

LOCAL RULES FOR THE SUPERIOR COURT OF SPOKANE COUNTY

Originally Effective January 1, 1979

**Including Amendments Received Through
September 1, 2018**

**I. ADMINISTRATIVE AND CIVIL RULES
(LAR and LCR)**

1. INTRODUCTORY

LAR 0.1 DEPARTMENTS OF COURT

The Superior Court of Spokane County shall be divided into as many departments as there are judges authorized by law. The departments shall be numbered consecutively in the order of their creation, as follows:

Department	Created	Incumbent Judge
No. 1	1889	Hon. Annette S. Plese Amended effective 1/12/09
No. 2	1891	Hon. James M. Triplet Amended effective 11/1/10
No. 3	1901	Hon. Raymond F. Clary Amended effective 1/23/2015
No. 4	1907	Hon. Julie M. McKay Amended effective 02/08/2016
No. 5	1909	Hon. Michael P. Price Amended effective 2/1/04
No. 6	1949	Hon. Tony D. Hazel Amended effective 4/13/17
No. 7	1963	Hon. Maryann C. Moreno Amended effective 9/1/03
No. 8	1973	Hon. Harold D. Clarke III Amended effective 9/1/05
No. 9	1977	Hon. John O. Cooney Amended effective 1/14/13
No. 10	1979	Hon. Michelle Szambelan Amended effective 03/19/18

noting the issue on the agenda for the next regularly scheduled Judges Meeting.

Effective 06/20/2017

(e) Duties of the Presiding Judge.

Effective 06/20/2017

(1) Supervise all business of the court and implement all policies established by the judges;

(2) Supervise the court commissioners, the court administrator, court employees not assigned to a particular department, and employees assigned to a particular department in the absence of the departmental judge;

(3) Oversee the assignment of cases and caseflow management, with the assistance of the court administrator;
Amended effective 1/18/00

(4) Select and utilize jurors, with the assistance of the court administrator;

(5) Preside at all judges' meetings and call special meetings as required;

(6) Act as spokesperson for the court, seeking advice and counsel from the judges where appropriate;

(7) Assign cases and other duties to the judges and court commissioners;

(8) Hear such ex parte civil and probate matters as are not assigned to other departments or court commissioners;

(9) Appoint standing and special committees, with the approval of the judges.

(f) Criminal Department. The criminal department shall consist of one Chief Criminal Judge, the Presiding Judge and three Criminal Trial Judges. The Chief Criminal Judge shall be responsible to manage the entire criminal docket from arraignment through plea setting or trial assignment. He or she shall preside at arraignments, decide continuance issues, hold scheduling hearings and pretrial (omnibus) hearings, and shall hear or assign all criminal motions, all probation violations, violations of conditions of sentence, and shall assign all criminal trials. The Presiding Judge will hear criminal pleas and sentencings.

Additional hearings, pleas and sentencings will be assigned to the other judges by the Chief Criminal Judge as needed to keep the docket current. Judges will serve on assignment as Criminal Trial Judges for a month at a time, pursuant to a schedule established by the Court Administrator. The Chief Criminal Judge shall be selected from among the judges, other than the Presiding Judge and the Juvenile Judge, to serve for a one year term.

Amended effective 3/23/00 Amended effective 06/20/2017

(1) Drug Court. The Presiding Judge or designee will be responsible to manage the Drug Court program, including primary responsibility to determine eligibility of defendants and revocation for violation of program rules.

Amended effective 3/23/00

(2) Court Commissioners qualified under Article 4, Section 23 of the Washington Constitution are authorized to preside over, and consider all matters in adult felony proceedings specified under RCW 2.24.040, with the limitation that they may not accept guilty pleas in matters involving felony charges under RCW 9A.44 (Sexual Offenses) or 9.68A (Sexual Exploitation of Children).

Effective 6/8/00

(g) Duties of the Court Administrator. The court administrator shall assist the presiding judge in administrative responsibilities. Subject to the general supervision of the presiding judge, the court administrator's duties shall include:

Effective 06/20/2017

(1) Administrative control of all nonjudicial activities of the court;

(2) Supervision of all court employees other than court commissioners, juvenile court employees, and departmental employees;

(3) Case setting and trial calendar management;

(4) Juror selection and utilization;

(5) Preparation and administration of the budget;

(6) Coordination with the state court administrator and with the visiting judge program;

(7) Assisting the presiding judge in dealing with county government, bar association, news media, and other public and private groups having a reasonable interest in the administration of justice;

(8) Attendance of judges' meetings and preparation of the agenda for and minutes of those meetings;

(9) Preparation of such reports and compilation of such statistics as may be required by the judges or state court administrator;

(10) Making recommendations to the judges for the improvement of the administration of the court.

LAR 0.3 COMMITTEES

- (a) **Standing Committees.** The following standing committees shall be established:
- (1) Juvenile Court, composed of the juvenile court judge as chairman and the last and next succeeding juvenile court judge;
 - (2) Mental Illness;
 - (3) Jury Management;
 - (4) Mandatory Arbitration;
 - (5) Budget and Planning;
 - (6) Superior Court Civil Liaison; and 5
 - (7) Court Commissioner Liaison;
 - (8) Criminal Liaison Committee consisting of the Chief Criminal Judge, past Chief Criminal Judge, future Chief Criminal Judge, a judge designated by the Presiding Judge, representatives from the offices of the Prosecuting Attorney and Public Defender, a representative of private defense counsel, a representative from the Court Administrator's staff, and others designated by the chairperson to assist in the work of the committee. The Committee shall be chaired by the Chief Criminal Judge; together with such special committees as may be appointed by the Presiding Judge with approval of the judges;

Amended effective 1/1/98; Amended effective 11/14/16

(b) **Duties of Committees.** Committees have a duty to study and make recommendations concerning the subject matters assigned to them with authority to act when specifically authorized by the judges, provided, however,

that the Juvenile Court Committee is authorized to act in any matter concerning which there is unanimity among the three juvenile court committee judges.

LAR 0.4 STANDARDS FOR TIMELY DISPOSITION OF CIVIL CASES

(a) Time Standards. The court, in order to increase the rate of civil and domestic dispositions and insure trial preparation, adopts the following time standards.

(1) *General Civil.* 90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months; and the remainder within 24 months, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review will occur.

(2) *Domestic Relations.* 90% of all domestic relations matters should be settled, tried or otherwise concluded within ten months of the date of case filing; 100% within 18 months, except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review will occur.

Amended effective 7/1/01

(b) Scope. Except as otherwise provided by LAR 0.4(a), or as otherwise ordered by the court, this rule shall apply to all civil cases, except for:

Amended effective 7/1/01

(1) Modification of a decree of support or maintenance under RCW Title 26;

Amended effective 7/1/01

(2) Collection cases under \$35,000;

(3) Changes of name;

(4) Adoptions;

(5) Domestic violence (RCW Chapter 26.50);

(6) Civil harassment (RCW Chapter 10.14);

(7) Uniform Interstate Family Support Act (UIFSA);

Amended effective 7/1/01

(8) Juvenile and Dependency cases (RCW 13.32A & 13.34);

(9) Paternity cases;

- (10) Minor settlements;
- (11) Probate cases;
- (12) Guardianships;
- (13) Unlawful detainers;
- (14) Reviews of action taken by an administrative agency;
- (15) Appeals from courts of limited jurisdiction;
- (16) Foreign judgments;
- (17) Abstracts or transcripts of judgments;
- (18) Petitions for writs of habeas corpus, mandamus, restitution, or review, or any other writs;
- (19) Civil commitment cases;
- (20) Proceedings under RCW chapter 70.96A.

LAR 0.4.1 CASE SCHEDULE ORDER AND ASSIGNMENT OF CIVIL CASES

(a) Scope. Except as otherwise ordered by the court, this rule shall apply to all civil cases, except for:

(1) Cases which have been transferred to mandatory arbitration, pursuant to LMAR 2.1, whether or not a Case Schedule Order has been previously signed. For cases appealed from mandatory arbitration see LAR 0.4.1(c);

(2) Modifications of child support or maintenance, except that these matters may be assigned a Case Schedule Order upon order of the court;

Amended effective 7/1/01

- (3) Paternity;
- (4) Change of name;
- (5) Adoption;
- (6) Domestic violence (RCW Chapter 26.50);
- (7) Harassment (RCW Chapter 10.14);

(8) UIFSA actions;

Amended effective 7/1/01

(9) Juvenile dependency;

(10) Minor settlement;

(11) Probate, except any will contest or litigation matter arising in a probate case shall be assigned a Case Schedule Order when the petition to contest the will is filed or the estate is sued;

(12) Guardianship;

(13) Unlawful detainer;

(14) Review of action taken by administrative agency;

(15) Appeals from courts of limited jurisdiction which are governed by rules for Appeal of Decisions of Courts of Limited Jurisdictions (RALJ);

(16) Foreign judgments;

(17) Abstract of transcript of judgment;

(18) Petition for Writ;

(19) Civil commitment;

(20) Proceedings under RCW Chapter 10.77 (Criminally Insane);

(21) Proceedings under RCW Chapter 70.96A;

(22) Proceedings for isolation and quarantine;

(23) Collection cases.

(b) Clerk Index Sheet, Case Assignment Notice and Order. When an initial pleading is filed and a new case file is opened, the plaintiff/petitioner shall file a Spokane County Clerk Indexing Sheet in the form specified in Appendix A.

Amended effective 7/1/01

Excluding cases listed in LAR 0.4.1(a), the clerk will issue and file a Case Assignment Notice and Order with a status conference date and will provide one copy to the party filing the initial pleading and one copy to the

assigned court department. The plaintiff/petitioner may serve a copy of the Case Assignment Notice and Order on the defendants/respondents along with the initial pleadings. Otherwise, the plaintiff/petitioner shall serve the Case Assignment Notice and Order on the defendants/respondents within ten days after the later of: (1) the filing of the initial pleadings, or (2) service of the defendant's/respondent's first response to the initial pleadings whether that first response is a notice of appearance, an answer, or a CR 12 motion. The Case Assignment Notice may be served by regular mail, with proof of mailing to be filed promptly in the form required by CR 5.

Amended effective 7/1/01

(c) Assignment of Cases. All civil cases not falling under LAR 0.4.1(a)(1) through (23), will be assigned to an individual judge when an initial pleading is filed and a new case file is opened. Cases that fall within LAR 0.4.1(a)(1) through (23) may move for assignment which the court may grant if the circumstances of the case so warrant. Termination of Parental Rights cases will be assigned to a judge 60 days after filing of the petition. Cases appealed from mandatory arbitration will be assigned to a judge when the notice of appeal is filed.

Amended effective 7/1/01

(d) Status Conference and Case Schedule Order. All attorneys of record and/or pro se parties must attend a status conference with the assigned judge on the date and time designated by the Case Assignment Notice. A Case Schedule Order will be issued at the status conference in the format found in Appendix A. The order will set the time period between filing and trial and the scheduled events and deadlines for that type of case, as determined to be appropriate by the assigned court department, after consultation with counsel. The court will set cases consistent with the time standards set forth in LAR 0.4(a).

Amended effective 1/18/00

(1) [Deleted]

Amended effective 1/18/00

(2) [Deleted]

Amended effective 1/18/00

(e) Joint Case Status Report. All parties shall confer and jointly prepare a Joint Case Status Report in the form found in Appendix A. The form must be brought to the status conference by the parties, or provided to the court

department in advance. This form is not to be filed in the court file.

Effective 1/18/00

(f) Monitoring. The assigned judge and/or court administrator's office will monitor cases to determine compliance with these rules.

(g) Enforcement.

(1) Failure to comply with the Civil or Domestic Case Schedule Orders 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 Civil or Domestic Case Schedule Orders established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Civil or Domestic Case Schedule Orders 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 expenses 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 Civil or Domestic Case Schedule Orders, "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) Relationship to Civil Rules. The issuance of a Case Schedule Order or Domestic Schedule Order does not affect the right of a party to seek a summary judgment under CR 56 or the right of a party to seek enforcement of discovery rights or obligations under CR 26-37.

Effective 1/1/99

LAR 0.5 CIVIL MEDIATION

The judicial officers of the Superior Court are empowered to issue an order requiring the parties to participate, in good faith, in mediation at any time during the pendency of

litigation.

Effective 9/1/06

LAR 0.6 JUVENILE COURT AND FAMILY LAW DEPARTMENT

(a) Generally. There shall be a juvenile court and family law department of the court, in which shall be heard all matters arising under the juvenile and family laws. Every judge is designated a judge of the family and juvenile court. The juvenile court judge shall be determined according to a yearly rotation list provided by the court administrator, with 12 month terms beginning on January 1 of each year. The term of the juvenile court judge may be extended by agreement of the juvenile court judge and the next judge in line on the rotation list, in which case the judge surrendering their place in the rotation shall drop to the end of the rotation schedule.

Amended effective 1/1/99

(b) Assignment. The presiding judge shall assign judges or commissioners as needed to hear matters in the family law department and in the juvenile court department subject to the approval of the juvenile court judge.

(c) Sessions of Juvenile Court. Regular sessions of the juvenile court department shall be held as provided by local juvenile court rules.

(d) Sessions of Family Law. Regular sessions of the family law department shall be as provided by local court rules.

(e) Rules. The juvenile court shall make rules for the conduct of business of the department subject to the approval of a majority of the judges.

(f) Revision. Revision of orders and judgments by a commissioner in the juvenile court shall be heard by the juvenile court judge.

LAR 0.7 REVISION OF COURT COMMISSIONER'S ORDER OR JUDGMENT

(a) Revision by Motion and Notice. Revision shall be initiated by filing a motion on a form approved by the Court, with the Clerk of the Court within 10 days after entry of the order or judgment as provided in RCW 2.24.050. The motion must specify each portion of the Order for which revision is sought. The revision form shall designate a

hearing date no later than 30 days after the filing of the motion. The Motion for Revision shall also be noted in accordance with Civil Rules 6 and 7. A copy of the motion for revision shall be served upon the other parties, or their counsel, if represented, within 10 days after the entry of the order or judgment and at least five court days before the hearing date. An additional three days notice shall be required if service is by mail.

Amended effective 9/2/14

(b) Transcript Required. At least two days prior to the hearing on the motion, the moving party shall file a transcript of the oral ruling of the Commissioner. The moving party shall obtain the transcript at their expense. A copy of the transcript shall, at least two days before the hearing, also be served upon the other parties and furnished to the Judge who will hear the motion. A transcript will not be required if the matter was decided by letter decision, or if no oral decision was rendered. The transcript shall be double spaced in at least eleven point type. The person preparing the transcript shall certify, under penalty of perjury, that it is an accurate transcription of the record. Failure to comply with these requirements may result in denial of the motion.

Amended effective 9/2/14

(c) Assignment and Procedure. Revision motions in cases that have been assigned, will be heard by the assigned judge. Family Law revision hearings involving non-assigned cases will be heard by the Chief Family Law Judge. Non-Family law revision hearings will be heard by the Presiding Judge. The Juvenile Judge will hear all Juvenile Court revision hearings. A Judge required by this rule to conduct the revision hearing, may, in the efficient administration of justice, assign the matter to another Judge.

Amended effective 9/1/12

(d) Hearing Procedure. Hearings before the Family Law Judges shall be scheduled at 1:30 p.m. on Thursdays. Hearings before other judges shall be set pursuant to motion procedures for each department. The hearing will be on the factual record made before the Commissioner. Argument will be up to 10 minutes per side. The moving party shall confirm with the other parties whether they are ready for hearing, or whether a continuance may be requested. The moving party shall notify the Judicial Assistant to the Presiding Family Law Judge by noon, two days before the

hearing date, as to the ready status of the motion. Failure to comply with this rule will result in the motion being stricken. The non-moving parties may be granted sanctions if they appear at the time set for hearing and the matter is stricken due to non-compliance with the rule by the moving party. The Judge scheduled to conduct the hearing shall approve any order of continuance. If the moving party fails to appear at the time set for hearing, the Court may enter an order denying the motion. The Juvenile Judge shall determine the setting of motions in that Court. Absent good cause, a party seeking revision shall be deemed to have abandoned the motion if they fail to calendar the case and obtain a hearing within 60 days of the filing of the motion. Multiple orders of continuance shall not be freely granted. The agreement of the parties, standing alone, may not be deemed sufficient basis for a continuance.

Amended effective 9/2/14

(e) Emergency Motions. If a party can demonstrate exigent circumstances, an emergency motion may be presented to the Presiding Judge, upon reasonable notice to the opposing parties, without the necessity of meeting the requirements set forth in the above sections of this rule. The Presiding Judge may determine that exigent circumstances do not justify an emergency hearing. In that event, the moving party shall follow the procedures set forth above.

Amended effective 9/2/14

(f) Stay. The filing of a Motion for Revision does not stay the Commissioner's order. The moving party may seek a stay of the order from the Judge expected to conduct the revision hearing as set forth in this rule. A request for stay may also be addressed to the Commissioner who issued the judgment or order.

Amended effective 3/1/06

LAR 0.8 LOCAL RULE TO IMPLEMENT GR 31 AND GR 22

(a) Personal Identifiers-Children

(1) Complete names of children, sealed case types:
The complete names of children shall be used in cases that are deemed confidential pursuant to state or federal statutes, including cases filed pursuant to Title 13 RCW (excluding offender cases); Chapter 4.24 RCW, Chapter 26.33 (Adoption) and Chapter 71.34 (Mental Health Services for Minors).

(2) *Confidential Information Form:* The complete names of children and other identifiers shall be included in the Confidential Information Form or similar document for cases filed under Title 26.

(3) *Domestic Relations Orders:* Court orders concerning the financial support or the custody or residential schedule of a child (including temporary and permanent parenting plans and similar documents) and orders establishing or disestablishing paternity shall include the full name of the child. The date of birth of a child shall be included in court records only as authorized by GR 22.

(4) *Child who is alleged to be a victim of a crime:* The complete name of a child who is alleged to be a victim of a crime may be included on subpoenas and in jury instructions. Nothing in this rule requires that subpoenas be routinely filed in the court file.

(5) *Child who is charged with a crime:* The complete name of a child charged with a crime shall be included in any indictment or information filed with the court pursuant to CrR 2.1 or JuCR 7.2, as part of an affidavit or declaration of probable cause or for any other purpose deemed necessary for the prosecution or defense of the criminal or juvenile offender matter.

(6) *Orders issued for the protection of a child:* If a child is a person protected by a criminal no contact order issued pursuant to 10.99 RCW, an anti-harassment order issued pursuant to 10.14 RCW, an order of protection issued pursuant to 26.50 RCW or a restraining order or order of protection issued pursuant to 26.09 RCW, 26.10 RCW, 26.26 RCW, RCW 26.52.020, or any other court order entered for the protection of the child, the child's full name and other identifiers shall be included on petitions and orders as necessary for entry of the order into the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).

(7) *Orders on release of criminal defendant:* If access to a child is restricted pursuant to CrR 3.2(d) (1), the court may include the full name of the child on the order, if deemed necessary for effective enforcement of the order.

(8) *Orders restraining child from contacting or harassing others:* Whenever a child is named as a respondent in an order listed herein, the child's full name and other

personal identifiers shall be included on the petition and order as necessary for entry of the order in the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).

(9) *Petitions and Notices filed pursuant to Chapter 11.28, RCW (children as heirs to estate):* The full names and ages of children and other information required by RCW 11.28.110 and RCW 11.28.330 shall be included, however, the date of birth may be included only as authorized by GR 22.

