

**SUMMARY OF 2026 LOCAL RULE AMENDMENTS**

**These descriptions are provided for the convenience of the reader, and do not constitute a comment (official or unofficial) or rule-making history.**

**LCR 5. Service and Filing of Pleadings and Other Papers** – Amendment clarifies that, to be filed, discovery papers must include a case caption that identifies the motion, hearing, or trial for which it will be used. This occurs routinely, for instance with parties filing declarations relevant to a pending motion that attach, e.g., discovery responses and deposition testimony.

**LCR 7. Civil Motions** – In addition to minor changes, amendments change the following:

1. Motion Practice.

- a. Eliminates the word “pleadings” when addressing motions given that “pleadings” is a defined term in CR 7 that does not include motion practice. CR 7(a).
  - b. . Uses terms consistent with CR 7(b): (1) uses “motion” and “papers” as are used in CR 7(b); (2) eliminates the words “memorandum” and “documents” given those are not in CR 7(b) and are unnecessary; and (3) adds the word “brief” (defined as motion, response, reply) given that CR 7 does not address responses or replies and a catch-all is needed.
  - c. Makes clear that the “relief requested” section must be consistent with the proposed order (whether granting or denying the motion).
  - d. Changes the briefing section from “Authority” to “Argument,” consistent with the uniform practice that this section allows more than a listing of authorities relied on.
  - e. Removes the requirement to provide non-Washington authorities. In place requiring that any authority that isn’t a case and isn’t Washington specific must include a cite to a website or database or a copy of the authority.
  - f. Requires that declarations be filed together with attachments / exhibits as one document.
  - g. Allows a party to make a record of their proposed order by attaching it to their brief.
2. Wayfinding. Together with the proposed amendments to LCR 40 and LCR 40.1, provide clearer wayfinding for where motions are heard (assigned judge, Respective Chief Judge, Ex Parte). Together, the proposed amendments to these three rules:
- a. Remove the conflict between LCR 40(b) (all motions “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:”) and LCR 40.1(b)(2)(A) (“Cases Assigned to a Judge, But Heard in the Ex Parte and Probate Department”).

- b. Add an additional motion type (Pro Hac Vice motions) that may be presented to Ex Parte, given that many motions in assigned cases will be reviewed / entered by the assigned judge.
- c. Move the “Motion to Set Trial Date” section from LCR 40(c) to LCR 40(a), as it more closely fits with CR 40(a) (“Notice of Trial”) than CR 40(c) (“Preferences”).
- d. Remove the wayfinding provision that says the Ex Parte manual contains a list of motions to be heard by Ex Parte. Each of these are now stated by rule

**LCR 11. Signing of Pleadings** – Amendments require attorneys and pro se parties to include an email address in court filed documents and correct the title of the rule to reference more than “pleadings,” which is a defined term. See CR 7(a).

**LCR 32. Use of Depositions in Court Proceedings** – Amendment provides a rule for making a record of a deposition transcript.

**LCR 40.1 Ex Parte and Probate Department** – Amendments provide clarification in wayfinding (see Wayfinding in LCR 7 above).

**LCR 41. Dismissal of Action** – Amendments are related to proposed amendment to LFLRs (see below).

**LCR 60. Relief from Judgment or Order** – Amendments are related to proposed amendments to LFLRs (see below).

**LCR 70.1. Appearance of Attorney** – Amendment requires a written notice of appearance so that the Court and clerk have a clear record of the appearance and have counsel’s contact information should the Court for any reason need to contact counsel.

**LCR 98.16. Settlement of Claims of Minors and Incapacitated Persons** – Amendment restores “incapacitated persons” to the provisions of the rule.

**LCrR 4.11. Video Conference Recordings** – Current emergency rule rescission. Rule is rescinded given recent amendments to the state rule (CrR 3.4) governing the topic.

**LCAR 1.1. Application of Rules – Purpose and Definitions** – Amendments are related to proposed amendments to LFLRs (see below).

**LFLR Amendments** – Several LFLR amendments put into the local rules what is already provided for by general order, and to otherwise conform the rules to current court practice. This involves(List as well as the following LFLRs:

**LFLR 1. Applicability**

**LFLR 5. Where to Schedule Motions on Family Law Proceedings**

**LFLR 6. Family Law Motions Calendar Procedures**

**LFLR 7. Unified Family Court**

**LFLR 8. Motions for Ex Parte Restraining Orders**

**LFLR 10. Financial Provisions**

**LFLR 12. Civil Protection Orders**

**LFLR 14. Child Support**

**LFLR 15. Relocation of Children**

**LFLR 16. Alternative Dispute Resolution**

**LFLR 23. Informal Family Law Trials**

**LMPR 1.13. Hospital Records** – A new rule that codifies existing Emergency Rule #7.

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## LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

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

**(i) Discovery Material Not To Be Filed; Exceptions.** Except documents admitted or filed in open court by order of the court, any filing that includes discovery material filed as permitted by CR 5(i) (as limited by CR 26(h)) or by CR 32 must identify in the caption the motion, hearing, or trial for which it will be used.

