

# IMPORTANT CHANGES TO EX PARTE CALENDARS AND EMERGENCY MOTIONS PROCESS

**VISIT** <https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>

for more information

*There have been significant changes to the processes and procedures for scheduling hearings in the Ex Parte Department. These changes are effective for both courthouses and impact all case types presented to the Ex Parte Department, in person, pursuant to LCR 40.1.*

**Effective date:** These changes apply to any matter wherein the date setting document is filed after July 24, 2020. Parties with already noted hearings do not need to take additional steps to have their matters heard.

## **Commissioner's Calendars**

Parties should check the [Ex Parte Commissioner's Calendar](#) to determine which calendar to use for their motion. **Effective immediately**, the Ex Parte Department will only hear matters during specific calendar times. Motions set on the incorrect calendar or set at unavailable times will be stricken.

## **Civil Motions (SEA 9:00 AM (M-F), KNT 9:00 AM (Fridays only or special set with permission of the Court Operations Supervisor of Designee)).**

- **Judgments on Arbitration Awards.** Judgments on Arbitration Awards shall be presented with notice to the other parties.
- **Orders Vacating a Dismissal.** Orders vacating a dismissal of any civil case combined with a final dispositive order.
- **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.
- **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.

## **Unlawful Detainer (SEA 9:00 AM (M-F), KNT 9:00 AM (M-Th))**

- 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.

**Probate/Guardianship (SEA/KNT 10:30 AM M-F)**

- **Vulnerable Adult Protection Orders.** Hearings on final vulnerable adult protection orders shall be set by the clerk or Judicial Officer before the Ex Parte and Probate Department.
- **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.

**Adoptions (SEA 1:30 PM (M/W/F), KNT 1:30 PM (T/Th only or special set with permission of the Court Operations Supervisor or Designee).**

- 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.

**Other Motions (SEA 1:30 PM (M-F), KNT 1:30 PM (W/W/F)**

- All Adult Adoptions must be noted at this time with 9 days' notice.
- Sealed name changes.
- Final Decrees and other family law matters rejected or denied following submission Ex Parte via the Clerk or via Family Law/Ex Parte Orders for Review and directed to be presented in person.
- Any other matters as directed by local rules or the Court.

**Pro Se Guardianships (SEA/KNT 1:30 PM (T/Th)**

- Hearings on periodic reports and accountings for self-represented guardians and trustees. The Court may set hearings on this calendar for appointment of Pro Se Guardians. Only self-represented parties should set matters on this calendar.

**Emergency Motions (SEA/KNT 2:00 PM & 3:00 PM or by special set (M-F))**

- **Motions for temporary domestic restraining orders** (also known as Ex Parte Restraining Orders) entered on an emergency basis to prevent immediate injury, loss or damage (LRLF 8).
- **Motion to Quash Ex Parte Restraining Orders Entered Without Notice.** A party seeking to quash an Ex Parte Restraining Order entered without notice shall present the motion to the Ex Parte Department, giving the notice required by CR 65(b).
- **Temporary (Non-Domestic) 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. 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 and show proof thereof.
- **Temporary orders in family law cases** for custody, support, finances, property, maintenance.
- **Orders Shortening Time. See LCR 7:** 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.
- [Motion to Vacate Judgment and Stay Writ of Execution.](#)

### **Calendar Caps**

Effective immediately, here is a cap on the number of motions on the Ex Parte calendars. **You must check the Clerk's website for hearing availability on the desired date.** Parties will be notified via email if their requested date exceeds the limit after filing. If your hearing exceeds the cap, you will need to reschedule the hearing.

### **Emergency Exceptions**

A procedure is in place for requesting an exception in case of emergency. This procedure is at: <https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>. In summary, in the event there are no slots available for a same day hearing or with if harm will result prior to the next available date, parties may request an exception **no later than 11:00 AM** by email to [SCEXPARTEPHONE@KINGCOUNTY.GOV](mailto:SCEXPARTEPHONE@KINGCOUNTY.GOV), as well as opposing party/counsel. Parties shall attach their filed Notice of Hearing, motion materials and any proposed orders. The subject line of the email should read **"REQUEST FOR EXCEPTION TODAY: CASE NUMBER."**

**New Notice of Hearing:** The Notice of Hearing form has been updated reflecting all changes in the Ex Parte calendar process. **The new Notice form must be used.** The new notice form also includes telephonic hearing instructions and procedural information.

