the defendant may move for *de novo* review to the Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center. Should defendant seek an order sealing the moving papers, defendant shall present, along with the moving papers, a motion and proposed order sealing the documents to the OPD. OPD shall submit the motion to seal and proposed order with the moving papers regarding request for expert services and OPD's order on the motion for expert services to the Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center.

[Adopted effective January 1, 1996; Amended effective September 1, 2008;~~,~~ September 1, 2011;~~,~~ November 29, 2011;~~,~~ March 2, 2012;~~,~~ September 1, 2012; September 27, 2012; December 21, 2012]

LJuCrR 9.2 ADDITIONAL RIGHT TO REPRESENTATION BY COUNSEL

(d) Juvenile Offense Proceedings.

(1) Appointed and assigned counsel shall file quarterly, with the Clerk, on the form recommended by the Supreme Court, a certificate declaring that counsel is in compliance with the applicable Standards for Indigent Defense promulgated by the Supreme Court of Washington. An appointed or assigned attorney who is not in compliance with the applicable standards, or who has not filed a certificate prior to appearing or filing a notice of appearance, shall so advise the court at every hearing.

[Adopted effective September 27, 2012; December 21, 2012]

XVI. LOCAL JUVENILE COURT NON-OFFENDER RULES
(Cite as LJuCR)

TITLE I. SCOPE AND APPLICATION OF RULES

LJuCR 1.1 SCOPE OF RULES: *Reserved*

LJuCR 1.2 JURISDICTION OF JUVENILE COURT

(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.

LJuCR 1.3 DEFINITIONS *Reserved*

LJuCR 1.4 APPLICABILITY OF OTHER RULES

(a) *Reserved*
(b) *Reserved*
(c) *Reserved*
(d) *Reserved*
(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.

LJuCR 1.5 *Reserved*

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.0 RIGHT TO APPOINTED COUNSEL

(a) ***Appointment.*** A child's parent, legal guardian, or legal custodian has the right to be appointed an attorney, if qualified on the basis of indigency, as provided in RCW 13.34.090. The Court shall not appoint an attorney for any parent, legal guardian, or legal custodian not present at a hearing unless the Court makes a specific finding that a compelling reason for such appointment exists. Representation by a Court appointed attorney for a parent, legal guardian, or legal custodian in a dependency proceeding is limited by the provisions of these rules and the notice set forth in LJuCR 3.4(b).

(b) ***Motion for Appointment.*** At any point in an RCW Chapter 13.34 proceeding including proceedings for termination of parental rights or to establish dependency guardianships, a party who is not represented by an attorney may move the Court for appointment of an attorney, or referral therefor, pursuant to this rule.

(c) ***Demonstration of Eligibility.*** At any point in an RCW Chapter 13.34 proceeding, the Court may require on the motion of a party or the Court's own motion, a child's parent, legal guardian, or legal custodian to demonstrate current financial eligibility for a Court appointed attorney.

[Adopted effective March 20, 1997]

LJuCR 2.1 PLACEMENT OF JUVENILE ~~CHILD~~ IN SHELTER CARE GENERALLY
Reserved

LJuCR 2.2 RELEASE OF JUVENILE ~~CHILD~~ FROM SHELTER CARE WITHOUT HEARING

(a) ***If Shelter Care Is Without Court Order.*** If a **juvenile** ~~child~~ is taken into shelter care by a law enforcement officer without a court order, the child shall be released unless a petition alleging dependency is filed and a shelter care hearing held within 72 hours (excluding Saturdays, Sundays, and holidays) after the **juvenile** ~~child~~ is taken into custody.

(b) ***If Shelter Care Is With Court Order.*** If a **juvenile** ~~child~~ is taken into shelter care pursuant to a court order, the **juvenile** ~~child~~ shall be released unless a shelter care hearing is held within 72 hours (excluding Saturdays, Sundays, and holidays) after the **juvenile** ~~child~~ is taken into custody.

~~**(c)** ***72-Hour Hearing For A Currently Adjudicated Dependent Child.*** If a child at the time of placement pursuant to LJuCR 2.1 above is an adjudicated dependent child pursuant to RCW 13.34, the 72-hour hearing shall be a contested dependency review hearing and the parties may submit reports and present argument subject to such limitations as the Court may impose. The hearing shall have the same priority as any other 72-hour hearing pursuant to LJuCR 2.4(b). Such hearing may be continued pursuant to LJuCR 2.3 (e) or (f) below.~~

[Effective January 2, 1994.]

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) ~~**(a)**~~ ***Shelter Care Hearing Required.*** ~~***Setting of Shelter Care and Fact-Finding Hearings.***~~ 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 ~~of the Court~~ shall issue a **case schedule and a** notice and summons pursuant to RCW 13.34.070 for ~~the~~ **a pretrial 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.

~~**(b)** ***Notice of Shelter Care Hearings.*** The notice of the 72-hour and 30-day shelter care hearings shall be given to the child's parents, guardians, or legal custodians,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, 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 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. 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.~~

(c) ~~***Written***~~ ***Notice of Shelter Care*** ~~***and Fact-Finding***~~ ***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 fact-finding hearing 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**, ~~and~~** 13.34.080**, and 13.38.070**.

(d) Indian Children. ***reserved***

(e) ~~(d)~~ ***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)~~(e)~~ ***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** ~~copies of the petition and any resultant order to the public defender office~~ responsible for providing attorney-of-the-day services on the day ~~of~~ the **petition is filed.**~~72-hour hearing, and CASA program as soon as they are available.~~ The public defender office and CASA program shall be responsible for obtaining said copies.

(g) ~~(f)~~ ***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) ~~(g)~~ ***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. 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.]

LJuCR 2.4 PROCEDURE AT INITIAL SHELTER CARE HEARING

(a) Inform Parties of Rights. The court shall inform parties of their rights as set forth in RCW 13.34.090. ~~***Representation by Counsel.***~~ Any parent, guardian and/or legal custodian of the child, or child age 12 or older, who appears at the 72-hour hearing may be represented, at this hearing, by Court-appointed counsel regardless of financial status unless the party expressly waives this right or has retained counsel.

~~**(b)** ***Priority of Hearing*****.** Hearings regarding a request for emergency placement will be set in the same manner as, and given the same priority of, a 72-hour hearing.~~

(b) Hearing and Decision. ~~**(c)** ***Content of Hearing*****.**~~ At the 72-hour hearing the Court shall:

(1) Determine whether those persons entitled to notice under RCW 13.34 and **RCW 13.38 and** these rules have received notice of custody and rights pursuant to RCW 13.34.060 and ensure that all parties are informed of their legal rights.

(2) Receive evidence from the petitioner regarding efforts made to notify the

parties to this action**, and the child's Tribe** and determine whether additional service of process or publication of notice is necessary. Any party to this action who was personally served notice and summons of the fact-finding hearing pursuant to RCW 13.34.070 or who is present at the 72-hour hearing shall be deemed to have received timely and proper notice of the fact-finding hearing.

(3) Determine whether a CASA shall be appointed for the child.

(4) Determine whether an attorney shall be appointed or a referral to the Office of Public Defense for screening be made for any party, including the child, in accordance with the provisions of LJuCR 2.0 **and RCW 13.38.110**.

(5) Consider and approve agreements pertaining to custody and services pending the 30-day shelter care hearing. The parties may enter into and submit for Court approval an agreed shelter care order. Any such order, if signed by the parent and their attorney, shall constitute sufficient record that the waiver of the 72-hour hearing is knowing and voluntary if the order contains written notice of the rights of the parties to a court hearing and waiver thereof. Agreed orders which are presented without the signature of an attorney for any party must be approved by the Court with the parties present, at which time the Court will inquire into whether the order has been signed knowingly and voluntarily.

(6) Release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian, unless the Court makes specific findings that the requirements of RCW 13.34.065(2) have been satisfied. The Court may order return of the child subject to specific conditions and/or provision of services.

(7) Hear such evidence as may be presented by the parties as to the issues set forth in LJuCR 2.4(c)(6) and otherwise as to the need for shelter care, consistent with the requirements of RCW 13.34.065. All parties have the right to present evidence in the form of offers of proof, affidavits, statements, testimony, and arguments in the context of the reasonable cause standard.

(8) Enter appropriate findings of fact as to whether the child and all persons with parental or custodial rights have received notice of the hearing and which of the material facts are undisputed. Notice must be given by any party moving to establish dependency at subsequent shelter care hearings upon a showing of undisputed facts sufficient to establish dependency pursuant to RCW 13.34.030(5).

(9) Enter orders of protection or temporary restraining orders or preliminary injunctions pursuant to RCW 26.44 and 26.50 as may be necessary to protect the child or the person having custody of the child, or to allow a child to remain in the family home.

