

## Contents

LGR 31. ACCESS TO COURT RECORDS .....	2
LCR 7. CIVIL MOTIONS .....	2
LCR 40.1(b)(2) EX PARTE AND PROBATE DEPARTMENT .....	6
LCR 55. DEFAULT AND JUDGMENT .....	10
LCR 60. RELIEF FROM JUDGMENT OR ORDER .....	10
LCR 82. CASE ASSIGNMENT AREA .....	11
LMAR 2.1 TRANSFER TO ARBITRATION .....	13
LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS .....	14
LFLR 9 COMMENCEMENT OF NON-PARENTAL CUSTODY PROCEEDINGS .....	17
LMPR 1.7 GUARDIANS AD LITEM .....	17

## **LGR 31. ACCESS TO COURT RECORDS**

### **(d) Access.**

(2) On-line ~~document review through access to~~ the Clerk's electronic records system outside of the clerk's office and outside of King County's wide area network shall be restricted to cases filed November 1, 2004 and forward and shall be limited to the following case types:

(i) All criminal cases, defined as those categorized with a number 1 as the third digit of the case number;

(ii) All civil cases, defined as those categorized with a number 2 as the third digit of the case number, with the exceptions of petitions for domestic violence protection orders and petitions for antiharassment protection orders;

(iii) All probate cases, defined as those cases categorized with a number 4 as the third digit of the case number, except for guardianship cases.

(iv) Final parenting plans, decrees, and child support orders in cases filed under RCW 26.09, 26.10, and 26.26.130(7)(b).

### **(f) Distribution of Court Records Not Publicly Accessible**

#### **(2) Investigations by the Judicial Conduct Commission: Access to Sealed Files and Documents**

**(A) Confidential Use:** Upon request, the clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

**(B) Public Use:** No materials in a sealed file may be made public, unless the Commission has first obtained an order pursuant to GR 15 and LCR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge.

### **Official Comment**

1. Procedures, terms and conditions for on-line access are available in the clerk's office and online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

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## **LCR 7. CIVIL MOTIONS**

For "Respective Chief Judge" see LGR 29(h).

### **(b) Motions and Other Documents.**

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

**(2) Hearing Times and Places.** Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (~~E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, Maleng Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122~~) by telephone at (206) 296-9300 or by accessing <https://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~~ motions, motions for orders of default, and motions for default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of ~~C~~commissioners' rulings, except 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~~s~~.** 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 ~~judicial officer~~ 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 ~~judicial officers~~ 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 Motions and Responsive Pleadings.**

**(A) Notice of Court Date.** A Notice of Court Date shall be filed with the motion. The Notice shall identify the moving party, the names and service addresses of all parties requiring notice, 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 Notice of Court Date form is available from the clerk's office and online: <https://www.kingcounty.gov/courts/clerk/forms>.

**(B) Form of Motion~~s~~ 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 a declaration 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 judicial officer Judge and to counsel or parties, but shall not be filed with the clerk. See LCR 5(k).

**(vi) Word Limits.** Absent prior authorization from the court, t~~The~~ initial motion and opposing memorandum shall not exceed 4,200 words ~~without prior authorization of the court~~; and reply memoranda shall not exceed 1,750 words ~~without the authority of the court~~. The word count includes all portions of the motion/memorandum, including headings and footnotes, except 1) the caption; 2) tables of contents and/or authorities, if any; and 3) the signature block. The signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains \_\_\_\_\_ words, in compliance with the Local Civil Rules."

**(C) Form of Proposed Orders; E-mail Addresses.** The moving party and any party opposing the motion shall include with their submissions a proposed order. The original of each proposed order shall be submitted to the hearing judge along with any working copies. If the motion is to be considered without oral argument, the moving party shall at the time of filing the motion provide to the court e-mail addresses for the court's use in providing courtesy copies

of entered orders. Where working copies are provided via the clerk's eWorking Copies application, the parties shall request courtesy copies of entered order(s) through the clerk's application.