**(k) Copies of Cases Not to be Filed.** [Rescinded, see LCR 7(b)(5)(B)(v)] Working copies of cases shall be provided to a judge pursuant to LCR 7(b), but shall not be filed with the clerk. The copies provided to the judge and all parties should be in the same form, including but not limited to markings, highlights, and color copies.

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## LCR 7. CIVIL MOTIONS

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

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

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

**(2) Hearing Court, Times, and Places.** LCR 40(b) identifies whether a motion will be heard by the assigned judge, the Respective Chief Judge, or the Ex Parte and Probate Department. LFLR 5 provides that information for family law cases. Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration by telephone at (206) 296-9300 or by accessing <https://kingcounty.gov/courts/clerk.aspx>. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

**(3) Argument.** All motions, shall be ruled on without oral argument, except for the following:

**(A)** Motions for summary judgment pursuant to CR 56;

**(B)** Motions for temporary restraining orders and preliminary injunctions;

**(C)** Family Law motions under LFLR 5;

**(D)** Motions to be presented in person to the Ex Parte and Probate Department pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") issued by the clerk;

**(E)** Motions for which the Court allows oral argument.

**(4) Dates of Filing, Hearing, and Consideration.**

**(A) Filing and Scheduling of Motions.** The moving party shall file and serve and file all motion papers documents no later than 4:30 p.m. nine judicial days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases assigned to a judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the judge's staff; for motions without oral

argument scheduled for hearing on a non-judicial day, the assigned judge will consider the motion on the next judicial day.

**(B) Scheduling Oral Argument on Dispositive Summary Judgment**

**Motions.** The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

**(C) Oral Argument Requested on All Other Motions.** Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or opposition.

**(D) Responding Papers Opposing Documents.** Any party responding to opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the hearing judge no later than 4:30 p.m. four judicial days before the hearing date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

**(E) Reply.** Any papers documents in strict reply shall be similarly filed and served no later than 4:30 p.m. two judicial days before the hearing.

**(F) Working Copies.** Working copies of all court-filed documents (including the Notice of Court Date) motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. The copies provided to the judicial officer and all parties should be in the same form, including but not limited to markings, highlights, and color copies. Working copies shall be submitted as follows:

**(i) Electronic Submission of Working Copies.** Judges' working copies of an e-filed motion and all documents in support or opposition may be electronically submitted using the clerk's eFiling application. The clerk may assess a fee for the electronic submission of working copies.

**(ii) E-Filed Documents for which Working Copies Shall Not be Electronically Submitted.** Judges' working copies shall not be electronically submitted for any document of 500 pages or more in length or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

**(iii) Delivery of Working Copies in Paper Form.** The upper right corner of all judicial officers working copies submitted in paper form shall be marked "working copies" and note the date of consideration or hearing, the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented ("moving party," "opposing party," or other descriptive or identifying term), and shall be delivered to the judges' mailroom or appropriate department in the courthouse in which the judge or commissioner is located.

**(G) Terms.** Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the court over objection of counsel except upon the imposition of appropriate terms, unless the court orders otherwise.

**(H) Stipulated and Agreed Motions.** See LCR 40(b)(1)(B) as to which stipulated and agreed motions should be submitted to the Ex Parte and Probate Department in accordance with LCR 40.1. Stipulated and agreed motions that pursuant to LCR 40(b)(1)(B) must be presented to the assigned judge or Respective Chief Judge must be served and filed in accordance with this rule, except that the hearing date chosen on the Notice of Court Date should be two judicial days after filing. Stipulated and agreed motions, except motions that shall be presented to the Ex Parte and Probate Department pursuant to LCR 40.1(b)(2)(A), shall be served and filed in accordance with this rule and noted for consideration before the hearing judge two judicial days after filing.

**(I) Confirmation and Cancellation.** Confirmation is not necessary, but if the motion is stricken, the parties shall immediately notify the opposing parties and notify the staff of the hearing judge.

