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LGR 29(g)(1)(C). EXECUTIVE COMMITTEE

(g) Executive Committee.

(1) Membership of the Executive Committee.

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

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

(C) The following chief judges shall serve as members of the Executive Committee: (i) the Chief Criminal Judge; (ii) the Chief Civil Judge; (iii) the Chief Judge of Unified Family Court; (iv) the Chief Judge of the Maleng Regional Justice Center; and (v) the Chief Judge of the Clark Children and Family Justice Center. ~~of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center shall serve as members of the Executive Committee.~~

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

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

(2) Powers and Duties of the Executive Committee

LCR 7(b)(6). MOTIONS TO RECONSIDER OR CHANGE PRIOR RULINGS: RENEWED MOTIONS

(b) Motions and Other Documents

(1) Scope of Rules...

(6) Motions to Reconsider or Change Prior Rulings; Renewed Motions. See LCR 59.

(A) Applicability. LCR 59 governs motions for reconsideration of a final order terminating the dispute. Except when specifically provided in another rule, this rule governs all other motions to reconsider or change orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause, including by way of a renewed motion.

(B) Procedure. The moving party shall note the motion for hearing pursuant to LCR 7(b)(4). The court will consider the motion without oral argument unless the court orders otherwise. The motion must identify the prior ruling, the judicial officer who made it, any new matters being brought to the court's attention for the first time, and any modifications being sought regarding the court's prior ruling. Unless ordered otherwise, the prior ruling will remain in effect pending a decision on the motion.

(C) Response. No party may file a response unless requested by the court. The court will not grant a motion brought under this rule without such a request by the court. If the court requests a response, (a) the request will set a time when the response is due; (b) the request may limit briefing to particular issues; and (c) the moving party may file a reply within two judicial days of service of the response, or at a time otherwise directed by the court.

(7) Reopening Motions. See LCR 7(b)(6). No party shall remake the same motion to a different judge or commissioner without showing by declaration the motion previously made, when and to which judge or commissioner, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judge or commissioner.

LCR 7(b)(10)(B). MOTIONS SHORTENING TIME

(10) Motions Shortening Time.

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

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

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

(D)...

LCR 12. DEFENSES AND OBJECTIONS

(d) Motions under CR 12(b) and CR 12(c) shall be subject to the word limitations and scheduling requirements of CR 56, LCR 56 and LCR 7(b)(4)(B). LCR 59 governs motions for reconsideration of an order granting a motion to dismiss that terminates the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause.

LCR 40(b)(1). MOTIONS FOR DEFAULT

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

(a) Notice of Trial--Note of Issue.

(1) Assignment of case to Judge. The clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(b) Where motions and proceedings to be noted. See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) ~~Motions for Default.~~ ~~See LCR 55 and LCR 40.1(b)(2)(G). Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned, to the Respective Chief Judge.~~

(2) Family Law Proceedings...

LCR 40(b)(13). WRITS

(13) Writs.

(a) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(b) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office. ~~See also LCR 40.1(b)(2)(Q).~~

LCR 40.1(b)(1)(L). UNLAWFUL DETAINER ACTIONS

(b) Motions and Other Procedures.

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

(A) Adoption Proceedings...

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

(M) Writs...

LCR 55(b). ENTRY OF DEFAULT JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the clerk's office. When there has been an appearance by any non-moving party or more than one year has elapsed since service of the summons with no appearance

made, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Respective Chief Judge (see LGR 29(h)). The Motion in support of the Order for Default shall affirmatively state; (A) whether or not there has been an appearance by any non-moving party, and (B) how service of the summons complied with CR 4(d) and applicable state statute(s), and provide supporting documentation of proof of service. Failure to so state shall result in the denial of the motion for default without prejudice.

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

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party shall ~~move~~ submit a motion for entry of judgment against the party in default to the judicial department that entered the Order of Default from (the Ex Parte and Probate Department through the clerk's office, the assigned judge, or the Respective Chief Judge, as provided in LCR 55(a)(1) above). ~~If the Court determines that testimony is required, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.~~

(1) Testimony needed. If testimony is required pursuant to Civil Rule 55(b), the moving party shall schedule a hearing as follows: the matter to be heard before the assigned judge. If there is no assigned judge, the moving party shall file a motion before the Respective Chief Judge for assignment of the case to a judge.

(A) Ex Parte and Probate Department. If the motion is before the Ex Parte and Probate Department, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.

(B) Assigned Judge. If the motion is before the assigned judge, the moving party shall contact the judge's bailiff to schedule the matter to be heard.

(C) No Assigned Judge. If there is no assigned judge, the moving party shall file a motion before the Respective Chief Judge for assignment of the case to a judge. After the case has been assigned to a judge, the moving party shall contact the judge's bailiff to schedule the matter to be heard.

(2) Minimum Requirements for Submission...

LCR 56(c)(4). MOTIONS TO RECONSIDER

(c) Motions and Proceedings

(1) Argument...

(4) Motions to Reconsider. ~~The parties shall conform all motions to reconsider to the requirements of CR 59 and LCR 7(b)(5). LCR 59 governs motions for reconsideration of a summary judgment order terminating the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action but only decide some intervening matter pertaining to the cause.~~

LCR 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) Applicability. This rule governs motions for reconsideration of a final order terminating the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause.

(b) Motion and Notice of Hearing. The form of motion and notice of hearing shall conform to LCR 7(b). The motion will be considered without oral argument unless called for by the court.

(c)(b) Response and Reply. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. If a response is called for, a reply may be filed within two judicial days of service of the response.

(d)(c) Form of Proposed Order. The moving party and any party given leave to file a memorandum in opposition shall attach an original proposed order to the working copies submitted to the hearing judge. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

LCR 98.04 ESTATES - PROBATE - NOTICES

(g) Oaths. The Personal Representative(s) name must be typed or printed on the oath as it appears in the order. When a Personal Representative in an estate changes his or her name, he or she must obtain an order for new letters and file an oath under the new name in order to receive new letters. ~~The expiration date of the letters shall remain the same unless changed by the new order.~~

LCR 98.22 MINOR GUARDIANSHIP AND NONPARENTAL CUSTODY

(a) Applicability. This rule ~~applies~~ shall apply to petitions for guardianship of a minor ~~filed~~ pursuant to RCW ch. 11.130, RCW and to modifications and terminations of nonparental custody orders pursuant to RCW 26.10.

(b) Forms. The statewide guardianship pattern forms (GDN M 001-605) shall be used for all court filings in these matters unless there is a specific local form. If there is a local ~~no statewide guardianship pattern~~ form, parties ~~shall~~ may use the local forms. The pattern forms can be found at www.courts.wa.gov. The Party Information Form is ~~and Motion for Appointment of a Visitor are~~ local forms ~~and are~~ available here:

https://kingcounty.gov/courts/clerk/forms.aspx. For cases filed on or before December 31, 2022, parties must file a Party Information Form (PIF). For cases filed after January 1, 2023, parties must file a Confidential Information Form (CIF)(GDN M 410).

(c) Proceedings.

(1) How Initiated. An action for Guardianship of a minor brought by a nonparent must be filed under a new cause number ~~and cannot be commenced under an existing case~~. The case is ~~started~~ commenced by the filing of a Summons (GDN M 001), Petition (GDN M 102), and Declaration Explaining the Reasons for Minor Guardianship (GDN M 103). If there are multiple minors involved who do not have the same parents, a separate case must be filed for each minor or group of minors, who have the same parents.

(A), and Motion to Withhold Certain Documents Required at Filing. The petitioner must file a Summons (GDN M 001), Petition (GDN M 102), Declaration Explaining from the Minor. (Optional: Although optional, it is highly recommended that the issue of whether minors receive the Reasons for Minor Guardianship (GDN M 103), and the Party Information Form (if filed on or before December 31, 2022) or the Confidential Information Form (GDN M 410) (if filed after January 1, 2023) documents be considered and resolved at the initial stage of the proceedings.) At the time of filing, the petitioner shall also submit the Motion and Order Directing DCYF/CPS to Release Information (GDN M 404 & 405), the Party Information form, if filed on or before December 31, 2022 or the Confidential Information Form (GDN M 410), if filed after January 1, 2023 and the Order to Withhold Certain Documents from the Minor (optional) to Ex Parte via the Clerk.

~~Note: If the children subject to the guardianship do not have the same parents, separate cases must be filed for each child or group of children who have the same parents.~~

Immediately after ~~filing the case and~~ receiving the Order Setting Case Schedule ~~from the clerk~~, the petitioner **must** complete the Notice of Hearing (**GDN M 101**) with the date and time that the court has set, making sure to add to the Notice of Hearing ~~and~~ the list of people entitled to notice (**GDN M 101 Notice Attachment**). The hearing shall be noted on the Ex Parte Guardianship calendar, not with the assigned judge. The Notice of Hearing (**GDN M 101**), should be served along with the Summons (**GDN M 001**), Petition (**GDN M 002**), Declaration Explaining Reasons for Minor Guardianship (GDN M 003), and Case Schedule must be served on all parties entitled to service.

(B) Other Documents to Submit at Filing. Although not required for filing, it is highly recommended that the following documents be submitted at the time of filing or as soon after filing as possible. If applicable, the Petitioner shall submit the Motion and Order to Withhold Certain Documents (**GDN M 404 and 405**) from the Minor to Ex Parte via the Clerk. The initial Orders appointing a Guardian ad Litem, ~~Attorney~~, and/or Court Visitor (**GDN M 409**), and/or Motion and Order appointing a Lawyer (**GDN ALL 021 and 022**), as applicable to each case shall be presented through Ex Parte via the Clerk. The forms are located here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate/Minor-Guardianships.aspx>.

(2) Requirements. The petitioner(s) shall promptly obtain and file a Washington State Patrol check (see <https://www.wsp.wa.gov/crime/criminal-history/> for the WATCH background check) and obtain an order for ~~and~~ Child Protective Services (CPS) background checks ~~on the proposed guardian and all adult household members of the proposed guardian.~~ The Motions and Order to DCYF to Release CPS information (GDN M 404 and 405) shall be presented through Ex Parte via the Clerk. The proposed Guardian shall attend the mandatory lay guardian training within 60 days of filing ~~or, if the training is not yet available, within 60 days of the training being available.~~ See <https://www.courts.wa.gov/guardianshipportal> for mandatory guardianship training information.

(3) Case Assignment. All Minor Guardianship actions shall be assigned to the Unified Family Court judge(s) designated by the Chief UFC Judge. All motions will be heard in the Ex Parte Department on the Ex Parte Guardianship Calendar unless this rule provides otherwise provided herein or otherwise ordered by the court. ~~Upon certification by an Ex Parte Commissioner or the assigned judge that a case is contested, a trial date will be assigned and additional deadlines set. If a case is set for trial then all motions will be heard by the assigned judge. Until a case has been set for trial, no discovery shall be permitted.~~

(4) Finalization. Agreed or default Minor Guardianship finalizations shall be noted on the Ex Parte Guardianship Calendar or may be completed at the Status Hearing.

~~**(d) Presentation of Order Appointing Guardian Ad Litem or Visitor.** The initial Orders appointing a Guardian ad Litem, Attorney, and Visitor shall be presented via the Clerk to the Ex Parte Department.~~

~~**(e) Notice and Hearing.** Except as otherwise noted in this rule herein, all hearings shall be scheduled with a Note for Calendar (King County form "Notice of Court Date" for either Seattle or Kent depending on Court assignment) on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note for Calendar shall be filed at least 14 days prior to the scheduled hearing date. The Ex Parte judicial officer may set special hearings at other times at their discretion.~~ Any party opposing a motion shall file and serve responsive pleadings papers in opposition to a motion not later than ~~12:00~~ noon four judicial days before the date the motion is scheduled for hearing. Any pleadings papers in strict reply shall be served no later than ~~12:00~~ noon two judicial days before the date the motion is scheduled for hearing. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed for the hearing. Working papers can be submitted

to Ex Parte by following the instructions here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>

(e f) Status Hearing. At the time of filing, the court will set a hearing in the Ex Parte Department approximately 60 days after filing. Before the 60-day hearing, the Petitioner must complete and file the 60-day hearing checklist. The form is located here: <https://kingcounty.gov/~media/courts/superior-court/docs/ex-parte-probate/guardianship-forms/UGA%20implementation/60-day-checklist.ashx?la=en>. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed including the 60-day checklist. Working papers can be submitted to Ex Parte by following the instructions here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>. The parties shall appear at that hearing to address whether service has been completed on all individuals parties requiring notice, background and CPS checks have been completed, any necessary court visitor, GAL, or attorney has been appointed, and any other issues necessary for the case to move forward. If neither the petitioner nor the proposed guardian appears at the scheduled hearing, the case may be dismissed. The court will determine whether the case is likely to be resolved by agreement, or by default, or should be set for trial. After a determination that a case is contested, the case will be referred to the assigned judge to set a trial date and case schedule. If a case is assigned to a judge for trial, date setting and all motions and other proceedings shall be set before the assigned judge. There is no discovery in guardianship cases until the case is set for trial.

(f g) Petitions and Motions for Emergency Minor Guardianship.