**(6) Motions to Reconsider.** See LCR 59.

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

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

**(A)** A motion for revision of a commissioner's order shall be filed within 10 days of entry of the written order, as provided in RCW 2.24.050. The motion shall only identify the error(s) claimed. No response shall be filed unless authorized by the court. If a response is called for, a reply may be filed within two court days of service of the response.

**(B)** A hearing on a motion for revision of a commissioner's order should be ~~shall be~~ scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Respective Chief 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 Respective Chief Judge. If the Respective Chief Judge assigns the revision motion to another judge the scheduling procedure outlined in sub (i) shall apply.

**(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 the date, time, and courtroom location of the hearing, if the motion before the commissioner was recorded. ~~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. Oral argument is not permitted on motions for revision where the underlying motion did not include oral argument. 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 Respective Chief Judge.

**(v)** The party seeking revision shall, at least six ~~5~~ court days before the hearing, deliver to the assigned judge or Respective Chief Judge working copies of the motion, notice of the hearing as scheduled pursuant to (i) and (ii) above, and copies of all documents submitted by all parties to the commissioner.

**(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.** Without notice or oral argument, a party moving for an order to show cause shall present the motion to the judge or department that will hear the show-cause hearing. See LCR 40.1(b); LCR 60(e)(2); LFLR 5. ~~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) Motions 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 court day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(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) Motions for Stay of Proceedings.**

~~(A)~~ Motions for stay of proceedings shall be heard by the individual judge assigned or if ~~there is no assigned judge, then by not assigned by~~ the Respective Chief Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

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## **LCR 40.1. EX PARTE AND PROBATE DEPARTMENT**

**(a) *Ex Parte and Probate Department.***

**(1) Ex Parte and Probate Department Presentation of Motions and Hearings Manual.** The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") is issued by the clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the clerk's office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the clerk's office. The Motions and Hearings Manual shall be made available online at [www.kingcounty.gov/courts/clerk/documents/ExParte](http://www.kingcounty.gov/courts/clerk/documents/ExParte) and in paper form through the clerk's office and the Ex Parte and Probate Department.



**(b) Motions and Other Procedures.**

**(1) Scope of Rules.** This rule governs all matters presented to the Ex Parte and Probate Department.

**(2) Cases Not Assigned.** In a case not assigned to a judge, a party shall present the following matters to the Ex Parte and Probate Department: ~~Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing shall be presented to the Ex Parte and Probate Department. The following cases or motions are heard by the Ex Parte and Probate Department:~~

**(A) Adoption Proceedings.** Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the clerk.

**(B) Agreed and Default Family Law Decrees and Modifications.** See LFLR 5.

**(C) Antiharassment, Domestic Violence, Sexual Assault and Vulnerable Adult Protection Orders:**

**(i) Antiharassment Petitions.** Applications for temporary antiharassment protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final antiharassment protection orders shall be set by the clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

**(ii) Domestic Violence Protection Orders.** See LFLR 12.

**(iii) Sexual Assault Protection Orders.** Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders shall be set by the clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

**(iv) Vulnerable Adult Protection Orders.** Applications for temporary vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final vulnerable adult protection orders shall be set by the clerk or Judicial Officer before the Ex Parte and Probate Department.

**(D) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the clerk's office. If the matter is contested, it may be referred by the judicial officer to the clerk who will issue a trial date and will assign the case to a judge.

**(E) Judgments on Arbitration Awards.** Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

**(F) Orders to Show Cause.** All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

**(G) Orders Waiving Filing Fees.** In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: [www.kingcounty.gov/courts/clerk/fees](http://www.kingcounty.gov/courts/clerk/fees).

**(H) Requests to Waive Ex Parte via the Clerk and ECR On-Line fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: [www.kingcounty.gov/courts/clerk/fees](http://www.kingcounty.gov/courts/clerk/fees). See LCR 78 regarding the waiver of ECR On-line fees.