(10) Order the necessary placement, conditions of visitation or contact with the child, services and other relief as necessary to protect the child's right to conditions of basic nurture, physical and mental health and safety. Specific conditions may be set by the Court to facilitate a return of the child or increased contact between parent and child, including assessments as provided by RCW 26.44.053. Upon request the Court may provide for an additional protective order regarding confidentiality of the assessment that does not violate the mandatory reporter provisions of RCW 26.44.

(11) Termination of publication (T.O.P.) hearings shall be set by the petitioner and the Clerk of the Court at least 70 days in the future. ~~No T.O.P. hearing shall be set within one week of a fact-finding hearing~~. It shall be the responsibility of the petitioner to show by the petition or other verified statement or certification that the identity or the whereabouts of a

necessary party is unknown or that no other method of service is likely to be successful.

(12) Alternate Dispute Resolution (ADR): The Court may order the case set for mediation, settlement conference, or other ADR process and may adjust the case schedule as necessary to accommodate the ADR schedule.

(c) Release of Juvenile on Conditions. The court may release the juvenile on those conditions it deems appropriate.

[Adopted effective September 1, 1983. Amended effective January 2, 1994; March 20, 1997; September 1, 2001; September 1, 2005.]

LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER ~~PROCEDURE AT SUBSEQUENT SHELTER CARE HEARINGS~~

(a) ***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.

(b) ***Procedure*.** ~~All parties shall attend the hearing.~~ **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.** ~~The Court will review any report submitted by parties or counsel. Such reports shall be submitted to the Court and parties by noon of the day prior to the hearing unless good cause is shown for any delay. Argument shall be limited to whether there has been a change of circumstances since the entry of the initial shelter care order, unless reasonable advance written notice is given to the Court and other parties of new issues or evidence.~~

(c)(~~1)~~ ***New Issues*** ~~or Evidence~~: Reasonable advance written notice shall be given to the court and other parties of the new issues ~~or evidence~~ **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** ~~raising new issues or evidence~~ shall give written notice to the Court and other parties not later than noon **three days** ~~of the day~~ prior to the hearing**. Responses will be provided by noon the day before the hearing.**~~or as otherwise permitted by the Court~~. **All other issues require six days written notice to the parties and the court according to LCR 7.**

~~(2) Facts Not in Dispute: If facts sufficient to establish dependency are not in dispute, the Court shall enter an order establishing dependency. The Court shall inquire of the parties what the issues are and what their position are on the issues.~~

~~(3) Alternate Dispute Resolution: The Court may order the matter certified to an appropriate alternative dispute resolution resource approved by the Court to be conducted prior to the scheduled pre-trial conference. The Court may direct the amendment and reissuance of the case schedule to accommodate the requirement of an alternative dispute resolution process, if requested by a party. If the alternative dispute resolution process results in a resolution or partial agreement, an order conforming to said resolution/partial agreement shall be presented at the pre-trial conference for Court approval. The pre-trial conference and/or fact-finding date may be continued upon motion with proper notice to parties and counsel of record for good cause.~~

~~The Court shall enter an order providing the necessary placement and conditions as provided for in LJuCR 2.4(c)(10) above and set a date within 30 days for submission by the Juvenile Court~~

~~Liaison or private agency coordinator of an "Affidavit of No Change in Circumstances" and a proposed order continuing shelter care~~

~~**(c)** ***Pre-trial Conference.*** A pre-trial conference shall occur at the date and time set in the case schedule unless modified by Court order in the second shelter care hearing, and shall conform to the requirements of LJuCR 3.7. Pre-trial agreements are to be sought on issues regarding discovery, witnesses, evidentiary and other pre-trial questions. Parties must comply with the requirements of LCR 37(e) prior to seeking sanctions for failure to provide discovery or requesting a continuance of the trial date.~~

(d) ***Procedure for Additional Shelter Care 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.** ~~by noon of the day prior to the additional shelter care hearing unless good cause is shown for any delay~~. The hearing date shall be obtained from ~~the Clerk of~~ the Court.

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

~~LJuCR 2.6 SUMMARY JUDGMENT~~

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

~~**(b)** ***Procedure.*** Supporting and opposing affidavits shall set forth in good faith such facts that would be admissible in evidence. The court may permit affidavits to be supplemented or opposed by further sworn statements. An adverse party must respond by affidavit and must set forth specific facts showing that there is a genuine issue for trial. If there is no such response, summary judgment, if appropriate shall be entered against the adverse party. If the party in opposition is unable for good cause to present an affidavit of facts essential to justify his opposition the court may refuse the application for summary judgment or may order a continuance.~~

~~**(c)** ***Form of the Order.*** The court shall determine what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. The court shall make an order specifying the facts that appear without substantial controversy and directing such further proceedings in the action as are just. The order granting or denying the motion for summary judgment shall designate the documents and other evidence relied upon by the court in making the order. Summary judgment may be rendered on the issue of dependency alone and if there is a genuine issue as to disposition, a dispositional hearing may be set.~~

~~[Adopted effective September 1, 2005]~~

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.1 INVOKING JURISDICTION OF JUVENILE COURT

Reserved

~~Juvenile Court jurisdiction is invoked over dependency proceedings by filing a petition.~~

~~[Effective January 2, 1994.]~~

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(a) reserved
(b) reserved
~~**(a)** ***Who May File.*** Any person may file a petition alleging dependency.~~
~~**(b)** ***Venue.*** The petition shall be filed in the county where the juvenile is located or where the juvenile resides.~~
(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 Martin Luther King Office 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; 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.**12**~~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.]

LJuCR 3.3 CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a),(b), (d) – (g) ***reserved***

~~**(a)** ***Identification of the Juvenile.*** The name, age and date of birth, sex and residence of the juvenile so far as known to the petitioner.~~

~~**(b)** ***Identification of Parent, Guardian, or Legal custodian.*** The full name, marital status, residence, phone number, and date of birth or age, if available, of the parent, guardian, or legal custodian, or person with whom the juvenile is residing, so far as known to the petitioner. If not known, the petition shall so state. The address and phone number may be withheld if there are safety concerns.~~

(c) ~~***Membership in Indian Tribe***~~ ***Indian Children.*** If the petitioner knows or has reason to know that the juvenile is or may be a**n** ~~member of an~~ Indian **child as defined in RCW 13.38** ~~tribe or band or may be eligible for membership in an Indian tribe or band~~, the petition shall so state and shall state the name of the **Indian T**~~t~~ribe ~~or band~~, or if not known, the basis of the child's Indian heritage.

~~**(d)** ***Jurisdictional Statement.*** A statement of the statutory provisions which give the Court jurisdiction over the proceeding.~~

~~**(e)** ***Statement of Facts.*** A statement of the facts which gives the Court jurisdiction over the juvenile and over the subject matter of the proceedings stated in plain language and with reasonable definiteness and particularity.~~

~~**(f)** ***Request for Inquiry.*** A request that the Court inquire into the matter and enter an order that the Court shall find to be in the best interests of the juvenile and justice.~~

~~**(g)** ***Verification.*** If the petition is prepared by a Juvenile Court Liaison worker on behalf of the petitioning DSHS social worker, or the private agency coordinator on behalf of an individual or private agency, it shall contain a verified statement by the Liaison worker or private agency coordinator that the information contained therein was provided by the petitioning social worker and that the finalized petition accurately reflects said information.~~

(h) ~~***Other.*** Any other information required by court rule or statute.~~ ***Verification.*** **If the petition is prepared by a Juvenile Court Liaison worker on behalf of the petitioning DSHS social worker, or the private agency coordinator on behalf of an individual or private agency, it shall contain a verified statement by the Liaison worker or private agency**

coordinator that the information contained therein was provided by the petitioning social worker and that the finalized petition accurately reflects said information.

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

LJuCR 3.4 NOTICE AND SUMMONS – SCHEDULING OF FACTFINDING HEARING~~, AND CASE SCHEDULE~~

(a) ***Notice and Summons ~~and Case Schedule~~.*** 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 ~~Pre-trial Conference and~~ 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 a**n** ~~member of an~~ Indian **child as defined in RCW 13.38** ~~tribe or band or eligible for membership in an Indian tribe or band~~, 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.]

LJuCR 3.5 AMENDMENT OF PETITION

Reserved

~~A petition may be amended at any time. The Court shall grant a continuance of the fact-finding hearing if necessary to insure a full and fair hearing on any new allegations in an~~

~~amended petition.~~

~~[Effective January 2, 1994.]~~

LJuCR 3.6 ANSWER TO PETITION

(a) ***When to File*****.** The parents or other respondents shall file an answer to the petition not later than the date provided in the case schedule. If the petition is amended subsequent to filing, the parents and other respondents shall file an answer to the amended portions of the petition within fourteen (14) days of the amendment or at the date provided in the case schedule, whichever occurs later.