(1) Petition for Emergency Guardianship. A party may file a Petition for Emergency Guardianship (GDN M 202) only if there is no pending Minor Guardianship case and the petitioner will not file a Minor Guardianship case. When an Emergency Minor Guardianship Petition (GDN M 202) and a Notice of Hearing About an Emergency Minor Guardianship Petition (GDN M 201) is filed, the clerk will issue a case schedule setting a hearing will be set before the assigned UFC judge on the first Friday that is at least 14 days after filing. Any Motion for Immediate Order, without notice (GDN M 204) shall be heard on the Ex Parte Guardianship Calendar according to the process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The return hearing will be set before the assigned UFC judge on the first Friday that provides at least three calendar days' notice to responding parents. Any motions to extend an Emergency Guardianship order by 60 days or until the Minor Guardianship is concluded shall be set before the assigned judge with 14 days' notice. UFC Judge. Motions to extend an emergency guardianship pending the outcome of a full guardianship, if one has been filed, may be set before the Ex Parte Department. If the full guardianship has been referred to an assigned judge for trial, all motions to extend any emergency guardianship, must be set before the assigned judge with 14 days' notice.

(2) Motions for Emergency Guardianship. A party may file a Motion for Emergency Guardianship (GDN M 206) at the same time a Minor Guardianship Petition is filed or if a Minor Guardianship case is already pending before the court. Hearings on the Motion for Emergency Guardianship or to extend an Emergency Minor Guardianship until the Minor Guardianship is concluded shall be set before the assigned judge with 14 days' notice.

(3) Motion for Immediate Order (Emergency Guardianship). A party may file a Motion for Immediate Order (Ex Parte) Emergency Minor Guardianship and Restraining Order (GDN M 204) either at the same time as filing a Minor Guardianship Petition (GDN M 102) or an Emergency Guardianship Petition (GDN M 202) or after filing either petition. The Motion for Immediate Order (GDN M 204) shall be heard in the Ex Parte Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The return hearing will be set before the assigned judge on the first Friday that provides at least three calendar days' notice to responding parents. The moving

party shall submit a proposed Immediate Minor Guardianship Order (Ex Parte) and Hearing notice (GDN M 205) with the Motion.

(g h) Petitions for Standby Guardians. Following expiration of the required statutory 60 days, a hearing regarding appointment of a standby guardian may be noted in the Ex Parte Department on the guardianship calendar with at least 14 days' notice.

(h i) Consolidation of Cases. All petitions for guardianship must be filed as separate cases. The court may consolidate all separately filed emergency and standby guardianship petitions into the Minor Guardianship Petition when all petitions are regarding the same child(ren). Petitions for modification of existing Title 11 minor guardianships may be filed within the existing case.

(i j) Motions for Temporary Child Support, Temporary Restraining Orders and to Restrain or Permit Relocation. Motions to set temporary child support, for a temporary restraining order, or to permit or restrain relocation, shall be set before the assigned judge on at least 14 days' notice. Parties may petition the court for temporary restraining orders entered on an emergency basis to prevent immediate injury, loss, or damage. See also CR 65. The moving party shall present the Motion for Ex Parte Restraining Order to the Ex Parte Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual, Guardianship Calendar. The Order to Show Cause shall schedule a return hearing before the assigned UFC judge within 14 days, unless extended for good cause. ~~Note: The statute does not provide for temporary guardianship orders in actions for full guardianship. To obtain an immediate guardianship order or to seek a temporary guardianship order for up to 60 days, you must file an Emergency Minor Guardianship Petition.~~

(j k) Domestic Violence, Anti-Harassment, or other order seeking protection under another defined statute. Any matter related to issuance of a protection order that includes protecting a child subject to any minor guardianship matter shall be filed separately from the Minor Guardianship matter under a new cause of action. The court shall set full protection order hearings before the assigned judge to be heard concurrent with these proceedings.

(k l) Acceptance of Appointment. The guardian name(s) must be typed or printed on the acceptance of appointment (GDN ALL 003) as it appears in the order. If a guardian changes their name, they must obtain an order for new letters and file an acceptance of appointment under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

(l m) Modifications and Terminations. All petitions to modify or terminate an for modification of existing Title 11 Minor Guardianship order or an existing Title 26 Non-Parent Custody order shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502) the GDN M 502 form along with a copy of the custody or guardianship order. All petitions to terminate or change a non-parent custody order shall order proposed to be filed under a new cause number. The clerk will modified. If the petition is to modify a Title 26 nonparental custody order, the clerk shall issue a new Title 11 cause number for all Petitions to Modify or Terminate a Title 26 Nonparental Custody Order. Petitions case number. If the petition is to modify or terminate an existing King County Title 11 Mminor Gguardianship, the petition to modify granted by this court shall be filed under the existing cause number. All hearings in modification and termination matters are heard by the assigned judge. case number.

(m) Non-Parent Custody Post-Order Motions. A party who needs to file a motion related to a Non-Parent Custody Order must file a Petition to Assign a Title 11 Cause Number under a Minor Guardianship Conversion cause of action. This form is available on the clerk's website at <https://kingcounty.gov/courts/clerk.aspx>. A copy of the Non-Parent Custody order must be attached to the Petition. Upon the filing of the complete Petition, the clerk will assign a Title 11

cause number. Any motion must then be filed in the new Title 11 cause number and will be heard in the Ex Parte Department, or if a judge has been assigned, by the assigned judge.

LJuCR 1.1 SCOPE OF RULES

The current procedures for cases in King County Superior Court Juvenile Division are contained in two manuals: the Juvenile Division Offender Manual and the Dependency and Title 13 RCW Guardianship Manual. Copies of each are available at the Resource Center of the Clark Children and Family Justice Center, 1211 E. Alder, Seattle, Washington, and links to both manuals can be found on the Court's web site, [https://www.kingcounty.gov/sites/courts/superior-court/Juvenile \(offender manual\)](https://www.kingcounty.gov/sites/courts/superior-court/Juvenile%20(offender%20manual)) and [https://www.kingcounty.gov/sites/courts/superior-court/dependency.guardianship manual\)](https://www.kingcounty.gov/sites/courts/superior-court/dependency-guardianship-manual).

LJuCR 1.7 PRE-TRIAL HEARINGS

(a) Scope of Rule. This rule governs pretrial hearings in cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW.

(b) Pre-Trial Hearings.

(1) Dependency Cases-Scheduling. The pre-trial hearing ~~shall~~will be set in the original Case Schedule ~~initial case schedule~~.

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

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

~~(bc) Pre-Trial Order.~~ ~~If A pretrial order will be entered at the case is not resolved at or prior to the pre-trial pretrial hearing date, the matter shall be set for if a contested fact-finding hearing and a pre-trial order shall will be entered held.~~ The order ~~shall~~will set forth the expected length of trial, ~~particular any~~ witness problems issues, final disclosure dates, and other related matters. ~~Only after Once~~ a pre-trial pretrial order is signed, ~~will~~ the case will be placed on the trial board for assignment.

~~(ed) Fact Finding Hearing Continuances-Entered in-Conjunction with Pre-trial Order.~~ ~~A separate. If at the pretrial hearing the Court continues the fact-finding hearing, the Court will enter an order of continuance is required, if the parties are seeking to change the fact finding hearing date. A new date cannot simply be written on the pre-trial separate from the pretrial order.~~

LJuCR 1.8 ~~PROCEDURAL~~ MOTIONS

(a) Scope of Rule. ~~Except as covered by~~ This rule governs all motions in cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW. Additional rules may also apply. See, for example, LJuCR 2.3-2.5 (Shelter modification of shelter care);

order). Disposition hearings are governed by JuCR 3.8 and LJuCR 3.12 (Contested motions: 8, not this rule.

(b) Briefing Schedules.

(1) Definitions. A “procedural motion” is one that pertains to the legal process itself. Examples include motions concerning representation (e.g., withdrawal), discovery, and continuances. “Pre-dependency calendar), LJuCR 3.13 (Emergency Hearing and Hearings Set on Shortened Time Contested.” is the period in a dependency case before dependency is established.

(2) Procedural and Pre-Dependency Motions. For procedural and pre-dependency motions, the moving party must serve and file all motion documents by 4:30 p.m. six judicial days before the hearing date; responsive documents must be filed and served by 4:30 p.m. two judicial days before the hearing date; and documents in strict reply must be filed and served by noon the judicial day before the hearing.

(3) All Other Motions. For all other motions, the moving party must serve and file all motion documents by 4:30 p.m. 14 calendar days before the hearing date; responsive documents must be filed and served by 4:30 p.m. seven calendar days before the hearing date; and documents in strict reply must be filed and served by noon two judicial days before the hearing date.

(4) Working Copies. Working copies of all court-filed documents must be delivered to the judicial officer hearing the motion no later than on the day they are to be served on all parties. The working copies must be in the same form as filed with the court and served on the parties, including but not limited to markings, highlights, and color copies. The procedures for submitting working copies electronically or in paper form are outlined on the dependency webpage: <https://kingcounty.gov/courts/superior-court/dependency.aspx>.

(c) Request to Shorten Time.

(1) Procedure/Good Cause Required. The time for notice and hearing of a motion may be shortened only for good cause upon written application to the Court in conformance with the procedure outlined in the Court’s Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1). As soon as the moving party is aware of the need for shortened time, that party must contact all other parties to give notice of that fact. The Court may impose sanctions against a moving party who without good cause requests to shorten time to less than 48 hours.

(2) Materials required. The motion to be heard on shortened time must be filed and served prior to or at the same time as submission of the written application. The written application must include a proposed order shortening time; a proposed hearing date and briefing schedule; and a declaration attesting to the need for shortened time, that the notification required in section 1 was made, and the response(s), if any, to that notification.

(3) Agreed shortened time. If the parties agree to a briefing schedule and hearing date on a motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order.

(4) Discretion. Whether agreed or contested, the Court may grant, deny, or modify the proposed order shortening time.

(d) Note for Calendar and LJuCR 3.14 (Reconsideration and Revision), this rule: Form of Briefing; Proposed Orders.

(1) Note for Calendar. A Note for Calendar must be filed with the motion. The Note for Calendar must identify the calendar on which the motion is scheduled, the remote appearance link, the nature of the motion, the estimated hearing length, the date of the hearing, the time of the hearing, and the names of all persons requiring notice. A Note for

Calendar form is available from the clerk's office and online:
www.kingcounty.gov/courts/clerk/forms (under Notice of Court Date – Dependency).

(2) Form of Briefing. The motion and responsive briefing shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington conform to the following format:

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

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

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

~~(e)~~ **(A) Relief Requested.** The specific relief the Court is requested to grant or deny.

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

(C) Statement of Issues. A concise statement of the issue(s) on which the Court is requested to rule.

(D) Evidence Relied Upon. The evidence on which the motion or opposition is based must be identified with particularity and attached to the brief or declaration filed in support. Parties shall submit only those materials that are directly germane to the matter under consideration or necessary to provide relevant context. Parties shall highlight those parts upon which they place substantial reliance.

(E) Argument. Any legal authority relied upon must be cited.

(F) Prior Order. Any party wishing to request clarification, modification, or enforcement of a prior order must attach to their brief a copy of the order at issue.

(G) Consecutive Page Numbering for Attachments. Attachments (e.g., evidence, prior order) to any filed document (e.g., a motion, response, reply, declaration) which exceed 25 pages must be numbered consecutively on the bottom center or right-hand corner of each document to aid the court and the parties in navigating through the document. The numbering should not restart for each attachment but should run consecutively through all attachments to a single document. All motions, oppositions, replies, and briefs shall cite to these page numbers. A party may include other citation information (e.g., exhibit number, exhibit page, paragraph number), in addition to the consecutive page citation.

(3) Proposed Orders. The moving party and any party opposing the motion shall each include ~~serve~~ a copy of their proposed order with their submissions.

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

(1) For cases pending a contested fact finding hearing (after entry of a pre-trial order), a motion to withdraw, whether or not a new attorney from briefing and include it with the same division seeks to substitute in as counsel, must be set for hearing before the Lead Dependency Judge, with oral argument, working copies provided for the Court. The

proposed order should not be filed with the clerk.

~~— (2) Other than as set forth in (1), a withdrawal and substitution may be noted without oral argument.~~

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

(e) Motions to Compel or For Protective Procedures (All Motions).

(1) Scheduling. Except as otherwise provided in these rules, all motions shall be heard on the dependency calendars as set by court staff, with the following exceptions: (A) a judge who has retained the case or issue shall hear the motion and (B) a procedural motion brought after entry of a pretrial order shall be heard by the Lead Dependency Judge. Scheduling of motions must be in accordance with current procedures outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(2) Striking Motion or Changing Hearing Date. A motion (and its hearing, if it was to be heard with oral argument) may be stricken, or the hearing date changed, as outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(f) Motions Heard with Oral Argument.

(1) Applicability. All motions should be noted for hearing with oral argument except as otherwise provided in this rule. Any party may request oral argument on a motion for which oral argument is not provided by rule by including in the caption of the motion or response, "ORAL ARGUMENT REQUESTED."

(2) Unopposed Matters. The Court may, on request, enter the order moved for if no one appears in opposition 30 minutes after the time set for hearing. The Court may, on request, strike a matter if the moving party fails to appear 30 minutes after the time set for hearing.

(3) Hearing Order. ~~See LJuCR 1.9(e)~~ Motions will be heard in the order designated by the Court.

(4) Time for Argument. No more than five minutes per party or less, as directed by the judicial officer hearing the matter, will be allowed for argument unless specifically authorized by the Court. If a party anticipates requesting substantially longer for argument, the party should notify the Court in advance pursuant to the procedures outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1).