**(I) Orders Waiving Other Fees.** Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: [www.kingcounty.gov/courts/clerk/fees](http://www.kingcounty.gov/courts/clerk/fees).

**(J) Orders to Remove Non-ECR Files.** Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

**(K) Orders Vacating a Dismissal.** Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

**(L) Receivership Proceedings.** If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(M) Sealed Files.** See LGR 15, LCR 26(b) and LFLR 11.

**(N) Temporary Restraining Orders.** Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

**(O) Unlawful Detainer Actions.** The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(P) Unopposed Matters.** Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the Respective Chief Judge in accordance with LCR 7 and LGR 29(h).

**(Q) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office. For other writs, see LCR 40 (b)(13).

**(R) Post-Foreclosure Motions.** Following the entry of the order of foreclosure by the assigned judge, motions to confirm the sale and/or motions for an order to disburse funds shall be set in the Ex Parte and Probate Department and be presented in person with notice pursuant to LCR 7 (b) to all parties who have appeared.



**(3) Assigned Cases.** Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:

**(A)** In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case schedule, direct the clerk to seal a document or file, provide for a protective order pursuant to LCR 26(c) or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed word limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

**(B)** Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated person or minor. See SPR 98.16.

**(C)** Judgments on arbitration awards. See LMAR 6.3.

**(D)** Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

**(E)** Any other matters as directed by these rules or the Court.

**(4) Matters Not Presented to the Ex Parte and Probate Department.** Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

**(5) Argument.** Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

**(A) Matters With Oral Argument.** Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

**(B) Matters Without Oral Argument.** All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the clerk's office. Parties must deliver or mail their paperwork to the clerk's office directly. The clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

**(C) Matters Required to be Noted.** Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

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## **LCR 55. DEFAULT AND JUDGMENT**

### **(a) Entry of Default.**

**(1) Order of Default.** When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the clerk's office. When there has been an appearance by any non-moving party or more than one year has elapsed since service of the summons with no appearance made, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Respective Chief Judge (see LGR 29(h)). The Motion in support of the Order for Default shall affirmatively state: (A) whether or not there has been an appearance by any non-moving party, and (B) how service of the summons complied with CR 4(d) and applicable state statute(s), and provide supporting documentation of proof of service. Failure to so state shall result in the denial of the motion for default without prejudice.

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

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

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

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## **LCR 60. RELIEF FROM JUDGMENT OR ORDER**

### **(e) Procedure on Vacation of Judgment.**

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

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

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## **LCR 82. CASE ASSIGNMENT AREA**

### ***(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.***

**(1) Designation of Case Assignment Area.** Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LCR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Juvenile Offender cases and Involuntary Treatment Act cases are all designated to the Seattle Case Assignment Area. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

**(2) Where Proceedings Held.** All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

**(3) Boundaries of Case Assignment Areas.** For purposes of this rule King County shall be divided into case assignment areas as follows:

**(A) Seattle Case Assignment Area.** All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

**(B) Kent Case Assignment Area.** All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

**(C) 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.

### **(4) Standards for case assignment area designation, and revisions thereof.**

**(A) Location Designated by Party Filing Action.** Initial designations shall be made upon filing as follows:

**(i) Family Law, Paternity and Adoption Cases.** For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all other family law cases, the area where either the petitioner or respondent resides or if neither party resides in King County, in the Seattle case assignment area.

**(ii) Probate, Guardianship and Trust cases.** For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located. If no principal residence or estate is located in King County, the action may be filed in either case assignment area.

**(iii) Orders for Protection and Orders for Antiharassment.** For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

**(iv) Other Civil cases.** For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where the property is located; for all other civil cases, including administrative law reviews, the area where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

**(v) Appeals from Courts of Limited Jurisdiction.** For cases subject to RALJ, the

case assignment area in which the court of original jurisdiction is located.

**(vi) Transcripts of Judgment.** For transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

**(vii) Small Claims Appeals.** For small claims appeals, the case assignment area where the court of original jurisdiction is located.