(10) *General authority.* Nothing in this rule shall prohibit a court from authorizing the use of a child's full name or date of birth when necessary for the orderly administration of justice, consistent with the requirements of GR 22.

Effective 9/1/05

(b) Access

(1) Electronic access to the Superior Court Clerk's electronic records system outside of the clerk's office and outside of Spokane County's wide area network may be provided for all electronically-stored case files except those restricted by federal law, state law, court rule, case law, or court order, and

(2) Electronic access to court records shall be provided to those who have been approved to enter into a Document Viewer Subscription Agreement with Spokane County and have fulfilled all requirements of said agreement and are in current compliance with the agreement.

Effective 3/1/11

2. COMMENCEMENT OF ACTION

LAR 30 Electronic Filing

(d) (2) (D) (ii) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision and Traffic Online Records (SECTOR) application, the Justice Information Network Data Exchange (INDEX), or the local secured system "Xpediter" used by the County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the document.

Effective 9/1/12

LGR 0.15 DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

- (a) See GR15
- (b) See GR 15
- (c) Sealing or Redacting Court Records.

(1) Motions to Destroy, Redact or Seal. Motions to destroy, redact or seal all or part a court record shall be presented, in accordance with GR 15 to the assigned judge or Presiding Judge if there is no assigned judge.

(A) Guardianship, Trusts and Probate: (Title 11)

Motions may be presented to the Ex Parte Commissioner.

(B) Vulnerable Adult Protection Order: (RCW 74.04)

Motions may be presented to the Ex Parte Commissioner.

(C) Minor/Incapacitated Settlement: The motion shall be presented to the assigned judge.

(D) Name Changes Based on Domestic Violence: If no assigned judge, motion may be presented by the requesting party to the Ex Parte Commissioner.

(2) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 or Title 11 Cases: In a proceeding brought pursuant to RCW 26 or RCW 11, "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.

(3) Orders to Destroy, Redact or Seal. Any order containing a directive to 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. 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.

(4) 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) 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* view. 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) a proposed redacted copy of the subject documents(s).

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

(B) If the judicial officer denies the motion to seal, the judicial officer will file the original unredacted document(s) unsealed with an order denying the motion. The words "SEALED PER COURT ORDER FILED [insert date]" will be crossed out on the unredacted document(s).

(C) If the judicial officer grants the motion to seal, in whole or in part, the judicial officer will cause to be filed the sealed document(s) contemporaneously with a separate order granting the motion. If the judicial officer grants the motion by allowing redaction, the judicial officer shall write the words "SEALED PER COURT ORDER DATED [inserted date]" in the caption of the unredacted document before filing.

(d) See GR 15

(e) Motions to Unseal or Examine. See GR 15 with respect to motions to unseal or examine a sealed court record.

(f) See GR 15.

(g) See GR 15.

(h) See GR 15.

(i) See GR 15.

(j) See GR 15.

Effective 09/02/13

LGR 0.31 ACCESS TO COURT RECORDS

a) **Filing by Clerk.** It is the policy of the Spokane County Superior Court to make, as a part of the public record, all documents considered by judicial officers in the

course of their official duties. This includes pleadings, reports, letters, and other written materials. The Court directs the Clerk of Court to place in the public file all documents considered by the Court, unless otherwise sealed or redacted.

(1) The Court orders the following documents to be placed in the public court file after consideration by the court:

- (A) Mental condition evaluations (RCW 10.77);
- (B) SSOSA evaluations and reports (RCW 9.94A.670);
- (C) Presentence reports (RCW 9.94A.500(1)); and
- (D) Victim Impact Statements (Washington State Constitution, Article I, Section 35).

(2) **Criminal Cases.** After first appearance, pretrial first appearance evaluations and risk assessment tools used in pretrial hearings shall be placed in the public court file.

Effective 09/02/13

LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing.

(5) *Motions.* No motion for any order shall be heard unless the papers pertaining to it have been filed with the clerk.

(6) *Documents Not to Be Filed.* Unanswered interrogatories to parties and requests for admissions where an answer or other response is expected on the same document shall not be filed unless necessary for the disposition of a motion or objection. Photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise but may be furnished directly to the judge hearing the matter. Documents or copies thereof produced during discovery and other items which should properly be received as exhibits rather than as a part of the court file shall not be included in the court file.

(7) *Indexing Cover Sheet.* An indexing cover sheet (Clerk Form 1) shall be completed and filed with all initial pleadings at the time the pleadings are assigned a cause number.

3. PLEADINGS AND MOTIONS

LCR 7. PLEADINGS

(a) Notice of Appearance. In each and every cause, after the filing of a complaint or petition, the attorney of record shall file a clearly designated "Notice of Appearance" with the court before filing any answer, motion, memorandum, or responsive pleading and shall serve a copy on the assigned trial judge.

Effective 9/1/99

(b) Pro Se Pleadings. Pro se pleadings shall be typewritten or neatly printed in black or dark blue ink, shall conform to the format requirements of GR 14, and shall contain the party's mailing address and street address where service of process and other papers may be made upon him/her.

Effective 9/1/01

LCR 10. FORM OF PLEADINGS AND OTHER PAPERS

(e) Format Requirements.

(1) *Compliance with GR 14.* All pleadings, motions and other papers presented for filing with the Clerk shall comply with GR 14.

Effective 9/1/01

(2) *Paper Requirements.* All original documents filed shall be clear, legible and permanent, and printed or typewritten in black or dark blue ink on nontranslucent bond paper or other paper suitable for scanning. On documents not readable by the scanner, the original will be stamped by the clerk showing it was of poor quality for scanning. The following standards are required to assist the clerk for scanning purposes: use of binder clips on large documents; one staple per document (do not staple sub-documents within the pleading); use of bottom tabs only; no colored divider pages; and use of tape within documents (to affix small notes and receipts) instead of staples.

Effective 9/1/01

(3) *Consolidated Cases.* For all causes wherein an order for consolidation (for any purpose) has been entered, the caption shall include the separated titles of the consolidated actions, along with the specific cause numbers, and indication to the clerk of which cause number the pleadings shall be filed under. The party filing the pleadings shall provide copies for each cause listed. If no indication is made and/or a copy is not provided for each

cause, the clerk shall place the pleadings into the lowest (or earliest filed) cause.

Effective 9/1/01

(4) *Bottom Notation.* Every proposed order, judgment and decree presented to a judge for signature shall be signed, on the lower left-hand corner of the page to be signed by the judge, by the individual attorney or pro se party presenting it. Attorneys signing shall include their Washington State Bar Association identification numbers.

Amended effective 9/1/01

(5) *Change of Name or Address of Attorney.* An attorney whose office address or whose name changes shall, within ten days after the change, notify in writing the Superior Court Administrator's Office and shall file a notice in each Superior Court case file in which he or she is the attorney of record. An attorney may use the same format referred to in APR 13 or the form in use by the Washington State Bar Association.

Amended effective 9/1/01

(A) *Change of Address.* The attorney shall furnish his or her Washington State Bar Association membership number, the previous address and telephone number, clearly identified as such, the new address and telephone number, clearly identified as such, and the effective date of the change.

(B) *Change of Name.* The attorney shall furnish his or her Washington State Bar Association membership number, the previous name, clearly identified as such, the full new name, clearly identified as such, and the effective date of the change.

LCR 12. DEFENSES

(a) Answer or Motion for Default. In all civil cases every plaintiff shall promptly move for entry of default if the answers or responsive pleadings are more than 20 days past due.

Amended effective 1/18/00

(b) How Presented.

(1) *Bankruptcy.* Any party that wishes to assert the protection of the Federal Bankruptcy laws shall, by the next judicial business day after the bankruptcy filing, file a

copy of the Bankruptcy Court Notice of Commencement of Case Under Bankruptcy Code, or Voluntary Petition. The copies shall be accompanied by a certificate reflecting that the copies are true and accurate, filed under the Superior Court caption for each case to which the matter pertains. A copy shall be served on all other parties, and a copy provided to the assigned judge, if any. A claim of bankruptcy protection asserted in an answer or other pleading is not sufficient to advise the clerk or court of the pendency of bankruptcy. The parties will seasonably update the court as to the status of a bankruptcy case.

Effective 9/1/99

LCR 15 AMENDED PLEADINGS

(a) Amendments. No additional parties may be joined, no additional claims or defenses may be raised after the date designated in the Case Schedule Order as the Last Date for Joinder of Additional Parties, Amendment of Claims or Defenses, unless, for good cause, the court orders otherwise subject to such conditions as justice requires.

Effective 9/1/02

LCR 16. PRETRIAL PROCEDURE

(a) Trial Management Joint Report. In cases governed by a Civil Case Schedule Order pursuant to LAR 0.4.1, the parties must jointly prepare a Trial Management Joint Report (form CI-06.0150). The Report shall be filed with the Court, with a copy served on the assigned trial department. The Report shall contain:

- (1) Nature and brief, non-argumentative summary of the case;
- (2) List of issues which are not in dispute;
- (3) List of issues that are disputed;
- (4) Index of exhibits (excluding rebuttal or impeachment exhibits);
- (5) List of plaintiff's requests for Washington Pattern Jury Instructions;
- (6) List of defendant's requests for Washington Pattern

Jury Instructions;

(7) List of names of all lay and expert witnesses, excluding rebuttal witnesses;

(8) Suggestions by either party for shortening the trial.

(b) Parties to Confer in Completing Report. The attorneys for all parties in the case shall confer in completing the Trial Management Joint Report (form CI-06.0150). If any party fails to cooperate in completing the report, any other party may file and serve the report and note the refusal to cooperate.

Amended effective 9/1/99

(c) Pretrial Conference. All parties must attend a pretrial management conference if scheduled by the assigned trial judge.

Amended effective 9/1/99

(d) [Deleted]

(e) [Deleted]

(f) [Deleted]

(g) [Deleted]

(h) [Deleted]

(i) [Deleted]

Amended effective 9/1/99

5. DEPOSITIONS AND DISCOVERY

LCR 37. FAILURE TO MAKE DISCOVERY: SANCTIONS

(a) Motion for Order Compelling Discovery. Motions to compel discovery shall be noted for hearing on Motion for Hearing Ex Parte Issue of Law before the ex parte commissioner (if the case is not pre-assigned to a judicial department) on any court day during regular business hours.

If the case is pre-assigned to a judicial department, the motion shall be noted for hearing on the motion calendar for that department. The ex parte commissioner, in his or her discretion, may refer the motion to the presiding judge, if the case is not pre-assigned. The presiding judge may

assign the case to a judge if it has not already been pre-assigned, or may return the motion to the ex parte commissioner. In the absence of emergency, no motion or objection with respect to CR 30, 31, 33, 34, or 35 will be heard unless it affirmatively appears that before the hearing counsel have conferred and attempted to resolve the issue(s). If any party has refused to confer, terms will be assessed against that party. The notice requirements of LCR 40(b)(10) apply to motions governed by this rule.

Amended effective 9/1/04

6. TRIALS

LCR 38. JURY TRIAL OF RIGHT

(a) Demand for Jury.

(1) *Must Be on Separate Document.* The demand for a jury trial shall be contained on a separate document.

(2) *Deadline for Filing Jury Demand.*

(A) In cases not governed by a Civil Case Schedule Order pursuant to LAR 0.4, a jury demand shall be filed and served no later than the trial setting date.

(B) In cases governed by a Civil Case Schedule Order pursuant to LAR 0.4, a jury demand shall be filed and served no later than the date set forth in the Civil Case Schedule Order.

LCR 40. ASSIGNMENT OF CASES

(a) Note of Issue.

Amended effective 7/1/01

(1) **[Deleted]**

Amended effective 7/1/01

(A) **[Deleted]**

Amended effective 7/1/01

(B) **[Deleted]**.

(1) Of Law. In cases where a Case Assignment Notice has been entered issues of law shall be noted for hearing on a form approved by the court and shall be

scheduled by the judicial assistant for the assigned judge. For issues of default, see LCR 55. For issues under CR 30, 31, 33, 34 and 35, see LCR 37.

Amended effective 06/21/18

In cases where a Domestic Case Assignment Notice has been entered issues of law shall be noted for hearing in conformity with the Spokane County Family Law Local Rules. However, in the case of summary judgment motions, they shall be noted for hearing before the assigned judge and comply with LCR 40(b) and LCR 56.

Amended effective 06/21/18

(2) Family Law Cases. (i.e. cases subject to Title 26 RCW).

Amended effective 06/21/18

The judges shall periodically appoint judges to act as Family Law Judges who shall manage all matters of family law administration. All cases involving matters arising under Title 26 RCW shall be subject to the supervision of the Family Law Judges, one or more Family Law Commissioners and comply with the Spokane Family Law Local Rules.

Amended effective 06/21/18

(a) Motion Practice.

(1) Page Limits.

Amended effective 06/21/18

A. Initial Motion, Memorandum, Brief, Affidavit or Declaration. No individual moving memorandum, brief, affidavit, or declaration shall exceed fifteen (15) pages with nondispositive motions and twenty (20) pages with dispositive motions, not including exhibits.

Effective 06/21/18

B. Response to Memorandum, Brief, Affidavit or Declaration. No response to any individual document (memorandum, brief, affidavit or declaration) shall exceed fifteen (15) pages with nondispositive motions and twenty (20) pages with dispositive motions, not including exhibits. Any response should be clearly designated as such.

Effective 06/21/18

C. Reply to Response. No reply to any individual document shall exceed five (5) pages with nondispositive motions and seven (7) pages with dispositive motions, not including exhibits. No response or reply may include any document attached to or a part of the initial motion, response, or document already filed as part of this motion, but instead shall cite to the relevant portion of the previously filed document. Any reply should be clearly designated as such.

Effective 06/21/18

D. If more than one (1) motion is to be heard at the same time, the page limits apply to the entire hearing, not each individual motion.

Effective 06/21/18

E. Exhibits. No individual exhibit shall exceed twenty (20) pages.

Effective 06/21/18

F. Motion to Exceed Page Limits. The page limits shall not be exceeded without prior authorization from the court. A party may, upon motion for good cause shown, and an explanation of steps taken to reduce the number of pages, request permission to exceed these page limits.

Effective 06/21/18

(2) Format. All documents shall comply with GR 14 and be typed in font no smaller than 12 point Times New

Roman. The writing or printing shall appear on only one (1) side of the page.

Amended Effective 06/21/18

(3) Authority. Any legal authority relied upon must be cited, including a pinpoint cite to the particular page or pages the proponent wishes the court to read. Copies of all non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing judge and to counsel or parties, shall be underlined or highlighted clearly delineating the specific part of the authority the proponent wishes the court to read, but not be filed with the clerk.

Amended Effective 06/21/18

(4) Form of Proposed Orders. The moving party and any party opposing a motion shall include a proposed order with their submission. The original of each proposed order shall be submitted to the hearing judge along with any working copies.

Amended Effective 06/21/18

(5) Obligation to Respond. Upon the filing of an initial motion, whether dispositive or non-dispositive, the opposing party shall file a response. The failure to file a response may be deemed consent to the entry of an order adverse to the party who fails to file a response. The initial moving party may, at its discretion, file a reply which complies with LCR 40(b)(1)(C).

Amended Effective 06/21/18

(6) Failure to Comply with Rules of Motion Practice. In the event a party fails to comply with LCR 40 or LCR 56, including service, filing, delivery of a document, providing bench copies, citations, highlighting or underling exhibits or authorities, or exceeding page limits, the court shall have discretion to not consider the document or citation, strike the document, strike the hearing, continue the hearing, and/or impose terms or sanctions.

Amended Effective 06/21/18

(7) Exhibits. No response may include an exhibit attached to or a part of the initial motion or pleading already filed, but instead shall cite to the relevant portion of the initial exhibit. Exhibits shall contain a table of contents. Each exhibit shall clearly identify at the top of the first page the particular claim, defense, or issue to which the exhibit applies. If a portion of an exhibit is referenced in a memorandum or otherwise, that exhibit shall have that portion highlighted or underlined for the court's review. Any exhibit to a motion, memorandum, brief, affidavit or declaration shall be underlined or highlighted, clearly delineating the specific part of the exhibit that the proponent wishes the court to read.

Amended Effective 06/21/18

(8) Summary Judgment. Motions for summary judgment, partial summary judgment, or dismissal are governed by LCR 56 and LCR 40.

Amended Effective 06/21/18

(9) [Deleted]

(10) Motion Setting-General. The Note for Hearing/Issue of Law (form Cl.06.0300) must be served and filed no later than twelve (12) days prior to the hearing (CR 6 and CR 40). Any responding documents must be served and filed at least seven (7) days before the hearing. Reply documents must be served and filed at least two (2) days before the hearing. If a judge has not been preassigned, the court administrator will notify counsel of the assigned judge. In the event a motion or one continued from a prior date is to be argued, counsel for the moving party shall confirm with all opposing counsel that they are available to argue the motion and then notify the judicial assistant for the assigned judge by 12:00 noon two (2) days before the hearing that the parties are ready for the hearing. Confirming a hearing certifies that the moving party's bench copies have been timely delivered in conformity with LCR 40. In the event an agreed or uncontested order of continuance is to be entered, or a notice of disqualification filed, counsel shall notify the assigned judge's judicial assistant by 12:00 noon two (2) days before the scheduled hearing. Failure to comply with the provisions of this rule

will result in the motion being stricken from the motion calendar and may result in the imposition of terms.

Amended Effective 06/21/18

(11) Motion Setting-Summary Judgment. (See LCR 56).

Amended Effective 06/21/18

(12) Motion Setting-Criminal Matters. (See LCrR 4.5)

Amended Effective 06/21/18

(13) Filing Motions, Memoranda, Briefs, Declarations, and Affidavits-General. The moving party shall file with the Note for Hearing/Issue of Law form the following: The motion being noted, all supporting affidavits or declarations and documentary evidence, and a brief or memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the issue of law form. If the responding party files a response to the issue of law or any counter -affidavits, declarations, brief or memorandum of authorities, such responding documents must be served and filed no later than seven (7) days before the hearing. Any reply documents must be served and filed at least two (2) days before the hearing. Failure to timely comply with these requirements may result in a continuance or the motion being stricken from the calendar, the documents (e.g. brief or declaration) not being considered, and the imposition of terms.

Amended Effective 06/21/18

(14) Bench Copies of Motion, Brief, Memorandum, Declaration, and Affidavit. For cases where a Case Assignment Notice has been entered and a judge assigned, a copy of the motion, brief, memorandum, affidavit or declaration and all documents, including a response and/or reply shall be furnished to the judicial assistant at the time of filing. For a case which does not have a Case Assignment Notice pursuant to LAR 0.4.1(a), these materials shall be furnished to the court administrator's office. For issues of law heard on the Family Law Calendar, these materials

shall be furnished in compliance with the Spokane County Family Law Local Rules.

Amended Effective 06/21/18

(15) Motion Calendar Hearing Procedures. In cases where a Case Assignment Notice has been entered and a judge assigned, the judicial assistant of the assigned judge will set the time for hearing the motion. In cases where a Case Assignment Notice has not been entered pursuant to LAR 0.4.1 (a), the Presiding Court will assign the motion and the judicial assistant for the assigned judge will set the time for hearing. Motions for Default and Motions to Compel Discovery must be brought in accordance with LCR 40, LCR 37 and LCR 55.