(5) Motion to Expand the Issues. Once a hearing requiring oral argument is scheduled, any party may raise additional issues or designate it as a full dependency review by filing a motion to expand issues. The motion to expand issues shall be scheduled and briefed as otherwise provided in these rules. The parties must confer prior to the hearing for the first-filed motion to determine whether they agree that the hearing for the first-filed motion should be set over to be heard with the motion to expand issues. If the parties agree, the moving party on the first-filed motion should notify the Court as provided in LJuCR 1.8(e)(2). If the parties do not agree, the judicial officer hearing the first-filed motion will determine at that hearing if the first-filed motion should be set over to be heard with the motion to expand issues.

(6) Request to Present Oral Testimony on Motion.

(A) How Requested. Any party seeking to present oral testimony in support of or in response to a motion must (1) file a separate motion titled, "Motion for Oral Testimony" and (2) state in the caption of the underlying motion or response, "Oral Testimony Requested by Separate Motion." The motion for oral testimony must specify the reason(s) testimony is necessary to a just adjudication of the issues and identify the witness(es)

sought to be called. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony. Parties may present an agreed motion for consideration by the Court. If the Court grants the motion for oral testimony, the Court may adjust the hearing date or time.

(B) Timing. The motion for oral testimony must be filed before or at the time the underlying motion or response of that party is filed, should be noted for the day it is filed, and will be decided without oral argument. No responses should be filed.

(C) Decision. If the Court has not issued a decision 48 hours before the hearing, the party requesting oral testimony should contact the Court as outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJCR 1.1).

(g) Withdrawal by Attorney.

(1) Scope. This rule governs withdrawals by attorneys for any party. See CR 71.

(2) Withdrawal by Order. When CR 71 requires that the attorney withdraw by order, (a) if the Court entered a pre-trial order and fact finding is pending, the motion must be heard by the Lead Dependency Judge with oral argument; (b) if the motion does not identify substitute counsel, the motion must be heard with oral argument; (c) in all other circumstances, the motion should be heard on the daily calendar with ~~without~~ oral argument.

(3) Withdrawal by Notice. When CR 71 allows withdrawal by notice and substitute counsel is not identified in the notice, the withdrawing attorney must schedule a status conference to occur prior to the withdrawal date specified in the notice. The purpose of the status conference is to determine whether substitute counsel should be appointed or will be retained.

(h) Discovery Motions. Discovery motions, including motions to compel, motions for a protective order, and motions for release/production of records held by third parties, shall be noted without oral argument. When the matter is pending trial, the motion shall be noted before the Lead Dependency Judge. All other motions shall be noted on the appropriate dependency calendar as determined by case designation. Except for a motion for release / production of records held by third parties, a discovery conference, pursuant to CR 26(i), shall be held before a discovery motion is filed.

(i) Motions to Continue Fact-Finding Hearing

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

(2) Motions to Continue Fact-Finding ~~hearing made prior~~Hearing Made Prior to or at tTime of eEntry of a pre-trial orderPre-Trial Order. If all parties agree to the continuance, ~~a motion need not be separately noted, however, no case will be continued, even by agreement, without court approval.~~an agreed order may be submitted for consideration by the Court. If the parties agree that the motion to continue may be made ~~aon~~ shortened time at the pre-trial hearing, no formal motion for shortened time is required. In all other situations, ~~six-days' notice is required. These motions shall be heard by the judicial officer presiding at the pre-trial hearing.~~the motion should be noted without oral argument before the Lead Dependency Judge.

(3) Motion to eContinue Fact-Finding ~~hearing made~~Hearing Made after eEntry of a pre-trial order.Pre-Trial Order. The motion ~~shall~~must be made ~~on six-days' notice noted to be heard by the Lead Dependency Judge and may be noted with or without oral argument, unless oral argument is requested by the court or by a party.~~ The motion will not be granted except under extraordinary circumstances, where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires. ~~These motions shall be heard by the Lead Dependency Judge.~~

(4) Trial Assignment Board. Dependency staff maintain a list of cases on which pre-trial orders have been entered. If a lawyer becomes unavailable for ~~more dates other than one day after the entry of~~ indicated on the pre-trial order, that lawyer must ~~file a motion to continue or present a proposed agreed order from all parties. An email to~~ notify the Court as outlined in the bailiff is insufficient. Court's Dependency and Title 13 RCW Guardianship Manual (see LJUCR 1.1).

(j) Motions for Summary Judgment. Motions for summary judgment shall be noted before the Lead Dependency Judge and ~~shall comply in accordance with~~ these rules and the requirements of CR 56 and LCR 56.

(k) ~~Departmental~~ Motions to Dismiss. Unless agreed to by all parties, a motion to dismiss made pursuant to CR 41 (a)(1) shall be noted ~~on six days' notice~~ without oral argument and shall include the cause number of any pending family law action.

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

(m) Motions for Reconsideration or for Clarification.

(1) Applicability. CR 59 and LCR 59 apply to motions for reconsideration of orders of dependency and orders of termination. This rule governs all other motions for reconsideration or for clarification.

(2) Procedure and Timing. The moving party must (a) file the motion not later than 10 days after entry of the order at issue and (b) note the motion for the day of filing. The Court will consider the motion without oral argument unless the Court orders otherwise. The motion should point out with specificity how the moving party believes the Court has erred, any new matters being brought to the Court's attention for the first time, and any modifications or clarifications being sought regarding the Court's prior ruling. Unless ordered otherwise, the prior ruling will remain in effect pending a decision on the motion.

(3) Response. No party may file a response unless requested by the Court. The Court will not grant a motion brought under this rule without such a request which (a) will set a time when the response and the reply are due and (b) may limit briefing to particular issues.

(n) Motion to Revise Commissioner's Ruling.

(1) Timing and Hearing. A motion for revision of a commissioner's order must be filed within 10 calendar days of entry of the written order unless otherwise provided by statute. The motion must be noted for hearing without oral argument before the Lead Dependency Judge on a date not later than 27 calendar days after entry of the commissioner's order. The briefing schedule of LJUCR 1.8(b)(3) applies. The filing of a motion for reconsideration of the commissioner's order does not toll these deadlines. If the Lead Dependency Judge assigns the motion to another judge, the Court will provide notice of the reassignment.

(2) Contents of Motion. The motion must set forth specific grounds for revision and must attach all paperwork originally submitted by all parties to the commissioner. The moving party should not provide a recording of the hearing.

(3) Effect of Commissioner's Order. The commissioner's order shall remain in effect until the Court issues an order on revision unless otherwise ordered by the Court.

LJuCR 1.9 DISCOVERY

~~(a) **Discovery.** All parties have an on-going duty to promptly provide discovery.~~ **Scope of Rule.** This rule governs discovery in cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW.

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

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

(d) Discovery ~~f~~Following the ~~e~~Entry of an ~~e~~Order of ~~d~~Dependency. The parties may resume engaging in formal discovery throughout the pendency of the dependency case. The pre-trial discovery cut-off is not intended to prevent parties from engaging in such discovery post trial.

~~—(e) **Motions to Compel, Motions for Protective Orders, and Motions for Production of Records Held by Third Parties.** Motions to compel, motions for a protective orders and motions for production of records held by third parties shall be noted without oral argument on six judicial days' notice, pursuant to the provisions of LJuCR 1.8(b). When the matter is pending trial, the motion shall be noted before the Lead Dependency Judge. All other motions to compel or for protective order shall be noted on the appropriate dependency calendar as determined by case designation. A discovery conference, pursuant to CR 26(i), shall be held before a motion to compel or motion for protective order is filed.~~

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

LJuCR 2.0 RIGHT TO APPOINTED COUNSEL

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

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

~~—(c) **Demonstration of Eligibility.** At any point in an RCW Chapter 13.34 proceeding,~~

~~the Court may require on the motion of a party or the Court's own motion, a child's parent, legal guardian, or legal custodian to demonstrate current financial eligibility for a Court appointed attorney.~~

(a) Children. In addition to the right to appointed counsel provided by statute, all children age 12 and older have the right to be appointed an attorney at public expense.

(b) Notification by Petitioner. Upon filing a dependency petition, the petitioner must notify the appropriate public defense entity that a petition has been filed and that counsel for the parent (and youth, if required by this rule or by statute) should be provisionally appointed pursuant to the procedures outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJUCR 1.1).

LJUCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Notice of Right to Shelter Care Hearing. ~~The~~In addition to notice required by statute, notice of the 72-hour and 30-day shelter care hearings shall be given to ~~the child's parents, guardians, children who have a statutory or legal custodians, and child's Tribe as soon as reasonably possible after the child is taken into custody. Notice may be made by any means reasonably certain of notifying the parents, guardians or custodians of the child, and child's Tribe, including but not limited to written, telephone or in person communication and shall specify the time and place of the hearing, the~~LJUCR 2.0 right to an attorney and the general allegations of the petition or motion to take child into custody. Proof of notice or of attempts to provide notice of the hearings shall be made by testimony, written declaration or affidavit and submitted for the legal file at the 72-hour hearing. Notice shall also be given to children age 12 and over counsel and they shall be advised of their right to attend the hearings and their right to be represented by an attorney. If such a child ~~age 12 and over~~ wishes to attend the 72-hour or 30-day shelter care hearing, the agency or person having legal custody of the child shall be responsible for arranging transportation for the child.

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

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

(c) Notice of Shelter Care Hearing. (Reserved)

(d) Indian Children. (Reserved)

(e) Notice to Attorneys of Record. Where there is already a previously assigned or retained attorney of record for any party, including an attorney or CASA for the child, in a

dependency proceeding presently pending in Juvenile Court, they shall be provided notice of the shelter care and fact-finding hearings no later than 24 hours prior to the 72-hour shelter care hearing whenever reasonably possible.

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

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

~~—(h) **Subsequent Shelter Care Hearing for Unavailable Party.** Whenever it appears that a parent, guardian, or legal custodian was unable to attend the initial shelter care hearing, such person may request a hearing by written application to the Court showing good cause for their inability to attend the initial hearing. The hearing A party seeking to exercise a statutory right to a subsequent shelter care hearing must file a motion on the question of whether good cause exists may be set. The motion should be noted for consideration on an emergency basis pursuant to the next judicial day after filing. The motion should otherwise be in accordance with LJuCR 3.13(a) on 1.8. If granted, the appropriate dependency's calendar. Such subsequent shelter care hearing, if granted, shall be conducted within 72 hours of heard in the request (excluding Saturdays, Sundays and holidays); time provided by statute.~~

LJuCR 2.4 PROCEDURE AT INITIAL SHELTER CARE HEARING

~~(a) **Inform Parties of Rights.** The court shall inform parties of their rights as set forth in RCW 13.34.090. Any parent, guardian and/or legal custodian of the child, or child age 12 or older, who appears at the 72-hour hearing may be represented, at this hearing, by Court-appointed counsel regardless of financial status unless the party expressly waives this right or has retained counsel. In addition to informing parties of their rights as provided by statute, the Court will inform children who have a statutory or LJuCR 2.0 right to counsel of that right.~~

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

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

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

- ~~———— (3) Determine whether a CASA shall be appointed for the child.~~
- ~~———— (4) Determine whether an attorney shall be appointed or a referral to the Department of Public Defense for screening be made for any party, including the child, in accordance with the provisions of LJuCR 2.0 and RCW 13.38.110.~~
- ~~———— (5) Consider and approve agreements pertaining to custody and services pending the 30-day shelter care hearing. The parties may enter into and submit for Court approval an agreed shelter care order. Any such order, if signed by the parent and their attorney, shall constitute sufficient record that the waiver of the 72-hour hearing is knowing and voluntary if the order contains written notice of the rights of the parties to a court hearing and waiver thereof. Agreed orders which are presented without the signature of an attorney for any party must be approved by the Court with the parties present, at which time the Court will inquire into whether the order has been signed knowingly and voluntarily.~~
- ~~———— (6) Release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian, unless the Court makes specific findings that the requirements of RCW 13.34.065(5) have been satisfied. The Court may order return of the child subject to specific conditions and/or provision of services.~~
- ~~———— (7) Hear such evidence as may be presented by the parties as to the issues set forth in LJuCR 2.4(b)(6) and otherwise as to the need for shelter care, consistent with the requirements of RCW 13.34.065. All parties have the right to present evidence in the form of offers of proof, affidavits, statements, testimony, and arguments in the context of the reasonable cause standard.~~
- ~~———— (8) Enter appropriate findings of fact as to whether the child and all persons with parental or custodial rights have received notice of the hearing and which of the material facts are undisputed. Notice must be given by any party moving to establish dependency at subsequent shelter care hearings upon a showing of undisputed facts sufficient to establish dependency pursuant to RCW 13.34.030(5).~~
- ~~———— (9) Enter orders of protection or temporary restraining orders or preliminary injunctions pursuant to RCW 26.44 and 26.50 as may be necessary to protect the child or the person having custody of the child, or to allow a child to remain in the family home.~~
- ~~———— (10) Order the necessary placement, conditions of visitation or contact with the child, services and other relief as necessary to protect the child's right to conditions of basic nurture, physical and mental health and safety. Specific conditions may be set by the Court to facilitate a return of the child or increased contact between parent and child, including assessments as provided by RCW 26.44.053. Upon request the Court may provide for an additional protective order regarding confidentiality of the assessment that does not violate the mandatory reporter provisions of RCW 26.44.~~
- ~~———— (11) Termination of publication (T.O.P.) hearings shall be set by the petitioner and the Clerk of the Court at least 70 days in the future. It shall be the responsibility of the petitioner to show by the petition or other verified statement or certification that the identity or the whereabouts of a necessary party is unknown or that no other method of service is likely to be successful.~~
- ~~———— (12) Alternate Dispute Resolution (ADR):~~ The Court may order the case set for mediation, settlement conference, or other ADR/alternative dispute resolution process and may adjust the case schedule as necessary to accommodate the ADR schedule.
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LJuCR 2.5 MODIFICATION OF SHELTER CARE ORDER

(a) 30 Day Hearing and New Issues

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

(2) Procedure.