**(5) Form of Motions and Responsive Pleadings-Papers.**

**(A) Notice of Court Date.** A Notice of Court Date shall be filed with the motion. The Notice shall identify the moving party, the names and service addresses of all parties requiring notice, the title of the motion, the name of the hearing judge, the trial date, the date for hearing, and the time of the hearing, if it is a motion for which oral argument will be held. A Notice of Court Date form is available from the clerk's office and online:

<https://kingcounty.gov/courts/clerk/forms.aspx>.

**(B) Form of Motions and of Responsive Pleadings of Briefing.** ~~The motion shall be combined with the memorandum of authorities into a single document, and All briefing (motion, response, reply) shall conform to the following format (no separate memorandum of authorities shall be filed):~~

**(i) Relief Requested.** The specific relief the court is requested to grant or deny. The statement of relief requested must be consistent with the relief requested in the proposed order.

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

**(iii) Statement of Issues.** A concise statement of the issue or issues ~~of law~~ upon which the ~~Court~~court is requested to rule.

**(iv) Evidence Relied Upon.** The evidence on which the motion or ~~response~~opposition is based must be specified with particularity. ~~Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages must be attached to a declaration identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings. Responsive pleadings shall conform to this format.~~

**(v) Authority Argument.** Any legal authority relied upon must be cited. Authority on which a party places substantial reliance and that is neither caselaw nor specific to Washington law must either (a) include with the citation a publicly available website address or citation to a widely-used database (e.g., Westlaw, Lexis) or (b) Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing judicial officer and to counsel or parties with working papers to the court and parties but, but shall not be filed with the clerk. See LGR 5(k).

**(vi) Word Limits.** Absent prior authorization from the court, the ~~initial~~motion and ~~opposing responsive brief memorandum~~ shall not exceed 4,200 words; and ~~any~~reply brief memoranda shall not exceed 1,750 words. The word count includes all portions of the brief motion/memorandum, including headings and footnotes, except 1) the caption; 2) tables of contents and/or authorities, if any; and 3) the signature block. The signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this brief memorandum contains \_\_\_\_\_ words, in compliance with the Local Civil Rules."

**(Cvii) Form of Supporting Papers.**

**(i) Evidence.** Documentary evidence (such as deposition excerpts, interrogatory responses, photographs) filed in support of or response to a motion must be either attached to the brief (if authentication is not required) or attached to declaration(s) or affidavit(s) identifying and authenticating the documents. Any portions cited in a brief must be identified (such as by highlighting or boxes).

**(ii) Consecutive Page Numbering for Attachments.** Attachments or exhibits ~~to any filed document, in excess of 25 pages,~~ including ~~motions, oppositions, replies, to~~ briefs, declarations, and affidavits, whether in paper or electronic form, shall 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 number shall not restart for each attachment but shall run consecutively through all of the attachments to the document. 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.

**(DC) Form of Proposed Orders; E-mail Addresses.** The moving party and any party ~~responding to opposing~~ the motion shall include with their submissions a proposed order, ~~which may be (but need not be) attached to the brief. The~~ An editable version (e.g., in Word format) original of each proposed order ~~shall~~ must be submitted ~~at the time of filing to the hearing judge along with~~ any the working copies. ~~If the motion is to be considered without oral argument, the moving party shall at the time of filing the motion provide to the court e-mail addresses for the court's use in providing courtesy copies of entered orders. Where working copies are provided via the clerk's eWorking Copies application, the parties shall request courtesy copies of entered order(s) through the clerk's application.~~

**(6) Motions to Reconsider or Change Prior Rulings; Renewed Motions.**

**(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).

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

**(A)** A motion for revision of a commissioner's order must be filed within 10 days of entry of the written order unless otherwise provided by statute. The moving party shall note the motion for hearing pursuant to LCR 7(b)(4)(A) and LCR 7(b)(5); the "hearing judge" is the assigned judge, or if no judge is assigned to the case, the Respective Chief Judge. By order, the Respective Chief Judge may assign the revision motion to another judge. The motion shall only identify the error(s) claimed. No response shall be filed unless requested by the court. If a response is called for, a reply may be filed within two judicial days of service of the response.

**(B)** The court will consider the motion without oral argument unless the court orders otherwise.

(C) All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner. The moving party shall provide the judge deciding the motion a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, and, if there was a hearing before the commissioner, identify the date, time, and courtroom location of the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(D) The commissioner's order shall remain in effect pending the decision on the motion for revision unless ordered otherwise by the court.

**(9) Motion for Order to Show Cause.** Except as provided in LCR 40.1(d)(13) (concerning CR 65 motions), without ~~Without~~ notice or oral argument, a party moving for an order to show cause shall present the motion to the judge or department that will hear the show-cause hearing. See ~~LCR 40.1(b)~~; LCR 60(e)(2); LFLR 5.