Amended Effective 06/21/18

(16) Oral Argument. All motions shall be limited to ten (10) minutes or less per side, unless additional time is granted by the judge or court commissioner.

Amended Effective 06/21/18

(17) [Deleted]

(c) Preferences (Reserved).

(d) Trials. When a case is set, and called for trial, it shall be tried or dismissed unless good cause is shown for a continuance. The court may in a proper case, and upon terms, reset the same.

(1) [Deleted]

Amended effective 1/18/00

(e) Continuances. All continuances will be considered only upon written motion, for unforeseeable emergencies, for good cause shown, and upon terms the court deems just. No motion for continuance will be considered unless the moving attorney(s) certify their client(s) have been consulted and approve and the certification is signed by the attorney(s). Stipulated continuances require certification that the attorneys have consulted with their respective client(s) and obtained approval for seeking the continuance. Motions to change the trial date on a case where a Case Assignment Notice has been entered pursuant

to LAR 0.4.1 shall be heard by the assigned judge on or before the date designated in the Case Schedule Order.

Amended Effective 06/21/18

(f) [Deleted]

Amended effective 1/18/00

LCR 43. TAKING OF TESTIMONY

(a) Testimony.

(3) *Excusing Witness.* A witness under subpoena is excused from further attendance as soon as testimony has been given unless either party makes request in open court that the witness remain in attendance or be subject to recall. Witness fees will not be allowed on subsequent days unless the court has required the witness to remain in attendance which fact shall be noted by the clerk in the court journal.

(e) Evidence on Motions.

(1) *Generally.* Motions for temporary support, suit money, restraining orders, injunctions, to dissolve injunctions and to quash or dissolve attachments shall be heard only on the pleadings, affidavits, published depositions and other papers filed unless the court otherwise directs. Except as otherwise provided in LSPR 94.04(a) or (b), any counter-affidavits shall be served upon the opposing party before the expiration of one-half the time intervening between the service of the movant's affidavits and the hearing or the movant shall have the option of a postponement of the hearing. Affidavits strictly in reply to counter-affidavits may be served and considered at the hearing.

LCR 47. JURORS

(a) Examination of Jurors

(1) **Juror Questionnaires.** The trial judge shall direct that individual questionnaires of jurors dealing with matters of personal or sensitive nature shall be filed consistent with GR 31 and relevant case law. At the conclusion of voir dire, attorney copies of juror

questionnaires shall be returned to the court.

Amended Effective 04/01/2016

(2) **Juror Information Form.** Juror Information Forms will be filed consistent with GR 31 and relevant Case Law. Attorney copies of the Juror Information Form may not be removed from the courtroom without the express permission of the trial judge. At the conclusion of voir dire, attorney copies of the Juror Information Forms will be returned to the court.

Amended Effective 04/01/2016

(d) **Empaneling Jury.** The Spokane County Superior Court shall employ a properly programmed electronic data processing system to make random selection of jurors as authorized by law.

Amended Effective 04/01/2016

(e) Challenge.

(9) **Peremptory Challenges.** The exercise or waiver of peremptory challenges shall be noted in writing on the jury list.

Amended effective 04/01/2016

LCR 49. VERDICTS

(k) Receiving Verdict and Discharging Jury.

(1) *Receiving Verdict During Absence of Counsel.* A party or attorney desiring to be present at the return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within 20 minutes of telephone notice to the attorney's office, home or other number, the court may proceed to take the verdict in the absence of such party or attorney. In such case, the jury shall be individually polled and the identity of any dissenting jurors recorded.

LCR 51. INSTRUCTIONS TO JURY AND DELIBERATION

(a) **Proposed.** In addition to the proposed instructions required by CR 51, each party shall submit a brief statement of the case suitable to be read to the jury before the voir dire examination.

(c) Form. Copies of proposed instructions shall contain supporting citations or reference to a pattern jury instruction.

(d) Published Instructions.

(1) *Request.* WPI or WPIC instructions without alternate or optional language may be requested by reference to the published number. If the published instruction allows or provides for a choice of wording, the written request which designates the number of the instruction shall also designate the choice of wording which is being requested by attaching a facsimile of the proposed instruction suitable for photocopying.

LCR 52. DECISIONS, FINDINGS AND CONCLUSIONS

(a) Requirements.

(6) *Time.* Unless the judge has included formal findings of fact and conclusions of law in a written opinion or memorandum of decision pursuant to CR 52(a)(4) or they are otherwise unnecessary by reason of CR 52(a)(5), the attorney of record for the prevailing party shall prepare and note for presentation within 15 days of the decision proposed findings of fact and conclusions of law along with the proposed form of order and judgment as required by CR 54(e).

7. JUDGMENT

LCR 54. JUDGMENTS AND COSTS

- (c) [Deleted]** Amended effective 9/1/09
- (e) [Deleted]** Amended effective 9/1/09
- (f) *Presentation.*** Amended effective 9/1/09

(1) Counsel and legal interns presenting a judgment or seeking entry of an order shall be responsible to see that all pertinent papers are filed and that the court file is provided to the judge or court commissioner. Anyone

presenting ex parte or agreed orders as authorized by APR 9(c)(4) shall be sufficiently familiar with the matter so as to satisfy the court on any question reasonably to be anticipated.

Amended Effective 06/25/18

(2) Counsel may present routine ex parte or stipulated matters based on the record in the file by mail addressed to the county clerk or to the assigned judge. The presentation fee must accompany the original pleadings. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders.

Amended effective 06/25/18

(3) Paralegals, who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders, may personally present agreed, ex parte and uncontested orders signed by all counsel, based solely upon the documents presented and the record in the file.

Amended effective 06/25/18

LCR 55. DEFAULT AND JUDGMENT

(a) [Deleted]

Amended effective 9/1/01

(3) [Deleted]

Amended effective 9/1/01

(1) *Required Pleadings.* All documentation required for entry of an order of default pursuant to CR 55(a) shall be filed at the same time as the motion for a default, unless extended by court order to correct a clerical error or omission or for furnishing of any proof required by the court.

Effective 9/1/01

(2) *Before Whom Taken.* Motions for default shall be noted for hearing on such form(s) as required by the court, before the judge to whom the matter is assigned, on such date as is approved by the judicial assistant for said judge or before the ex parte department on any court day during

regular hours.

Effective 9/1/01

(b) Entry of Default Judgment. No default judgment shall be granted except upon proof satisfactory to the court. The court shall require at least the following to be on file with the motion for default judgment, unless otherwise excused by the court for good cause:

Effective 9/1/01

(1) On assigned causes of action, a copy of the assignment instrument;

Effective 9/1/01

(2) On causes of action based on a negotiable instrument, the original negotiable instrument or satisfactory explanation as to why the original cannot be produced;

Effective 9/1/01

(3) On causes of action based on a retail sales contract, chattel mortgage, or conditional sales contract, the original contract (or a copy if the original has been filed with a government agency). Where applicable, a copy of a motor vehicle title or bill of sale must be filed;

Effective 9/1/01

(4) On causes of action based on open account where the complaint is not specific, the last written statement of account sent to the debtor setting forth current charges and credits and the dates thereof and a statement of any interest or surcharges which are included;

Effective 9/1/01

(5) On causes of action for rent based on an oral agreement, a statement of account similar to that required in actions on open account. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

Effective 9/1/01

(6) On causes of action based on a written lease, a copy of the lease and a statement of account as stated in section (4) above;

Effective 9/1/01

(7) On causes of action based on all other contracts, oral testimony or affidavits may be required to prove terms, together with filing of a copy of the contract, if written; and filing or proving the items of account and any credits;

Effective 9/1/01

(8) On causes of action for tort, proof shall be required by way of testimony or affidavit, supplemented by repair bills or estimates, medical bills, loss of use claims, and proof of loss of wages, when relevant to the claim. The court may require that claims for non-economic damages be proved by oral testimony.

Effective 9/1/01

(9) No judgment for accrued interest shall be allowed unless there is on file proof of the factors necessary for computation of interest, including applicable dates, rate of interest, amounts subject to interest and a computation of the total interest claimed due.

Effective 9/1/01

(10) Any request for attorney fees shall be supported by an affidavit or certificate supporting any contractual basis for attorney fees, and the basis upon which attorney fees are calculated. If attorney fees are based on statute, the request for attorney fees must cite the specific statutory authority.

Effective 9/1/01

LCR 56. SUMMARY JUDGMENT

(a) Motion and Proceedings. Motions for summary judgment, partial summary judgment or dismissal under CR 12 must be served and filed at least twenty-eight (28) days prior to the hearing and heard at least fourteen (14) calendar days prior to the date the case is set for trial. Any responding documents must be served and filed at least eleven (11) calendar days before the hearing. Any reply documents must be served and filed at least five (5) days before the hearing. If the date for filing either the response or rebuttal falls on a Saturday, Sunday or legal holiday, then it shall be filed and served not later than the next day nearer the hearing, which is neither a Saturday, Sunday or legal holiday. In the event a motion for summary judgment, partial summary judgment or dismissal is to be argued, counsel for the moving party shall comply with the requirements of LCR 40.

Amended Effective 06/21/18

(b) Page Limits. The moving and response memoranda or briefs shall not exceed twenty (20) pages, not including exhibits. The reply memorandum shall not exceed seven (7) pages, not including exhibits. No response or reply may

include any document attached to or a part of the initial motion, memorandum or brief, the response, or document already filed as part of the subject motion, but instead shall cite to the relevant portion of the previously filed document. All documents shall be double-spaced and typed in Times New Roman font no smaller than 12 point, including footnotes, if any. The writing or printing shall appear on only side of the page. These page limits shall not be exceeded without a motion and prior authorization of the court. A Motion to exceed the page limits must demonstrate good cause and explain the steps taken to reduce the number of pages.

Effective 06/21/18

(c) Failure to comply with LCR 40 or LCR 56. In the event a party fails to comply with LCR 40 or LCR 56 the court shall have discretion to impose the remedies and sanctions set forth in LCR 40(b)(6).

Effective 06/21/18

(d) Exhibits. Submission of or use of exhibits shall comply with LCR 40(b)(7).

Effective 06/21/18

LCR 59. NEW TRIAL AND AMENDMENT OF JUDGMENTS

(e) Hearing on Motion. The moving party shall promptly note a motion for reconsideration or new trial for hearing, coordinating the setting with the bailiff for the trial judge and sending notice to the trial judge. The trial judge may dispose of the motion without oral argument if the hearing is not scheduled within 30 days of the filing of the motion unless the time has been extended for good cause or the judge is unavailable.

LCR 69. EXECUTION

(a) Procedure—Delinquent Support. No writ of execution or attachment shall be issued for the collection of delinquent child support or spousal maintenance until a judgment determining the amount due has been entered.

(b) Supplemental Proceedings. In all supplemental proceedings wherein a show cause order is issued pursuant thereto requiring the personal attendance of a party to be examined in open court and in orders to show cause in re contempt, the order to show cause must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH BENCH WARRANT.

The failure to include such wording will be grounds for the court to refuse to issue a bench warrant for the apprehension of such person.

10. SUPERIOR COURTS AND CLERKS

LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(c) Powers of Judicial Officers.

(9) *Judges Pro Tempore.* The court administrator, with the aid of the Spokane County Bar Association, shall maintain a list of attorneys willing and capable of assuming occasional assignment as judges pro tempore. Judges pro tempore shall be utilized as available and needed, with the consent of the parties involved. Arrangements for judges pro tempore, trial scheduling, courtroom and courtroom personnel shall be made through the court administrator.

(f) Sessions—Hours of Court. Court shall be in continuous session except for non-judicial days and Saturdays. Cases will be set, however, according to the priority established by law and court rule and the availability of trial departments. The hours of court shall be as follows:

(1) *Presiding Department and Ex Parte Department.* The hours of the presiding department shall be from 9:00 a.m. until 12:00 noon and from 1:30 p.m. until 4:30 p.m. Monday through Friday, subject to change by the court for good cause. The hours of the ex parte department shall be from 9:00 a.m. until 12:00 noon and from 1:30 p.m. until 4:30 p.m. Monday through Friday, subject to change by the court for good cause.

(2) *Trial Departments.* Jury trials will normally be conducted Mondays through Thursdays from 9:00 a.m. until 12:00 noon and from 1:30 p.m. until 4:30 p.m. subject to adjustment by the trial judge. Non-jury trials shall be during the same hours subject to adjustment by the trial judge. Friday calendars shall be individually controlled by the respective trial judges and may be utilized for pretrial conferences, motions, sentencings, opinion drafting and other chambers work.

Amended effective 1/18/00

(i) Sessions Where More Than One Judge Sits.

(10) *Orders to Show Cause.* Show cause orders relating to supplemental proceedings shall be issued and made returnable on the supplemental show cause calendar on Thursday of each week at 2:00 p.m. In all other show cause matters the order shall be made returnable to presiding court for assignment at 9:00 a.m. A copy of the order shall be provided upon its issue to the court administrator's office.

(11) *Sealed Files.* [See LCR 79(i)]

(k) Motion Day. [See LCR 40(b)(11) and LSPR 94.04(a)(5)]

(l) Submission on Briefs. [See LCR 40(b)]

LCR 79 BOOKS AND RECORDS KEPT BY CLERK

(g) Other Books and Records of Clerk.

(1) Exhibits. Exhibits shall be kept separately from the court file. Any inspection of an exhibit must be in the presence of the clerk or a deputy clerk unless authorized by a court order.

(A) Hazardous or Potentially Hazardous Materials. Exhibits containing hazardous or potentially hazardous materials shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

Amended effective 9/1/05

(i) Materials containing or apparently containing blood, blood residue, bloodborne pathogens, infectious material, drugs, controlled substances, or other potentially hazardous material, shall be packaged and labeled as directed in a Hazardous Exhibit Protocol adopted by the court and filed with the Clerk or as directed by the court.

Amended effective 9/1/05

(ii) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

Amended effective 9/1/05

(iii) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

Amended effective 9/1/05

(iv) Paper bags alone shall not constitute proper packaging.

Amended effective 9/1/05

(2) Rejection of Unsuitable Materials.

(A) Original court record. Whenever there is presented to the clerk for filing in a cause, any paper or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines the paper or materials should not be made a part of the original court file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court, except to the parties or their attorneys of record.

(B) Materials filed not evidence unless ordered. Exhibits filed pursuant to subsection (2) (A) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(h) Withdrawal of Files and Exhibits.

(1) Files. Files may be withdrawn to be taken to a courtroom by the following persons on giving a written receipt: judges, court commissioners, deputy clerks, bailiffs, official court reporters, judicial assistants, court administrator's office, court facilitator staff, representatives from bail and/or bonding companies, attorneys, paralegals registered under LCR 54(e) (3), APR 9 legal interns, guardians ad litem and representatives of adoption agencies. Violation of this rule may result in sanctions including a suspension of privilege to remove any file from the Clerk's office. Files are available for electronic reproduction by the County Clerk under the fee schedule as provided in RCW 36.18.016 (4).

Amended effective 9/2/13

(2) Exhibits - Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by:

(A) The judge having the cause under consideration.

(B) Official court reporters and law clerks/judicial assistants, without court order, for use in connection with their duties.

Amended effective 6/1/00

(C) Attorneys of record, or paralegals employed by attorneys of record and registered under LCR 54(e) (3) upon court order, after notice to or with the consent of opposing counsel.

Amended effective 6/1/00

(3) Exhibits - Illustrative Exhibits Return. In any non-criminal cause, the court on its own motion, may at the conclusion of trial/hearing return all exhibits that were admitted for illustrative purposes only, to the parties, absent any objection by counsel.

(4) Exhibits - Return of Exhibits. In any non-criminal cause on a stipulation of the parties, that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, each party shall withdraw all exhibits offered by such party and give the

clerk a receipt therefore. In the event a party shall fail to withdraw the exhibits within ninety (90) days after the final disposition, the clerk is authorized to destroy the same exhibits after thirty (30) days from mailing to a party a notice of intent to destroy exhibits.

(5) Exhibits - Return of Controlled Exhibits (Drugs or Dangerous Items). When any controlled substance or dangerous items have been admitted in evidence or have been identified, and are being held by the clerk as part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the court for an order directing the clerk to deliver such drugs and/or dangerous items, to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the court finds these facts, and is of the opinion that there will be no further need for such drugs and/or dangerous items, it shall enter an order accordingly. The clerk shall then deliver the drugs and/or dangerous items and take from the law enforcement agency a receipt which he shall file in the cause. He shall also file any certificate issued by an authorized federal or state agency and received by him showing the nature of such drugs.

(6) Videotaped Deposition(s). Videotaped deposition(s) played and reviewed in open court shall be treated as court exhibits, with the same retention standards. Except as ordered by the court, if a party wishes same reviewed deposition(s) to become part of the court file, then the party shall submit a true and accurate transcript of such deposition(s) to the clerk.

(7) Certified Appeal Board Records and Exhibits. Certified appeal board records and exhibits shall be kept separate from the original court file. Upon conclusion of the trial and stipulation of the parties, absent any objection or further appeal by the parties, the certified appeal board record and exhibits shall be withdrawn upon receipt to the clerk. In the event of an appeal to a higher court, when the final disposition of the appeal is filed, the parties shall withdraw the certified appeal board record and exhibits within thirty (30) days or upon notice from the clerk, authorize the clerk to destroy the above said records and exhibits. The clerk shall file any stipulation or authorization into the case file.

(8) Destruction of Records - Reproduction of Records.

(A) Microfilmed Or Scanned Records. Files, or portions thereof, and records that have been destroyed pursuant to RCW 36.23.065, may be reproduced and used in accordance with RCW 36.23.067 for trial or hearing. The party or attorney needing a reproduction of a microfilmed or scanned file or record shall request the clerk, at least six (6) days prior to the scheduled court date, to reproduce the necessary materials.

Amended effective 9/1/05

(B) Confidential or sealed files and materials. The clerk shall not permit the examination of any confidential or sealed file or other sealed materials except by order of the court. Such order shall include findings to meet the requirements of GR-15 and any applicable statutes.

(i) Sealed Files. The clerk shall not permit the examination of any sealed file except upon the written order of a judicial officer.

Amended effective 9/1/07

(1) Confidential Use by Judicial Conduct Commission. 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.

Effective 9/1/07

(2) Public Use. No materials in a sealed file may be made public, unless the Judicial Conduct Commission has first obtained an order pursuant to GR 15. Motions to obtain such an order shall be made to the Presiding Judge.

Effective 9/1/07

(j) Filing of Court Documents

(1) Filed Documents Available. Documents turned in for filing by 5:30 p.m. on any given day will be placed in the court file by 5:00 p.m. on the next work day, unless the document is a "Clerks Action Required" document or a Financial document requiring a judgment number an execution docket entry. Filed documents must be counted,

coded, entered into the computer, scanned into the clerk's imaging system and electronically linked to the Document Management System. The court document will be available for use by 5:00 p.m. on the first work day subsequent to filing.

"Clerks Action Required" and Financial documents require additional time for review, copying, execution docket coding, JIS data entry and verification. The court documents will be available for use by 5:00 p.m. on the third to fifth work day subsequent to filing.

Amended effective 09/01/07; Amended effective 11/17/16

(2) **Action Documents - Requirements.** Pleadings or other papers requiring action on the part of the clerk, other than file stamping and docketing, shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, indicating "Clerks Action Required."