(b) ***Age of Child Who May Answer*****.** A child aged twelve or older may file an answer to the petition, but shall not be required to do so.

(c) ***Content of Answer*****.** The answer shall specifically address and admit or deny each allegation in the petition. Denials shall fairly meet the substance of allegations denied. When a parent or other respondent intends in good faith to deny only a part of or to qualify an allegation, he or she shall specify so much of it as is true and material and shall deny only the remainder. If a parent or other respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he or she shall so state and this shall have the same effect as a denial. The answer may be signed by the parent or other respondent, the attorney representing the parent or other respondent, or both. If the answer is signed only by the attorney representing the parent or other respondent, the answer shall include a certification by the attorney that the specific admissions and denials contained in the answer have been discussed with that attorney and approved by the parent or respondent that the attorney represents.

[Effective January 2, 1994; Amended effective March 20, 1997.]

LJuCR 3.7 ~~PRE-TRIAL CONFERENCE AND~~ FACT-FINDING HEARING

(a) ***Procedure at Hearing*****. The court shall hold a factfinding 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) ~~**(a)**~~ ***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) ~~Motions to continue dependency fact findings, brought after the pre-trial conference, and~~ **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**.

~~**(b)** ***Procedure at Fact-Finding 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.~~

~~**(c)** ***Evidence*****.** The Rules of Evidence shall apply to the hearing.~~

~~**(d)** ***Burden of Proof*****.** In a fact-finding hearing, on petition alleging dependency pursuant to RCW 13.34.030(5), the facts alleged in the petition must be proven by a preponderance of the evidence.~~

~~**(e)** ***Findings of Fact*****.** In any dependency action in which the Court makes specific findings of physical or sexual abuse or exploitation of a child, the Court shall direct the Clerk to notify the state patrol of the findings pursuant to RCW 43.43.840 and to fingerprint the perpetrator if he/she is a party to the proceeding.~~

(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.]

LJuCR 3.8 DISPOSITION HEARING

(a) Time. ~~***Hearing Date***~~**.** 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. ~~**(b)** ***Agency Reports***~~**.**

(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.

~~**(c)** ***Informing Parties of Purpose of Hearing.*** The Court shall inform the parties of the legal status of the juvenile as a result of the finding of dependency.~~

(3) ~~**(d)** ***Evidence***~~**.** 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)** ***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.~~

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

(h) ***Contested Dispositional hearing*.** In the event parties enter agreed dependency orders and seek to set a contested dispositional hearing, the contested dispositional hearing shall be set on the Contested Motions Calendar in accordance with LJuCR 3.**12**~~10~~ provided the matter is not expected to exceed 30 minutes. If the matter is expected to take longer than 30 minutes, a pretrial conference 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.**

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; September 1, 2005; June 1, 2009.]

LJuCR 3.9 ~~REVIEW OF DEPENDENCY ORDER~~ REVIEW HEARING

(a) ***Dependency Review Hearings*.** The status of all dependent children must be reviewed by the Court at least every six months from the beginning date of placement episode or the date dependency is established, whichever is first **and shall make findings as required by RCW 13.34.138**. ~~"Current placement episode" means the period of time that begins with the most recent date the child was removed from the home of the parents, guardians or legal custodian for purposes of placement in out-of-home care and continues until the child returns home or an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. Removal of the child from the home by means of a written voluntary consent to place agreement or a Child in Need of Services or At-Risk Youth proceeding initiates a "placement episode."~~ Initial ~~progress~~ review hearings will be per the procedure set out in LJuCR

3.9~~(c)~~**.(b)** Contested ~~review hearing~~ **dependency** motions will be per the motion procedure set out in LJuCR 3.**12**~~10~~ and permanency planning hearings will be per the procedure set out in LJuCR 3.9~~(d).~~ **(c)**

(b) ***Initial ~~Progress~~ Review*****.** The first dependency review hearing held after dependency is initially established shall be an in-court review and shall be set within six months from the beginning date of the placement episode and no more than ninety ('90") days from entry of the dispositional order, whichever comes first. The initial review may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134, or when otherwise appropriate. ~~The review shall include findings required by RCW 13.34.138.~~

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

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

(2) Reports and Contested Issues.

(A) ~~In all cases set for an initial progress~~ **review** ~~or dependency review hearing,~~ **T**he person or agency supervising the dependency will ~~submit~~ **file and serve** a written report and proposed order to all parties ~~and the Court~~ not less than 14 days prior to the scheduled ~~initial progress review~~ hearing. ~~Cases in which the report and proposed order are not timely provided will be stricken from the calendar and reset by an order providing a new initial progress review hearing date.~~ Responsive reports of parties not in agreement with the supervising agency's proposed court order must be **filed and served on** ~~provided to~~ the supervising person or agency, **and** all other parties~~, and the Court~~ at least seven days prior to the hearing. Documents in strict reply, if any, shall be **filed and** served no later than noon of the second court day prior to the hearing. **All pleadings filed shall contain the name of the judicial officer expected to hear the matter or the courtroom assigned, and the date and time of the hearing in the upper right hand corner of the pleading.**

(B) Any party wishing to request **clarification,** ~~a~~ modification**, or enforcement** of the dispositional order, **prior review or permanency planning order,** or **are** request**ing** additional relief from the Court shall utilize the procedures set out for motions in LJuCR 3.**12**~~10~~, **and shall attach to their pleadings a copy of the order sought to be modified.** Failure to do so will prevent that party from being heard on the contested issue at the ~~initial progress review~~ hearing. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or their counsel, the Court may consider the contested issue or continue the hearing.

(C) Working Copies. Working copies of **all pleadings** ~~Reports, Contested motions, Proposed Orders~~ ~~**and responses thereto**~~ shall be **time stamped and** submitted to the ~~c~~**C**ourt ~~c~~**C**oordinator~~.~~ **by noon three court days prior to the hearing, and all replies shall be submitted to the Court Coordinator by the close of business two days prior to the hearing.**

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

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

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

~~**(1) Scheduling.** Cases shall be set for an in-court review hearing on the permanency planning review calendar as follows:~~

~~(A) The agency supervising the placement of the child shall set the case for hearing at the time of the entry of the previous initial progress or dependency review order, or dependency disposition order when the ensuing review date will fall within the time periods set forth above. All permanency planning review hearings will be set at least 30 days before the expiration of the~~

~~time period to allow time for continuances or contested motions as necessary.~~

~~(B) Any party, including the supervising agency, may move to set a case~~

~~for a permanency planning review hearing to ensure that such a review is held within the time periods specified in RCW 13.34.145. A party may move to set a case for permanency planning review hearing at other times only upon a showing that the circumstances of the case warrant such review. The matter shall be set on the permanency planning review calendar by the moving party obtaining an open date from the court coordinator and providing all other parties with at least 14 days' notice of the hearing.~~

~~(C) The Court on its own motion and order may set a case for permanency planning review hearing at any time during the dependency. The parties to the dependency shall be provided with at least 14 days' notice of the hearing.~~

~~**(2) Reports.**~~

~~(A) In all cases set for a permanency planning review hearing by the agency supervising the placement of the child, the agency will submit a report setting forth permanency planning issues and recommendations, and a proposed permanency planning review order, to all parties to the dependency including the child at least 14 days prior to the hearing. The report of the supervising agency shall identify a primary permanency planning goal and may also identify alternative goals. Responsive reports of parties not in agreement must be provided to the supervising agency and other parties at least seven days prior to the hearing. Documents in strict reply, if any, shall be served not later than noon of the second court day prior to the hearing.~~

~~(B) In cases set for a permanency planning review hearing by a party other than the supervising agency, the moving party shall submit a report and proposed order to all parties as set forth above. The supervising agency shall submit a report and proposed order, if different from that of the moving party, at least seven days prior to the hearing.~~

~~(C) In cases set for a permanency planning review hearing by the Court on its own motion and order, the basis for the hearing shall be set forth in or as an attachment to the order. The supervising agency shall, and other parties not in agreement must, submit a report and proposed order at least seven days prior to the hearing.~~

(D) ~~Reports and proposed orders shall be submitted to and held by the DSHS Court Liaison Unit or private agency coordinator for review and signature by the parties prior to the hearing. All reports, proposed orders and legal files shall be provided to the Court by the DSHS Court Liaison Unit or private agency coordinator by noon of the second court day prior to the hearing, after which the reports, proposed orders and files will not be available to the parties until the hearing.~~

~~**(3) Hearings.**~~

~~(A) All permanency planning review hearings shall be in-court hearings to be set on a regular calendar and with such procedures as shall be established by the Court. At the hearing, the Court will review the reports and proposed orders and determine if the permanency plan of care for the child proposed by the supervising agency or moving party is appropriate and to clarify such issues as may be raised by the parties to the hearing. The Court shall make findings as required by RCW 13.34.145.~~