(A) If the Court previously ordered that visitation between a parent and child be unsupervised, then unless any party seeks to raise issues pursuant to subsection (a)(3) of this Rule, a hearing in open court will not occur, parties' presence will be excused, and the Court will enter an order continuing the terms of the 72-hour shelter care hearing.

(B) If the Court previously ordered that visitation between a parent and child be supervised or monitored, and no party has timely provided a report as described in subsection (a)(2)(C) of this Rule, then a hearing in open court will not occur, parties' presence will be excused, and the Court will enter an order removing any requirement for supervision or monitoring of visitation but continuing the remaining terms of the 72-hour shelter care hearing.

(C) If the Court previously ordered that visitation between a parent and child be supervised or monitored, and a party has timely provided a report ~~conforming with subsection~~

~~(a)(3) of this Rule~~ not later than noon three days prior to the 30 day shelter care hearing that includes evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, then the Court shall hold a hearing and determine on the record whether visit supervision or monitoring must continue.

(3) Notice of Issues: ~~Reasonable advance written notice shall be given to the Court and other parties of the issues any party seeks to raise at the 30-day hearing. Any party seeking to modify terms, maintain previously court-ordered visit supervision or monitoring, or enforce compliance with the terms of a 72-hour address an issue at the 30-day shelter care order hearing shall give written notice to file and serve a brief identifying the Court and other parties issue not later than noon three days prior to the hearing. Responses will must be provided filed and served by noon the day before the hearing. All other issues require six days written notice to the parties and the Court; responses must be served and filed no later than noon two judicial days before the hearing; documents Working copies should be provided as outlined in strict reply must be served and filed no later than noon the judicial day before the hearing. LJuCR 1.8(b)(4).~~

(b) Modification of Shelter Care Order after 30-Day Hearing. An additional shelter care hearing can be set ~~on the contested hearing calendar upon the by~~ filing of a ~~note for calendar and a written "Motion and Affidavit of Change of Circumstances" with six judicial days notice to all parties. The motion shall specify the change in circumstances, relief requested, statement of facts and the evidence relied upon, and shall be properly served on all parties. All responsive documents must be served and filed no later than noon two judicial days before the hearing. Documents in strict reply must be served and filed no later than noon the judicial day before the hearing. The hearing date shall be obtained from the Court accordance with LJuCR 1.8.~~

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(c) Location for Court Proceedings ~~for Dependency Actions Filed in King County~~, Filing of Documents and Pleadings, and Designation of Case Assignment Area.

(1) ~~All~~Where Proceedings Held. Except as otherwise determined by the Court and

~~communicated to the parties, all~~ proceedings ~~of any nature~~ shall be conducted at the court facility in the case assignment area designated ~~on the dependency petition unless the Court has otherwise ordered on its own motion or upon motion of any party to the action for the case.~~

(2) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Location Designated by Party Filing Action. ~~Initial designations shall be made upon the filing of the petition alleging dependency. Case Assignment Area designations shall not be changed between the time of filing of a dependency petition and the entry of a disposition order except as necessary to correct a mistaken designation, to prevent undue hardship to a party or by the Court on its own motion as required for the just and efficient administration of justice.~~

~~(i) For petitions for dependency the case area designation shall be based on the DCYF office filing the petition. King County shall be divided into. The initial case assignment areas as follows: area designation shall be made upon the filing of the petition. These case assignment area boundaries may be changed as necessary for the just and efficient handling of cases. Any changes will be listed in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJCR 1.1)~~

~~**(i) Seattle Case Assignment Area and Boundary.** All petitions from the King East, King West, Martin Luther King, and White Center DCYF Offices and for the Adoptions and Permanency office and any non-DCYF filed petition, except the areas included in the Kent Case Assignment Area.~~

~~**Kent Assignment Area and Boundary.** All petitions from the King South DCYF office and all areas of King County using the following postal zip codes: 98001; 98002; 98003; 98010; 98022; 98023; 98025; 98030; 98031; 98032; 98038; 98042; 98047; 98051; 98092; 98198.~~

~~(ii) For cases regarding Children In Need of Services and At Risk Youth, the case area designation shall be based on where the custodial parent resides.~~

~~(iii) For cases. All petitions: (a) regarding children known at the time of filing to be protected by the Indian Child Welfare Act, ~~the case area designation shall be;~~ (b) from the King East, King West, Martin Luther King, and the White Center DCYF offices; (c) from the Office of Indian Child Welfare; and (d) filed by a petitioner other than DCYF for children residing in King County north of Interstate 90, in the cities of Seattle, Mercer Island, Bellevue, Issaquah, or North Bend, on Vashon Island, or on Maury Islands.~~

~~**(iv) Change of Area Boundaries.** The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County~~

~~**(B) Change of (ii) Kent Case Assignment Area.** All petitions: (a) from the King South West and King South East DCYF offices; and (b) filed by a petitioner other than DCYF for children residing in King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.~~

~~**(B) Motion to Change Case Assignment Area Designation.** The Court may order that a juvenile's A motion for change of case assignment area designation may be made pursuant to JLuCR 1.8. Prior to entry of a disposition order, the Court will not grant a motion to change a case assignment area designation ~~change upon the establishment of dependency and the~~ except as necessary to correct a mistaken designation or to prevent undue hardship to a party. After entry of a disposition order ~~based on, the Court may grant such a motion for those reasons or for~~ one of the following reasons: hardship to one of parties; transfer of the case within the supervising agency or to a new agency; a need for judicial continuity of control over the case; transfer is in the best interest of the child; correction of a mistaken designation ~~or for such other;~~ a reason deemed just and proper by the Court; or when required for the just and efficient administration of justice. ~~A case~~~~

~~should~~Ordinarily, the Court will not ~~be transferred solely~~grant a motion to ~~accommodate~~change a case assignment area for the convenience of an attorney.

~~(i) Method.~~ A motion for change of case assignment area designation may be made by any party to the dependency or by the Court on its own motion. Such a motion shall only be made in writing and shall be titled Motion to Change Case Assignment Area and shall specify the factors for change of case assignment area. A proposed Order to Change Case Assignment Area shall be included with the working papers submitted for the Court. If the motion is agreed to by the parties, the motion shall so state and the proposed order shall include the signatures of the parties. The Order to Change Case Assignment Area shall be filed by the prevailing party. All cases shall proceed in the original case assignment area until the order is entered and filed. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(C) Improper Designation/Lack of Designation. The designation of the improper case assignment area ~~shall~~will not be a basis for dismissal of any action, ~~but may be a basis for imposition of terms.~~ The lack of designation of case assignment area at initial case filing ~~may be a basis for imposition of terms and~~ will result in assignment to a case assignment area at the Court's discretion.

(D) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area ~~in the county~~ whenever required for the just and efficient administration of justice ~~in King County~~.

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

(3) Where Pleadings and Documents Filed. ~~Pursuant to LGR 30, all pleadings and documents for any dependency proceeding in King County must be electronically filed with the Clerk of the Superior Court using the Clerk's e-filing system.~~ Documents identified as exceptions to mandatory e-filing (see LGR 30) must be filed in paper form at the court facility in the case assignment area of the case.

~~(A) Working copies for motions and hearings.~~ Unless otherwise specified in these rules, all parties to a motion or hearing must submit a proposed order and working copies to the court pursuant to the procedures outlined on the dependency website: <https://kingcounty.gov/courts/superior-court/dependency.aspx>.

(4) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the ~~case assignment designation~~ code ~~assigned by the clerk~~ for the case assignment area ~~in which court proceedings are to be held.~~ designated for that case (SEA or KNT). The clerk may reject pleadings or documents that do not contain ~~this case assignment area~~ that code.

LJuCR 3.3 CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

~~—(a), (b), (d) – (g)~~ (Reserved)

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

~~—(h) Verification.~~ If the petition is prepared by a Juvenile Court Liaison worker on behalf of the petitioning DSHS social worker, or the private agency coordinator on behalf of an individual or private agency, it shall contain a verified statement by the Liaison worker or

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

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

~~[Rescinded]~~

~~(a) **Notice and Summons.** Any motion for publication shall (a) include a proposed order setting a date for a termination of publication (TOP) hearing no sooner than 70 days after the filing of the motion and (b) demonstrate that the statutory requirements for publication have been met.~~

~~(b) **Advice To Be Contained in Notice.** (Reserved)~~

~~(c) **Scheduling Fact-Finding Hearing.** When a new case is opened by the filing of a petition, the clerk will prepare and file a case schedule. The case schedule will include the date for the fact-finding hearing.~~

~~(d) **Indian Children.** (Reserved)~~

LJuCR 3.6 ANSWER TO PETITION

~~(a) **When to File. The Who Must Answer.** All parents or other respondents shall, legal custodians, and guardians named in the petition, and anyone else claiming a parental interest, must file an answer to the petition not later than the date provided in the case schedule. If the petition is amended subsequent to filing, the parents and other respondents shall file an answer to the amended portions of the petition within fourteen (14) days of the amendment or at the date provided in the case schedule, whichever occurs later.~~

~~(b) **Age of Child Who May Answer.** Any other party (e.g., CASA, child aged twelve or older, tribe) may file an answer to the petition, but shall not be required to do so.~~

~~(c) **Content of Answer.** The answer shall must specifically address and admit or deny each allegation in the petition. Denials shall fairly meet the substance of allegations denied. When a parent or other respondent When the answering party intends in good faith to deny only a part of or to qualify an allegation, he or she the answering party shall specify so much of it as is true and material and shall deny only the remainder. If a parent or other respondent If the answering party is without knowledge or information sufficient to form a belief as to the truth of an allegation, he or she the answering party shall so state, and this shall have the same effect as a denial. The~~

~~(d) **Signature Required.** An answer may must be signed by the parent answering party or other respondent, the their attorney representing the parent or other respondent, or both. If the answer. If the response is signed only by the attorney representing the parent or other respondent, the answer shall, the response must include a certification by the attorney that the specific admissions and denials contained in the answer have been answer was discussed with that attorney, and approved by the parent or respondent that the attorney represents, the answering party.~~

LJuCR 3.8 DISPOSITION HEARING

~~(a) **Time.** If a juvenile has been found to be dependent, the Court shall immediately hold a disposition hearing unless there is good cause for continuing the matter. Pending disposition, the terms and conditions of any current shelter care order will continue in effect unless~~

otherwise ordered by the Court.

(b) Informing Parties of Purpose of Hearing. (Reserved)

(c) Evidence. (Reserved)

~~**(1) Agency Reports.** The petitioner or supervising agency and CASA shall submit a report regarding a long range plan in accordance with RCW 13.34.120 and .130 clearly stating goals for the next six months. The parent, guardian, or legal custodian may also file a report to aid the court in disposition. In those disposition hearings set before a particular judge, working copies of all reports shall be provided to the judge two judicial days prior to the hearing. Copies shall be served on counsel and parties six judicial days prior to the disposition hearing. Unless otherwise ordered by the Court, no written response is required. However, if provided, it shall be served two judicial days prior to the hearing.~~

~~**(2)** No report shall be submitted to the Court prior to the fact finding hearing, but shall be served on the parties and counsel as required by this section.~~

~~**(3)** The Court shall consider the social study and other appropriate pre-dispositional studies and evaluations in addition to information produced at the fact finding and disposition hearings. Pursuant to ER 1101, the Rules of Evidence need not apply in disposition hearings.~~

(d) Submission of Agency Plan. (Reserved)

~~**(e) Transferring Legal Custody.** A disposition which orders removal of the juvenile from his or her home shall have the effect of transferring legal custody to the agency or legal custodian charged with the juvenile's care. The transfer of legal custody shall give the legal custodian the following rights and duties: (Reserved)~~

~~—— **(1)** To maintain the physical custody of the juvenile;~~

~~—— **(2)** To protect, educate and discipline the juvenile;~~

~~**(3)** To provide food, clothing, shelter, education as required by law, and routine medical care for a juvenile; and~~

~~—— **(4)** To consent to emergency medical care, surgical care, including anesthetics, administration of medications as prescribed by the child's treating physician, and to sign releases of medical information to appropriate authorities, pursuant to law. Reasonable efforts shall be made by the custodial agency to contact and secure the consent of the child's parents, if they are available, to any emergency medical and surgical care needed by the child. If the parents disagree with the proposed emergency medical or surgical care, either they or the custodial agency may set an emergency hearing with notice to all parties.~~

~~The Court may, in its disposition order, modify the rights and duties granted to the legal custodian as a result of the transfer of legal custody.~~

~~**(f) Transfer to New Agency.** In the event of transfer of legal custody to an agency other than the original agency, the newly appointed custodian shall have the same rights and duties as outlined in (f) above, unless modified by the Court.~~

~~—— **(g) Agreed Disposition.** If the parties agree to a disposition plan and A proposed agreed dispositional order, together with all reports, may be submitted to the Court. If the Court does not sign the agreed order, the proposed order Court will be submitted to the Court with all reports. The Court may set the case for a hearing on its own motion with notice to the parties accompanied by a statement of reasons for such setting set a dispositional hearing.~~

~~—— **(h) (g) Contested Dispositional hearing.** In the event Hearing on Agreed Dependency Order. The following provisions apply when parties enter an agreed dependency orders and seek to set a contested dispositional hearing, the contested order but contest some or all~~