Adopted 7/17/97; effective 9/1/97; amended effective 11/17/16)

LCR 80. COURT REPORTERS

(c) General Reporting Requirements.

(1) *Separate Civil and Criminal Notes.* Court reporters shall keep notes for civil and criminal cases separately.

(2) *Filing of Notes.* Reporters shall file their notes with the clerk within 120 days of the trial or proceeding, provided, however, that the notes may be stored in the courtroom under the proper supervision of the deputy clerk assigned to that courtroom. The court reporter shall provide the deputy clerk with the index number and place of storage of the notes and a minute record made of such action in the court journal. Civil and criminal notes shall be filed separately. The notes of the presiding court reporter shall be filed as a criminal matter even though containing some civil matters. An index, with number and title of all cases reported, shall be attached to and filed with said notes. Reporters may withdraw notes for the time necessary to prepare transcripts by giving a receipt therefor to the county clerk.

(3) *Argument and Informal Discussions.* Unless otherwise directed by the trial judge, the following matters will not be reported:

- Closing argument in non-jury cases;

- Closing argument in civil jury cases where counsel have so agreed in advance;

- Informal discussions relating to proposed instructions.

(d) Confession Procedure Record. Unless the trial judge directs otherwise or the defendant is found not guilty, the court reporter shall promptly transcribe at the conclusion of the trial judge's bench decision concerning the admissibility of a confession, which shall be signed by the judge and filed to comply with CrR 3.5(c).

(e) Oral Decision. Oral decisions or rulings by a judge which are transcribed for any purpose shall first be submitted to the judge for correction prior to delivery and a final copy furnished to the judge for his or her file.

12. SPECIAL PROCEEDINGS RULES (LSPR)

LSPR 91.04 GARNISHMENTS

(d) Judgment Against Garnishee. No judgment against a garnishee defendant or order to pay into court and no order to the clerk to pay out any sum received pursuant to a writ of garnishment will be signed except after judgment is entered against the defendant and until the party who caused the writ to issue shall have filed proof of service in the manner provided by statute and 20 days shall have elapsed from the filing of the answer of the garnishee defendant.

(e) Federal Employees. When a garnishee defendant is a federal employer who fails to file a written answer but submits the amount to be withheld in the garnishment to the clerk of court or the judgment creditor, the judgment creditor shall provide the judgment debtor with written notice that the judgment debtor has 20 days from the mailing of the notice to file an objection with the court and that in the event they fail to file an objection and or claim an exemption within that time, the court will authorize disbursement of the funds in partial satisfaction of the judgment without further notice to the judgment debtor. Any documentation received from the garnishee containing calculations of the amount withheld by the garnishee shall be attached to the notice. The judgment creditor shall file a declaration that they have mailed such a notice and attachments and that more than 20 days have elapsed without the filing of an objection by the judgment debtor before the court shall authorize the disbursement of said funds.

LSPR 92.0 COLLABORATIVE LAW PROCESS

- (a) **Commencement.** In the event that represented parties enter into a Collaborative Law Participation Agreement that meets all requirements for such an agreement as specified in RCW 7.77.030, then upon the filing by both legal representatives of a joint Notice of Participation in Collaborative Law there shall be an automatic stay that suspends the case scheduling requirements of LAR 0.4.1.
- (b) **Effect.** Upon the removal of a family or civil law action from case management processes, the court shall set a status conference to occur not later than nine (9) months from the date of the matter's initial filing. The parties to the action shall then be excused from settlement conferences, discovery deadlines, GAL requirements, mediation, and any other deadlines. If the case does not resolve within this nine (9) month period, then a mandatory Collaborative Law Status Report shall be filed with the Court on the date set for the status conference. If participation in the Collaborative Law process remains ongoing, then additional periodic case status conferences shall be scheduled as the court orders. Failure to comply may lead to dismissal of the case.
- (c) **Termination.** Upon termination of the Collaborative Law process, prior to entry of the final decree, a Notice of Withdrawal from participation in Collaborative Law shall be filed with the Court.
- (d) **Bench Copies.** The notices contemplated by this local rule shall be filed with the Superior Court Clerk and a bench copy provided to the assigned trial judge.

Effective 9/2/14

LSPR 93.04 ADOPTIONS

(a) Relinquishments.

- (1) *Personal Acknowledgment.* (i) The written consent of parents who Petition for Relinquishment of their Parental Rights shall be provided in a Court Hearing on the record. (ii) However, personal appearance at a Court

Hearing shall not be required provided the birth mother and/or birth father, whether admitted, presumed or alleged, sign a written waiver of her/his/their rights to notice of, and appearance at, a relinquishment hearing under subsection (a) (1) (i); unless otherwise required by the court pursuant to RCW 26.33.090.

Amended effective 11/16/17

(2) *Guardian Ad Litem for Minor Parent.* The guardian ad litem for any minor parent, including an alleged birth father, shall be appointed from the list of family law guardians ad litem approved by the court, unless otherwise ordered by the court for good cause. Unless otherwise ordered by the court the guardian ad litem shall be present at the hearing on the Petition for Relinquishment. The guardian ad litem shall file a written report addressing the factors set forth in RCW 26.33.070.

(3) *Form of Consent.* The written consent of any parent, alleged father or presumed father shall be in the form prescribed by RCW 26.33.160, and shall contain the address of the Spokane County Superior Court Clerk.

(4) *Statement Regarding Social/Medical/Family History.* Each parent, presumed father and alleged father who consents to the adoption and to the termination of the parent-child relationship shall also submit a written statement certifying that he or she has provided or will provide all social, medical and family history of the child and of the parent that is needed by the prospective adoptive parents to properly care for the child and to help the prospective adoptive parents maximize the developmental potential of the child. RCW 26.33.350.

(b) Involuntary Termination of Parent-Child Relationship.

(1) *Appointment of Guardian Ad Litem.* If a parent contests a petition for termination of the parent-child relationship, by appearing in the action, either personally or through an attorney, a Guardian Ad Litem shall be appointed to represent the best interests of the child.

(c) Non-agency Adoptions.

(1) *Placement Requirements.* The preplacement report must be dated not more than one year preceding the filing of

a Petition for Relinquishment or for adoption or must be supplemented within that period of time. The preplacement report shall be obtained by the prospective adoptive parents at their expense from a licensed child-placing agency, the State Department of Social and Health Services, or by a court-approved individual who has a masters degree in social work or a related field and one year of experience in social work or a related field and one year of experience in social work or who is demonstrated to have reasonably equivalent experience.

(2) *Checklist of Required Pleadings.* The following documents should be filed in a non-agency relinquishment/termination/adoption proceeding:

(A) Relinquishment:

- (i) Petition for Relinquishment (mother and/or father)
- (ii) Prospective Adoptive Parents' Consent to Assume Custody
- (iii) Consent to Adoption (mother and/or father)
- (iv) Waiver of Right to Notice if applicable
- (v) Petition for Adoption
- (vi) Preplacement Report
- (vii) Financial Affidavit
- (viii) Findings of Fact, Conclusions of Law and Order Terminating Parent-Child Relationship

(B) Termination:

- (i) Petition for Termination
- (ii) Order Setting Time for Hearing
- (iii) Summons and Notice of Hearing
- (iv) Affidavit of Service/Publication
- (v) Motion/Affidavit/Order of Default (if

applicable)

(vi) Findings of Fact, Conclusions of Law and Order Terminating Parent-Child Relationship

(C) Finalization:

(i) Order Appointing Agency for postplacement report

(ii) Postplacement report

(iii) Acknowledgment of Receipt of All Information about child and birthparents

(iv) Financial Affidavit

(v) Findings of Fact, Conclusions of Law and Decree of Adoption

(vi) Adoption Data Card and Birth Certificate Registration Form

(d) Finalizations.

(1) *Financial Declaration.* The adoptive parents in every adoption shall set forth in a declaration or affidavit a statement of all expenses paid and expected to be paid in connection with the adoption. Said affidavit shall be upon a form approved by the court.

(e) Stepparent Adoptions.

(1) *Preplacement Reports.* A preplacement report, prepared pursuant to RCW 26.33.190, shall be required before the adoption of a child by his or her stepparent:

(A) If the petitioning stepparent and the custodial parent of the child have been married less than one year at the time the adoption is finalized; or

(B) If required by the court.

(2) *Postplacement Report.* If a preplacement report is required in a stepparent adoption, the person or agency doing that report shall be appointed to complete the postplacement investigation and report, otherwise any

suitable person may be appointed to do the postplacement report. No person related by blood or marriage to the custodial parent, the child or the petitioning stepparent shall be appointed. The report must contain the information required by RCW 26.33.200, and also must verify the following:

- (A) Birth certificate data of the child;
- (B) Information concerning the dissolution of the marriage of the natural parents, where applicable;
- (C) Marriage certificate data of the petitioning stepparent and the parent of the child/spouse of petitioner;
- (D) The criminal history, if any, of the petitioning stepparent;
- (E) A history of support and parental contact by the parent whose legal relationship with the child will end as a result of the adoption;
- (F) Employment history of the petitioning stepparent;
- (G) Whether the child or his or her parents are Native Americans.

(f) General Requirements.

(1) *Interstate Adoptions:* According to RCW 26.34 the Interstate Compact on Placement of Children shall apply to all cases in which the adoptee is born or residing in a state other than Washington, or is born and residing in Washington and is to be placed or adopted outside of Washington. Prior to any order allowing placement in cases subject to ICPC the Petitioners shall file proof of compliance with the ICPC process by filing a copy of the form 100A with signatures from both states offices indicating approval of the placement.

(2) *Attorney appointments:* Any non-consenting parent who requests an attorney to be appointed at county expense due to indigency will complete and file a Financial Declaration WPF DR 01.0550.

(3) *Court's courtesy copies:* Courtesy copies of all pleadings, notices and reports shall be provided to the Family Law Coordinator 7 days prior to any hearing for review. In the event of an emergency, the pleadings shall be provided no less than 24 hours prior to the hearing. The pleadings may be submitted in draft form in advance of the birth of the adoptee, and may be submitted prior to filing of the Petition.

(4) *Presentment of Orders:* While a Petition for Termination/Relinquishment and Adoption may be filed prior to the birth of the baby, no orders regarding default or custody shall be signed prior to the birth.

Effective 9/1/05

LSPR 94.03 MANDATORY PARENTING SEMINARS

(a) Definition of Applicable Cases. This rule applies to all domestic cases including dissolutions, legal separations, and paternity actions (in which paternity has been established) where the parties are parents of children under the age of 18, and where a parenting plan or residential plan is required. The rule also applies to parties in an action seeking a major modification, as defined by RCW 26.09.260, of a previous parenting or residential plan or Decree or Order regarding custody.

(b) Parenting Seminars; Mandatory Attendance. Within 60 days after service of a petition or initiating motion on the respondent, or, in the case of a paternity action, after the entry by the Court of a finding of paternity, both parties shall participate in, and successfully complete, an approved Parenting Seminar. Standards for approved parenting seminars are set forth in sections (g), (h) and (i) below. Successful completion shall be evidenced by a certificate of attendance filed by the provider agency with the court.

The provider may also provide a separate class for petitioners involved in cases where the respondent has or is expected to default. The seminar shall also meet the standards in (g), (h), and (i) below as applicable, and shall also provide any additional information which may be relevant to this type of case.

(c) Permissive Application. In additional cases arising under Title 26 RCW where a court makes a discretionary finding that a parenting seminar would be in

the best interest of the children, both parents, and such non-parent parties as the court may direct, shall also participate in a parenting seminar.

(d) Special Considerations/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

(a) waive the requirement of completion of the seminar; or

(b) allow the parent to attend an alternative voluntary parenting seminar for battered spouses.

(3) The court may waive the seminar requirement for one or both parents in any case for good cause shown. Factors to consider include, but are not limited to, whether the action will be resolved by default, one or more parties reside out of the geographical area and availability of parent education programs where the parties reside, the ages of the child(ren), and whether the parents have arrived at an agreed parenting plan which is approved by the court.

(e) Fees. Each parent attending a seminar shall pay a fee charged by the approved provider. The seminars shall be conducted at no cost to the county.

(f) Failure to Comply. Non-participation or default by one parent does not excuse participation by the other parent. Respondent's refusal, delay or default will not delay the progress of the case to a final decree. Petitioner's refusal or delay will prevent the case from being set for trial or any final order affecting the parenting/residential plan being entered, except in cases where there is a co-petitioner or counter petitioner who is in full compliance. Willful refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings.

The Court shall also have the discretion to continue or strike motions brought by a party during the pendency of an

action until the class has been completed.

(g) Provider Agencies. Approved Parenting Seminars shall be those offered by providers who comply with seminar content requirements as specified in this rule. Parties may use equivalent services offered by private agencies or religious organizations, upon approval by the Committee. The Committee will maintain a list of providers who have filed a statement of compliance with the Committee. If the providers' qualifications are challenged, they shall be notified by the Committee of the process to resolve any questions regarding their future approval. The provider will then have an opportunity to respond to any challenges to their qualifications.

(h) Seminar Content. The seminar content will be approved by the Committee, and shall include, at a minimum:

- (1) the developmental stages of childhood;
- (2) stress indicators in children;
- (3) age appropriate expectations of children;
- (4) the impact of divorce on children;
- (5) the grief process;
- (6) reducing stress for children through an amicable divorce;
- (7) the long term impact of parental conflict on children;
- (8) visitation recommendations to enhance the child's relationship with both parents;
- (9) financial obligations of child rearing;
- (10) conflict management and dispute resolution;
- (11) communication skills for divorced parents;
- (12) practical skills for working together; and
- (13) the impact on children when stepparents and blended families enter their lives.

(i) Qualifications of Instructors. Parenting seminars

shall be taught by a team of not less than two instructors, including one male and one female. Arrangements may be made for classes limited to one or two attendees, in which case two instructors are not required. Instructors should have the following minimum credentials and experience:

(1) a master's degree in social work, psychology or other related behavioral science;

(2) supervised experience in treatment of emotionally disturbed children, adolescents and their families;

(3) experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;

(4) extensive knowledge of child development, age appropriate expectations for children, and positive parenting;

(5) an ability to work with others (both groups and individuals) as part of a collaborative program; and

(6) strong oral communication skills.

When parties choose to use providers or religious organizations which have not previously been accepted by the Committee as a provider of parenting seminars, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

(j) Referrals for Other Services. During the seminar, referral resources will be made available to the parents and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parties must seek their own funding resources.

(k) Parent Education Committee. The Parent Education Committee shall be a standing sub-committee of the Spokane County Superior Court and shall consist of at least one judge, one court commissioner, one or more representatives of local dispute resolution agencies, one or more marriage and family therapists, one or more private attorneys, and others as appropriate.

(a) Deleted

Amended Effective 06/28/18

(1) Applicability

- (1) These rules apply to matters filed under RCWs 26.09, 26.10, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26, 26.27 and 26.34 and replaces former LSPR 94.04
- (2) For further guidance on policies and procedures for family law cases in Spokane County Superior Court, please the court's website at <http://www.spokanecounty.org/1397/Family-Court> and visit the Family Law Center in Room 200 of the Spokane County Superior Court.

Amended Effective 06/28/18

(2) Unified Family Court - Upon the filing of a Petition for Dissolution/Invalidity/Legal Separation, Petition to Establish a Parenting Plan/Residential Schedule, a Petition for Non-Parental Custody, the Clerk will assign the matter to a Court Commissioner and a Superior Court Judge.

- a. Parties are required to set all hearings before the assigned Judicial Officer(s).
- b. If the matter needs to be reassigned due to conflict, recusal or unified family court principles, an order will be entered by the Court.
- c. If a party is seeking reassignment of the Court Commissioner under (b) above, they must contact the Family Law Center for further instructions.

Amended Effective 06/28/18

(3) Mandatory Forms - Unless otherwise stated in these rules, court rules or statutes, the mandatory local and state family law forms shall be used. For a complete list of forms, please consult the court's website at <http://www.spokanecounty.org/1397/Family-Court> and the State's website at <http://www.courts.wa.gov>.

Amended Effective 06/28/18

(4) Automatic Temporary Orders - Court's Automatic Temporary Order. Upon the filing of a Petition for Dissolution/Legal Separation/Invalidity, Petition to

Establish a Parenting Plan/Residential Schedule, and a Petition for Non-Parental Custody, the court on its own motion automatically issues a temporary order.

- a. The court's automatic temporary order will not be entered in any law enforcement database.
- b. This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

Amended Effective 06/28/18

(5) Sharing the Children Seminar - Parties seeking a Parenting Plan or Residential Schedule shall follow LSPR 94.03.

Amended Effective 06/28/18

- (6) EX Parte** - Parties and attorneys shall follow the court's ex parte policy.
- a. The policy is available on the court's website and in the ex parte court.
 - b. Writs of Habeas Corpus form packets must be obtained in the ex parte court.
 - c. Final family law documents must be filled out completely and any needed JIS (Judicial Information System) check must be done at least 48 hours before submitting final documents to ex parte. Submission to ex parte is allowed only if permission from the assigned trial court is given.
 - d. See also Rule 19.

Amended Effective 06/28/18

(7) Family Law Motion Practice

- a. This rule shall apply to all motions filed under the statutes listed in Local Rule 1, Applicability.
- b. All filed documents shall be complete with GR 14.
- c. If typed, documents shall be in 12 point or larger font.
- d. Declarations by minors shall not be filed absent prior authorization from the court.
- e. Motion time lines:
 - i. A responding party is entitled to 12 days notice of a motion hearing (including Saturdays, Sundays and legal holidays).

- ii. The Response must be filed and served 7 days before the hearing (including Saturdays, Sundays and legal holidays).
 - iii. Any Reply must be filed and served 3 days before the hearing (excluding Saturdays, Sundays and legal holidays).
- f. Page Limits
- iv. Absent prior authorization from the court, the entirety of all declarations and affidavits in support of the motion(s), including reply, is limited to 15 total pages.
 - v. Absent prior authorization from the court, the entirety of all declarations and affidavits in response to the motion(s) is limited to 10 total pages.
 - vi. In Mandatory Forms that include declarations within the form, the declaration portion will count toward the page limits.
 - vii. Exhibits do not count toward the 15/10 page limit, but if the court is expected to review them, they do count toward whether the case must be called-in 2 days before the hearing per (g) below.
 - viii. Declarations and reports from Guardians ad litem and expert witnesses shall not count toward the page limits. If the court is expected to review them, they do count toward whether the case must be called-in 2 days before the hearing per (g) below.
 - ix. Page limits do not apply to Mandatory Forms without an included declaration, to the mandatory Financial Declaration, or legal memorandums/briefs that do not include a declaration.
 - x. If there is a written request to exceed the page limits, the parties must confer and schedule a time with the assigned Court Commissioner through the Family Law Coordinator. If the assigned Court Commissioner is not available, the Family Law Coordinator will inform the parties when and where to take their request.
 - xi. If more than one motion is to be heard at the same time, the page limits apply to the entire hearing not each individual motion.
- g. Extensive Reading and/or Time to Prepare Call-in Procedure:

- xii. If the total number of pages expected to be reviewed by the court equals or exceeds 20 pages (excluding Financial Declarations and Mandatory Forms without internal declarations and including legal memorandums/briefs and transcripts), the moving party shall notify the Family Law Center Main phone line and provide a copy of the signed mandatory local Joint Status Sheet by 4 p.m. 2 court days before the motion.
- xiii. Each party shall provide bench copies of their pleadings to the court by the call-in deadline.
- xiv. Failure to provide the phone notice, signed Joint Status Sheet and bench copies by 4 p.m., 2 court days before the motion, may result in the motion being stricken, continued, and/or sanctions ordered.
- xv. Using this procedure does not guarantee that the motion will be heard on the date set if the court docket cannot accommodate it.
- h. Absent prior authorization from the court, the parties shall not submit inappropriate or pornographic materials.
- i. Motions shall be determined on written submissions only unless a prior motion to request oral testimony was granted.
- j. Oral argument shall be limited to ten (10) minutes or less per party unless additional time is granted by the court.
- k. Motions for temporary orders seeking both parenting and financial relief - even if under 20 pages - shall follow the "Time to Prepare" call in procedure under (g). Failure to do so may lead to the hearing being stricken, bifurcated or sanctions ordered.
- l. A Joint Motion Status Sheet on the mandatory local form (available on the website and in the Family Law Center) shall be filled out completely and signed by all parties and submitted at the end of docket call. Failure to do so can result in the motion being stricken and/or sanctions to a party/attorney who refuses to sign or fails to cooperate with the signing. If a party is not cooperating with the filling out and signing of the Joint Motion Status Sheet, the other party shall write on the form what the issue is and submit it to the court.