**(viii) Appeals from Department of Licensing Orders of Suspension.** For appeals from Department of Licensing Orders of Suspension, the ~~Seattle~~ case assignment area of the residence of the petitioner.

**(ix) Actions filed pursuant to RCW 36.01.050.** For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

**(x) Domestic Modifications and Support Adjustments.** Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall be accompanied by a new Case Assignment Designation form.

**(xi) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW.** Seattle if the primary residence or estate of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent. If no principal residence or estate is located in King County, the action may be filed in either assignment area.

**(B) 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.

**(C) 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.

**(D) Motions By Party to Transfer.** Motions to transfer court proceedings from one case assignment area to another shall be presented to the Chief Civil Judge or the Chief Judge of the Maleng Regional Justice Center. Such motions shall be made in writing as required by LCR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LCR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LFLR 4(c). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

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

**(5) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any civil action in King County must be electronically filed with the Clerk using the Clerk's e-filing application. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of documents for the judge or commissioner must be submitted pursuant to the requirements of LCR 7(b).

**(6) Ex Parte Proceedings.** Proceedings in the Ex Parte Department shall be heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

**(7) Inclusion of Case Assignment Area Code.** All pleadings and documents shall contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LCR 82(e)(1)) 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.

**(8) Case Assignment Designation Form.** The Case Assignment Designation Form shall be in substantially the following form:

**Attachment to Case Indexing Cover Sheet**

**CASE ASSIGNMENT DESIGNATION**

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

\_\_\_\_\_ Seattle Area, defined as: All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

\_\_\_\_\_ Kent Area, defined as: All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

\_\_\_\_\_  
Signature of Petitioner/Plaintiff

\_\_\_\_\_  
Date

or

\_\_\_\_\_  
Signature of Attorney for  
Petitioner/Plaintiff

\_\_\_\_\_  
Date

\_\_\_\_\_  
WSBA Number

**(9) Jury Assignment Area.** See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identicard holders residing in each jury assignment area.

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**LMAR 2.1 TRANSFER TO ARBITRATION**

**(a) Statement of Arbitrability.** In all civil cases filed on or after September 1, 2019, where no party asserts a claim in excess of \$100,000, exclusive of interest and costs, a A party believing a case to be suitable for mandatory arbitration pursuant to MAR 1.2 shall file a statement of arbitrability upon a form prescribed by the Court before the case schedule deadline. After the date indicated on the case schedule has passed, the party wishing to transfer a case to arbitration must obtain an order from the Court upon a showing of good cause. For cases filed before September 1, 2019, the arbitration limit remains \$50,000.

**(b) Response to a Statement of Arbitrability.**

**(1)** Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability

shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion before the assigned judge.

(c) **Filing Amendments.** A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

(d) **By Stipulation.** A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, by leave of the Court.

(e) **Case Schedule Stricken.** Upon transfer of the case to arbitration, the case schedule is stricken.

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

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

(a) **Case Assignment.** Hearings in cases with “UFK” or “KNT” designations shall be at the Maleng Regional Justice Center (MRJC), in Kent, and hearings in cases with “UFS” or “SEA” designation shall be at the King County Courthouse, in Seattle. For judicial economy, the court may allow motions to be heard in either courthouse.

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

(1) Unless otherwise specified in this rule, motions for orders to show cause and agreed orders shall be presented Ex Parte via the Clerk. When setting a hearing before a judge, the motion for order to show cause shall include proof that the judge’s staff has approved the hearing to be set on that date. See LCR 7(b)(9).

**(2) Uncontested Final Orders.**

(A) **Divorces and Legal Separations.** At least one party shall appear to provide oral testimony about the final order of divorce or legal separation, unless a formal proof declaration, available online at <https://kingcounty.gov/courts/clerk/forms.aspx> ~~<http://www.kingcounty.gov/courts/superior-court/family/family-law-instructions.aspx>~~, is signed by at least one party to the case.