~~dispositional hearing shall be set on the Contested Motions Calendar in accordance with LJuCR 3.12 provided the matter is not expected to exceed 30 minutes. If the matter is expected to take longer than 30 minutes, a pretrial hearing order shall be entered identifying the contested issues and setting the matter for judicial assignment.~~

~~A dispositional hearing may include presentation of evidence (including testimony) and/or argument.~~

~~(i) **Retention of Case.** A judge hearing a **Issues.** The order of dependency proceeding may elect to retain authority over that case for future must identify the dispositional issues in dispute. The dispositional hearing will concern only those issued so identified.~~

~~(ii) **Scheduling.** If the dispositional hearing will not exceed 30 minutes, it should be set on a dependency hearings calendar in conformance with the procedure outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1). Otherwise, a pretrial order (see LJuCR 1.7(b)) must be entered which will cause the matter to be set for judicial assignment.~~

~~(iii) **Briefing.** The parties may, in the order of dependency, provide an agreed briefing schedule. Absent such agreement, the parties shall brief the issues on the following schedule: the petitioner shall serve and file its opening brief by 4:30 p.m. 14 calendar days before the hearing date; responding parties must serve and file responsive briefing by 4:30 p.m. seven calendar days before the hearing date; and the petitioner may file and serve a brief in strict reply by noon two judicial days before the hearing date.~~

~~(iv) **Working copies.** Working copies must be delivered as provided in LJuCR 1.8(b)(4).~~

~~(h) **Retention of Case.** A judge may retain authority over a case on the motion of a party or the Court's own motion. All orders entered in the proceeding shall specify that the case has been retained until such time as it is released by the Court. All time periods and procedures set forth in these rules and the applicable statutes shall be complied with by the parties and Court. Hearings and motions shall be setsua sponte. Until the judge releases the case, all subsequent court-filed documents should identify the judge in the upper right corner of the first page. Unless the judge cannot timely hear a motion, hearings should be scheduled with the retaining Judge's bailiff. In the event an emergency hearing or motion is necessary and the Upon certification by a moving party certifies that the retaining Jjudge is not available, the moving party shall set the hearing or motion on the designated contested dependency motions calendar in accordance with these rules. to timely hear a motion, the hearing may be scheduled as otherwise provided in LJuCR 1.8(e).~~

LJuCR 3.9 REVIEW HEARING

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

~~(a) **Initial Review.** The first dependency review hearing held after dependency is initially established shall be an in-court review and shall be set within six months from the beginning date of the placement episode and no more than ninety ("90") days from entry of the~~

~~dispositional order, whichever comes first. The initial review may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134, or when otherwise appropriate.~~

~~**(b) Permanency Planning Review Hearing.** The Court shall hold permanency planning review hearings for every child in out of home care pursuant to RCW 13.34.130. The first permanency planning review hearing shall be held as specified in RCW 13.34.145 and there shall be a subsequent permanency planning review hearing every 12 months thereafter until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first. The agency supervising the placement of the child shall submit a permanency plan for care of the child to the parties and the Court in accordance with current procedures outlined in the Court's Dependency and Title 13 RCW Guardianship Manual (see LJuCR 1.1). Any such plan submitted shall not affect efforts to provide services for the reunification of the family pending approval or implementation of the permanency planning goal unless the Court specifically orders otherwise. All permanency planning review hearings shall be held in court unless all parties to the dependency, including the child, agree in writing to the entry of a permanency planning order.~~

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

~~**(1) Scheduling an Initial Review, Dependency Review, or Permanency Planning Hearing.** Cases set for an initial review, dependency review, or permanency planning hearing shall be heard as follows: The petitioner shall set the case for hearing by obtaining an open date from the Court Coordinator via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov; any party may move to set a case for a review or permanency planning review schedule a hearing to ensure that such a review the hearing is held within the time periods specified by law; or the Court on its own motion and order may set a case for a review or permanency planning hearing at any time during the dependency by providing the parties with 14 days' notice of the hearing, an identification of the issues to be addressed, and a briefing schedule if appropriate. This rule shall not be construed to limit a party's ability to seek modification of a court order as allowed by law.~~

~~**(2(b) Reports and Contested Issues.**~~

~~**(A)(1) Reports.** The person or agency supervising the dependency will file and serve a written report and proposed order to all parties not less than 14 days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed court order must be filed and served on the supervising person or agency, and all other parties at least seven days prior to the hearing. Documents in strict reply, if any, shall be filed and served no later than noon of the second two judicial days prior to the hearing. All pleadings documents filed shall contain the name of the judicial officer expected to hear the matter or the courtroom assigned, and the date and time of the hearing, in the upper right-hand corner of the pleading document.~~

~~**(B)(2) Contested Issues.** Any party wishing to request requesting clarification, a modification, or enforcement of the dispositional order, a prior review order, or a prior permanency planning order, or are requesting additional relief from the Court, shall do so by motion, utilize the procedures set out for motions in LJuCR 3.421.8, and shall attach to their pleadings motion a copy of the order sought to be modified. Failure to do so will may prevent that party from being heard on the contested issue at the hearing. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or their counsel, the Court may consider the contested issue or continue the set a new hearing date to consider the issue.~~

~~**(C)(3) Working Copies.** Working copies of all pleadings filed documents shall be submitted pursuant to when filed as outlined at LJuCR 3.21.8(b)(4).~~

~~___(c) by noon three judicial days prior to the hearing, and all replies shall be submitted by the close of business two days prior to the hearing.~~

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

~~_____(4)(d) Agreed Continuances.~~ By agreement ~~a~~, a review or permanency planning hearing may be continued for reasons approved by the court, provided that the hearing may ~~is~~ not ~~be~~ continued past the date at ~~by~~ which a review or permanency planning order for the child must be entered. A new date must be scheduled as provided in section (a). If a hearing is continued past the date at which a review or permanency planning order must be entered ~~for any reason~~, the Court may enter an order maintaining the status quo pending the hearing. If the supervising agency fails to submit a timely report, and any party makes a request to the supervising agency, at least seven days prior to the hearing, to continue the hearing due to the agency's untimely report, the supervising agency ~~shall take responsibility~~ is responsible for (1) obtaining a new date from the Court Coordinator via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov, and for seeking (2) securing an agreed order by all parties to continue the hearing.

~~If an agreed order continuing the hearing is entered in advance of the hearing, the parties need not appear.~~

LJuCR 3.11 GUARDIANSHIP IN JUVENILE COURT

(a) Petition for Guardianship for Dependent Child. ~~A petition requesting the establishment of a guardianship may be filed in the Juvenile Court. The petition shall conform to the requirements of RCW 13.36.030. These rules govern petitions for guardianship filed in juvenile court pursuant to title 13 RCW. Provisions related to petitions for guardianship of a dependent minor pursuant to title 11 RCW are found in LJuCR 3.15.~~

(b) Scheduling and Notice. ~~The scheduling and notice provisions of hearings on the LJuCR 4.3 apply to guardianship petition shall be petitions filed in accordance juvenile court, with the modification that the advisement required for termination proceedings by LJuCR 4.3(c) shall state substantially as follows: "If you do not appear the court may enter an order in your absence establishing a Title IV. of these rules. 13 RCW guardianship and appointing a guardian."~~

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

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

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

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

~~—(2) If the dependency guardian, youth age twelve (12) or older, and the Department or Supervising agency agree that the dependency guardianship should be converted to a guardianship under RCW 13.36, the petitioner may present an agreed order to that effect, and the court shall strike all remaining hearings listed in the case schedule, and shall dismiss the underlying dependency.~~

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

~~(d) **Motions.** Any motion should comply with LCR 1.8 in all respects and should be scheduled for oral argument. For any motion that concerns an established guardianship, (1) in scheduling the hearing, the moving party must notify the Court that the motion concerns a guardianship petition and (2), if the youth is not represented by counsel but entitled by statute or LJuCR 2.0 to appointment of counsel, the moving party must provide notice to the appropriate public defense entity that counsel should be appointed.~~

LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS

~~(Rescinded – See LJuCR 1.8)~~

~~(a) **Scope of the Rule.** This rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington, except for procedural motions (LJuCR 1.8) and Motions for Reconsideration and Revision (LJuCR 3.14).~~

~~—(b) **Motions Format and Procedures.**~~

~~(1) **Motions to Be in Writing.** Motions must be in writing dated and signed by the attorney or party, and shall conform to LJuCR 3.12(d).~~

~~—(2) **Scheduling Motions.** All contested dependency motions shall be heard on the dependency calendars as set by court staff, except where a judge has retained the case or issue or a procedural motion is brought after a judge has entered a pretrial order. All proposed dates for such matters must be approved by court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov. The approval will be based on the availability of time to hear the matter on the proposed date, unless ordered by the Court as an overset.~~

~~—(3) **Motion—Contents of.** A motion for a contested hearing must conform to the following format:~~

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

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

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

~~(D) Evidence Relied Upon.~~ The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations unless a reasonable basis exists why such statements could not be procured, in which case the proponent of the evidence must identify the source of the hearsay and its basis of knowledge for the facts or opinions asserted. Any party wishing to request clarification, modification, or enforcement of a prior order shall attach to their pleadings a copy of the order sought to be modified.

~~(E) Authority.~~ Any legal authority relied upon must be cited.

~~(F) Proposed Order.~~ The moving party and any party opposing the motion shall serve a copy of their proposed order with the motion and include it with the working copies provided for the Court. The original of the proposed order shall not be filed with the Clerk, nor included with the working copies for the Court, but brought to the hearing by the moving party.

~~(c) Time of Hearing.~~

~~(1) Unopposed Matters.~~ The Court will, on request, enter the order moved for if no one appears in opposition 30 minutes after the time set for hearing unless the Court deems it inappropriate. The opposing party may move to strike a matter if the moving party fails to appear 30 minutes after the time set for hearing unless the Court deems it inappropriate.

~~(2) Hearing Order.~~ Motions will be heard in the order designated by the Court.

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

~~(d) Contested Motions.~~ Contested dependency motions may be set by a party or by the Court on its own motion. Motion hearings may include full dependency reviews but shall be limited to particular noted issues and will not include 72-hour shelter care, 30-day shelter care, or permanency planning hearings.

~~(1) Motion by a Party.~~

~~(A) Filing and Scheduling of Motion.~~ Any party desiring to bring a motion for a contested hearing shall file with the Clerk and serve upon all parties at least 14 days before the date fixed for such hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. The note must contain the title of the Court; the case number and a title of the cause; the designation “Juvenile Dependency Motions”; the date and time when the same shall be heard; the words “Note for Motion Calendar”; the names, addresses and telephone numbers of attorneys for all parties; the nature of the motion; and by whom made. This note shall be signed by the attorney or party filing the same, with the designation of party represented.

~~(B)~~ Working copies of the note and motion together with all supporting documents including affidavits shall be submitted pursuant to LJrCR 3.2(c) by noon three judicial days prior to the hearing.

~~(C)~~ Responsive documents and briefs shall be filed with the Clerk and served upon all parties no later than noon seven days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon of the second judicial day prior to the hearing. All responsive documents shall have the name of the judicial officer

~~expected to hear the matter or the assigned courtroom, and the hearing date and time noted on the upper right corner. Working copies of the response shall be submitted by noon three days prior to the hearing, and the reply shall be submitted by the close of business two days prior to the hearing.~~

~~(D) Status Quo Order. If the contested hearing will include a full dependency review and the date for the hearing is more than six months from the beginning date of the placement episode or the entry of the previous dependency review order or order of dependency (whichever is first), a status quo order will be entered as provided in LJuCR 3.9(d)(4).~~

~~(E) Motion to Expand the Issues. Once a contested motion hearing is scheduled, any party to the dependency may raise additional issues or designate it as a full dependency review by filing a motion to expand issues and noting the matter for hearing with court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov to a date which provides all the parties with at least 14 days' notice of the new issues, and notifying court staff. Motions to expand issues are not permitted if the party initially noting the motion for contested hearing designates the motion as an emergency.~~

~~(2) Motion by the Court. When the Court has set a matter on for a full dependency review, the parties will be notified by the Court of the issue(s) to be addressed, in writing at least 14 days prior to the Court-scheduled contested motion hearing, and the parties must respond with written materials which support their respective positions on the issue(s) set for hearing by the Court in the same manner as a party responding to a motion as set out in LJuCR 3.12.~~

~~(3) Striking Hearing or Changing Hearing Date. A contested dependency motion hearing may be stricken, or the hearing date changed, in the following manner:~~

~~(A) Striking Hearing. A hearing on a contested dependency motion may be stricken at any time by the moving party, unless another party has previously filed and served a motion to expand issues under LJuCR 3.12(d). Notice that the motion hearing is being stricken shall be given to all parties not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed by filing with the Clerk a Note for Calendar indicating that the hearing has been stricken and serving the notice on all parties. The Note for Calendar should be filed by noon on the business day before the date of the hearing and should be served on court staff for distribution to the judicial officer scheduled to hear the matter.~~

~~(B) Changing Hearing Date. The hearing date on a contested dependency motion may be changed once by agreement of all parties. A new date must be obtained from court staff via email at calendar.dependencyseattle@kingcounty.gov or calendar.dependencykent@kingcounty.gov. A Note for Calendar reflecting the new date should be filed with the Clerk at the time that the hearing is changed and should reflect that the original hearing date is stricken.~~

~~(C) Hearings Where There is a Motion to Expand Issues. Where another party has filed a motion to expand issues under LJuCR 3.12(d), the hearing originally noted may not be stricken unless the party who filed the original motion agrees, or the court orders that the hearing be continued to accommodate resolution of the expanded issues. The hearing date may be changed by agreement of all parties in the manner described under subsection 3.12(e)(2) supra.~~

~~(D) Motions without oral argument. Non-dispositive motions, which a party reasonably believes can be resolved on pleadings alone, may be noted without oral argument~~

~~in the same manner as other motions under LJuCR 1.8 except that:~~

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

~~(ii) A party may object to the motion being heard without oral argument by clearly noting their objection in their responsive pleadings and timely filing and serving their response.~~

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

~~(e) **Motion for Oral Testimony.** Any party seeking authority to present oral testimony must file a motion requesting oral testimony together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues, and an identification of the witnesses sought to be called.~~

~~(1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies of these materials must be submitted pursuant to LJuCRr 3.2(c) and the judicial officer will determine whether oral testimony will be allowed and/or set out any limitations without oral argument.~~

~~(2) The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.~~

~~(3) A motion for oral testimony may be joined by the other party, but an order providing for oral testimony cannot be entered by stipulation. The assigned judicial officer's decision will be communicated by writing or by telephone no later than 48 hours before the hearing. If granted such a motion may require the setting of a special hearing time as determined by the assigned judicial officer.~~

~~(f) **Imposition of Sanctions or Terms.** Nonappearance on a motion by the moving party or by a party with notice who opposes the motion may result in the imposition of sanctions or terms.~~

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

~~(Rescinded – See LJuCR 1.8)~~

~~(a) **Emergency Hearings.** Any party or their attorney may set a contested hearing based upon their certification that an emergency exists that cannot be addressed on shortened time.~~

~~In this event the matter shall be heard upon reasonable notice following the same procedure as for a 72-hour hearing pursuant to LJuCR 2.3. The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing.~~

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

issue.