~~(B) The Court shall (1) order the child returned home only if the Court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists, or (2) order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the~~

~~permanency plan adopted by the Court. Nothing in this rule may be construed to limit the ability of the supervising agency to file a petition for termination of parental rights or a dependency guardianship petition at any time following the establishment of dependency.~~

~~**(4) Continuances.** A permanency planning review hearing may be continued one time for failure of the supervising agency to submit a report or proposed order in a timely manner by agreement of the parties, or to allow a party to raise a contested issue, providing that the hearing may not be continued past the date at which a permanency plan for the child must be entered. If a hearing is continued past the date at which a permanency plan for the child must be entered for any reason, the Court may enter an order maintaining the status quo pending the hearing.~~

~~**(5) Contested Issues.** Any party wishing to contest a permanency plan of care for a dependent child that is proposed prior to the permanency planning review hearing by the supervising agency, moving party or the Court shall designate the matter as a contested motion as per the procedures and motion format of LJuCR 3.10 above. The matter shall remain on the permanency planning calendar but in all other aspects shall be treated as a contested motion hearing. Failure by a party to properly utilize the procedures and motion format set forth in LJuCR 3.10 above shall prevent that party from being heard on the contested issue. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or parties, the Court may consider the contested issue or continue the hearing.~~

~~**(6) Agreed Orders.** If all parties to a dependency, including the child, approve the proposed permanency planning review order in writing individually or through counsel, an in-court hearing shall not be required. An agreed order requires that a CASA and/or attorney for the child must sign for a child under 12 years of age. If any party to the dependency, including a party who is unrepresented, does not sign the proposed order, the in-court hearing must be held. However, if one parent was defaulted in the underlying dependency and the whereabouts and/or identity of that parent continue to be unknown to the supervising agency, an order may still be entered without a hearing if agreed to by all other parties. If a party signs a proposed order prior to a hearing and does not attend the hearing, and the Court determines that a permanency plan other than that proposed should be implemented, the party will be notified of the change and provided an opportunity to set a contested motion or otherwise respond to the change.~~

~~**(d) *Retention of Jurisdiction*.** A Judge hearing a dependency proceeding may elect to retain jurisdiction of the matter 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 jurisdiction has been retained until such time as it is released by the Court. All time periods set forth in these rules and the applicable statutes shall be complied with by the parties and Court. All procedures for~~

~~hearings and motions shall be substantially complied with by the parties and Court, except that hearings and motions shall be set with the retaining Judge's bailiff instead of the Court Clerk. In the event an emergency hearing or motion is necessary and the retaining Judge is not available, the moving party shall set the hearing or motion on the appropriate calendar in accordance with these rules.~~

[Effective January 2, 1994; amended effective July 1, 1994; September 1, 1996; September 1, 2004; September 1, 2005; September 1, 2009.]

LJuCR 3.10 MODIFICATION OF ORDER

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.

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, pre-trial conference and fact-finding trial 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 3.10, 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.

LJuCR 3.12~~0~~ CONTESTED DEPENDENCY MOTIONS

(a) ***Contested Motions Calendar--Procedure*.** Contested dependency ~~review~~ 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, ~~non-contested,~~ 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)**~~(c)(5)(D).~~

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** ~~Clerk~~ 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. ~~However, motions deemed by the Court to have been frivolously designated as an emergency matter may result in sanctions imposed by the Court.~~

(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**~~10(c)(2)(iii.).~~

(3) Court-Approved Date. The **Court Coordinator** ~~Clerk~~ 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** ~~Clerk~~. 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** ~~Clerk's~~ 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** ~~Juvenile~~ Court Coordinator's Office ~~at the time the moving party notes the hearing.~~ **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** ~~and working copies served on all parties and the Court Coordinator's Office~~ 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.** ~~shall be submitted pursuant to LCR 7(b) to the extent not inconsistent with this rule~~

(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. ~~Copies of out-of-state or federal cases shall be attached, and the portions relied upon marked for ease of referral~~.

(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)** ~~9(d)(1)(A)~~. 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** ~~Clerk's Office~~. 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)**~~0(b)(1)~~, 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**~~0~~(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 ~~within~~ 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** ~~no one appears in opposition~~ ~~within~~ 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. ~~Upon stipulation of all parties and in the absence of a request for argument, a motion may be presented upon the written motion and supporting documents without oral argument~~.

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

~~(g)~~ **(h)** ***Motion for Oral Testimony*.** A**ny** 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.

~~(h)~~ **(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]

LJuCR 3.13~~1~~ EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME

(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.

(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]

LJuCR 3.14~~2~~ RECONSIDERATION AND REVISION

(a) ***Reconsideration: Presentation of Orders*.**

(1) Filing. Motions for reconsideration and all pleadings and documents in support thereof must be filed and served on opposing parties and working copies must be delivered to the hearing Judge or commissioner within ten days of the Court's written decision. The motion must set forth specific grounds for the reconsideration and the arguments and authorities therefore. 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) Response. The opposing party has ten days after receipt of the motion and supporting materials to file documents in opposition. A copy of said pleading and documents must be served on the moving party and working copies delivered to the hearing Judge or commissioner within ten days after receipt of the motion for reconsideration.

(3) Proposed Order. Each of the parties must include in the working copies submitted to the hearing Judge or commissioner a proposed order sustaining his/her side of the argument. If the working copies are submitted in paper form, should any party desire a copy of the order signed and filed by the Judge, a pre-addressed, stamped envelope shall accompany the proposed order.

(4) Oral Argument. Oral arguments will be scheduled only if the hearing Judge or commissioner so orders.

(b) ***Revision of Commissioner's Ruling:***

(1) Service and Filing of Motion. A motion for revision of a Commissioner's order shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration within twenty seven (27) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days notice of the date and place that the motion for revision will be considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, **and must attach all paperwork originally submitted by all parties to the Commissioner.** ~~and~~ ~~i~~**It** shall be noted without oral argument.

(2) Providing Copies to the Judge. The party seeking revision must provide the designated dependency Judge with **working** copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner **within two business days of filing**. The moving party must also provide a copy of the Commissioner's order, a proposed Order on Revision and pre-addressed stamped envelopes for each counsel/party. The designated dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment by the bailiff or clerk of the Judge to which the motion has been reassigned.

(3) Providing Copies to the ~~**Coordinator.**~~ **Bailiff or Judge's Clerk.** ~~Copies of the motion, note for motion, and supporting paperwork shall also be provided to the office of the juvenile court coordinator.~~ When a hearing has been ~~tape~~ recorded, the **bailiff or clerk of the hearing Judge** ~~coordinator shall notify the clerk and request a copy of the audio or video tape of the hearing. The copy shall be provided by the clerk to the coordinator~~ **will coordinate with the Clerk's Office to obtain access to the recording** within two days of the clerk's receipt of the request**.** ~~and shall be available in the office of the court coordinator for a period of one week following the filing of a motion for revision of a Court Commissioner's ruling.~~ Unless objection is filed to that recording within one week following the demand for revision, the recording shall be deemed certified as the record for revision, together with the legal files in the case. ~~The taped recording of the hearing and the legal files shall be promptly transmitted by the court coordinator to the designated Judge hearing the motion for revision.~~

(4) Responsive Document. Responsive documents must be served, **and** filed, ~~and delivered to the hearing Judge~~ no later than 12:00 noon, seven (7) days before the motion is to be decided. Any documents in strict reply are due no later than 12:00 noon, two (2) days before the motion is to be decided. **Working copies of responsive documents must be submitted to the hearing Judge no later than two business days after filing, and working copies of any documents in strict reply must be submitted to the hearing Judge by the close of business the day of filing.**

(5) Oral Argument. Oral argument on the motion for revision will be scheduled only upon request of the hearing Judge.

(6) Effect of Commissioner's Order. The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the reviewing judge.

(7) Time of Filing. 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.