- m. Each party shall provide bench copies of their documents to be considered by the court with the Joint Motion Status Sheet.
- n. The court may assess terms, strike or continue motions, or may not consider pleadings if it finds a party has violated this rule.
- o. Hearing times will be set by the court and the attorneys and parties shall follow the court's policy on appearance at hearings unless prior authorization is given.

Amended Effective 06/28/18

(8) Paternity/Parentage

- a. All motions filed under Petition to Establish Parentage shall follow the motion procedure in Local Rule 7.
- b. A trial court assignment shall be requested by filing the local Certificate of Readiness and Note for Paternity Trial Setting form together with proof of service. A copy shall be provided to the Family Law Center.
- c. If no objection has been filed within 10 days (including Saturdays, Sundays and holidays), the Family Law Coordinator will assign the matter to a trial court or a Court Commissioner docket if the trial request can be accommodated on a Court Commissioner docket.
- d. If an objection is filed, the court will notify the parties if there will be oral argument on the objection or they will receive notice that the matter has been assigned to a trial court or set for trial.

Amended Effective 06/28/18

(9) Domestic Violence

- a. If there is pending family law action involving the same parties assigned to a Court Commissioner, effort will be made to schedule any RCW 26.50 hearing with that Court Commissioner. This can result in the continuance of a hearing or the setting on a different docket. Parties shall inform any court reviewing a temporary order or setting a final hearing about the other

action and about the Court Commissioner assignment.

- b. If extensive reading is required, the court may have to continue a hearing if it does not have time to review the material. Using the procedure under Local Rule 7(g) is advisable.

Amended

Effective 06/28/18

(10) Non-Parental Custody - Procedure

- a. The mandatory local "Order on Non-Parental Custody" must be signed before final orders will be considered under a Petition for Non-Parental Custody or a Modification Petition requesting modification of a Non-Parental Custody Order.
- b. An "Order on Non-Parental Custody" shall only be granted after the court has reviewed the CPS history, criminal history and JIS record or after a dependency court has placed the children in the care of the non-parental custody petitioner.
- c. All parties must follow the policy and procedures for non-parental custody proceedings, including modifications, on the court's website. Instructions on the "Order on Non-Parental Custody" are included.

Amended Effective 06/28/18

(11) Financial Declarations - Any motion for financial relief and any response to a motion for financial relief requires the filing of a Financial Declaration on the mandatory state form.

- a. Requesting a GAL or attorney fees, or responding to such a request, requires the filing of a Financial Declaration.
- b. Failure to file financial documents for the motion hearing is a basis for the court to deny the request, continue the hearing, and/or impose sanctions.

Amended Effective 06/28/18

(12) Trials

- a. Counsel and pro se parties must appear at a status conference with the assigned Judge, unless otherwise excused by the Court, with a completed Domestic Joint Case Status Report on the local mandatory form.
- b. If a case is not resolved by the time of the status conference, or if the status conference is not continued, a trial date will be set and a case scheduling order will be entered as long as all parties have been served and responded.
- c. In non-parental custody cases, a trial date will not be set unless an Order on Non-Parental Custody has been entered. See Rule 10.
- d. Sanctions can be imposed for a party or an attorney's failure to follow the court's scheduling order and its deadlines.
- e. Any request for financial relief, including but not limited to issues of attorney fees, GAL fees, spousal maintenance and child support, and any response to such request requires the submission of a completed and current Financial Declaration, on the mandatory state form, as an exhibit for trial. Failure to submit the financial declaration is a basis for the court to grant or deny the request, continue the trial and/or impose sanctions.
- f. Any request for a Parenting Plan or Residential Schedule or any response to such request requires the submission of a completed and current proposed Plan or Schedule, on the mandatory state forms, as an exhibit for trial.
- g. Any request for child support or a response to such request requires the submission of a completed and current proposed child support worksheet, on the mandatory state forms, as an exhibit for trial.
- h. Parties are required to submit the original and a bench copy of exhibit notebooks to the trial department no later than noon on the Wednesday before trial. A copy shall also be submitted to the opposing party or counsel.

Amended Effective 06/28/18

(13) Child Support/Maintenance Modifications

- a. Either party, after the filing of the response, completed worksheets (if applicable), an asset/liability list (if applicable) and financial declarations, may file a Request to Schedule a hearing using the mandatory local form. The form can be found on the court's website or purchased in the Spokane County Bar Association office.
 - i. A copy of the Request to Schedule must be given to the Family Law Coordinator.
 - ii. There must be proof of service of the request on the opposing party.
 - iii. If a party objects to the scheduling of the hearing, within 10 days of notice (including Saturday, Sundays and holidays) of the request, the objecting party must clearly set forth the objection and set a hearing in the ex parte Department with 5 days notice (excluding Saturdays, Sundays and holidays). If the objection is denied, an order directing the Family Law Coordinator to set the hearing will be issued.
- b. If no objection has been filed within 10 days of notice of the Request to Schedule a hearing (including Saturdays, Sundays and holidays), the Family Law Coordinator will schedule the hearing and send notice of the date and time to the parties at the addresses provided in the court file.
- c. The hearing shall be confirmed per the policy of the Family Law Center available on the court's website. Hearings not confirmed shall be stricken. Confirming a hearing certifies that the proposed worksheets (if applicable) and supporting documents have all been filed.
- d. Hearings will be decided on declarations only, unless in the court's discretion, oral testimony is allowed.
- e. If a party is seeking an Order Authorizing Oral Testimony, that motion shall be filed and scheduled in the ex parte Department with 5 days

notice (excluding Saturdays, Sundays and holidays) and at least 10 days (including Saturdays, Sundays and holidays) before the scheduled modification hearing. If the motion for Oral Testimony is granted, a copy of the Order must be delivered to the Family Law Coordinator. The court may continue the hearing if the original setting does not allow time for oral testimony.

- f. Motions for temporary child support under this section will only be permitted if there is a change in obligor or if extraordinary circumstances justify temporary relief.
- g. Page limit rules and extensive reading/time to prepare rules per Local Rule 7 apply to Child Support and Maintenance Modification hearings.
- h. Each party shall provide bench copies of their documents to be considered by the court.

Effective 06/28/18

(14) Modification of Parenting Plan/Residential Schedule/Custody - Adequate Cause Hearing

- a. Motions for adequate cause of a major modification shall follow the "Time to Prepare" call in procedure under Local Rule 7(g). Failure to do so may lead to the hearing being stricken, bifurcated or sanctions ordered.
- b. If the court enters an Order Granting Adequate Cause on a Petition for Modification of a Parenting Plan/Residential Schedule or a Petition for Modification of a Non-Parental Custody Order, a copy of the Order must be given to the Family Law Coordinator by the prevailing party.
- c. The Family Law Coordinator will assign a Major Parenting Plan/Residential Schedule Modification or Non-Parental Custody Modification case to a Family Law Judge upon the receipt of the adequate cause order only if there is a formal Response to the Petition for Modification.

- d. If the court finds that there is adequate cause for a minor modification or an adjustment, the court will, in its discretion,
 - i. Order the case assigned to a Family Law Judge for trial if an evidentiary hearing with witnesses is necessary and/or the issues need more time than the family law motion docket can accommodate; or
 - ii. Order the case be concluded on the assigned Court Commissioner's family law motion docket on declarations only and set the final hearing date within the adequate cause order.

The Bar comments are concerned that (d) does not allow for the parties to argue the issue. MLR - I don't see it that way. Discretion doesn't mean the court won't consider the parties' positions. The bench should determine whether there should be explicit language that the court "shall consider the parties' position on where to finalize the case".

Effective 06/28/18

(15) Relocation -

- a. Trial Court Assignment
 - iii. The party filing a Notice of or Objection to Relocation must provide a copy to the Family Law Coordinator.
 - iv. If final Orders on Relocation have not been entered within 30 days of filing the Notice or the Objection or the hearing on temporary relocation has been held, the matter shall be assigned to a Family Law Judge for trial.
- b. Motions to permit or restrain a temporary relocation shall be set on the assigned Court Commissioner's family law docket.
- c. Motions to permit or restrain a temporary relocation shall follow the "Time to Prepare" call in procedure under Local Rule 7(g). Failure to do so may lead to the hearing being stricken, bifurcated or sanctions ordered.
- d. All motions to permit or restrain a temporary relocation shall be called in per the procedure

in Rule 7 even if the total pages to be reviewed is less than 20 pages.

Effective 06/28/18

(16) Parenting Conference - Mandatory Parenting Conference

- a. If a GAL has been appointed, the parties are required to attend a parenting conference that is scheduled by the Guardian Ad Litem.
- b. Attendance at mediation satisfies this requirement if the GAL participated in the mediation.
- c. The court can relieve the parties of this requirement per Local Rule 17(b).

Effective 06/28/18

(17) Mediation

- a. All contested matters shall be mediated prior to trial. Parties shall follow the court's scheduling order deadlines or sanctions may be imposed.
- b. A motion to be excused from mandatory mediation may be filed and set on the trial Judge's motion docket. The Judge may decline to require mediation if,
 - i. a domestic violence protection order, no-contact order or other restraining order involving the parties has been entered by a court;
 - ii. the court finds that domestic abuse has occurred between the parties and that such abuse would interfere with mediation; or
 - iii. for good cause otherwise shown.
- c. The court may continue a trial on the basis of a party not mediating in good faith or refusing to attend mediation.

Effective 06/28/18

(18) Court Commissioner Reconsideration and Presentments -

Any party or attorney seeking the reconsideration of a Court Commissioner's decision or a Presentment of order after a Court Commissioner's hearing, must provide a copy

of the motion or Notice of Presentment to the Family Law Center.

- a. No hearing will be set unless authorized by the Court Commissioner.
- b. The Family Law Coordinator will send a letter to the opposing party at the address provided in the court file regarding timelines for a response.
- c. Counsel shall refrain from arguing the motion in letter form. Any letters to the court must be filed in the court file by the attorney/party writing the letter.
- d. The Court Commissioner will issue a written decision unless notice is sent that there will be a hearing.
- e. If either party files a Motion for Revision from the same hearing, the Court Commissioner may decline to rule on a Motion for Reconsideration.

Effective 06/28/18

(19) Non-Contested Dissolutions

- a. Final Orders may be presented for entry to the assigned Family Law Judge or to the ex parte Department, if the Judge allows.
- b. Unless requested by the court, oral testimony will not be required provided the Findings of Fact are verified by a party.
- c. Self-represented parties should utilize the non-contested dissolution docket and have their pleadings reviewed by the courthouse facilitator. Failure to do can result in a delay in the court's ability to finalize the case.

Effective 06/28/18

(20) Miscellaneous - Reserved

Effective 06/28/18

**LSPR 94.05 FAMILY LAW, GUARDIAN AD LITEM,
AND DISCOVERY PROCEDURES**

(a) Applicability. This rule applies to the following original actions and/or modifications of decrees: marriage dissolution, legal separation, declaration of invalidity, custody or parentage actions filed pursuant to RCW 26.09, RCW 26.10, or RCW 26.26.

(b) Motion. When any of the above actions is filed and where an allegation of abuse or neglect of a minor child pursuant to RCW 26.44.020(12) has been made and no dependency or alternative residential placement petition has been filed pursuant to RCW 13.34 or RCW 13.32A; upon motion of either party or upon the court's own motion, a hearing shall be held:

(1) To appoint a guardian ad litem for the child/children pursuant to RCW 26.44.053 and

(2) To determine whether the case should be referred to the Regional Center for Child Abuse and Neglect or other appropriate professional or agency.

(3) In all other cases where the welfare of the minor child/children is at issue, the provisions of LSPR 94.05 may be utilized upon the request of either party or upon the court's own motion.

(c) Notice to Appear. Upon the filing of the motion, a hearing shall be set on the family law calendar. That hearing may be set by notice using local form DR-01.0430. A copy of the motion, notice of hearing and all supporting documents, which shall identify the proposed guardian ad litem, shall be served upon the nonpetitioning party indicating the time and place of the hearing on the motion. The responding party shall serve and file their response and supporting documents no later than 24 hours prior to the hearing date. Hearings shall be on affidavits only unless otherwise directed by the court.

(d) Guardian Ad Litem. In those cases where a guardian ad litem is appointed, the court shall appoint a person who, through their professional qualifications or specialized training provided by the court, has the expertise to represent children. The Spokane County Superior Court judges shall appoint a committee of judges and/or court commissioners and interested members of the Spokane County Bar Association to oversee this specialized guardian ad litem program and provide training to those persons who wish to participate in the program.

(e) Discovery Stay. Upon the filing of the motion pursuant to (b), no discovery directly involving the child/children, including any interview of the child/children by investigators, psychologists, psychiatrists or other professionals, shall proceed without an order of the court. If the motion is not heard within 30 days, the discovery stay order expires unless extended, for good cause, by further order of the court.

(f) Notice to Guardian Ad Litem. If a guardian ad litem is appointed, the guardian ad litem is entitled to notice of all proceedings. The guardian ad litem shall be given ten days notice by any party seeking discovery which directly involves the child/children. The guardian ad litem has a right to be present at all interviews of the child/children unless the guardian ad litem believes it is in the best interest of the child/children not to be present. In the event the guardian ad litem objects to the proposed discovery procedure, the guardian ad litem shall schedule a hearing on the family law calendar in order to resolve the discovery issues.

(g) Report Confidential. The report of the Guardian Ad Litem in a proceeding under RCW Title 26 shall be treated as a confidential document by the Clerk of the Court, the parties and their counsel unless otherwise ordered by the court. However, attorneys of record may use and disclose such information from the report that is reasonably necessary for their investigation of the case and for trial preparation. Attorneys are prohibited from reproducing or distributing any portion of the written report to any person other than the attorney's client without further order of the court. Parties representing themselves shall be subject to the same use and disclosure limitations as attorneys. The cover sheet of the report shall be marked "Clerks Action Required" and indicate that it is confidential pursuant to LSPR 94.05(g). This rule shall not apply to Guardian Ad Litem reports provided under RCW Title 11, minor settlements or other similar matters.

Amended effective 11/1/04

**LSPR 94.06 GUARDIANS AD LITEM - RCW TITLE 26 FAMILY LAW -
APPOINTMENT, GUARDIAN AD LITEM REPORT, CASE AND ANNUAL
EVALUATIONS AND COMPLAINT PROCEDURES**

(a) Guardians Ad Litem. When the appointment of a guardian ad litem is required, the appointee shall come from the Title 26 Family Law Guardian Ad Litem Registry

maintained by the Superior Court. In order to be placed on the registry a person must present a written statement of their qualifications and complete a training program approved by the court. The Spokane County Superior Court Judges shall appoint a committee, to be known as the Family Law Guardian Ad Litem Committee, of judges and/or court commissioners and interested members of the Spokane County Bar Association to maintain the registry and provide training to those persons who wish to participate in the program. Orders to Appoint Guardian Ad Litem may be presented to the Ex Parte Department.

(b) Administration. The administration of such Guardian Ad Litem registry, including qualification, appointment, retention, evaluation, complaints and discipline of guardians ad litem under this rule, shall be in accordance with the written Policies and Procedure promulgated and approved by the Spokane County Superior Court. Copies of such written policies and procedures may be obtained from the Family Law Coordinator.

Effective 11/1/02

(c) Case Evaluations. At the time a guardian ad litem is discharged from a case, every attorney and the judicial officer involved in the case, will submit an evaluation of the guardian ad litem on a form to be supplied by the court. The completed evaluations will be returned to the Family Law Coordinator's Office and placed in the guardian ad litem's file. A copy of the evaluation(s) will be provided to the guardian ad litem. The guardian ad litem may respond, in writing, and the response will be placed in the guardian ad litem's file. These evaluation forms will assist the court in maintaining a registry of qualified guardians ad litem.

Amended effective 11/1/02

(d) Annual Evaluations. A judicial officer will review the complete file of every guardian ad litem at the time the Annual Updated Statement of Qualifications is reviewed. The judicial officer may refer a guardian ad litem file to the Family Law Guardian Ad Litem Committee if the judicial officer concludes, in a written report, there are specific concerns that should be addressed with the guardian ad litem. The guardian ad litem will be given a reasonable time to respond to the report. The Family Law Guardian Ad Litem Committee, or its designee, will meet with the guardian ad litem to discuss the report and appropriate remedial action(s), if any, to be taken by the guardian ad litem. The Family Law Guardian Ad Litem Committee may (1) allow the guardian ad litem to remain on the registry with

no further action; (2) suspend the guardian ad litem from the registry, subject to the guardian ad litem completing other requirements as set forth by the Committee; or (3) remove the guardian ad litem from the registry. The guardian ad litem will be notified by written decision within seven days. In the event of removal from the registry, the guardian ad litem may request a meeting with the full Committee to review the decision.

Amended effective 11/1/02

(e) Complaint Procedures.

Amended effective 11/1/02

(1) *Duties of the Judicial Officer.* The court shall designate a judicial officer to review any written complaint regarding a guardian ad litem. If the complaint pertains to a pending case, the judicial officer shall immediately refer the complaint to the judge or court commissioner assigned to the pending case for disposition. If a complaint is received after a case has been completed then the judicial officer will commence an investigation.

(2) *Investigation Procedures.* The judicial officer will advise the complainant that an investigation has commenced. A copy of the complaint will be sent to the guardian ad litem. The guardian ad litem shall submit a written response within fourteen days of receipt of the complaint unless the court for good cause extends the time. The judicial officer may make any other contacts or inquiries he or she feels necessary. The judicial officer will submit a written report, within 45 days of the receipt of the written complaint, to the Family Law Guardian Ad Litem Committee. The guardian ad litem may respond to the report within 15 days of receipt of the report.

(3) *Discipline:* The judicial officer may recommend to the Family Law Guardian Ad Litem Committee to (1) allow the guardian ad litem to remain on the registry with no further action; (2) suspend the guardian ad litem from the registry, subject to the guardian ad litem completing other requirements as set forth by the Committee; or (3) remove the guardian ad litem from the registry. The Committee, or its designee, will meet and review the judicial officer's recommendation. The guardian ad litem will be notified by written decision within seven days. The guardian ad litem may request a meeting with the full Committee to review its decision.