~~—(c) **Motion Shortening Time.**~~

~~—(1) The time for notice and hearing of a motion may otherwise be shortened only for good cause upon written application to the court in conformance with this rule. For purposes of this rule, good cause requires the moving party to demonstrate that the matter is sufficiently time sensitive and of a nature that it needs to be addressed by the court in less time than would otherwise be required by the rules, and the party bringing the motion could not have reasonably anticipated the matter so as to bring with the normally required notice.~~

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

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

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

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

LJuCR 3.14 RECONSIDERATION AND REVISION

~~(Rescinded – See LJuCR 1.8)~~

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

~~—(1) **Motion and notice of Hearing.** The form of motion and notice of hearing shall conform to LCR 7(b)(4) and be filed within the time limits of CR 59. The motion will be considered without oral argument unless called for by the court.~~

~~—(2) **Response and Reply.** No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. If a response is called for, the court shall direct a date for the response, which shall be no less than six judicial days from the court's directive. A reply may be filed within two judicial days of service of the response.~~

~~—(3) The moving party and any party given leave to file a memorandum in opposition shall attach an original proposed order to the working copies submitted to the hearing judge/commissioner.~~

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

~~—(1) **Service and Filing of Motion.** A motion for revision of a Commissioner's order shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration within twenty seven (27) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days' notice of the date that the motion for revision will be considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, and must attach all paperwork originally submitted by all parties to the~~

~~Commissioner. It shall be noted without oral argument.~~

~~(2) Providing Copies to the Judge.~~ The party seeking revision must provide the lead dependency Judge with working copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner within two judicial days of filing. The moving party must also provide a copy of the Commissioner's order, and a proposed Order on Revision. The lead dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment.

~~(3) Providing Audio Copies of the Hearing.~~ Unless specifically requested by the court, the moving party need not provide a recording of the hearing. In lieu of the recording, the judge will review the court's recorded record.

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

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

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

~~(7) Time of Filing.~~ For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

LJuCR 3.15 JUVENILE AUTHORITY OVER FAMILY LAW MATTERS CONCURRENT JURISDICTION

(a) Granting of and Invoking Concurrent Jurisdiction. Upon motion of a party or the court, the juvenile court may, to the extent permitted by law, (1) grant concurrent jurisdiction to any other court and (2) exercise concurrent jurisdiction over any case.

(b) Scope Filing of Concurrent Jurisdiction Orders. Any Juvenile Court order granting concurrent jurisdiction shall be cross-filed under the RCW Title 26 action cause number and may, after to another court shall be filed in both cases and that order should specify who will be responsible for its filing. Any order by which the court exercises concurrent jurisdiction in another case and which establishes or modifies the rights or obligations of any party shall be filed in both cases.

(c) Access to Records. After notice, hearing, and entry of an appropriate protective order in Juvenile Court, the juvenile court action, the juvenile court may authorize access to the Juvenile Court legal file and court-filed documents in the juvenile court case, to any files and records maintained by the petitioning or supervising agency, and/or to the CASA of the child or children, files and records maintained by a child's guardian ad litem.

(d) Party Status. A grant of concurrent jurisdiction shall or the invoking of concurrent jurisdiction does not confer party status in the RCW Title 26 any action on the petitioning or supervising agency in the dependency proceeding.

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

(1) Juvenile Court may hear and determine RCW Title 26 issues in a dependency

~~proceeding as necessary to facilitate a permanency plan for the child or children in the following circumstances:~~

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

~~**(e) Case Schedule.** The juvenile court must find such action to be in the best interest of the child.~~

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

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

~~————— (i) Juvenile Court may enter an amended case schedule in the case schedule in the parenting or non-parental custody action over which it invokes jurisdiction as needed to resolve the issues presented.~~

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

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

~~**(D)** Any Juvenile Court~~**(f) Modification.** Any juvenile court order determining title 11 or title 26 RCW Title 26 issues is subject to modification upon the same showing and same standards as ~~a Family Law Court~~ any other order determining ~~Title~~title 11 or title 26 RCW issues.

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

~~necessary to protect the child.~~

~~(3) Whenever the court is asked to establish or modify a parenting plan or non-parental custody order under this section, and in accordance with RCW 26.12.175 and 26.12.177, the~~

(g) Appointment of Guardian ad Litem or Attorney. Upon motion by a party or the court, the juvenile court may appoint a guardian ad litem ~~or an attorney~~ to represent the interests of the child ~~when the court believes the appointment is necessary to protect the best interests of the child. In accordance with RCW 26.09.110, the court may appoint an attorney to represent the interests of the child with respect to provisions for the parenting or non-parental custody plan.~~

LJuCR 4.2 PLEADINGS

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

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

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

LJuCR 4.3 NOTICE OF TERMINATION HEARINGS

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

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

~~(2) Notice to Counsel.~~ **(1) Publication.** Any motion for publication shall (a) include a proposed order setting a date for a termination of publication (TOP) hearing no sooner than 70 days after the filing of the motion and (b) demonstrate that the statutory requirements for publication have been met.

(2) Notice to Counsel. In all cases where a party is represented by counsel in the underlying dependency action, ~~the in addition to service of the summons as otherwise required, the~~ petitioner shall ~~also~~ provide counsel with a copy of the petition, notice and summons, and ~~order setting case schedule.~~ If by statute or LJuCR 2.0 the youth is ~~age twelve (12) or older~~ entitled to appointment of counsel and ~~is not represented by counsel, a copy, the petitioner shall be given to the Department of Public Defense~~ provide copies of those documents to the appropriate public defense entity for appointment of counsel for the youth.

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

~~(A) The notice shall clearly state the date, time and place for the hearings and~~

~~shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.180 for termination petitions, the requirements of RCW 13.36.030 for guardianship petitions, and RCW 13.34.062 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one.—~~

~~(B) The~~ In addition to the information that by statute or other rule is required to be included, the notice and summons shall ~~also advise the parties that failure to state substantially as follows: “If you do not appear or otherwise plead or respond to the Petition shall be the basis for the Court to the court may enter an Order of Default against that party in your absence a default order and an order permanently terminating your parental rights.”~~

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

~~—(c) (4) Case Schedule.~~ Upon When a new case is opened by the filing of a termination petition, the ~~C~~clerk of the Court will prepare and file an order setting a case schedule and provide one copy to the petitioner. The petitioner shall serve a copy of the case schedule on all parties ~~as provided in these rules who by law or this rule are entitled to service or notice of the summons.~~ The case schedule ~~shall be in a format set by the Court and shall will~~ set the termination fact finding hearing no more than 150 days after the filing of the termination petition. ~~The case schedule will also identify the designated dependency judge to whom the termination fact finding hearing is assigned.~~

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

Nothing in this rule shall preclude any party from noting any additional motions prior to the pretrial hearing pursuant to local or civil rule, and shall be set on the appropriate dependency calendar. (b) Indian Children. (Reserved).

LFLR 1. APPLICABILITY

These rules ~~along with applicable State and Local rules,~~ shall apply to all family law proceedings under RCW Title 26, except for Chapter 26.33, adoptions, and domestic violence protection proceedings under RCW Title 7.105. Family law proceedings also include cases regarding committed intimate relationships. ~~proceedings for the purpose of this rule include actions to divide the property or debts of a domestic partnership or quasi-marital relationship. State court rules and other local court rules also apply to all family law and domestic violence protection order proceedings.~~ Failure to follow these rules may result in the court imposing finest or penalties, sanctions, including dismissal of the case, ~~which can include requiring one party to pay the other party's attorney fees, refusing to hear a party's motion, not considering documents filed by a party, or any other sanction deemed appropriate.~~

Official Comment

RCW 26.12.010 confers authority upon Family Courts to hear any proceedings under Title 26 as well as any proceedings in which the court is asked to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations. Family Law

Commissioners are empowered to exercise all the powers and duties of court commissioners under the Washington State Constitution, Article IV, Sec 23, when operating under the authority of RCW 26.12. See, RCW 26.12.060.

LFLR 2. DAYS AND TIMES FOR SCHEDULING HEARINGS; COURT HOLIDAYS

~~Family law m~~ Motions shall not be scheduled on legal holidays and nonjudicial days, including Saturdays and Sundays. Hearing dates and times for the Ex Parte Department, Family Law Motions, and Support Modification/Trial by Affidavit Calendars, as well as a A list of legal holidays, and nonjudicial days, and schedules for LFLR 6 motions calendars may be obtained from at the Cclerk's Ooffice/Department of Judicial Administration ~~(E609 King County Courthouse, Seattle WA 98104 or the Maleng Regional Justice Center, 401 4th Ave. N. Room 2C, Kent, WA 98032)~~, by telephone at 206-296-9300 or by accessing the clerk's website at: <https://www.kingcounty.gov/courts/clerk>. Schedules for the Family Law Motions and Ex Parte Department calendars are also available online on the Clerk's website, at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Maleng Regional Justice Center. See Local Civil Rule (LCR) 7 with respect to scheduling a motion before a judge.

LFLR 3. MANDATORY FORMS TO BE USED

The ~~Washington State~~ mandatory family law court forms are required and available at shall be used except where a mandatory form is designated "optional", local forms have been promulgated by the Court or no mandatory form exists for the particular matter. State and local forms, including Notice of Court Date forms, may be obtained from the King County Superior Court Clerk, the King County Facilitator's Office, the King County Superior Court Law Library, or by accessing <https://kingcounty.gov/courts/clerk/forms.aspx> and <https://www.courts.wa.gov/forms/>.

Mandatory forms are also available at Family Law Information Centers located at the King County Courthouse or Maleng Regional Justice Center.

LFLR 5. WHERE TO SCHEDULE HEARINGS IN FAMILY LAW PROCEEDINGS

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

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

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

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

(2) Uncontested Final Orders.

(A) Divorces and Legal Separations. Unless otherwise required by the court, at least

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

(B) Petitions for Invalidity. These final orders shall be presented to the assigned judge according to LCR 7.

(B)(C) Uncontested final orders presented by attorneys. An attorney must sign and file a certificate of compliance for all finalizations. Final orders in cases **without** children shall be presented Ex Parte via the Clerk. Final orders in cases **with** children shall be presented to the “Orders for Review” queue.

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

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

(C) (D) Uncontested final orders presented when both parties are **self-represented pro se.** Final orders shall be reviewed by a court-approved program which shall submit the reviewed documents to a judicial officer for signature. See <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx> for more information about how to submit orders for review. ~~When presented by pro se parties, agreed final orders or final orders entered after an order of default shall be:~~

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

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

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

(1) Case Assignment. Hearings with a “KNT” designation shall be noted at the Maleng Regional Justice Center (MRJC) in Kent and hearings with a “SEA” designation shall be noted at King County Courthouse in Seattle. For judicial economy, the court may hear motions in either courthouse.

~~(1)(2)~~ **(2)** Agreed orders continuing a family law hearing shall be presented to a family law commissioner submitted to the “Orders for Review” queue in the clerk’s e-filing application. See LFLR 6(g)(1)

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

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

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

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

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

- (A) Motions to seal a file or a document within a file, even if agreed;
- (B) Motions to change the trial date or a deadline in the case schedule;
- (C) Motions for summary judgment, ~~except for excluding motions for~~ summary judgment ~~motions~~ in parentage actions, which shall be heard on the family law motions calendar;
- (D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);
- (E) Motions to enforce a CR2A agreement;
- (F) Motions for revision of a commissioner's order. See LCR 7(b)(8).

~~(G) Motions to dismiss a petition that are not agreed or where notice of the motion is not required. Uncontested final decrees of invalidity. Hearings shall be noted with oral argument before the assigned judge or before the judicial officer presiding over the status/noncompliance calendar. At least one party shall appear to provide oral testimony with respect to entry of a final decree of invalidity.~~

(H) Motions to consolidate two or more actions under one case schedule shall be brought before the assigned judge if all actions are assigned to the judge. All other motions for consolidation shall be noted consistent with LFLR 5(d)(2)(A)(i).