[Adopted effective September 1, 2005; amended effective June 1, 2009]

~~LJuCR 3.13 MODIFICATION OF ORDER~~

~~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 3.10 above and must clearly state the basis for the motion and the relief requested.~~

~~[Amended effective September 1, 1983; January 2, 1994; September 1, 2005.]~~

~~LJuCR 3.14 GUARDIANSHIP IN JUVENILE COURT~~

~~**(a)** ***Petition for Guardianship for Dependent Child.*** Any party to a dependency proceeding, including the supervising agency, may file a petition pursuant to RCW 13.34.230 requesting that a dependency guardianship be established for a dependent child for the purpose of assisting the Court in the supervision of the dependency. Notice must be given to the Department of Social and Health Services if the Department is not a party, and the Department may move to intervene in the proceedings.~~

~~**(b)** ***Scheduling and Notice of Dependency Guardianship Hearings.***~~

~~(1) Agreed Dependency Guardianships. A hearing on a dependency guardianship petition which is agreed to by all necessary parties may be held with or scheduled as a review hearing pursuant to LJuCR 3.10.~~

~~(2) Dependency Guardianships Requiring Trial. All dependency guardianship hearings in which there is substantial disagreement between the parties or where testimony is needed shall be set for a preliminary hearing, pre-trial conference and fact-finding trial. Dependency Guardianships requiring trial shall be governed by the process set forth in Title IV of these rules.~~

~~(3) Advice to be contained in the Notice and Summons. 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 13.34.062 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. The Notice and Summons for dependency guardianship shall also advise the parties that failure to appear or otherwise plead or respond to the Petition for Dependency Guardianship shall be the basis for the Court to enter an Order of Default against that party.~~

~~**(c)** ***Procedure; Evidence; Burden of Proof.*** The Court shall hold a hearing on the petition in accordance with RCW 13.34.231. The Rules of Evidence shall apply, and the burden of proof shall be by a preponderance of the evidence.~~

~~**(d)** ***Qualification for Guardian.*** A dependency guardian must meet the qualification requirements of RCW 13.34.236.~~

~~**(e)** ***Order of Guardianship.*** The order establishing the guardianship of a dependent child shall specify the rights and duties of the dependency guardian; the need for continued~~

~~involvement, if any, of the supervising agency; and the frequency and terms of visitation, if any, between the child and the child's parent(s). The child shall remain dependent and subject to the continuing jurisdiction of Juvenile Court, but no review hearings shall be required unless clearly provided for in the dependency guardianship order.~~

~~**(a)** ***Motions to Modify or Terminate a Dependency Guardianship.*** Any party to the underlying dependency except a parent whose rights have been terminated may move to modify or terminate a dependency guardianship, or substitute or remove a guardian. Unless agreed to by all parties including the dependency guardian and the child's Guardian ad Litem or attorney, if any, the motion shall be set on the Contested Dependency Motions Calendar as per LJuCR 3.10 above and all parties including the dependency guardian notified as provided in these rules. 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.~~

~~[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; August 20, 1998; September 1, 2005; September 1, 2009.]~~

~~LJuCR 3.15 ADMISSION TO DETENTION--JUVENILES IN CONFLICT~~

~~**(a)** ***Criteria.*** A juvenile in conflict with his or her parents shall not be admitted to detention unless the probation officer who is responsible for intake procedure is satisfied either that:~~

~~(1) The juvenile has had previous alternative residential placement and has run from that placement, and it is likely the juvenile would run from another alternative residential placement. OR~~

~~(2) The juvenile refuses to return home and refuses to be placed in an alternative residential placement.~~

~~**(b)** ***Additional Criteria.*** In addition to one of the above (a)(1) or (a)(2) the probation officer must be satisfied that:~~

~~(1) The juvenile is exhibiting extremely unsophisticated and self-destructive behavior. OR~~

~~(2) The juvenile is emotionally disturbed (suicidal, dangerously angry, depressed). OR~~

~~(3) The juvenile has been using drugs, is medically clear of drugs, but still emotionally unstable. AND~~

~~(4) That the juvenile's detention for up to 72 hours will serve a defined purpose.~~

~~**(c)** ***Review.*** Rule 7.3(c)(2) providing for review of detention shall also apply to detention of juveniles in conflict with parents.~~

~~[Amended effective September 1, 1983.]~~

LJuCR 3.15~~6~~ JUVENILE AUTHORITY OVER FAMILY LAW MATTERS

(a) ***Granting of Concurrent Jurisdiction*.**

(b) ***Scope of Concurrent Jurisdiction*.** Any Juvenile Court order granting concurrent jurisdiction shall be cross-filed under the RCW Title 26 action cause number and may, after notice, hearing, and entry of an appropriate protective order in Juvenile Court, authorize access to the Juvenile Court legal file and to any files and records maintained by the petitioning or supervising agency or the CASA of the child or children. A grant of concurrent jurisdiction shall not confer party status in the RCW Title 26 action on the petitioning or supervising agency in the dependency proceeding. ~~The Guardian ad Litem in the dependency proceeding may be appointed as the child's CASA or Guardian ad Litem in the RCW Title 26 action.~~

(c) ***Authority of Juvenile Court to Hear and Determine Family Law Issues*.**

(1) Juvenile Court may hear and determine RCW Title 26 issues in a dependency proceeding as necessary to facilitate a permanency plan for the child or children in the following circumstances:

(A) **Agreed Issues:** As part of a dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child **and dismiss the dependency**, the parents, guardians, or legal custodians of the child may agree subject to Juvenile Court approval to establish a parenting plan, a non-parental custody order, or modify a previously entered parenting plan in order to resolve issues of residential placement and/or visitation between them. Such agreed parenting plan, non-parental custody order, or modification thereof, must have the concurrence of the other parties to the dependency including the supervising agency, the CASA of the child, and the child if age 12 or older, and **the court** must **find such action** ~~further~~ **to** be in the best interest of the child.

(i) For purposes of orders entered pursuant to this section ("agreed orders") a parent who was defaulted or has failed to respond in the ongoing dependency action may also be defaulted in the title 26 action if that parent does not appear or respond.

(B) **Contested Issues:** Following a fact-finding hearing on the dependency petition and a finding by Juvenile Court that a child has been abused or neglected or otherwise subject to such treatment or condition that it is in the best interest of the child, the Juvenile Court may enter a parenting plan, a non-parental custody order, or modify an existing parenting plan, in order to resolve issues of residential placement and/or visitation between the parents, guardians or legal custodians of the child and to implement a permanency plan of care for said child **when doing so will result in dismissal of the dependency**.

(i) Juvenile Court may enter an amended case schedule in the parenting or non-parental custody action as needed to resolve the issues presented.

(ii) Any party may move the court to transfer the parental or non-parental custody action to the family law department of superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interest of the child.

(C) In any parenting plan entered or modified in Juvenile Court pursuant to this rule, all issues pertaining to division of marital property shall be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties. Issues of child support should be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties but may be

resolved by the Juvenile Court.

(D) Any Juvenile Court order determining RCW Title 26 issues is subject to modification upon the same showing and same standards as a Family Law Court order determining Title 26 issues.

(2) Any **pleadings filed** ~~order entered~~ in Juvenile Court establishing or modifying a parenting plan, or establishing a non-parental custody order shall be **cross-**filed in the RCW Title 26 action in the Family Law Department of King County Superior Court or in the appropriate court in other counties by the prevailing party**, and if the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fee shall be imposed by the clerk**. Once filed in the RCW Title 26 action, any order establishing or modifying a parenting plan, or establishing a non-parental custody order shall survive the dismissal of the dependency proceeding. Juvenile Court may retain jurisdiction as long as is necessary to protect the child.

(3) Whenever the court is asked to establish or modify a parenting plan or non-parental custody order under this section, and in accordance with RCW 26.12.175 and 26.12.177, the court may appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child. In accordance with RCW 26.09.110, the court may appoint an attorney to represent the interests of the child with respect to provisions for the parenting or non-parental custody plan.

[Effective September 1, 1995; amended effective September 1, 2005; September 1, 2009.]

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1 INVOKING JURISDICTION OF JUVENILE COURT

Reserved

~~Juvenile Court jurisdiction is invoked over a proceeding to terminate a parent-child relationship by filing a petition.~~

~~[Effective January 2, 1994.]~~

LJuCR 4.2 PLEADINGS

(a) ***Petition.*** A Petition requesting the termination of a parent-child relationship may be filed in Juvenile Court. The petition shall conform to the requirements of LJuCR 3.2 and 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) ***Amendment of Petition.*** A termination petition may be amended as provided in LJuCR 3.5.

(c) ***Answer.*** A parent shall file an answer to the petition as provided in LJuCR 3.6. A CASA for a child or a child aged twelve or older may file an answer to the petition, but shall not be required to do so. Answers shall be due not later than ~~75~~ **65** days after the filing of the

petition, or at such other time as may be set by the Court. In no event shall an answer be required less than 20 days after service of the Notice and Summons and Petition.

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005.]

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

(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. (1) 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. (2) 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**.

~~**(b)** ***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.~~

(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 trial no more than 150 days after the filing of the termination petition. The case schedule will also **identify** ~~designate~~ the **designated dependency judge** ~~individual department of King County~~

~~Superior Court~~ to **whom** ~~which~~ the termination fact-finding proceeding is assigned**.** ~~for trial and for motions to amend the case schedule.~~

(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 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** pursuant to local or civil rule**, and shall be set on the juvenile court 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)**, ~~(3) and (4).~~ **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.** ~~provided, however, that any motion brought after the pre-trial conference to continue the fact-finding trial date may only be heard by the individual department to which the fact-finding is assigned~~.