### **Timing**

In some cases, you may also need to obtain a Court Order setting the hearing date. File the Notice of Hearing form first to reserve your hearing date. You must pick an available date that is at least:

- Nine (9) Calendar days after filing for most civil matters (see Emergency Order 18 (modifying LCR 7(b)), LCR 40.1).
- Fourteen (14) calendar days after filing for most adoption, probate, and guardianship matters (see LCR(s) 93.04, 98.20, 98.14, 98.16, and 98.20).

You DO NOT need to file a Notice of Hearing to reserve a date for hearings set by Order Appointing Guardian ad Litem unless the original date has passed. The court will fill the date in at the time of entry of the order. If you wish to select a specific date and are concerned about availability you may file a Notice of Hearing.

**Response:** If you do not agree with the motion, you must file a response. Your response **must be in writing** and must be delivered no later than 12:00 PM. four (4) court days (not including court holidays) before the court date. Your response must be filed/delivered to:

- 1) The Superior Court Clerk
- 2) All parties or their attorney of record
- 3) The judicial officer via working copies.

### **Reply**

The person who scheduled the court date can reply, in writing, to the response. The reply is due by 12:00 PM two (2) court days prior to the hearing.

**\*This timing may vary depending on the type of motion. Please review the relevant local rules for more information.**

**Working Papers:** Working Copies are required for all noted hearings. Working Copies are not required for Ex Parte via the Clerk submissions. **Parties must timely file working papers or the hearing may not move forward.** Working papers for certain cases, such as Emergency Motions and for parties with fee waivers, may be submitted via email. Please visit the Court's Ex Parte and Probate Department website for more detailed information at:

<https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>.

### **NEW PROCESS FOR EMERGENCY MOTIONS:**

Except in the case of threat of imminent harm or if it is impracticable to do so, the moving party shall pick their hearing date, file a notice of hearing and any other required forms, and give the other party at least **two days' notice of his or her intent to seek immediate orders**. Such notice is required in all cases unless the moving party clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given. **IMPORTANT:** The Ex Parte Department calendars have limited spaces available. Prior to filing A Notice of Court Date for **BOTH the temporary AND return hearings** (IF REQUIRED) you must visit <https://kingcounty.gov/courts/clerk/calendars.aspx> to find available court date(s).

### **Below are instructions for requesting an exception to any caps for emergency motions.**

#### **Emergency Motions: Same Day Presentation**

Parties with emergencies may reserve a hearing the same day (pending availability) so long as they file the required forms and notify the Ex Parte Department by 11:00 AM by email to [SCEXPARTEPHONE@KINGCOUNTY.GOV](mailto:SCEXPARTEPHONE@KINGCOUNTY.GOV), as well as opposing party/counsel. Parties shall attach their filed Notice of Hearing, motion materials and any proposed orders. The subject line of the email should read **"NOTICE OF HEARING TODAY: CASE NUMBER."**

In the event there are no slots available for a same day hearing and/or if harm will result prior to the next available date, parties may request an exception **no later than 11:00 AM** by email to [SCEXPARTEPHONE@KINGCOUNTY.GOV](mailto:SCEXPARTEPHONE@KINGCOUNTY.GOV), as well as opposing party/counsel. Parties shall attach their filed Notice of Hearing, motion materials and any proposed orders. The subject line of the email should read **"REQUEST FOR EXCEPTION TODAY: CASE NUMBER."** \*EMAILS WILL ONLY BE CHECKED BETWEEN 11:00 AM and 12:00 PM\*

### **Working Papers for Emergency Motions:**

- **CONTACT THE EX PARTE DEPARTMENT FOR TELEPHONIC HEARING INSTRUCTIONS AND SUBMIT A COPY OF YOUR FILING.** Parties should contact the Ex Parte Department for telephonic hearing instructions and to submit a copy of their documents **immediately after filing**. Contact the department by email to [SCEXPARTEPHONE@KINGCOUNTY.GOV](mailto:SCEXPARTEPHONE@KINGCOUNTY.GOV), and copy opposing party/counsel. Parties shall attach their filed Notice of Hearing, motion materials and any proposed orders. The subject line of the email should read **"NOTICE OF HEARING ON \_\_\_\_\_(DATE): CASE NUMBER."** **DO NOT email the department until you have reserved a hearing date unless you are requesting an exception.**
  - Parties should submit proposed Orders in WORD to the extent practicable. Parties **MUST** indicate in their documents the correct date and time of presentation. All parties should also submit copies of their modification or case initiating documents (e.g. Petition for Dissolution, Complaint) and a **Law Enforcement Information Sheet (LEIS) with their motion (if applicable)**.
  - Working papers may be submitted in person only if email is impracticable.