**(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 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) Except for emergency situations, the motion must be noted at least two judicial days after it is filed and served on the opposing party and the court to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

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

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court.

**(11) Motions for Stay of Proceedings.** Motions for stay of proceedings shall be heard by the individual judge assigned or if there is no assigned judge, then by the Respective Chief Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

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**LCR 11. ~~SIGNING OF PLEADINGS~~ SIGNING AND DRAFTING OF PLEADINGS,  
MOTIONS, AND LEGAL MEMORANDA: SANCTIONS**

**(a) Signing of Court-Filed Documents, Self-Represented Parties (Pro Se)**

(1) Attorneys. In addition to the requirements of CR 11(a), an attorney must state an email address in every filed pleading, motion, and legal memorandum.

**(2) Self-Represented Parties (Pro Se)**

**(4A) Address of Party Appearing Pro Se.** A party appearing pro se shall state on each document filed by him/her, a mailing and email address for that party, a street address where service can be made on that party and a telephone number where that party can be contacted during the day unless that information is made confidential by statute.

**(2B) Clerk's File to Indicate Pro Se Appearance.** When a party appears pro se, without filing a pleading or other document, the clerk shall cause the party to insert in the file a document indicating that the party has appeared without attorney.

**(3C) Notice of Rule Requirements.** When a party appears in court without an attorney and without filing a written pleading or other document, pursuant to process served upon him/her, the clerk shall deliver to him/her a printed form containing the substance of subsection (a) of this rule, together with appropriate blanks for the name, address and telephone number the party, and shall request the party to file his/her name, a mailing address, a street address where service of process or other papers may be made, and a telephone number where the party can be contacted during the day. The clerk shall make a minute entry that such printed form has been delivered.

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**LCR 32. USE OF DEPOSITIONS IN COURT PROCEEDINGS**

**(a) Use of Depositions.** To make a record of a deposition transcript (partial or complete) for use in a trial or upon the hearing of a motion or an interlocutory proceeding, a party shall file it in paper format or as an electronic copy e-filed in Portable Document Format (PDF). Unless otherwise ordered by the Court, (1) the filed document must identify in the caption the motion, hearing, or trial for which it will be used and (2) a deposition transcript (partial or complete) shall not be marked or admitted as an exhibit.

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**LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD**

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

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

**(1) Assignment of Case 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.

**(2) Motion to Set Trial Date.** In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, a motion to set a trial date shall be made before the Ex Parte Department. In all other cases not assigned to a judge, such motions shall be made to the Respective Chief Judge. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to setting the trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Respective Chief Judge for assignment of a trial date and a case schedule.

**(b) Where motions and proceedings to be noted.** See LCR 7(b)(2) with respect to calendar locations and times. Except as specifically provided in other rules (see, for example, LJuCR 1.8), all 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 and Petitions Heard by the Ex Parte and Probate Department in Accordance with LCR 40.1 Even if a Judge Is Assigned.**

**(A) Motions for Default / Default Judgment.** See LCR 55 to determine whether to submit to the Ex Parte and Probate Department, to the assigned judge, or to the Respective Chief Judge.

**(B) Agreed, Stipulated, and Ex Parte (i.e., does not require notice to any other party, interested person, or entity) Motions.**

(i) If a judge is assigned, submit to the Ex Parte and Probate Department in accordance with LCR 40.1(b)(3), except the motion must be presented to the assigned judge if the requested order changes the trial date.

(ii) If no judge is assigned, submit to Ex Parte and Probate Department in accordance with LCR 40.1(b)(3), except the motion must be presented to the Respective Chief Judge if the requested order (a) affects the case schedule, (b) directs the clerk to seal a document or file, (c) is a protective order pursuant to LCR 26(v), (d) directs the manner in which another department or judge handles a hearing (e.g., a motion to exceed word limits or shorten time), or (e) is reserved to any other calendar by any statute, court rule, or court order.

**(C) Motions for Judgment on Arbitration Award.** See LMAR 6.3.

**(D) Minor Settlement Petitions.** Petitions pursuant to SPR 98.16 to approve the settlement of a claim on behalf of an incapacitated person or minor (even if a judge is assigned to the underlying case).

**(E) Pro Hac Vice Motions.**

**(F) Motions for Temporary Order.** Motions for civil and family law temporary or emergency restraining orders, including (1) civil protection orders where either no notice or shortened notice has been given to the opposing parties and (2) temporary restraining orders seeking relief pending a hearing on show cause.