~~**(f)** ***Indian Children*****.** If the petitioner knows or has reason to know that the child involved is or may be a member of an Indian Tribe, or that the child may be eligible for membership or enrollment in an Indian Tribe, the petitioner shall notify the tribe in question in the manner required by RCW 13.34.070(10) and 25 U.S.C. 1912.~~

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

~~LJuCR 4.4 DISCOVERY~~

~~**(a)** ***Generally*****.** Discovery procedures in cases involving termination of parental rights shall generally be governed by CR 26-37.~~

~~**(b)** ***Conference of Counsel*****.** The Court shall not entertain any motion or objection with respect to CR 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Telephonic conference is sufficient for purposes of this rule. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a motion or objection in respect to matter covered by such rules is served, willfully refuses or fails to meet and confer, or having met, willfully refuses or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance.~~

~~**(c)** ***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.~~

~~[Adopted effective January 2, 1994; amended effective August 20, 1998.]~~

LJuCR 4.4 ~~5~~ AMENDMENT OF CASE SCHEDULE

(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.]

LJuCR 4.5 ~~6~~ REINSTATEMENT OF PREVIOUSLY TERMINATED PARENTAL RIGHTS

(a) Who May File and Appointment of Counsel for Youth/child.~~(1)~~ A child or his/her counsel may file a petition for reinstatement of previously terminated parental rights without paying a filing fee.

(b) Pro Se Youth. If a child seeks to file such a petition without counsel, the clerk shall

refer the child to his or her attorney or to the dependency court, which will enter an order directing the King County Office of ~~the~~ Public Defen**se**~~der~~ to assign
counsel who was previously assigned to the youth under the dependency case number or to assign new counsel if the youth does not have a dependency **attorney** ~~lawyer~~. The petition shall indicate the case designation of the dependency case and the clerk shall assign the same designation to the reinstatement case. Appointed counsel shall serve as counsel for the reinstatement case and the dependency case.

~~(2)~~ **(c) Case Schedule.** Upon filing of the petition, the clerk shall assign a new case number and generate a case schedule and provide a copy to the attorney for the child. A threshold hearing shall be scheduled before the **juvenile court dependency calendar** ~~dependency commissioner or other judicial officer~~.

~~(3)~~ **(d) Notice. (1)** In addition to service of process, counsel for the child shall deliver a copy of the petition and supporting documents and the case schedule to the Department of Social and Health Services social worker assigned to the dependency case and shall provide a copy to the CASA or GAL, if any, for the dependency case. Delivery ~~on~~to the CASA can be to the CASA program office. Counsel shall deliver a copy of the petition to the **O**~~o~~ffice of the **A**~~a~~ttorney **G**~~g~~eneral by mail, facsimile or e-mail.

~~(4)~~ **(2)** The Department of Social and Health Services shall deliver a copy of the petition and case schedule to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(e) Concurrent Dependency Reviews. Any dependency review or permanency planning hearing scheduled for the dependency matter shall be heard by the dependency judge or the judge to whom the dependency judge assigns the reinstatement action. An order relative to the dependency review or permanency plan will be entered at both the hearing on the merits and the six month review hearing, in addition to the orders on the reinstatement of parental rights. The clerk shall cross-file orders from these hearings in both the dependency case and the reinstatement case.

~~(5)~~ **(f) Threshold Hearing. (1)** At the threshold hearing, the ~~judicial officer~~ **court** will determine, prima facie, the parent or parents' apparent fitness and interest in reinstatement of parental rights~~,~~**. (2) The court shall also** ~~and~~ determine whether the best interests of the child may be served by reinstatement of parental rights. **(3)** If the ~~judicial officer~~ **court** ~~so determines~~, **concludes that the case should go forward,** then ~~the matter will be set for a hearing on the merits of the petition before the dependency judge. The judicial officer~~ **it** shall immediately hold a pretrial conference, **and** set~~ting~~ a discovery schedule. If the judicial officer concludes that the matter should not go forward, **then the hearing on the merits already set before the designated dependency judge shall be stricken, and the petition** ~~it~~ shall be dismissed.

~~(6)~~ **(g) Hearing on the Merits.** At the hearing on the merits, if the court conditionally grants the petition, the court shall continue the case for six months during which time the child shall be placed in the custody of the parent or parents.

(h) Hearing on Final Review. At the six month hearing, if the court finds that the child's placement with the parent or parents has been successful, the court shall enter an order reinstating parental rights and shall dismiss the dependency.

~~(7) Any dependency review and permanency planning hearings scheduled for the dependency matter shall be set at the same time as the hearing on the merits of the reinstatement~~

~~petition or the final six month hearing, to be heard by the dependency judge or the judge to whom the dependency judge assigns the matter. An order relative to the dependency review or permanency plan will be entered at both the hearing on the merits and the six month review hearing, in addition to the orders on the reinstatement of parental rights. The clerk shall cross-file orders from these hearings in both the dependency case and the reinstatement case.~~

[Adopted effective December 11, 2007]

XVI. LOCAL JUVENILE COURT NON-OFFENDER RULES (As Proposed)

(Cite as LJuCR)

TITLE I. SCOPE AND APPLICATION OF RULES

LJuCR 1.1 SCOPE OF RULES:

Reserved

LJuCR 1.2 JURISDICTION OF JUVENILE COURT

(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.

LJuCR 1.3 DEFINITIONS

Reserved

LJuCR 1.4 APPLICABILITY OF OTHER RULES

(a) ***Reserved***

(b) ***Reserved***

(c) ***Reserved***

(d) ***Reserved***

(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.

LJuCR 1.5

Reserved

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.0 RIGHT TO APPOINTED COUNSEL

(a) ***Appointment.*** A child's parent, legal guardian, or legal custodian has the right to be appointed an attorney, if qualified on the basis of indigency, as provided in RCW 13.34.090. The Court shall not appoint an attorney for any parent, legal guardian, or legal custodian not present at a hearing unless the Court makes a specific finding that a compelling reason for such appointment exists. Representation by a Court appointed attorney for a parent, legal guardian, or legal custodian in a dependency proceeding is limited by the provisions of these rules and the notice set forth in LJuCR 3.4(b).

(b) ***Motion for Appointment.*** At any point in an RCW Chapter 13.34 proceeding including proceedings for termination of parental rights or to establish dependency guardianships, a party who is not represented by an attorney may move the Court for appointment of an attorney, or referral therefor, pursuant to this rule.

(c) ***Demonstration of Eligibility.*** At any point in an RCW Chapter 13.34 proceeding, the Court may require on the motion of a party or the Court's own motion, a child's parent, legal guardian, or legal custodian to demonstrate current financial eligibility for a Court appointed attorney.

[Adopted effective March 20, 1997]

LJuCR 2.1 PLACEMENT OF JUVENILE IN SHELTER CARE GENERALLY

Reserved

LJuCR 2.2 RELEASE OF JUVENILE FROM SHELTER CARE WITHOUT HEARING

(a) ***If Shelter Care Is Without Court Order.*** If a juvenile is taken into shelter care by a law enforcement officer without a court order, the child shall be released unless a petition alleging dependency is filed and a shelter care hearing held within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

(b) ***If Shelter Care Is With Court Order.*** If a juvenile is taken into shelter care pursuant to a court order, the juvenile shall be released unless a shelter care hearing is held within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

[Effective January 2, 1994.]

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 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 fact-finding hearing 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. 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.]

LJuCR 2.4 PROCEDURE AT INITIAL SHELTER CARE HEARING

(a) Inform Parties of Rights. The court shall inform parties of their rights as set forth in RCW 13.34.090. Any parent, guardian and/or legal custodian of the child, or child age 12 or older, who appears at the 72-hour hearing may be represented, at this hearing, by Court-appointed counsel regardless of financial status unless the party expressly waives this right or has retained counsel.

(b) Hearing and Decision. At the 72-hour hearing the Court shall:

(1) Determine whether those persons entitled to notice under RCW 13.34 and RCW 13.38 and these rules have received notice of custody and rights pursuant to RCW 13.34.060 and ensure that all parties are informed of their legal rights.

(2) Receive evidence from the petitioner regarding efforts made to notify the parties to this action, and the child's Tribe and determine whether additional service of process or publication of notice is necessary. Any party to this action who was personally served notice and summons of the fact-finding hearing pursuant to RCW 13.34.070 or who is present at the 72-hour hearing shall be deemed to have received timely and proper notice of the fact-finding hearing.

(3) Determine whether a CASA shall be appointed for the child.

(4) Determine whether an attorney shall be appointed or a referral to the Office of Public Defense for screening be made for any party, including the child, in accordance with the provisions of LJuCR 2.0 and RCW 13.38.110.