(f) Confidentiality. A record of all complaints and grievances will be maintained by the court and treated as confidential until merit has been found. A record of any sanctions issued pursuant to the Annual Review and/or Complaint Procedures will be placed in the guardian ad litem's file.

Amended effective 11/1/02

(g) Appointments.

(1) Guardians Ad Litem in Title 26 cases (family law) will be appointed pursuant to statute (RCW 26.12) and the policies and procedures established by the Family Law GAL Committee. The policies and procedures are available from the Family Law Coordinator.

(2) Each GAL on the Family Law Registry shall be required to accept two county-pay cases each calendar year. These cases shall be paid pursuant to the Spokane County Superior Court GAL payment policies.

(3) A combination of County payment/private payment may be allowed pursuant to Spokane County Superior Court GAL payment policies.

(4) No GAL shall be appointed without his or her written approval or telephonic consent to the Family Law Coordinator.

Effective 9/1/04

(h) Procedure to address complaints. GALs may address complaints regarding registry or appointment matters as follows:

(1) Complaints should be directed in writing to the chair of the Family Law GAL Committee.

(2) The chair will review the matter, investigate as necessary and present the issue to the full committee at its next regularly scheduled meeting. The committee will decide whether any action is necessary to address the complaint, and establish a plan to enforce that action.

(3) The complainant shall be notified of the committee's decision in writing within one week of the committee meeting.

Effective 9/1/04

When a change of name of a child to that of the stepfather is sought for a child under 18 years of age, notice must be given to the natural father in the manner of giving notice to a nonconsenting parent in an adoption and, in addition, written consent will be required of any child over 14 years of age.

Amended effective 9/1/99

LSPR 98.04 ESTATES—PROBATE

(a) Estates—Probate Accounts.

(1) Receipts or cancelled checks in support of final and intermediate accounts in probate matters shall not ordinarily be filed with the clerk. Supporting documentation to accounts shall be supplied to the court as needed to resolve any objection of an interested party or issue raised by the court.

Amended effective 9/1/02

(2) Final accounts are to be prepared in charge and discharge form, accounting for all assets received by the personal representative, all credits claimed, and reconciled to the balance of the assets on hand to be distributed.

Amended effective 9/1/02

(3) *Order for Production of Wills.* Upon filing any petition showing jurisdictional facts as to the estate of a deceased person and alleging that it is believed that a will exists and is in a safe deposit box to which the deceased had access, any person having control of such safe deposit box may be directed by court order to open such box in the presence of the petitioner, and if a document purporting to be a will of the deceased is found, the custodian of such safe deposit box shall deliver the same to counsel for the petitioner for immediate filing or to the clerk of the court. The clerk, on demand, and on payment of fees, shall issue a receipt for the same, attaching a photostatic or a like reproduction of said will to the receipt. The fees and mileage to the custodian for such delivery shall be the same as those for any witness and payable by the petitioner, together with expenses incurred.

Amended effective 9/1/02

LSPR 98.16 ATTORNEY'S FEES FIXED BY COURT IN MINOR OR INCOMPETENTS SETTLEMENTS

(f) Attorneys Fees. In those instances in which the court is called upon to set the reasonable amount of the fee for the lawyer acting on behalf of a minor or other incapacitated person, the court at the hearing shall consider the criteria set forth in RPC 1.5 and RCW 4.24.005.

(g) Court Approval of Investments. The court shall make available a set of investment guidelines for funds held in trust for a minor or other incapacitated person. The guidelines shall be distributed through the Spokane County Bar Association Office. A reasonable fee, approved by the Court, may be charged for the printing and distribution of the guidelines. These may assist a petitioning party in formulating and presenting to the Court for its approval a proposal to invest such funds. Court approval shall not be required for funds to be placed in a blocked account in a bank, trust company or other insured financial institution such as a credit union. The court need not approve the acquisition of unconditional interest bearing obligations of the state or federal government.

LSPR 98.18 COURT-CREATED TRUSTS

(a) Special Needs Trusts and Trusts governed by SPR 98.16W shall be approved in accord with the following requirements:

(1) A copy of the proposed trust document, note for hearing, trustee's fee schedule, and the Guardian Ad Litem report, shall be furnished to the Guardianship Monitoring Program, for guardianship matters fourteen days in advance of the hearing. If a case is assigned to a trial judge, all hearings will be set before the assigned judge. If a case is not assigned to a trial judge, hearings must be scheduled through the Guardianship Monitoring Program.

Amended effective 04/13/2017

(2) An independent Guardian Ad Litem, specifically qualified in the area of court-created trusts, must be appointed to evaluate the proposed trust unless:

(a) The Court has ordered that the trust be drafted by independent trust counsel or

(b) The basis for eligibility for a special needs trust is a physical disability only and

the adult beneficiary is competent. However, the Court may, in its discretion, appoint a Guardian Ad Litem for an otherwise competent beneficiary if it determines that he or she may not fully appreciate all the issues involved in creating the trust.

(3) The proponent of a trust must identify any other roles expected for trustees or members of a trust advisory committee in the life of the beneficiary. This would include caregivers, professional advisors, family or others who might receive direct or indirect economic benefit from trust expenditures.

(4) The order establishing the trust may only be entered in a file with a probate/guardianship type "4" case assignment number to facilitate tracking. The order must have space designated on the face page to highlight due dates for accountings and other required filings. The trust document must be filed in the Superior Court file.

Amended 04/13/17

(5) The trustee is required to furnish annual accountings to the Court for audit and approval on notice to any interested parties.

Amended 04/13/17

(6) The trust may not provide for removal to another venue or jurisdiction without order of this Court.

(7) A parent of a minor beneficiary shall not serve as a guardian of the estate or as the sole trustee. If a parent is acting as a co-trustee, there must be court approval for any disbursements to the parent.

Amended 04/13/17

(8) The appointment of any successor trustee is subject to approval of the Court.

(9) A trustee, other than a bank or trust company, is required to post a bond in the full amount of trust funds not placed in blocked accounts.

(10) Amendment of the trust shall only be by order of this Court.

(11) The trustee must file an inventory with the Court within 30 days of the funding of the trust. An amended inventory must be filed within 30 days if additional funding, in excess of \$3,000, takes place after the filing of the initial inventory.

(12) The trustee must file with the Court an outline of the beneficiary's projected needs and significant trust expenditures within 30 days of their appointment and annually at the time of each accounting to the Court.

LSPR 98.19 CONFLICTS OF INTEREST OF PROPOSED GUARDIAN

(1) It shall be deemed a conflict of interest for a Certified Professional Guardian (CPG) to petition to have him or herself appointed as guardian for an alleged incapacitated person. Likewise, it shall be deemed a conflict of interest for an Attorney/CPG representing a petitioner to seek to have him or herself appointed. The conflict shall be disclosed to the Court and the procedure set forth below followed.

(2) If a CPG petitioner or an Attorney/CPG representing a petitioner seeks to have the Court appoint himself or herself as a guardian for an alleged incapacitated person he or she shall determine that:

- (a) a guardianship is in the best interests of the alleged incapacitated person;
- (b) there are no less restrictive alternatives; and
- (c) there is no other suitable person willing to act as guardian.

(3) The conflicted party, referred to above, shall conduct an investigation and file declaration (Declaration Pursuant to LSPR 98.19) describing the following pre-filing actions:

- (a) identify any alternative nominees and provide information as to why alternate nominees who are available are not suitable or able to serve;
- (b) provide a written request from the party requesting the guardianship which identifies the basis for the request and the basis for the decision by that party not to petition;

(c) provide documentation from third parties of the facts set out in the petition. Such documentation can include statements from care providers, family members, friends, or others with knowledge of the circumstances of the incapacitated person.

(d) provide documentation that the conflicted party has met with the alleged incapacitated person, the results of that meeting, and an opinion of the capacity issues faced by the alleged incapacitated person.

(e) disclose any relationship the conflicted party may have with a care facility and describe any practice the facility may have involving the referral of residents.

Effective 11/25/13

LSPR 98.20 ESTATES—GUARDIANSHIPS

a) Hearings

1. If a guardianship/trust case is assigned to a trial judge, all hearings will be set before the assigned judge pursuant to LCR 40.
2. If a guardianship/trust case is not assigned to a trial judge, hearings must be scheduled through the Guardianship Monitoring Program.
3. There will be a weekly guardianship/trust calendar.
4. The first thirty minutes of the guardianship/trust calendar will be reserved for ex-parte matters.
5. The Note for Hearing or Order to Show Cause and documents pertaining to the hearing must be served and filed no later than twelve days prior to the hearing. Any responding documents must be served and filed at least seven days before the hearing. Reply documents must be served and filed at least two days before the hearing. In the event an agreed or uncontested order of continuance is to be entered, parties are required to present the order to the judicial assistant of the assigned judge or the Guardianship Monitoring Program if not assigned.
6. Copies of all documents pertaining to the hearing shall be furnished to the judicial assistant of the assigned judge or to the Guardianship Monitoring Program if not assigned.
7. Hearing time limits. Each party shall be given ten minutes unless additional time is granted by the judge or court commissioner. Requests for additional time

shall be made in writing and provided with copies of all documents pertaining to the hearing.

8. Confirming hearings. A party to the proceeding must confirm the matter is ready no later than 12:00 noon, 2 days before the hearing by contacting the assigned judicial assistant of the assigned judge or to the Guardianship Monitoring Program if not assigned.

Amended effective 11/25/13

(b) Pleadings. Parties are required to use those guardianship forms approved by the Spokane County Superior Court for guardianship proceedings.

Amended effective 9/1/02

(c) Presentation of Reports and Care Plans.

(1) The original of any report, accounting or care plan shall be filed in the Clerk's Office.

Amended effective 9/1/02

(2) A date-stamped copy of the report, accounting or care plan shall be provided to the Guardianship Monitoring Program together with an original and one copy of a proposed order approving the report, accounting and/or care plan and a stamped, self-addressed envelope. Out-of-county guardians doing business by mail shall send the originals, copies and proposed order to the Guardianship Monitoring Program.

Amended effective 11/25/13

(3) Supporting documentation for accountings shall be provided to the Guardianship Monitoring Program. This shall include original monthly bank statements, canceled checks or substitute images thereof provided by the financial institution, and receipts as appropriate. If the guardian of the estate is a bank or trust/agency company, it may file a computer printed statement of account in lieu of receipts or canceled checks. However, it must still complete the Report and Accounting form.

Amended effective 9/1/02

(d) Final Accounting. When a guardianship of the estate terminates and a guardian files a final account, an order shall be presented to the court setting a hearing on notice pursuant to RCW 11.92.053. The Guardianship Monitoring Program shall audit the final accounting. The order shall be on a form approved by the court. However, if the sole basis for the guardianship is the minority of the incapacitated person, the guardian may settle the account by filing a declaration of completion and serving notice thereof, on forms approved by the court, in accord with RCW

11.88.140. If the guardian of the estate resigns or is removed, but the guardianship continues, the court may in its discretion settle the account as an ex parte intermediate account or require a hearing on notice.

Amended effective 11/25/13

(e) Withdrawal by Attorney. Should the attorney representing the estate choose to withdraw, the attorney must advise the court of the name and address of the party to be notified, should that be necessary, of a delinquent report, accounting or Periodic Personal Care Plan. The notice to the court shall be filed prior to the effective date of the withdrawal of the attorney.

Amended effective 9/1/02

(f) Show Cause Noncompliance Calendar.

(1) Calendar. The clerk's office shall record all due dates for guardian's reports, and filings as set by the court. This shall include, but not be limited to an inventory, care plan, designation of standby-guardian, report and accounting or receipt for blocked account. The Guardianship Monitoring Program shall set a monthly Show Cause Noncompliance Calendar for those cases in which guardians have not met the required due dates.

Amended effective 11/25/13

(2) Order to Appear. If reports and filings are not presented timely, an order to appear on the guardianship show cause noncompliance calendar shall be sent to the attorney of record and/or the guardian citing the parties into court. Appearance on the calendar is mandatory. The attorney and/or the guardian shall have at least five days notice, in accordance with CR 6, to appear.

Amended effective 11/25/13

(3) Attendance at Show Cause Noncompliance Calendar Excused. If the guardian files the required document(s) referenced in the show cause noncompliance notice at least five days in advance of the calendar date, they shall be excused from attendance at the calendar.

Amended effective 11/25/13

(4) Sanctions on the Show Cause Noncompliance Calendar. The judicial officer assigned to hear the guardianship show cause noncompliance calendar may impose monetary sanctions, increase the bond, suspend the duties of the guardian, appoint a guardian ad litem, and/or remove the guardian.

Amended effective 11/25/13

(g) Review Hearing/Conference. If after initial review of a guardian's report or other filing, it is found unacceptable by the Court, the guardian shall be notified of the additional information or corrective action required. Additionally, the Court may cite the guardian in to appear at an informal review conference or in-court review hearing. The Court may then take appropriate action to resolve any concerns regarding the guardian's performance of their fiduciary duties.

Effective 9/1/02

(h) Deleted

Amended effective 1/1/07

**LSPR 98.22 GUARDIANS AD LITEM - RCW 11.88 GUARDIANSHIPS -
APPOINTMENT, GUARDIAN AD LITEM REPORT, CASE AND ANNUAL
EVALUATIONS AND COMPLAINT PROCEDURES**

(a) Guardians Ad Litem. When the appointment of a guardian ad litem is required, the appointee shall come from the Guardian Ad Litem Registry maintained by the Superior Court Guardianship Monitoring Program. In order to be placed on the registry a person must present a written statement of their qualifications, WSP background check resume, cover letter and complete a training program approved by the court. The Spokane County Superior Court Judges shall appoint a committee of judges and/or court commissioners and interested members of the Spokane County Bar Association to maintain the registry and provide training to those persons who wish to participate in the program. Initials from the Guardianship Monitoring Program staff on the Order Appointing Guardian Ad Litem is required before presentment.

Orders to Appoint Guardian Ad Litem may be presented to the Guardianship Calendar or to Guardianship Court Commissioner. Guardianship orders shall not be signed by a Pro Tem Commissioner. To remain on the Guardian Ad Litem Registry, the Guardian Ad Litem must attend the entire annual mandatory training, provide statement of qualifications and WSP background check by annual deadline.

Amended Effective 4/13/17

(b) Administration. The administration of such Guardian Ad Litem registry, including qualification, appointment, retention, evaluation, complaints and discipline of guardians ad litem under this rule, shall be in accordance with the written Policies and Procedures promulgated and approved by the Spokane County Superior

Court. Copies of such written policies and procedures may be obtained from the Guardianship Monitoring Program website or office.

Effective 11/1/02 Amended Effective 4/13/17

(c) Report of Guardian Ad Litem. When a guardian ad litem is appointed pursuant to RCW 11.88.090, the guardian ad litem shall secure a Medical/Psychological Report and file it with the Guardian Ad Litem Report form approved by the court and posted on the Guardianship Monitoring Program website. The use of these forms is mandatory.

Amended effective 11/1/02 Amended Effective 4/13/17

(d) Case Evaluations. At the time a guardian ad litem is discharged from a case, every attorney and the judicial officer involved in the case, will submit an evaluation of the guardian ad litem on a form to be supplied by the court. The completed evaluations will be returned to the Guardianship Monitoring Program and placed in the guardian ad litem's file. A copy of the evaluation(s) will be provided to the guardian ad litem. The guardian ad litem may respond, in writing, and the response will be placed in the guardian ad litem's file. These evaluation forms will assist the court in maintaining a registry of qualified guardians ad litem.

Amended effective 11/1/02 Amended effective 04/13/17

(e) Annual Evaluations. A judicial officer will review the complete file of every guardian ad litem at the time the Annual Statement is reviewed. The judicial officer may refer a guardian ad litem file to the Guardianship Registry Committee if the judicial officer concludes, in a written report, there are specific concerns that should be addressed with the guardian ad litem. The guardian ad litem will be given a reasonable time to respond to the report. The Guardianship Registry Committee, or its designee, will meet with the guardian ad litem to discuss the report and appropriate remedial action(s), if any, to be taken by the guardian ad litem. The Guardianship Registry Committee may (1) allow the guardian ad litem to remain on the registry with no further action; (2) suspend the guardian ad litem from the registry, subject to the guardian ad litem completing other requirements as set forth by the Committee; or (3) remove the guardian ad litem from the registry. The guardian ad litem will be notified by written decision within fourteen days. In the event of removal from the registry, the guardian ad litem may request a meeting with the full Committee to review the decision.

(f) Complaint Procedures.

Amended effective 11/1/02

(1) Duties of the Judicial Officer. The court shall designate a judicial officer to review any written complaint regarding a guardian ad litem. If the complaint pertains to a pending case, the judicial officer shall immediately refer the complaint to the judge or court commissioner assigned to the pending case for disposition. If a complaint is received after a case has been completed then the judicial officer will commence an investigation.

(2) Complaints should be directed to the Guardianship Monitoring Program who will forward to the designated Judicial Officer of the Guardianship Registry Committee.

Effective 04/13/17

(3) Investigation Procedures. The judicial officer will advise the complainant that an investigation has commenced. A copy of the complaint will be sent to the guardian ad litem. The guardian ad litem shall submit a written response within fourteen days of receipt of the complaint unless the court for good cause extends the time. The judicial officer may make any other contacts or inquiries he or she feels necessary. The judicial officer will submit a written report, within 45 days of the receipt of the written complaint, to the Guardianship Registry. The guardian ad litem may respond to the report within 15 days of the receipt of the report.

Amended effective 04/13/17

(4) Discipline. The judicial officer may recommend to the Guardianship Registry Committee to (1) allow the guardian ad litem to remain on the registry with no further action; (2) suspend the guardian ad litem from the registry, subject to the guardian ad litem completing other requirements as set for by the Committee; or (3) remove the guardian ad litem from the registry. The Committee, or its designee, will meet and review the judicial officer's recommendation. The guardian ad litem will be notified by written decision within fourteen days. The guardian ad litem may request a meeting with the full Committee to review its decision.

Amended effective 04/13/17

(g) Confidentiality. A record of all complaints and grievances will be maintained by the court and treated as confidential until merit has been found. A record of any sanctions issued pursuant to the Annual Review and/or Complaint Procedures will be placed in the guardian ad litem's file.

Amended effective 11/1/02

(h) Removal from the Guardianship Registry. When a guardian ad litem is removed from the Guardianship Registry, the court shall send a notice to the Office of the Administrator for the Courts.

Amended effective 11/1/02

(i) Appointments.

(1) Guardians Ad Litem in Title 11 cases (guardianship) will be appointed pursuant to statute (RCW 11.88) and the policies and procedures established by the Guardianship Registry Committee. The policies and procedures are available from the Guardianship Monitoring Program.

Amended effective 04/13/17

(2) Each GAL on the Guardianship Registry shall be required to accept two county-pay cases each calendar year. These cases shall be paid pursuant to the Spokane County Superior Court GAL payment policies.

(3) No GAL shall be appointed without his or her written approval or telephonic consent.

Effective 9/1/04 Amended effective 4/13/17

(j) Deleted

Amended effective 04/13/17

(1) Deleted

Amended effective 04/13/17

(2) Deleted

Amended effective 04/13/17

(3) Deleted

Effective 9/1/04 Amended effective 04/13/17

LSPR 98.24 MANDATORY GUARDIAN TRAINING

(a) Definition of Applicable Cases. This rule applies to all guardianship cases including those originating under RCW 11.88 and SPR 98.16W. The court, in its discretion, may also direct other persons to take all or part of the mandatory guardian training.