~~(I) Any other motion identified in Section (e) below. De Facto Parentage court review hearings shall be noted with 14 days' notice and without oral argument.~~

~~Fact finding hearings on Petitions to Stop Parentage Based on Sexual Assault.~~

~~(J) Motions to Restrict Abusive Litigation. See LCR 40(b)(19)~~

~~(K) All motions on Petitions for Visits while the case is active. See LFLR 9.~~

~~(L) Any other motion identified in Section (e) below.~~

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

~~(A) The following motions shall be scheduled before the Respective Chief Judge (UFC for cases with Children; Civil for cases without Children):~~

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

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

~~(B) The following motions shall be heard by the Chief UFC Judge.~~

~~(i) All motions in surrogacy cases. See LFLR 22.~~

~~(ii) Petitions for Emancipation of a Minor cases.~~

~~(iii) Petition for Waiver of Marriage Age cases.~~

(e) Specific Motions.

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

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

(A) Active Cases. In cases where there is still a pending trial date, the order to show cause on the motion to vacate an order shall set the return hearing before the judicial officer, or department who signed the order, except the return hearing on a motion to vacate an order of

default in an active case shall be scheduled before the assigned judge.

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

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

(ii) If the parties are presenting an agreed motion to vacate a dismissal and enter agreed final orders, the motion may be presented in the Ex Parte and Probate Department or Orders For Review Queue at the same time as the agreed final orders, as provided in LFLR 5(b)(2) and LCR 40.1(b)(I).

(3) Motions for Reconsideration. See LCR 59. All motions for reconsideration, including those before family law commissioners, shall be scheduled without oral argument with ~~six~~ judicial 14 days' notice before the judicial officer who entered the order to be reconsidered. No response shall be filed unless requested by the court, as provided in LCR 59(b).

(4) Orders Shortening Time and Motions to Overset. Motions for orders shortening time for hearings scheduled in front of a UFC Judge shall be heard in accordance with LCR 7. ~~Motions to shorten time that seek to set a hearing on the family law motions calendar shall be heard by a commissioner assigned to that calendar. For hearings set on the family law motions calendar, motions to shorten time or to overset the calendar shall be submitted to the "Orders for Review" Queue in the clerk's e-filing application.~~

(5) Writs of Habeas Corpus. Applications for writs of habeas corpus relating to minor children shall be presented as described at <https://kingcounty.gov/courts/superior-court/family.aspx> ~~to and returnable to the designated judge in the Unified Family Court Department at the MRJC. Contact the Office of Court Operations at the MRJC (206-477-2600) to find out which judge is handling habeas corpus matters relating to minor children.~~

(6) Relocation Motions.

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

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

(7) Motions for Default.

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

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

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

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

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

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

~~**(9) Motions in Petition for Visitation cases.** Motions in Petition for Visits cases shall be~~

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

LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES

(a) Applicability. This rule only applies to family law motions ~~calendar only and does not apply to motions before judges heard by family law commissioners and does not apply to motions in trial by affidavit or domestic violence protection orders cases.~~

(b) Notice and Hearing. Scheduling Hearings.

(1) Parties must reserve a time for each motion or cross-motion they want heard through the Family Law Motions Scheduling system on the family court website. Only motions properly reserved on the correct calendar will be heard.

(2) Within 3 days of choosing a hearing date online, the motion, with all supporting documents, and Notice of Court Date form or order setting hearing must be filed or the hearing may be cancelled.

~~(1) Notice of Court Date forms are required and may be obtained from the Clerk's Office or by accessing www.kingcounty.gov/courts/clerk. Times and days for scheduling specific types of motions may also be obtained by calling 206-296-9300. See also LFLR 2.~~

~~(2) The original of the motion together with all supporting documents (including briefs, affidavits and/or declarations pursuant to RCW 9A.72.085) must be filed with the Clerk and copies served on all parties at least fourteen (14) calendar days before the date of the hearing. Response documents including briefs, if any, must be filed with the Clerk and copies served on all parties no later than noon four (4) judicial days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than noon two (2) judicial days prior to the hearing.~~

~~(3) An additional working copy of all documents shall be submitted to the Family Law Motions Coordinator no later than noon three (3) judicial days prior to the hearing, except that documents in strict reply may be submitted by noon two (2) judicial days prior to the hearing. For any motion which requests the modification, adjustment, clarification, enforcement (including contempt), reconsideration or vacation of an earlier order, the working copies shall include a copy of the earlier order. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.~~

(c) Confirmations. Oversetting Family Law Motions Calendar.

(1) If there are compelling reasons why a motion cannot wait to be heard until the next available date on the Family Law Motions Scheduling website, a motion to overset and a proposed order, with notice to the other parties shall be submitted to the "Orders for Review" Queue. Proof of notice shall also be submitted to the queue. Any response or objection to the motion to overset must be filed into the court file (not submitted to the Queue) within 1 judicial day of receiving notice.

(2) Parties must use the local forms available at <https://kingcounty.gov/courts/superior-court/family/confirmations.aspx>.

(3) Agreement. Proposed agreed orders oversetting a calendar must be submitted for consideration to the "Orders for Review" Queue. Proposed agreed orders oversetting must also have a joint motion or contain a stipulated set of facts upon which the agreement is based.

~~(1) The moving party shall confirm the motion (including motions for presentation of orders), with the Family Law Confirmations Coordinator in person, by telephone or on the King~~

~~County Superior Court website for Family Law Motions Confirmation Online. Confirmations by phone or in person must be done by either A) three (3) judicial days prior to the hearing between 2:30 and 4:15 PM or B) two (2) judicial days before the hearing between 8:30 AM and 12:00 noon. Confirmations via the King County Superior Court website can be done anytime between 12:01 PM three (3) judicial days prior to the hearing until 12:00 noon two (2) judicial days before the hearing. The phone number to confirm Seattle case assignment area cases is 206-477-1523. The phone number to confirm Kent case assignment area cases is 206-477-2750. If not timely confirmed, the motion will be stricken and all working papers destroyed.~~

~~———— (2) Motions cannot be confirmed in person, by telephone or via the website unless the moving party's working copies have been received by the Family Law Department.~~

~~(d) **Agreed Continuances.** The parties may agree to continue a hearing only once on the family law motions calendar, and only prior to the end of the confirmation period, as follows:~~

~~**Deadlines for Submitting Pleadings.**~~

~~(1) Motions must be filed at least 14 calendar days before the hearing.~~

~~(2) Responses must be filed no later than noon 5 judicial days prior to the hearing.~~

~~(3) Replies must be filed no later than noon 3 judicial days prior to the hearing.~~

~~(4) The Motion, Response, Reply and proposed orders must also be served on all parties by the due dates listed in sections (1), (2) and (3).~~

~~(5) **Submission List.** The moving party must file a Working Papers Submission List by noon 3 judicial days before the hearing date. The non-moving party must file a Working Papers Submission List no later than noon 5 judicial days before the hearing date.~~

~~(6) **Proposed Order.** The moving party shall provide a proposed order 14 calendar days before the hearing through the Clerk's Office e-filing system "Proposed Orders (Family Law)". The non-moving party shall provide a proposed order 5 judicial days before the hearing through the Clerk's Office e-filing system "Proposed Orders (Family Law)". Self-represented parties may mail or deliver proposed orders to the respective mail room (2D in Kent, C203 in Seattle) marking each submission as follows: "Attention Family Law. Hearing date (insert)."~~

~~(1) The parties may continue the motion to any judicial day that is at least five (5) judicial days after the scheduled hearing date. The moving party must notify the Family Law Motions Coordinator of the new agreed hearing date by telephone within the confirmation period set forth in LFLR 6(c) above. If agreement to continue the hearing is reached during the confirmation period, the motion must first be confirmed. Continuances cannot be requested through the King County Superior Court website.~~

~~———— (2) The moving party must re-confirm the motion for the new hearing date in accordance with LFLR 6(c) above. Confirmation may be done through the King County Superior Court website.~~

~~———— (3) A request for a continuance after the expiration of the confirmation period set forth in LFLR 6(c) above must be brought before the commissioner at the original confirmed hearing date and time and will ordinarily not be granted.—~~

~~(e) **Limitations on Declarations. Striking or continuing a hearing.** If a hearing is no longer needed, the moving parties shall strike their hearings by emailing court staff at FamilyLawStaffSeattle@kingcounty.gov or FamilyLawStaffMRJC@kingcounty.gov. If you fail to timely strike your hearing or re-note the motion without alerting family law staff, you may be subject to sanctions.~~

~~(1) **Application.** This section (e) of this rule does not apply to domestic violence petitions or domestic violence motions.~~

~~———— (2) **Children's statements.** Declarations by minors are disfavored.~~

~~————~~ **(3) Formats:**

~~————~~ **(A)** All motions shall follow LCR 7 and LCR 10 to the extent they are not inconsistent with this rule, and use the forms required by LFLR 3.

~~————~~ **(B)** All filed documents and copies provided as working copies and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines.

~~————~~ **(4) Basis.** Evidence, including written evidence in affidavits and declarations by the parties and lay witnesses, must comply with the rules of evidence. The rules of evidence provide that they need not be applied in domestic violence and anti-harassment protection order proceedings. See Rules of Evidence (ER) 1101(c) (4).

~~————~~ **(5) Page limits.**

~~————~~ **(A) Generally.** Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions (except financial declarations), including any reply, shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

~~————~~ **(B) Exhibits.** Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

~~————~~ **(C) Financial Declarations.** Financial Declarations and financial documents, as specified in LFLR 10, do not count toward the page limit.

~~————~~ **(D) Expert Reports and Evaluations.** Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Family Court Services (FGS) and expert witnesses do not count toward the page limit.

~~————~~ **(E) Miscellaneous Exceptions.** Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts shall not count toward the page limit.

~~————~~ **(6)** See LCR 7 for format and word limits on motions, opposition papers, briefs and memorandum of authorities.

(f) Time for Argument. Confirm your hearing. Moving party must confirm the hearing by filing a Working Papers Submission List no later than 3 judicial days prior to the hearing by noon. The Working Papers Submission List must list the correct hearing date in the caption.

~~————~~ **(1)** Each side is allowed five (5) minutes for oral argument, including rebuttal, unless otherwise authorized by the court.

~~————~~ **(2)** By written stipulation of all parties, any motion except a motion for contempt may be set without oral argument.

~~————~~ **(A)** Motions heard without oral argument shall be set for a specific date and are subject to the same requirements (including confirmation) as other motions.

~~————~~ **(B)** Each party shall provide working copies including a proposed order(s) and shall timely serve the opposing party. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Parties submitting working copies in paper form shall also conspicuously include the words “Without Oral Argument” in the upper right corner of each document.

~~————~~ **(C)** The commissioner may order the parties to appear for argument.

(g) Special Settings. Continuances.

(1) Agreed Continuances. No later than three judicial days prior to the confirmation deadline, agreed continuances shall be submitted through the “Orders for Review” Queue.

(A) The motion must be continued to a date that is at least 5 judicial days after the scheduled hearing date and is available in the Family Law Scheduling system.

(B) The moving party must confirm the new hearing date.

(C) If the hearing has been confirmed, the parties shall notify the family law coordinators by email of their intent to request a continuance. The request to continue must then be presented at the confirmed hearing date and time.

(2) Contested Continuances. No later than three judicial days prior to the confirmation deadline, a motion for continuance and a proposed order, with notice to the other parties, shall be submitted to the request, and any response to a contested motion to continue must be filed in the court file and the “Orders for Review” Queue. The request must be submitted by the confirmations deadline and served on all other parties. Proof of notice shall also be submitted to the Queue. Any response or objection to a motion to continue must be filed in the court file (not submitted to the Queue) within 1 judicial day of receiving notice.

(1) Additional time for argument. A request for a special setting for oral argument that will require more than five minutes per side, or for other special settings shall be made in writing addressed to the Family Law Motions Coordinator.

(A) The request should state the extraordinary features of the case and explain why additional time for oral argument is needed. The request should state the length of time requested, and whether the other parties agree with the request. The written request shall include working copies of the motion and supporting documents, and all responses received.

(B) The written request shall be filed with the Clerk and working copies shall be submitted to the Family Law Coordinator, and served on all other parties at least six (6) judicial days prior to the scheduled hearing date. Any response to the request shall be similarly filed and delivered to the Coordinator and other parties by noon at least two (2) judicial days prior to the scheduled hearing date. Replies are not permitted. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LGR 7(b) to the extent not inconsistent with this rule.

(C) An order granting the request cannot be entered by stipulation or agreement.

(D) No other motion may be joined with a request for additional time.

(E) If granted, the Court will set the date and time for additional time for argument on the Family Law Motions Calendar.

(2) Motions to Permit Live Testimony at a Hearing. Except for domestic violence protection order proceedings, a party seeking to present live testimony at a hearing must file a request in writing in the same manner as a request for additional time for argument (in LFLR 6(g)(1) above).

(A) An order Permitting Testimony cannot be entered by stipulation.

(B) If granted, the court will notify the parties of the hearing date and time.

(h) Order on Hearing. Unless otherwise ordered by the Court, immediately following each hearing, an order reflecting the ruling of the Court shall be presented for signature.

Requirements for Pleadings.

(1) All pleadings shall follow GR 14.