(5) Consider and approve agreements pertaining to custody and services pending the 30-day shelter care hearing. The parties may enter into and submit for Court approval an agreed shelter care order. Any such order, if signed by the parent and their attorney, shall constitute sufficient record that the waiver of the 72-hour hearing is knowing and voluntary if the order contains written notice of the rights of the parties to a court hearing and waiver thereof. Agreed orders which are presented without the signature of an attorney for any party must be approved by the Court with the parties present, at which time the Court will inquire into whether the order has been signed knowingly and voluntarily.

(6) Release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian, unless the Court makes specific findings that the requirements of RCW 13.34.065(2) have been satisfied. The Court may order return of the child subject to specific conditions and/or provision of services.

(7) Hear such evidence as may be presented by the parties as to the issues set forth in LJuCR 2.4(c)(6) and otherwise as to the need for shelter care, consistent with the requirements of RCW 13.34.065. All parties have the right to present evidence in the form of offers of proof, affidavits, statements, testimony, and arguments in the context of the reasonable cause standard.

(8) Enter appropriate findings of fact as to whether the child and all persons with parental or custodial rights have received notice of the hearing and which of the material facts are undisputed. Notice must be given by any party moving to establish dependency at subsequent shelter care hearings upon a showing of undisputed facts sufficient to establish dependency pursuant to RCW 13.34.030(5).

(9) Enter orders of protection or temporary restraining orders or preliminary injunctions pursuant to RCW 26.44 and 26.50 as may be necessary to protect the child or the person having custody of the child, or to allow a child to remain in the family home.

(10) Order the necessary placement, conditions of visitation or contact with the child, services and other relief as necessary to protect the child's right to conditions of basic nurture, physical and mental health and safety. Specific conditions may be set by the Court to facilitate a return of the child or increased contact between parent and child, including assessments as provided by RCW 26.44.053. Upon request the Court may provide for an additional protective order regarding confidentiality of the assessment that does not violate the mandatory reporter provisions of RCW 26.44.

(11) Termination of publication (T.O.P.) hearings shall be set by the petitioner and the Clerk of the Court at least 70 days in the future. It shall be the responsibility of the petitioner to show by the petition or other verified statement or certification that the identity or the whereabouts of a necessary party is unknown or that no other method of service is likely to be successful.

(12) Alternate Dispute Resolution (ADR): The Court may order the case set for mediation, settlement conference, or other ADR process and may adjust the case schedule as necessary to accommodate the ADR schedule.

(c) ***Release of Juvenile on Conditions.*** The court may release the juvenile on those conditions it deems appropriate.

[Adopted effective September 1, 1983. Amended effective January 2, 1994; March 20, 1997; September 1, 2001; September 1, 2005.]

LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER

(a) ***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.

(b) ***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.

(c) ***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.

(d) ***Procedure for Additional Shelter Care 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.]

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.1 INVOKING JURISDICTION OF JUVENILE COURT

Reserved

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(a) ***Reserved***

(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 Martin Luther King Office 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; 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 3.12 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.]

LJuCR 3.3 CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a),(b), (d) – (g) ***reserved***

(c) ***Indian Children*****.** If the petitioner knows or has reason to know that the juvenile is or may be an Indian child as defined in RCW 13.38, the petition shall so state and shall state the name of the Indian Tribe, or if not known, the basis of the child's Indian heritage.

(h) ***Verification*****.** If the petition is prepared by a Juvenile Court Liaison worker on behalf of the petitioning DSHS social worker, or the private agency coordinator on behalf of an individual or private agency, it shall contain a verified statement by the Liaison worker or private agency coordinator that the information contained therein was provided by the petitioning social worker and that the finalized petition accurately reflects said information.

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

LJuCR 3.4 NOTICE AND SUMMONS – SCHEDULING OF FACTFINDING HEARING

(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.]

LJuCR 3.5 AMENDMENT OF PETITION

Reserved

LJuCR 3.6 ANSWER TO PETITION

(a) ***When to File*****.** The parents or other respondents shall file an answer to the petition not later than the date provided in the case schedule. If the petition is amended subsequent to filing, the parents and other respondents shall file an answer to the amended portions of the petition within fourteen (14) days of the amendment or at the date provided in the case schedule, whichever occurs later.

(b) ***Age of Child Who May Answer*****.** A child aged twelve or older may file an answer to the petition, but shall not be required to do so.

(c) ***Content of Answer*****.** The answer shall specifically address and admit or deny each allegation in the petition. Denials shall fairly meet the substance of allegations denied. When a parent or other respondent intends in good faith to deny only a part of or to qualify an allegation, he or she shall specify so much of it as is true and material and shall deny only the remainder. If a parent or other respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he or she shall so state and this shall have the same effect as a denial. The answer may be signed by the parent or other respondent, the attorney representing the parent or other respondent, or both. If the answer is signed only by the attorney representing the parent or other respondent, the answer shall include a certification by the attorney that the specific admissions and denials contained in the answer have been discussed with that attorney and approved by the parent or respondent that the attorney represents.

[Effective January 2, 1994; Amended effective March 20, 1997.]

LJuCR 3.7 FACT-FINDING HEARING

(a) ***Procedure at Hearing*****.** The court shall hold a factfinding 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.]

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 LJuCR 3.12 provided the matter is not expected to exceed 30 minutes. If the matter is expected to take longer than 30 minutes, a pretrial conference 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.

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; September 1, 2005; June 1, 2009.]

LJuCR 3.9 REVIEW HEARING

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

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

(c) ***Permanency Planning Review Hearing*****.** The Court shall hold permanency planning review hearings for every child in out-of-home care pursuant to RCW 13.34.130. The first permanency planning review hearing shall be held as specified in RCW 13.34.145 and there shall be a subsequent permanency planning review hearing every 12 months thereafter until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

The agency supervising the placement of the child shall submit a permanency plan for care of the child to the parties and the Court. Any such plan submitted shall not affect efforts to provide services for the reunification of the family pending approval or implementation of the permanency planning goal unless the Court specifically orders otherwise. All permanency planning review hearings shall be held in court unless all parties to the dependency, including the child, agree in writing to the entry of a permanency planning order.

(d) ***Scheduling and Noting Contested Issues*.**

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

(2) Reports and Contested Issues.

(A) The person or agency supervising the dependency will file and serve a written report and proposed order to all parties not less than 14 days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed court order must be filed and served on the supervising person or agency, and all other parties at least seven days prior to the hearing. Documents in strict reply, if any, shall be filed and served no later than noon of the second court day prior to the hearing. All pleadings filed shall contain the name of the judicial officer expected to hear the matter or the courtroom assigned, and the date and time of the hearing in the upper right hand corner of the pleading.

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

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

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

(4) Agreed Continuances. By agreement a hearing may be continued for reasons approved by the court, provided that the hearing may not be continued past the date at which a review or permanency planning order for the child must be entered. If a hearing is continued past the date at which a review or permanency planning order must be entered for any reason, the Court may enter an order maintaining the status quo pending the hearing. If the supervising

agency fails to submit a timely report, and any party makes a request to the supervising agency, at least seven days prior to the hearing, to continue the hearing due to the agency's untimely report, the supervising agency shall take responsibility for obtaining a new date from the Court Coordinator via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov, and for seeking an agreed order by all parties to continue the hearing. If an agreed order continuing the hearing is entered in advance of the hearing, the parties need not appear.

[Effective January 2, 1994; amended effective July 1, 1994; September 1, 1996; September 1, 2004; September 1, 2005; September 1, 2009.]

LJuCR 3.10 MODIFICATION OF ORDER

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.

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, pre-trial conference and fact-finding trial 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 3.10, 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.

LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS

(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]

LJuCR 3.13 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME

(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.

(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]

LJuCR 3.14 RECONSIDERATION AND REVISION

(a) ***Reconsideration: Presentation of Orders*****.**

(1) Filing. Motions for reconsideration and all pleadings and documents in support thereof must be filed and served on opposing parties and working copies must be delivered to the hearing Judge or commissioner within ten days of the Court's written decision. The motion must set forth specific grounds for the reconsideration and the arguments and authorities therefore. 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) Response. The opposing party has ten days after receipt of the motion and supporting materials to file documents in opposition. A copy of said pleading and documents must be served on the moving party and working copies delivered to the hearing Judge or commissioner within ten days after receipt of the motion for reconsideration.

(3) Proposed Order. Each of the parties must include in the working copies submitted to the hearing Judge or commissioner a proposed order sustaining his/her side of the argument. If the working copies are submitted in paper form, should any party desire a copy of the order signed and filed by the Judge, a pre-addressed, stamped envelope shall accompany the proposed order.

(4) Oral Argument. Oral arguments will be scheduled only if the hearing Judge or commissioner so orders.

(b) ***Revision of Commissioner's Ruling:***

(1) Service and Filing of Motion. A motion for revision of a Commissioner's order

shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration within twenty seven (27) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days notice of the date and place that the motion for revision will be considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, and must attach all paperwork originally submitted by all parties to the Commissioner. It shall be noted without oral argument.