Effective 1/1/07

(b) Intent. The purpose of mandatory guardian training is to provide information to prospective guardians about their legal responsibilities as a guardian.

Effective 1/1/07

(c) Guardian Training. Except as provided in (d) no person shall be appointed guardian by the court until he/she has successfully completed the Mandatory Guardian Training sponsored by the Spokane County Superior Court. Successful completion shall be evidenced by a certificate issued by the court.

Effective 1/1/07

(d) Special Consideration/Waiver. Certified Professional Guardians are not required to attend guardian training as long as the guardian is in good standing with the Certified Professional Guardian Board. The court may waive the training for attorneys, bank trust officers and other professionals who have been appointed as guardians in the past.

Effective 1/1/07

(e) Fees. Each participant shall pay a fee to Spokane County to cover the cost of the training and guardian manual. The court may waive the fee in cases where the proposed guardian and/or the alleged incapacitated person is indigent.

Effective 1/1/07

LSPR 99. LOCAL RULES OF SUPERIOR COURT

(a) Adoption. These local rules were originally adopted on September 21, 1978, to be effective on January 1, 1979. They were revised August 1, 1981. They may be amended from time to time by a majority of the judges, but shall first be submitted for comment to representatives of the Spokane County Bar Association in the absence of emergency or other circumstances justifying immediate change. The provisions of these rules are supplemental to the Rules of the Supreme Court of the State of Washington and shall not be construed in conflict with them.

(b) Format. These rules shall be contained in the Spokane County electronic data processing system. Updated

copies shall be available to counsel and other interested parties upon payment of a reasonable fee to cover the cost of reproduction.

(c) Filing With Administrator for the Courts. Copies of these rules and subsequent amendments shall be provided to the state court administrator without fee pursuant to GR 7.

II. LOCAL MANDATORY ARBITRATION RULES (CITE AS LMAR)

1. SCOPE AND PURPOSE OF RULES

LMAR 1.1 APPLICATION OF RULES—PURPOSE AND DEFINITIONS

The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$50,000 or less. The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to be informal and expeditious, consistent with the purpose of the statute and rules.

Amended effective 9/1/05

LMAR 1.2 MATTERS SUBJECT TO ARBITRATION

By implementation of these rules the Superior Court of Washington for Spokane County authorizes mandatory arbitration under RCW 7.06.010, and approves such arbitrations in civil actions in which no party asserts a claim in excess of \$50,000 exclusive of interest and costs under RCW 7.06.020 as amended.

Amended effective 9/1/05

LMAR 1.3 [DELETED]

2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

LMAR 2.1 TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. The party filing a statement of arbitrability shall do so no later than the date set forth in the Case Schedule Order using such form(s) as approved by the Court. A conformed copy shall be

provided to the arbitration director. If any party objects to the matter being submitted for mandatory arbitration, said objection shall be filed within 5 days of receipt of the Statement of Arbitrability and shall be noted for hearing pursuant to LCR 40(b)(10) before the assigned judge, or if unassigned, to the presiding judge. The party objecting to the statement of arbitrability shall provide a copy to the arbitration director.

Amended effective 9/1/02

(b) By Stipulation. After the answer has been filed, the parties may stipulate to mandatory arbitration using a Stipulation for Arbitration form approved by the court. Stipulated cases will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.

Amended effective 9/1/01

(c) Limitations. For cases where a Case Schedule Order has been entered pursuant to LAR 0.4.1, no case may be assigned to mandatory arbitration after the deadline for filing for arbitration, unless consent is obtained from the assigned judge.

Amended effective 9/1/01

LMAR 2.3 ASSIGNMENT TO ARBITRATOR

(a) Generally, Stipulations. When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator using Stipulation to Arbitrator (form LMAR-02.0300). In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within ten days after a list of proposed arbitrators has been furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the arbitration director will appoint an arbitrator from among those not stricken by either party.

Amended effective 9/1/01

(c) Response by Only One Party. If only one party responds within ten days, the arbitration director will appoint an arbitrator nominated by that party.

Amended effective 9/1/01

(d) No Response. If neither party responds within ten days, the arbitration director will appoint one of the five proposed arbitrators.

Amended effective 9/1/01

(e) Additional Arbitrators for Additional Parties. If there are more than two adverse parties, all represented by different counsel, two additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied.

Amended effective 9/1/01

3. ARBITRATORS

LMAR 3.1 QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an application on a form prescribed by the court. A copy of said application of a person appointed as an arbitrator will be available upon request by any party and will be mailed to a requesting party at the party's own expense. The oath of office on the form prescribed by the court must be completed and filed prior to an appointed applicant being placed on the panel.

(b) Refusal, Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the arbitration director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon (3) governing the disqualification of judges.

Amended effective 9/1/01

LMAR 3.2 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(a) Motions. Determine the time, place and procedure to present a motion before the arbitrator, excluding motions for summary award and involuntary dismissal.

(b) Expenses. Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk of the superior court, with proof of service on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

(c) Attorney's Fees. Award attorney's fees as authorized by these rules, by contract or by law.

4. PROCEDURES AFTER ASSIGNMENT

LMAR 4.2 DISCOVERY

(a) Additional Discovery. In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

(b) Discovery Pending. Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or except as authorized by MAR 4.2.

5. HEARING

LMAR 5.1 NOTICE OF HEARING—TIME AND PLACE—CONTINUANCE

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order as

long as the new hearing date will allow the arbitration hearing and arbitrator decision to be completed 30 days before the scheduled trial date. The parties may stipulate to a continuance only with the permission of the arbitrator.

A continuance of the arbitration hearing to a date less than 30 days prior to the scheduled trial date must be approved by the assigned judge. The arbitrator shall give reasonable notice of the hearing date on a Notice of Arbitration Hearing Date form approved by the court, and any continuance on an Order of Continuance of Arbitration Hearing Date form approved by the court to the arbitration director.

Amended effective 9/1/01

**LMAR 5.2 PREHEARING STATEMENT OF PROOF—DOCUMENTS
FILED WITH COURT**

(a) Generally. In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the county clerk. The arbitrator shall strictly enforce the provisions of MAR 5.2 and is encouraged to withhold permission to present evidence at time of hearing if the parties have failed to comply with this rule.

(b) [Deleted].

LMAR 5.3 [DELETED]

6. AWARD

LMAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on an Arbitration Award approved by the court and filed with the county clerk along with proof of service on the parties.

Amended effective 9/1/01

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

LMAR 6.2 FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award shall be presented to the arbitration department, which will gain authorization from the administrative committee. The arbitrator shall give the parties notice of any extension granted. Recurring delays in the filing of awards will result in the removal of the arbitrator from the panel.

LMAR 6.3 JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the ex parte department, by any party, on notice in accordance with MAR 6.3.

7. TRIAL DE NOVO

LMAR 7.1 REQUEST FOR TRIAL DE NOVO

(a) Request. The Request for Trial de Novo and Sealing of Award shall be filed with the county clerk on such form as approved by the court. A copy shall be provided to the assigned judge and arbitration director.

Amended effective 9/1/01

(b) [Deleted]

Amended effective 9/1/01

LMAR 7.2 [DELETED]

LMAR 7.3 [DELETED]

8. GENERAL PROVISIONS

LMAR 8.1 STIPULATIONS—EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

LMAR 8.3 [Deleted]

Amended effective 9/1/01

LMAR 8.4 TITLE AND CITATION

These rules are known and cited as the Spokane County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

LMAR 8.5 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the arbitrator shall submit to the arbitration director a request for payment on a form prescribed by the court within 60 days of the filing of the award. The director shall determine the amount of compensation and costs to be paid. The decision of the director will be reviewed by the presiding judge at the request of the arbitrator. Compensation to the arbitrator and cost reimbursement shall be pursuant to standards set and periodically revised by the court.

LMAR 8.6 ADMINISTRATION

(a) Generally. The court administrator, under the supervision of the superior court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

(b) Administrative Committee. There shall be an administrative committee composed of three judges chosen by the presiding judge and three members of the Washington State Bar Association, one each chosen by the Spokane County Bar Association, the Washington Association of Defense Counsel and the Washington State Trial Lawyers Association. The members of the committee shall serve for staggered three-year terms and may be re-appointed.

Amended effective 9/1/01

(c) Powers and Duties. The administrative committee shall have the power and duty to:

(1) Select its chairperson and provide for its procedures;

(2) Select and appoint the panel of arbitrators provided in Rule 3.1(a);

(3) Remove a person from a panel of arbitrators;

(4) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

Amended effective 9/1/01

III. CRIMINAL RULES (CITE AS LCrR)

2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS

LCrR 0.2 COURT ORGANIZATION AND MANAGEMENT

(Repealed)

Amended effective 1/1/98

LCrR 0.3 COMMITTEES

(Repealed)

Amended effective 1/1/98

LCrR 2.1

(d) Amendment.

(1) A motion by the State prior to trial, to amend an Information in order to add counts, change the degree of an offense, change the means of commission of an offense, change the date of an offense or add a sentencing enhancement, shall be noted by the State on Form CR-06.300(a) and served on defendant's counsel of record, if represented, or on the defendant if unrepresented. A copy of the proposed amended Information shall be filed and served with the motion. Said motions must be filed and served at least 5 days prior to the hearing of the motion. A copy of the motion shall be given to the bailiff for the Chief Criminal Judge at least one working day prior to the hearing. Motions to amend will be heard by the Chief Criminal Judge on Thursday afternoons unless specially set by the Court. It is the duty of the moving party to notify

the bailiff for the Chief Criminal Judge by noon of the Tuesday prior to the hearing to confirm the matter will be heard. A motion to amend an Information to correct simple clerical or grammatical errors is not subject to the time limits set forth in this rule.

(2) A motion to amend an Information during, or after, the trial has commenced is governed by CrR 2.1(d).

LCrR 2.2 WARRANT OF ARREST AND SUMMONS

(b) Issuance of Summons in Lieu of Warrant. Upon the Prosecuting Attorney's filing with the clerk an Information without directing or requesting the issuance of a warrant for the arrest of the defendant, the clerk shall issue a summons commanding the defendant to appear before the Court at a specified time and place.

Effective 9/1/01

LCrR 2.3 SEARCH AND SEIZURE

(g) Search Warrant Custody and Control. The Superior Court judge authorizing a search warrant will retain custody and control of the affidavit for search warrant and the search warrant until executed or returned unexecuted.

(1) After execution, the search warrant shall be filed by number and description of the person or property to be searched. An index will be maintained and available to the public in the clerk's office.

(2) The affidavit and accompanying papers including the return of service shall be filed in accordance with the provisions of LCrR 2.3(h).

(h) Sealing or Destruction of Records.

(1) The destruction or sealing of court records is governed by GR 15. A motion to seal or destroy a record shall be made before a record is filed with the clerk. The motion shall be made to the judicial officer before which the matter is pending, or the Presiding Judge.

(2) [Deleted].

(3) [Deleted].

3. RIGHTS OF DEFENDANTS

LCrR 3.1 RIGHT TO AND APPOINTMENT OF COUNSEL

(d) Appointment of Counsel.

(2) Defendants requesting appointment of counsel may be required to promptly execute an affidavit under oath disclosing their financial circumstances. This affidavit will be filed and will be reviewed by the judge who is determining assignment of court-appointed counsel for a defendant. All appointments by reason of indigence are expressly contingent upon a finding of indigence, as defined in CrR 3.1(d)(1) and full disclosure of assets. All appointments of counsel are subject to review at or before the omnibus hearing as provided in LCrR 4.5. Where assets are discovered or acquired subsequent to appointment which would indicate that a defendant can afford to retain counsel in whole or in part a defendant may be ordered to retain counsel or reimburse the county for the cost of court-appointed counsel. Court-appointed counsel who learn or have reason to believe that their client can afford to retain counsel shall notify the court's bailiff promptly of this fact in order that the court can inquire into the financial status of the defendant.

(e) [Deleted]

(g) Privately Retained Counsel. A defendant who privately retains counsel is responsible for whatever fee is contracted or its agreed basis arranged between them. In those cases involving privately retained counsel, the only public funds expended for the Superior Court trial shall be those authorized by CrR 3.1(f).

Attorneys retained by defendants in criminal cases must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the clerk. Withdrawal of attorneys is governed by CrR 3.1(e).

LCrR 4.5 OMNIBUS HEARING AND MOTIONS

(d) Criminal Motions. Criminal Motions under CrR 3.5 shall ordinarily be heard by the assigned trial judge. However, CrR 3.5 motions may be specially set prior to trial date by the Chief Criminal Judge upon a showing of good

cause. Criminal motions under CrR 3.6 shall be noted with the Chief Criminal Judge, who will either schedule the matter before the Chief Criminal Judge or assign it to another judge. Motions under CrR 3.6 shall be heard at least 14 days before trial and shall be accompanied by all supporting materials required by CrR 3.6. The moving party will file and serve all memoranda, affidavits and certificates no later than the second Tuesday preceding the hearing date. The responding party shall file and serve all responsive memoranda, affidavits and certificates no later than 5:00 p.m. the Monday prior to the hearing date. Any reply memoranda must be served no later than 12:00 p.m. the Wednesday prior to the hearing. The judge who will hear the CrR 3.6 motion will, pursuant to that rule, determine if an evidentiary hearing is required. The time limit prescribed by this rule may be waived by the Chief Criminal Judge upon a showing of newly discovered evidence or a basis for the motion that could not have been developed by an exercise of due diligence.

Amended effective 9/1/06

(i) All criminal motions must be filed by using form CR-06.300 (a). Motions must be promptly served on the opposing party, and a copy shall be provided to the bailiff for the Chief Criminal Judge. A working copy of all memoranda, affidavits and certificates must be provided by the parties to the bailiff for the judge hearing the motion at least one working day prior to the hearing.

(ii) All criminal motions, other than those under CrR 3.5, will be heard on Thursday mornings unless specially set by the Court.

Amended effective 9/1/06

(iii) It is the duty of the moving party to notify the bailiff for the Chief Criminal Judge by noon of the Tuesday prior to the hearing to confirm the matter will be heard.

(iv) Any agreements to continue a hearing which had been confirmed as ready to be heard shall be presented to the Chief Criminal Judge and the judge assigned to hear the motion no later than 12:00 p.m. the Wednesday prior to the hearing.

Effective 9/1/06

(e) Restitution Hearings. Restitution hearings shall be scheduled before the Presiding Department on Thursdays at

3:30 p.m., unless specially set by the court. The party noting the hearing shall notify the judicial assistant for the Presiding Department by 12:00 noon of the previous day (Wednesday) to confirm that the matter will be heard. The parties will also advise the court if it is expected that multiple witnesses will be called. The assigned prosecutor will also advise if prisoner transport is required for the hearing.

Effective 9/1/03

LCrR 7.1 SENTENCING

The Clerk shall receive all Presentence Investigation (PSI) reports prepared by the Department of Corrections which shall be forwarded by the sentencing judge. The Clerk shall maintain said PSI in confidential status. For purposes of this rule, "confidential" means that the only persons who may have access to the PSI are parties, counsel of record, or such other persons who have received permission of the court upon a showing of good cause.

Effective 9/1/03

LCrR 7.8 PAYMENT OF COSTS AND RESTITUTION THROUGH CLERK

Whenever the court orders costs and/or restitution it shall be paid through the clerk of the court by cash, certified check, cashier's check or money order payable to the clerk of the court. The name of the payor and the court case number will be entered on the face of the instrument of payment. Additionally, defendants can use credit or debit cards to pay court costs and/or restitution payments.

Amended effective 09/01/07; Amended effective 11/17/16

- | | | |
|-----|---------|---|
| (a) | Deleted | Amended effective 11/17/16 |
| (1) | Deleted | Amended effective 11/17/16 |
| (2) | Deleted | Amended effective 11/17/16 |
| (3) | Deleted | Amended effective 11/17/16 |
| (4) | Deleted | Amended effective 11/17/16 |
| (b) | Deleted | Amended effective 09/01/07;
Amended effective 11/17/16 |

**IV. JUVENILE COURT RULES
(CITE AS LJUCR)**

2. SHELTER CARE HEARINGS

LJuCR 2.3 NOTICE AND RIGHT TO HEARING

(a) Scheduling and Notice. A shelter care hearing may be set by court order or by scheduling a hearing with the Juvenile Court Coordinator. The party scheduling the hearing shall notify the Juvenile Court Coordinator, Clerk of Court, Attorney General's Office, CASA Program, Public Defender's Office, and any other parties and their attorneys.

Amended effective 9/1/99

(b) Guardian ad Litem. The court shall address the appointment of a Guardian ad Litem for the child at the initial shelter care hearing. The court shall appoint a Guardian ad Litem for the child or make a determination that good cause exists not to appoint one. This decision may be reviewed at each subsequent hearing including the dependency fact-finding hearing, each dependency review hearing, and prior to entry of a guardianship or termination order. A party may request that a Guardian ad Litem be appointed at any time during the dependency, guardianship or termination proceedings. A copy of the shelter care hearing order shall be provided to the CASA Program.

Amended effective 9/1/99

(e) Recommendation. The recommendation required by RCW 13.34.060(7) may be made orally at the time of hearing.

3. DEPENDENCY AND GUARDIANSHIP/TERMINATION

**LJuCR 3.1 FILING AND SERVICE OF PROCESS OF DEPENDENCY,
GUARDIANSHIP AND TERMINATION PETITIONS**

The petitioner shall provide the Clerk of the Court with the original petition along with sufficient copies of the petition for service of process. The party filing a petition shall also file a Request for Service notifying the Clerk of Court what type of service is being requested. The Clerk of Court shall notify the petitioner when personal service packets are completed. The petitioner is responsible for completing personal service and filing a

declaration of service. The Clerk is responsible for service by publication and mail and for filing a declaration of service.

Amended effective 9/1/99

LJuCR 3.3 CONTENT OF PETITION

(g) Other Information. A dependency, guardianship, or termination petition shall contain a statement whether either parent is under the age of 18.

Amended effective 9/1/99

LJuCR 3.4 APPOINTMENT OF COUNSEL AND SCHEDULING OF DEPENDENCY FACT-FINDING HEARING

(a) [Deleted]

Amended effective 9/1/99

(c) Scheduling of Hearing. Any request for continuance of the fact-finding hearing shall identify the 75th day from the filing of the petition. A motion to continue beyond the 75th day shall be supported by a declaration of exceptional circumstances. The order continuing the hearing beyond 75 days shall identify the exceptional circumstances found by the Court.

Amended effective 9/1/99

(e) Appointment of Attorney or Guardian Ad Litem.

(1) *Minor Parents.* Juvenile Court staff shall review all dependency, guardianship and termination petitions to determine whether an attorney and/or guardian ad litem should be appointed for a parent under the age of 18. Juvenile Court staff shall apply to the court for an Order Assigning Lawyer or Guardian Ad Litem for a minor parent. Juvenile Court staff shall forward the dependency, guardianship, or termination petition to the appointed attorney.

Amended effective 9/1/99

(2) *Attorney for Child.* A child over the age of 12 may request the appointment of an attorney by informing the Guardian ad Litem or by written request to Juvenile Court staff. Juvenile Court staff shall apply to the Court for an Order Assigning Lawyer for the child.