(2) Formatting Exhibits: Attachments or exhibits in excess of 25 pages shall be numbered consecutively on the bottom of each document. The number shall not restart for each attachment but shall run consecutively through all of the attachments. All motions, oppositions, replies and briefs shall cite to these page numbers. A party may include other citation information, such as exhibit numbers, corresponding exhibit pages, or paragraph numbers, in addition to the consecutive page cite.

(3) Limitations on Declarations.

(A) Children’s statements. Declarations by minors are disfavored.

(B) Page Limits: Absent prior authorization from the court, parties shall not submit more than 25 pages of declarations. This 25-page limit includes any reply declarations. All declarations and affidavits submitted in response to motions shall be limited to 20 pages.

(C) Page Limit Exceptions. The following shall not be counted towards the page limit:

(i) Exhibits attached to a declaration or affidavit as long as the Exhibit is not a declaration or affidavit.

(ii) Financial Declarations and financial documents, as required by LFLR 10.

(iii) Reports from Court Appointed Special Advocates (CASA), Family Court Services (FCS), and expert witnesses.

(iv) Deposition excerpts.

(4) Limitations on Other Pleadings. See LCR 7 for word limits on motions, opposition papers, briefs and memorandum of authorities.

(i) Hearing Procedures

(1) Each side is allowed 5 minutes for oral argument, including rebuttal, unless otherwise authorized by the court.

(2) Evidence, including written evidence in affidavits and declarations, must comply with the rules of evidence.

(j) Motions without oral argument. Any motion, except a motion for contempt, may be set without oral argument by written agreement of all parties.

(1) Motions heard without oral argument are subject to all the same requirements as motions with oral argument, including reserving a hearing date through the Family Law Motions Scheduling website.

(2) The commissioner may order the parties to appear for argument.

(k) Special Settings. A party may request a special setting for an extended hearing to present live testimony or be permitted additional time for oral argument.

(1) The request must be in writing and state the following: the extraordinary features of the case, the reasons why additional time for oral argument or live testimony is needed, the length of time requested, and whether the other parties agree with the request. The written request must include a copy of the motion, any supporting documents, and all responses received.

(2) At least 6 judicial days prior to the scheduled hearing date, the written request must be filed in the court file and submitted to the “Orders for Review” Queue. Proof of notice shall also be submitted to the Queue. Any response to the request shall be filed in the court file but not submitted to the Queue, and served on all other parties by noon at least 2 judicial days prior to the scheduled hearing date. Replies are not permitted.

(3) Proposed agreed orders requesting a special setting must be submitted for consideration to the “Orders for Review” Queue.

(4) No other motion may be joined with a request for a special setting.

(5) If granted, the Court will set the date and time for the special setting.

(l) Prior Orders. Motions for modification, adjustment, clarification, enforcement, contempt, reconsideration, or vacation of an earlier order shall include a copy of the earlier order.

LFLR 9. COMMENCEMENT OF NONPARENTAL CUSTODY PROCEEDINGS PETITIONS FOR VISITS

(a) Non-Parent Custody. ~~[Rescinded.] Please see LCR 98.22 on Minor Guardianships. An action for custody of a child brought by a non-parent is commenced by a summons and petition under a new cause number and may not be commenced under an existing dissolution, paternity or other case. Upon filing, the Clerk's Office will issue a case schedule. The petitioners must obtain a Washington State Patrol and Child Protective Services (CPS) background check on themselves and all adult household members. The King County local form order for obtaining a CPS background check, available from the Clerk's office or at www.kingcounty.gov/courts/clerk, shall be used. Petitioners must also obtain an Order finding Adequate Cause before the date specified in the Case Schedule and attend a mandatory case review hearing. See Chapter 26.10 RCW, these rules and the Order Issuing Case Schedule for other requirements.~~

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

(1) Service. The petitioner must serve the other parties within 10 days of filing the petition. The petitioner must file proof of service and provide a working copy at least ~~6~~ **9** judicial days prior to the court review. If service cannot be made within 10 days, the petitioner must file a motion to amend the case schedule and continue the trial date before the assigned judge.

(2) Court Review. Upon filing the summons and the petition, the Clerk's Office will issue a case schedule that includes a date for a court review before the assigned judge. Parties do not need to appear for this hearing. ~~At least Parties shall provide working copies six~~ **9** judicial days prior to the court review, ~~parties shall file a Working Papers Submission List and email a copy to the assigned judge. The Working Paper Submission List must include all documents filed. Working copies shall comply with LCR 7(b) to the extent that the rule is not inconsistent with this rule.~~

LFLR 14. CHILD SUPPORT AND SPOUSAL MAINTENANCE MODIFICATIONS AND ADJUSTMENTS

(a) Scope of This Rule.

(1) This rule applies to child support and spousal maintenance adjustments that are brought independently from a petition to modify a parenting plan, or child custody or visitation order. This rule does not apply to support modifications that are based on a substantial change of circumstances if there is a pending proceeding to modify a parenting plan, or child custody or visitation order.

~~**(2)** In cases where a modification of a parenting plan, child custody, or visitation has been resolved, the court may transfer the support issues to the Trial by Affidavit Calendar, and this rule will then apply.~~

(2) ~~**(3)**~~ A child support adjustment, which merely implements a periodic adjustment clause in an Order of Child Support or is limited to the relief authorized by RCW 26.09.170(9) and (10), shall be brought on the Family Law Motions Calendar under LFLR 6. Each party must also follow LFLR 10.

(3) ~~**(4)**~~ In a Child Support modification proceeding, the court may grant relief limited to the scope of a child support adjustment, if the case does not meet the requirements for a modification but does meet the requirements for an adjustment.

(b) Support Modification Proceedings.

(1) Documents Required to Be Served and Filed

(A) Documents Required from Petitioner. A party petitioning for modification of child support or spousal maintenance shall file and serve upon all other parties the Summons and Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10. The petitioning party shall serve the other party a copy of the Order Setting Case Schedule (issued by the Clerk) with the Summons. If the existing support order was not issued by King County Superior Court, a certified copy of the

order must be filed with the Petition.

(B) Documents Required from Responding Parties. Each responding party shall file and serve a Response to Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10, by the deadline established by service of the Summons.

(c) Motions.

(1) Pre-trial Motions re Support-only Modifications. All pre-trial motions relating to support-only modifications, including motions to change the trial date, to permit testimony, or relating to discovery, shall be decided by the assigned judge on the Trial by Affidavit Calendar without oral argument. Motions shall be noted for hearing at least fourteen (14) ~~or more~~ days in advance. The procedure for such motions shall conform to LCR 7 and LFLR 6 to the extent not inconsistent with this rule. There is no requirement to confirm such motions. Motion documents shall be filed with the Clerk and working copies shall be provided to the court. ~~Working copies shall be submitted~~ pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Working copies submitted in paper form must be delivered to the judge's mailroom in the courthouse in which the judge is located. ~~Trial by Affidavit mailbox in the judges' mailroom of the courthouse where the matter will be heard.~~

(2) Motions to Permit Live Testimony.

(A) Testimony is ordinarily in the form of declarations and affidavits. Oral argument is allowed at all trials by affidavit. A party seeking permission to present live testimony at the time of the trial by affidavit (in addition to oral argument) must file a motion with a supporting declaration setting forth the reasons why live testimony is necessary. The motion and supporting documents shall be noted, filed and served not later than the deadline set forth in the case schedule.

(B) The supporting documents must demonstrate the extraordinary features of the case warranting live testimony. Factors which may be considered include: substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

(C) A Motion to Permit Testimony may not be entered by stipulation. If the motion is granted, a hearing will be set.

(3) Motions for Temporary Orders. Motions for Temporary Support Orders will not ordinarily be considered in support-only modification proceedings. Exceptions may apply in exigent circumstances, such as when there has been a change in residential care, a party has requested a continuance of the trial date, or when the lack of a temporary order would substantially prejudice a party. A motion for temporary support shall be noted before the assigned judge with at least 14 calendar days' notice. ~~There is no requirement to confirm such motions. on the Family Law Motions Calendar; the court in its discretion may also consider an oral motion for temporary support at the time of the support modification trial where the matter is being continued for reasons unrelated to the conduct of the party requesting the temporary support order.~~

(d) Method of Disposition of Support Modification Proceedings.

(1) Trial by Affidavit. The trial of support-only modification petitions shall be heard on affidavits, declarations, pleadings, and discovery materials obtained pursuant to CR 26-37, unless the court authorizes live testimony pursuant to a motion brought under LFLR 14(c)(2) above.

(2) Proposed Orders. The petitioning party ~~is obliged to~~ shall provide proposed findings of fact and conclusions of law, child support worksheets, and orders to the other parties and the court not later than the time of trial. The proposed orders shall not be filed with the clerk. Working copies of the proposed orders for the judge shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. If the petitioner petitioning party is not present at trial and has not presented proposed orders, the matter may be

dismissed.

(3) Judicial Officer Presiding. Unless otherwise assigned by the court, support-only modification trials shall be heard by the judge assigned in the case schedule. ~~on the Trial by Affidavit Calendar by a Family Law Commissioner.~~

~~(4) Affidavits of Prejudice Not Recognized. See LCR 40(g).~~

(5) (4) Independent Proceedings. Except as otherwise stated, Petitions for Modification of Support shall proceed as original determinations, with no threshold or adequate cause hearing required.

(6) (5) Arbitration. The parties may stipulate to arbitrate the issues in the petition pursuant to the state and local Mandatory Arbitration Rules. The stipulation must be in writing, in a form as prescribed by the Court. The stipulation must state whether the issues will be handled by private arbitration or will be submitted to the King County Arbitration Department for assignment of an arbitrator.

(A) Motions for Temporary Relief. Once an arbitrator has been appointed, all motions shall be decided by the arbitrator.

(B) Appeals from Arbitration. **Parties may file for a trial de novo per LCAR 7.1.** ~~Requests for a trial de novo from the decision of an arbitrator shall be heard on the Trial by Affidavit Calendar.~~

(7) Trial by Affidavit Procedure. Parties shall file the originals of all documents to be considered with the Clerk. ~~Settings on the~~ Trial by Affidavit ~~Calendar matters~~ must be confirmed by the submission of a copy of these materials either in paper form to the assigned judge's Trial by Affidavit mailbox at the courthouse where the assigned judge is located ~~matter will be heard~~ or electronically through the Clerk's e-filing system by the deadline in the case schedule. Each party to the proceeding will have a maximum of ten (10) minutes, including rebuttal, to present oral argument to the court. No new evidence may be offered at the time of trial unless stipulated by the parties or authorized by the court for good cause shown. Parties may attend the trial by telephone, provided that prior arrangements have been made with the court. A party is not obligated to attend the hearing.

(8) Procedure on Default.

(A) Default Procedures. See LFLR 5(e)(7).

(B) Failure of a responding party to be present in person or by counsel at the time of trial shall not constitute a default, as the presentation of oral argument is optional. If counsel or a pro se party is not present, the court will decide the matter based upon the working papers and the oral argument of those present.

Repealed DV Statute Citation Clean-up

LJuCR 2.4(b)(9). PROCEDURE AT INITIAL SHELTER CARE HEARING

(9) Enter orders of protection or temporary restraining orders or preliminary injunctions pursuant to RCW 26.44 and ~~26.50~~ 7.105 as may be necessary to protect the child or the person having custody of the child, or to allow a child to remain in the family home.

LFLR 8(a). MOTIONS FOR EX PARTE RESTRAINING ORDERS

(a) Applicability. This rule applies to motions for temporary restraining orders (also known as Ex Parte Restraining Orders) entered on an emergency basis to prevent immediate injury, loss

or damage. See also CR 65. This local rule does not apply to domestic violence protection orders entered under Chapter ~~26.50~~ 7.105 RCW.

LFLR 12(c). DOMESTIC VIOLENCE PROTECTION ORDERS

(a) Applicability. This rule applies to all petitions for domestic violence protection orders brought pursuant to the Civil Protection Orders Act ~~Domestic Violence Prevention Act~~, whether filed separately or under another cause of action.

(b) Mandatory Forms. The parties shall utilize any applicable local and state mandatory forms, including form Orders. Forms are available from the King County Clerk's Office, the Protection Order Advocate's Office, and <https://www.kingcounty.gov/courts/clerk>.

(c) Return Hearing. Every Temporary Order of Protection or Order of Modification entered without notice shall set a return hearing on the family law calendar on such notice as prescribed in Chapter ~~26.50~~ 7.105 RCW. ~~At the hearing, both parties may testify and the court may consider other relevant evidence.~~ Copies of any writings or other documentary evidence provided to the court must be provided to the other party's attorney. If the other party is not represented, the copies should be handed to either courtroom staff or a domestic violence advocate in the courtroom with a request that they provide the copies to the other party.

LFLR 13(d)(2)(A). PARENTING PLAN AND CHILD CUSTODY

(d) Permanent Parenting Plan, Custody or Visitation Modifications.

(1) Starting an Action to Modify a Permanent Parenting Plan.

(A) This rule applies to actions to modify final parenting plans, and final custody or visitation orders, except for adjustments related to the relocation of a child. See LFLR 15 for proceedings involving relocation of a child.

(B) The moving party shall attach to the petition a copy of the current parenting plan and all other effective orders affecting parenting, custody, and visitation. Copies of any orders which were entered outside King County shall be certified.

(2) Adequate Cause Hearing.

(A) Adequate Cause Requirement. A threshold determination of adequate cause is required for any modification or adjustment of a final parenting plan, whether major, minor, residential or non-residential in nature. An order of adequate cause may be entered by agreement of the parties, by default, or after an adequate cause hearing. This rule does not limit the Court's authority under Chapter ~~26.50~~ 7.105 RCW.