(2) Providing Copies to the Judge. The party seeking revision must provide the designated dependency Judge with working copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner within two business days of filing. The moving party must also provide a copy of the Commissioner's order, a proposed Order on Revision and pre-addressed stamped envelopes for each counsel/party. The designated dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment by the bailiff or clerk of the Judge to which the motion has been reassigned.

(3) Providing Copies to the Bailiff or Judge's Clerk. When a hearing has been recorded, the bailiff or clerk of the hearing Judge will coordinate with the Clerk's Office to obtain access to the recording within two days of the clerk's receipt of the request. Unless objection is filed to that recording within one week following the demand for revision, the recording shall be deemed certified as the record for revision, together with the legal files in the case.

(4) Responsive Document. Responsive documents must be served, and filed, no later than 12:00 noon, seven (7) days before the motion is to be decided. Any documents in strict reply are due no later than 12:00 noon, two (2) days before the motion is to be decided. Working copies of responsive documents must be submitted to the hearing Judge no later than two business days after filing, and working copies of any documents in strict reply must be submitted to the hearing Judge by the close of business the day of filing.

(5) Oral Argument. Oral argument on the motion for revision will be scheduled only upon request of the hearing Judge.

(6) Effect of Commissioner's Order. The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the reviewing judge.

(7) Time of Filing. 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.

[Adopted effective September 1, 2005; amended effective June 1, 2009]

LJuCR 3.15 JUVENILE AUTHORITY OVER FAMILY LAW MATTERS

(a) ***Granting of Concurrent Jurisdiction*.**

(b) ***Scope of Concurrent Jurisdiction*.** Any Juvenile Court order granting concurrent jurisdiction shall be cross-filed under the RCW Title 26 action cause number and may, after

notice, hearing, and entry of an appropriate protective order in Juvenile Court, authorize access to the Juvenile Court legal file and to any files and records maintained by the petitioning or supervising agency or the CASA of the child or children. A grant of concurrent jurisdiction shall not confer party status in the RCW Title 26 action on the petitioning or supervising agency in the dependency proceeding.

(c) ***Authority of Juvenile Court to Hear and Determine Family Law Issues*.**

(1) Juvenile Court may hear and determine RCW Title 26 issues in a dependency proceeding as necessary to facilitate a permanency plan for the child or children in the following circumstances:

(A) Agreed Issues: As part of a dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child and dismiss the dependency, the parents, guardians, or legal custodians of the child may agree subject to Juvenile Court approval to establish a parenting plan, a non-parental custody order, or modify a previously entered parenting plan in order to resolve issues of residential placement and/or visitation between them. Such agreed parenting plan, non-parental custody order, or modification thereof, must have the concurrence of the other parties to the dependency including the supervising agency, the CASA of the child, and the child if age 12 or older, and the court must find such action to be in the best interest of the child.

(i) For purposes of orders entered pursuant to this section ("agreed orders") a parent who was defaulted or has failed to respond in the ongoing dependency action may also be defaulted in the title 26 action if that parent does not appear or respond.

(B) Contested Issues: Following a fact-finding hearing on the dependency petition and a finding by Juvenile Court that a child has been abused or neglected or otherwise subject to such treatment or condition that it is in the best interest of the child, the Juvenile Court may enter a parenting plan, a non-parental custody order, or modify an existing parenting plan, in order to resolve issues of residential placement and/or visitation between the parents, guardians or legal custodians of the child and to implement a permanency plan of care for said child when doing so will result in dismissal of the dependency.

(i) Juvenile Court may enter an amended case schedule in the parenting or non-parental custody action as needed to resolve the issues presented.

(ii) Any party may move the court to transfer the parental or non-parental custody action to the family law department of superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interest of the child.

(C) In any parenting plan entered or modified in Juvenile Court pursuant to this rule, all issues pertaining to division of marital property shall be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties. Issues of child support should be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties but may be resolved by the Juvenile Court.

(D) Any Juvenile Court order determining RCW Title 26 issues is subject to modification upon the same showing and same standards as a Family Law Court order determining Title 26 issues.

(2) Any pleadings filed in Juvenile Court establishing or modifying a parenting plan, or establishing a non-parental custody order shall be cross-filed in the RCW Title 26 action in the

Family Law Department of King County Superior Court or in the appropriate court in other counties by the prevailing party, and if the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fee shall be imposed by the clerk. Once filed in the RCW Title 26 action, any order establishing or modifying a parenting plan, or establishing a non-parental custody order shall survive the dismissal of the dependency proceeding. Juvenile Court may retain jurisdiction as long as is necessary to protect the child.

(3) Whenever the court is asked to establish or modify a parenting plan or non-parental custody order under this section, and in accordance with RCW 26.12.175 and 26.12.177, the court may appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child. In accordance with RCW 26.09.110, the court may appoint an attorney to represent the interests of the child with respect to provisions for the parenting or non-parental custody plan.

[Effective September 1, 1995; amended effective September 1, 2005; September 1, 2009.]

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1 INVOKING JURISDICTION OF JUVENILE COURT

Reserved

LJuCR 4.2 PLEADINGS

(a) ***Petition.*** A Petition requesting the termination of a parent-child relationship may be filed in Juvenile Court. The petition shall conform to the requirements of LJuCR 3.2 and 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) ***Amendment of Petition.*** A termination petition may be amended as provided in LJuCR 3.5.

(c) ***Answer.*** A parent shall file an answer to the petition as provided in LJuCR 3.6. A CASA for a child or a child aged twelve or older may file an answer to the petition, but shall not be required to do so. Answers shall be due not later than 65 days after the filing of the petition, or at such other time as may be set by the Court. In no event shall an answer be required less than 20 days after service of the Notice and Summons and Petition.

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005.]

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 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 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 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 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 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 pursuant to local or civil rule, and shall be set on the juvenile court 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.]

LJuCR 4.4 AMENDMENT OF CASE SCHEDULE

(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.]

LJuCR 4.5 REINSTATEMENT OF PREVIOUSLY TERMINATED

PARENTAL RIGHTS

(a) ***Who May File and Appointment of Counsel for Youth/child.*** A child or his/her counsel may file a petition for reinstatement of previously terminated parental rights without paying a filing fee.

(b) ***Pro Se Youth.*** If a child seeks to file such a petition without counsel, the clerk shall refer the child to his or her attorney or to the dependency court, which will enter an order directing the King County Office of Public Defense to assign counsel who was previously assigned to the youth under the dependency case number or to assign new counsel if the youth does not have a dependency attorney. The petition shall indicate the case designation of the dependency case and the clerk shall assign the same designation to the reinstatement case. Appointed counsel shall serve as counsel for the reinstatement case and the dependency case.

(c) ***Case Schedule.*** Upon filing of the petition, the clerk shall assign a new case number and generate a case schedule and provide a copy to the attorney for the child. A threshold hearing shall be scheduled before the juvenile court dependency calendar.

(d) ***Notice.***

(1) In addition to service of process, counsel for the child shall deliver a copy of the petition and supporting documents and the case schedule to the Department of Social and Health Services social worker assigned to the dependency case and shall provide a copy to the CASA or GAL, if any, for the dependency case. Delivery to the CASA can be to the CASA program office. Counsel shall deliver a copy of the petition to the Office of the Attorney General by mail, facsimile or e-mail.

(2) The Department of Social and Health Services shall deliver a copy of the petition and case schedule to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(e) ***Concurrent Dependency Reviews.*** Any dependency review or permanency planning hearing scheduled for the dependency matter shall be heard by the dependency judge or the judge to whom the dependency judge assigns the reinstatement action. An order relative to the dependency review or permanency plan will be entered at both the hearing on the merits and the six month review hearing, in addition to the orders on the reinstatement of parental rights. The clerk shall cross-file orders from these hearings in both the dependency case and the reinstatement case.

(f) ***Threshold Hearing.***

(1) At the threshold hearing, the court will determine, prima facie, the parent or parents' apparent fitness and interest in reinstatement of parental rights**.**

(2) The court shall also determine whether the best interests of the child may be served by reinstatement of parental rights.

(3) If the court concludes that the case should go forward, then it shall immediately hold a pretrial conference, and set a discovery schedule. If the judicial officer concludes that the matter should not go forward, then the hearing on the merits already set before the designated dependency judge shall be stricken, and the petition shall be dismissed.

(g) ***Hearing on the Merits.*** At the hearing on the merits, if the court conditionally grants the petition, the court shall continue the case for six months during which time the child shall be placed in the custody of the parent or parents.

(h) ***Hearing on Final Review.*** At the six month hearing, if the court finds that the child's placement with the parent or parents has been successful, the court shall enter an order reinstating parental rights and shall dismiss the dependency.

[Adopted effective December 11, 2007]