**(B) Uncontested final orders presented by attorneys.**

(i) **Cases involving children.** When presenting a final parenting plan, residential schedule, or a final nonparental custody order, an attorney must sign and file a certificate of compliance and present the final orders in person to the Ex Parte and Probate Department.

(ii) **Cases that do not involve children.** Final orders not related to the placement of children entered by agreement or default may be presented Ex Parte via the Clerk with the attorney’s certificate of compliance and formal proof declaration, if applicable.

(C) **Uncontested final orders presented when both parties are pro se.** When presented by pro se parties, agreed final orders or final orders entered after an order of default shall be:

(i) Presented to a judicial officer through a court-approved program operated by the Facilitator’s Office, or;



(ii) Noted for a final decree hearing in the Ex Parte and Probate Department with fourteen days' notice and proposed final orders shall be reviewed by the Facilitator's Office prior to the hearing.

**(c) Motions to be heard by Family Law Commissioners.**

(1) Agreed orders continuing a family law hearing shall be presented to a family law commissioner.

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

(3) **Motions in Trial by Affidavit cases.** All motions in trial by affidavit cases, including motions related to discovery, shall be heard by the assigned trial by affidavit family law commissioner. See LFLR 14.

(4) Motions to link a domestic violence protection order case with a family law case involving the same parties may be heard by family law commissioners.

**(d) Motions to be heard by Judges.** Hearings before judges shall be scheduled using the timelines required by applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days' notice and without oral argument. The court may allow or require oral argument.

**(1) Assigned Judge.** The following motions shall be scheduled before the assigned judge, or if there is no assigned judge, the Respective Chief Judge:

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

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

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

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

(E) Motions to enforce a CR2A agreement;

(F) Motions for revision of a commissioner's order. See LCR 7(b)(8).

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

(H) Any other motion identified in Section (e) below.

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

**(A) Change of Case Assignment Area or Consolidation of Cases.** A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Respective Chief Judge.

**(B) Motions related to an appeal of a commissioner's order.** If a commissioner entered the final order that is appealed, any motions related to the appeal shall be noted before the Respective Chief Judge.

**(e) Specific Motions.**

**(1) Motions related to trials and appeals of judges' orders.** The following motions shall be noted before the trial judge: motions in limine, trial motions, presentation of final orders related to a trial, motions relating to the appeal of a final order entered by a judge, including

motions to waive fees for the appeal and motions to stay the underlying order pending the appeal.

**(2) Motions to Vacate.** All return hearings scheduled before a judge shall be set as provided in LFLR 5(b)(1).

**(A) Active Cases.** In cases where there is still a pending trial date, the order to show cause on the motion to vacate an order shall set the return hearing before the judicial officer who signed the order, except the return hearing on a motion to vacate an order of default in an active case shall be scheduled before the assigned judge.

**(B) Closed Cases.** When a case has been dismissed or final orders have been entered, the order to show cause on the motion to vacate shall set the return hearing before the Respective Chief Judge except in the following circumstances:

**(i)** If it is a motion to vacate final orders entered after a trial, the order to show cause shall set the return hearing before the trial judge. If that judge has left the court, the return hearing on the order to show cause shall be scheduled before the Respective Chief Judge.

**(ii)** If the parties are presenting an agreed motion to vacate a dismissal and enter agreed final orders, the motion may be presented in the Ex Parte and Probate Department at the same time as the agreed final orders, as provided in LFLR 5(b)(2).

**(3) Motions for Reconsideration.** See LCR 59. All motions, including those before family law commissioners, shall be scheduled without oral argument with six court days' notice before the judicial officer who entered the order to be reconsidered. No response shall be filed unless requested by the court, as provided in LCR 59(b).

**(4) Orders Shortening Time.** Motions for orders shortening time shall be heard in accordance with LCR 7. Motions to shorten time that seek to set a hearing on the family law motions calendar shall be heard by a commissioner assigned to that calendar.

**(5) Writs of Habeas Corpus.** Applications for writs of habeas corpus relating to minor children shall be presented to and returnable to the designated judge in the Unified Family Court Department at the MRJC. Contact the Office of Court Operations at the MRJC (206-477-2600) to find out which judge is handling habeas corpus matters relating to minor children.