Effective 9/1/99

(3) *Request for Appointed Counsel by Parent/Guardian.* A

parent or guardian may request appointment of counsel in a dependency, guardianship or termination proceeding by completing a Motion and Declaration for Assignment of Lawyer. Juvenile Court staff will help the parent or guardian complete the requisite documents and will present the motion and Order Assigning Lawyer to the court. If the order is signed, a copy of the order along with the dependency, termination, or guardianship petition shall be delivered immediately to the assigned lawyer by Juvenile Court staff. Copies of the order shall be furnished to all parties.

If the motion for counsel is denied, the parent or guardian may request the court to review its decision. The parent or guardian shall contact the Juvenile Court Coordinator to initiate the review process.

Amended effective 9/1/99

(f) Private Counsel. If private counsel is retained by any party to the proceedings, such counsel shall immediately file a notice of appearance with the Clerk of Court and provide a copy to Juvenile Court staff, the child's guardian ad litem, if any, the Attorney General's Office, other counsel, and the supervising agency. If the child's guardian ad litem is a CASA, providing a copy of the notice of appearance to the CASA Program is deemed notice to the guardian ad litem.

Amended effective 9/1/99

LJuCR 3.7 [DELETED]

Amended effective 9/1/99

LJuCR 3.8 [DELETED]

Amended effective 9/1/99

LJuCR 3.9 REVIEW HEARING

(a) [Deleted]

Amended effective 1/1/09

(a) Proposed Order and Supervising Agency Report. The supervising agency shall prepare a proposed order and a written report containing the information required by RCW 13.34.120. The report shall be provided to the court and copies shall be furnished to Juvenile Court staff, the guardian ad litem, if any, and to the parties and their

counsel 14 days before the review hearing.

Amended effective 1/1/09

(b) First Review and Permanent Planning Review Hearings in Open Court. All first review and permanent planning review hearings will be presented in open court. A party may request that any review hearing be held in open court.

Amended effective 1/1/09

LJuCR 3.10 ASSIGNMENT TO COURT COMMISSIONER

Each dependency petition shall be assigned by the Juvenile Court to a Court Commissioner. The assigned commissioner shall hear every contested issue from fact-finding forward unless otherwise ordered by the court. Issues set on the motion calendar, except motions regarding placement or visitation, are not required to be heard by the assigned commissioner. However, a party may request the assigned commissioner to decide the issue and must schedule the motion accordingly.

Effective 9/1/99

LJuCR 3.11 SETTING A CONTESTED HEARING

Prior to setting a contested hearing, a status conference shall be held with a judicial officer assigned to Juvenile Court. The parties shall contact the Juvenile Court Coordinator to schedule a status conference. At the status conference, the parties should be prepared to discuss witness and exhibit lists, contested issues, and estimated trial time. A Status Conference Report shall be completed at the conclusion of the status conference and filed with the Clerk of the Court.

Effective 9/1/99

5. AT-RISK YOUTH (ARY) AND CHILD IN NEED OF SERVICES (CHINS) PROCEEDINGS

LJuCR 5.1 PROCEDURE FOR FILING

A party may file a petition by delivering it to the Juvenile Court facilitator designated for proceedings under RCW 13.32A. Upon verifying that a family assessment has been completed or has been requested, but not completed within two working days, the original petition shall be

filed with the Clerk by the facilitator. The Court shall provide forms and instructions for the parties interested in filing a petition. The Court shall also provide an informational session to assist parties in preparing a petition. It is recommended that a parent or other unrepresented party attend prior to filing.

Amended effective 9/1/99

LJuCR 5.2 APPOINTMENT OF ATTORNEY

The Public Defender shall be deemed appointed to represent the minor child unless an order is entered or notice of appearance is filed providing for alternative counsel in a specific case. The appointed attorney shall be provided the minor child's address and telephone number, together with the name and telephone number of the assigned social worker at least one court day prior to the initial hearing.

Amended effective 9/1/99

LJuCR 5.3 SCHEDULING OF FACT-FINDING HEARING

The facilitator shall assign a hearing date and time for each properly filed petition.

Amended effective 9/1/99

(a) [Deleted]

Amended effective 9/1/99

(b) [Deleted]

Amended effective 9/1/99

(c) [Deleted]

Amended effective 9/1/99

LJuCR 5.4 NOTICE OF FACT-FINDING HEARING

The facilitator shall provide a copy of the petition and notice of hearing to:

(a) Petitioner,

(b) Respondent,

(c) Department of Social and Health Services, Family Reconciliation Services,

(d) Public Defender or other assigned counsel, and

(e) Probation Officer assigned for RCW 13.13A proceedings.

The facilitator may notify the respondent by mail. However, in a CHINS proceeding the petitioner shall also arrange service on the respondent pursuant to RCW 13.32A.152.

Amended effective 9/1/99

LJuCR 5.5 DETENTION HEARING

A child taken into custody for violating a placement order under RCW 13.32A or pursuant to a pick-up order under this chapter shall be entitled to a detention hearing within twenty-four hours, excluding Saturdays, Sundays and holidays. Detention hearings shall be held at 9:00 a.m. or 1:30 p.m. The detention staff shall immediately inform the facilitator when a child is admitted under this chapter. The facilitator shall notify all interested parties of the detention hearing, including any assigned probation officer.

Amended effective 9/1/99

LJuCR 5.6 DISPOSITION HEARING

(a) [Deleted]

Amended effective 9/1/99

(b) [Deleted]

Amended effective 9/1/99

(d) [Deleted]

Amended effective 9/1/99

(e) [Deleted]

Amended effective 9/1/99

The disposition hearing may be held at the conclusion of the fact-finding hearing or may be scheduled within fourteen days. A petitioning parent in an ARY case shall attach to the petition an outline of the requested disposition. In a CHINS case, the DSHS assessment shall set forth the dispositional services and out-of-home placement options that may be available. If a respondent requests that the disposition hearing be deferred to a later date, the Court will give due consideration to whether they have received notice of the dispositional alternatives as set

forth herein. If the disposition hearing is not held at the time of fact-finding, the facilitator shall notify any interested party listed above of the hearing date and time unless they signed the order setting the disposition hearing.

Amended effective 9/1/99

LJuCR 5.7 REVIEW HEARING

The facilitator shall notify each interested party listed above and the assigned probation officer, if any, of the review hearing date and time set by the Court unless the party signed the order setting the hearing.

Amended effective 9/1/99

(a) [Deleted]

Amended effective 9/1/99

(b) [Deleted]

Amended effective 9/1/99

6. DIVERSION

LJuCR 6.4 [DELETED]

LJuCR 6.6 TERMINATION OF DIVERSION AGREEMENT

(a) [Deleted]

Amended effective 04/01/2016

(b) [Deleted]

Amended effective 04/01/2016

7. OFFENSE PROCEEDINGS

LJuCR 7.1 [Deleted]

Amended effective 04/01/2016

LJuCR 7.3 [DELETED]

LJuCR 7.4 DETENTION HEARING

(a) Scheduling of Hearing. For all juveniles taken into custody and held in detention, the court shall make

every reasonable effort to conduct a hearing on the issue of detention the next judicial day. The prosecutor shall schedule all detention hearings on the daily 1:30 p.m. offender calendar.

(b) Procedure at Hearing. The detention hearing shall be held in accordance with JuCR 7.3 and 7.4.

(c) Determination that Detention Is or Is Not Necessary. The determination as to detention will be made in accordance with JuCR 7.4.

LJuCR 7.5 SUMMONS

(a) Generally. Generally. When a case is initiated by filing an Information and Summons then at the time of filing an Information, the Prosecuting Attorney's office shall execute an address check and also provide sufficient copies of the summons to the Clerk so that there is a copy for the Clerk's office and a copy to mail to each address. The Clerk shall sign and endorse each summons with a seal and retain one copy of the Information and Summons for the Court file and provide the signed and endorsed summons back to the Office of the Prosecuting Attorney.

Amended effective 04/01/2016

(b) Deleted

Amended effective 04/01/2016

(1) The Office of the Prosecuting Attorney shall mail a copy of the Summons and Information to each address with an arraignment informational letter following the same format as adult filings.

Amended effective 04/01/2016

(2) The Office of the Prosecuting Attorney shall complete a Certificate of Mailing and file that document with the Clerk with a copy of the Information, Summons, and informational letter.

Amended effective 04/01/2016

LJuCR 7.6 ARRAIGNMENT AND PLEAS

[Deleted]

Amended effective 04/01/2016

LJuCR 7.7 STATEMENT OF JUVENILE ON PLEA OF GUILTY

[Deleted]

Amended effective 04/01/2016

LJuCR 7.12 DISPOSITION HEARING
[Deleted]

Amended effective 04/01/2016

LJuCR 7.14 MODIFICATION OF DISPOSITION ORDER
[Deleted]

Amended effective 04/01/2016

8. DECLINE OF JURISDICTION

LJuCR 8.1 TIME FOR DECLINE HEARING
[Deleted]

Amended effective 04/01/2016

LJuCR 8.2 PROCEDURE AT DECLINE HEARING
[Deleted]

Amended effective 04/01/2016

9. **[Deleted]**

LJUCR 9.1 MANADATORY APPOINTMENT OF LAWYER
[DELETED]

Amended effective 04/01/2016

LJUCR 9.2 [DELETED]

LJuCR 9.3 RIGHT TO APPOINTMENT OF EXPERTS

(a) Appointment. An order authorizing counsel to obtain the services of an expert will not authorize payment for those services but shall define the services to be provided. If services are authorized, counsel shall advise the service provider of the provisions of this rule and the approved rates as set by the court.

(b) Compensation. Compensation in excess of an hourly rate or total amount as determined reasonable from time to time by the superior court will not be approved without a prior report and special authorization by the court. Claims submitted within the approved hourly rates and total amounts

may be approved by the supervisor in accordance with the budget.

11. SUPPLEMENTAL PROVISIONS

LJuCR 11.2 JUVENILE COURT SOCIAL FILE

[Deleted]

Amended effective 04/01/2016

LJuCR 11.3 CALENDARING OF MATTERS

[Deleted]

Amended effective 04/01/2016

LJuCR 11.4 CONTINUANCES

Agreed motions for continuance may be presented at weekly pre-trial hearings or by agreed order. Contested motions for continuance shall normally be considered at a motion hearing as scheduled by the court, unless justified by exigent circumstances.

Amended effective 04/01/2016

LJuCR 11.5 CALENDAR INQUIRIES

Inquiries regarding the calendaring of cases shall be directed to the Juvenile Court Coordinator. All calendaring of matters will be done by the Clerk of Court or Juvenile Court Coordinator only upon order of the court or pursuant to these local rules.

Amended effective 9/1/99

LJuCR 11.6 WEEKLY CALENDAR CALL

[Deleted]

Amended effective 04/01/2016

LJuCR 11.7 MEDICAL CONSENT AUTHORIZATIONS

(a) Request for Medical Treatment. Requests for authorization of medical treatment should be submitted in writing to the court stating the treatment required, the reason for the treatment and the necessity for the authorization. Such requests may be heard on the motion calendar or at such other time approved by the Juvenile Court Coordinator or ordered by the court.

Amended effective 9/1/99

(b) [Deleted]

Amended effective 9/1/99

LJuCR 11.8 JUVENILE COURT COMMITTEE
[Deleted]

Amended effective 04/01/2016

LJuCR 11.9 PAYMENT OF RESTITUTION THROUGH CLERK

Whenever the court orders restitution it shall be paid through the clerk of the court by cash, certified check, cashier's check or money order payable to the clerk of the court. The name of the payor and the court case number will be entered on the face of the instrument of payment.

Payment of Monetary Obligation: In all juvenile cases, except where the court order is to the contrary, the clerk of the court shall disburse monies received in the following order:

- (a) Restitution.
- (b) Penalty Assessment.

12. TRUANCY PROCEEDINGS

LJuCR 12.1 LEGAL REPRESENTATION

(a) A child may appear in a truancy proceeding without the appointment of a guardian ad litem. The Court may appoint a guardian ad litem if the facts of a specific case indicate that justice would be served thereby.

Effective 9/1/99

(b) An attorney shall be appointed by the Court to represent a child when a school district requests a hearing alleging that the child is in contempt of a truancy order.

Effective 9/1/99

LJuCR 12.2 NOTICE

(a) Fact-Finding Hearings. The Court shall, upon the filing of a truancy petition, set the date for a fact-finding hearing unless it enters a stay of proceedings. The Petitioner may serve a copy of the notice of hearing, petition for truancy and supporting declaration separately

to the child and parent(s) or legal guardian(s) at their last known address by certified mail return receipt requested. If certified mail is unsuccessful or receipt is not signed by addressee, personal service shall be required.

The notice shall advise the parties of their rights and options under RCW 13.32 and the right to present evidence at the hearing. The Clerk shall also notify the school district of the date and time of hearing. If the school district obtains an order continuing the hearing, the district shall provide notice, by mail to any party that has not approved the order. It shall file proof of mailing with the Court.

Effective 9/1/99

(b) Contempt Proceedings. The school district shall personally serve a party alleged to be in contempt of a truancy order at least five court days, not including the day of service, before the hearing. The documents to be served will include the motion, declaration, and order to show cause. The child shall also be served with the notice of appointment of counsel. If the party alleged to be in contempt of an order compelling attendance was not present at the fact-finding hearing, the district shall provide evidence that the party had notice of the terms of the order. This evidence may be in the form of a declaration, under oath, that the party has been served with the order, either personally or by a form of mail requiring a return receipt.

Effective 9/1/99

V. LOCAL RULES FOR APPEALS OF DECISIONS OF COURTS OF LIMITED JURISDICTION (CITE AS LRALJ)

2. INITIATING AN APPEAL

LRALJ 2.4 [DELETED]

3. ASSIGNMENT OF CASES IN SUPERIOR COURT

LRALJ 3.1 ASSIGNMENT

Appeals from a court of limited jurisdiction will be assigned to an individual judge when a Notice of Appeal is received by the Clerk of Court. The Court Administrator will prepare and mail a notice of case assignment to the lawyer for each party or party appearing pro se. The

assigned court will set and mail briefing deadlines or meet with counsel and set briefing deadlines consistent with RALJ 7.2, and a date for oral argument. Extensions and continuances are governed by RALJ 10.3.

Amended effective 11/16/17

4. AUTHORITY OF COURT PENDING APPEAL—STAYS

LRALJ 4.1 AUTHORITY OF COURT PENDING APPEAL

(a) Superior Court. After a notice of appeal has been filed the Assigned Court Department will schedule the following dates from the date of filing:

(1) *45 Days.* For the receipt of appellant's brief and a transcript of the record [See RALJ 6.3 and 7.2(a)]. The person preparing the transcript shall comply with GR 35 and be listed on the transcriptionist list approved by the court. If the appellant has not filed a brief and transcript the clerk will move to dismiss the appeal for lack of prosecution in accordance with LRALJ 10.2(a).

(2) *75 Days.* For the receipt of the respondent's brief [See RALJ 7.2(b)]. On the 76th day from the date of filing a Notice of Appeal the clerk will prepare and transmit a notice to the Court Administrator. The Court Administrator will mail a Note for Appeal Assignment (form JRA-08.0100-1/81) to the lawyer for each party or any party appearing pro se assigning said case to an individual judge.

Amended effective 11/16/17

LRALJ 4.3 STAY OF ENFORCEMENT OF JUDGMENT

(a) Civil Case. If the appellant seeks to stay enforcement of the district or municipal court judgment from which an appeal has been taken it shall be upon motion noted for hearing as an issue of law (form CI-06.0300-6/98) pursuant to LCR 40(b)(10). If an order staying enforcement is made a conformed, certified copy of the order must be filed by the appellant with the district or municipal court from which the appeal has been taken.

Amended effective 1/1/99

(b) Criminal Case. If the appellant has been granted an order staying enforcement of a sentence in a criminal

case by the court of limited jurisdiction in accordance with RALJ 4.3(b) a conformed, certified copy shall be filed with the clerk of the superior court.

9. SUPERIOR COURT DECISION

LRALJ 9.1 BASIS FOR DECISION ON APPEAL

(a) Form of Decision. The decision of the superior court may be rendered orally, with a court reporter present, or recorded by electronic means. In either case the verbatim record or the electronic recording shall be transcribed and filed with the clerk of the superior court.

LRALJ 9.2 ENTRY OF DECISION

(a) The clerk of the superior court shall transmit within 30 days one copy of the transcribed decision to the clerk of the court of limited jurisdiction from which the appeal was taken, one copy to the district court or municipal court judge whose decision was appealed and one copy to each party or the attorney for each party in accordance with RALJ 9.2(b).

10. VIOLATION OF RULES—SANCTIONS AND DISMISSAL

LRALJ 10.2 DISMISSAL OF APPEAL

(a) Involuntary Dismissal/Continuances. In the event that the provisions of RALJ 7.2(a) have not been met and if a motion to dismiss has not been filed by a party, the clerk of the superior court, pursuant to LRAJ 4.1(a)(1), will prepare and mail a Notice of Dismissal For Want of Prosecution (form JRA 10.0100-6/81) to the parties or their lawyers that the appeal will be dismissed for want of prosecution unless within 14 days good cause is shown why the case should be continued as a pending appeal. If a motion for continuance supported by good cause is not filed and noted for hearing within that time, the clerk will present a Motion and Order Dismissing Appeal to District/Municipal Court (form JRA 10.0200-4/81) to the judge to whom the appeal has been assigned or, if unassigned, to the presiding judge for signature. Hearings on motions for continuance will be noted on the motion docket for the assigned judge per LCR 40(b)(10), or if the appeal is unassigned, before the presiding judge. In the

event that there has been no action of record for 90 days, the clerk may present a motion and order dismissing the appeal forthwith.

Amended effective 9/1/99

(b) In event that the appellant has not filed a designation of record per RALJ 6.2(a) the superior court clerk shall send out a notice of closure to the parties or their attorneys that the appeal has been deemed abandoned and the superior court file is closed. Such closing of the file shall only be vacated upon an order of the superior court showing good cause.

11. SUPPLEMENTAL PROVISIONS

LRALJ 11.5 [DELETED]

LRALJ 11.8 [DELETED]

VI. LOCAL WRIT PRACTICE RULES (LWP)

LWP 1.1 APPLICATION FOR WRIT

(a) Filing. Any party seeking an extraordinary writ pursuant to Chapter 7.16 RCW concerning the action of a district or municipal court shall file an application or petition and schedule a show cause hearing before the presiding judge no later than 14 days after the filing to determine whether the requested writ shall be granted. The order setting a show cause hearing may stay further proceedings in the lower court if proceedings are scheduled there prior to the show cause hearing.

(b) Scheduling. If the presiding judge, or other superior court judge to whom the matter may be assigned, grants an order issuing an extraordinary writ to review a decision of a district or municipal court, the court will also enter a hearing schedule which shall state the due dates for the briefs of the parties, the filing of the written transcript, and the date on which the parties will return to court for assignment and argument. No continuance or extension shall be entered which does not also reset the hearing schedule. The time frame for scheduling shall be

consistent with that of LRALJ 4.1(a) unless circumstances dictate that less time be allowed.

(c) [Deleted]

Amended effective 1/1/01

LWP 1.2 DISMISSAL

The clerk of the superior court may, pursuant to the procedures established by LRALJ 10.2(a), seek dismissal of any writ action involving a district or municipal court wherein more than 90 days have passed since the last action of record.