**(6) Relocation Motions.**

**(A)** Motions for temporary orders to restrain or authorize relocation of a child in a relocation or modification case shall be noted with oral argument in front of the assigned judge with 14-days advance notice. However, if no objection has been filed, and therefore there is no assigned judge, these motions shall be heard by the Chief UFC Judge.

**(B)** Ex parte motions authorized by statute shall be presented in person in the Ex Parte and Probate Department.

**(7) Motions for Default.**

**(A) Notice not required.** When notice is not required under CR 55, motions for default shall be presented Ex Parte via the Clerk's Office or presented with proposed final orders as outlined in section (b)(2) of this rule.

**(B) Notice required.** If notice to an opposing party is required under CR 55 (for example, when an appearance but no answer has been filed), motions for default shall be noted on the family law motions calendar with oral argument.

**(8) Motions related to discovery and appointment of experts.**

**(A)** Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge.

(B) Motions to appoint experts, such as a parenting evaluator or an expert for asset valuations, shall be scheduled on the family law motions calendar. All other motions under CR 34 or CR 35 shall go to the assigned judge.

(C) Motions related to discovery in domestic violence protection order cases shall be heard on the family law motions calendar.

(9) Motions in Petition for Visits cases. Motions in Petition for Visits cases shall be noted without oral argument before the assigned judge. Motions after final orders are entered shall be noted on the Family Law Motions Calendar pursuant to LFLR 5(c).

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## **LFLR 9 COMMENCEMENT OF NON-PARENTAL CUSTODY PROCEEDINGS**

**(a) Non-Parent Custody** An action for custody of a child brought by a non-parent is commenced by a summons and petition under a new cause number and may not be commenced under an existing dissolution, paternity or other case. Upon filing, the Clerk's Office will issue a case schedule. The petitioners must obtain a Washington State Patrol and Child Protective Services (CPS) background check on themselves and all adult household members. The King County local form order for obtaining a CPS background check, available from the Clerk's office or at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk), shall be used. Petitioners must also obtain an Order finding Adequate Cause before the date specified in the Case Schedule and attend a mandatory case review hearing. See Chapter 26.10 RCW, these rules and the Order Issuing Case Schedule for other requirements.

**(b) Petition for Visits.** A petition for visits may not be filed under any other existing case.

**(1) Service.** The petitioner must serve the other parties within 10 days of filing the petition. The petitioner must file proof of service and provide a working copy at least 6 court days prior to the court review. If service cannot be made within 10 days, the petitioner must file a motion to amend the case schedule and continue the trial date before the assigned judge.

**(2) Court Review.** Upon filing the summons and the petition, the Clerk's Office will issue a case schedule that includes a date for a court review before the assigned judge. Parties do not need to appear for this hearing. Parties shall provide working copies six court days prior to the court review. Working copies shall comply with LCR 7(b) to the extent that the rule is not inconsistent with this rule.

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## **LMPR 1.7 GUARDIANS AD LITEM**

**(a) Appointment of a Guardian ad Litem.** Upon representation by the respondent's counsel ~~on the record~~ that a Guardian ad Litem is needed in a case, the Court may appoint a Guardian ad Litem on behalf of the respondent without requiring the respondent to appear in court. ~~The request for the appointment of a GAL shall be on the record with petitioner's counsel present.~~ In the event the petitioner objects to the appointment of a Guardian ad Litem in the

respondent's absence or if respondent's counsel requests, the Court may require the respondent to appear to allow the Court to conduct an inquiry with the respondent to determine that a Guardian ad Litem should be appointed.

**(b) Discharge of a Guardian ad Litem.** Upon representation by the respondent's counsel ~~on the record~~ that the Guardian ad Litem has concluded that his or her services are no longer necessary and that respondent's counsel has been able to communicate with the respondent, the Court may discharge the Guardian ad Litem.