**(G) Judgments on Arbitration Awards.**

**(H) Show Cause Motions (Family Law).** See LFLR 5(b)(1).

**(I) Motions to Vacate Dismissal.** This rule does not apply to motions governed by LFLR 5.

(i) When submitted along with agreed final dispositive order(s), submit to the Ex Parte and Probate Department in accordance with LCR 40.1(b)(3).

(ii) Otherwise, note before the assigned judge, or, if no judge is assigned, before the Respective Chief Judge.

**(J) Motions for Temporary Restraining Order / Preliminary Injunction.** See LCR 40.1(d)(13). For family law cases, see the LFLRs (Local Family Law Rules).

**(2) Family Law Proceedings.** See LFLR 1 and LFLR 5.

**(3) Adoption Proceedings.** See LCR 40.1(d)(1). ~~Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges-Sealed-File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the clerk.~~

(4) **Small Claims Appeals.** The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(5) **Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions.** See LCR 40.1(d)(3).

(6) **Order Motion to Vacate Vacating Conviction.** These motions shall be noted before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. See official comment.

(7) **Proceedings to Discharge Lien as Frivolous Liens.** ~~A new action seeking if the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion~~ shall be set before the Respective Chief Judge. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge, or, if there is no assigned judge, before the Respective Chief Judge.

(8) **Marriage Age Waiver Petitions.** See LFLR 19.

(9) **Involuntary Treatment Proceedings.** The hearings in involuntary treatment proceedings shall be heard on the involuntary treatment act calendar.

(10) **Receivership Proceedings.** See LCR 40.1(d)(8)(b)(2).

(11) **Supplemental Proceedings.** Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(12) **Applications for Work Permits/Variances for Minors.** Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Respective Chief Judge.

(13) **Petitions for Writs.**

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

~~(B)(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.

(14) **Motions to Approve Adult Structured Settlements.** Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Respective Chief Judge.

(15) **Motions to Quash of Subpoena.** Motions to quash subpoena from outside the jurisdiction shall be brought before the Respective Chief Judge.

(16) **Petitions to Restore Restoration of Right to Possess Firearm Rights.** A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner may must file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. For cases in which the loss of the right resulted from an involuntary commitment, the petitioner must file an original petition in a separate cause of action and the motion shall be noted without oral argument before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. [For cases in

which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

**(17) Interpleader Actions.** See LCR 22.

**(18) Administrative Law Review Actions.** Parties should note any requests to supplement the record or to obtain certification for direct appeal without oral argument before the Respective Chief Judge pursuant to RCW 34.05.518. Exceptions to this are Petitions Seeking Review of a Land Use decision and Appeals Of Board Of Industrial Insurance Rulings which are governed by LCR 4. If an ALR is not subject to 34.05.518, parties should file a motion before the Respective Chief Judge seeking judicial assignment and a case schedule

**(19) Requests to Restrict Abusive Litigation, Motions to Restrict and for Subsequent Permission to File.** See chapter RCW 26.51-et seq.

**(A)** When a request to restrict abusive litigation is made in a proceeding before a judge, that judge shall decide the issue and shall set the hearing required by RCW 26.51.040(2) on their own calendar. When a request is made in a proceeding before a commissioner or pro tem judge, the commissioner or pro tem may make the threshold determinations as to whether the parties have a current or former intimate partner relationship and whether there has previously been a finding of domestic violence, but shall refer determination of the ultimate issue to the assigned judge if there is a pending case, or to the Respective Chief Judge if there is no pending case or if there is no assigned judge.

**(B)** When a separate motion to restrict abusive litigation is filed pursuant to RCW 26.51.030(1)(c), and the underlying order for protection was obtained in this county, the motion shall be filed under the protection order cause number.

**(C)** When an order restricting abusive litigation has been entered, and the restricted party seeks permission to file a new case or motion pursuant to RCW 26.51.070, the restricted party shall file the request in the case in which the order restricting abusive litigation was entered, and shall provide a working copy of the request to the judge who signed the order. If the judge who signed the order is no longer on the bench, the working copy of the request shall be provided to the Respective Chief Judge.

**(20) Motion to Vacate Judgment.** See LCR 60.

**(21) Motions to Consolidate / Reassign Cases.** See LCR 42.

**(22) Requests to Waive Ex Parte via the Clerk Fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments>.

~~**(c) Trial Dates.** See LCR 40(a)(2). In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, the motion shall be made before the Ex Parte Department. In all other cases not assigned to a judge, the motions shall be made to the Respective Chief Judge. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Respective Chief Judge for assignment of a trial date and a case schedule.~~

~~**(d) Trials. (Reserved)**~~

**(e) Continuances/Change of Trial Date.**

**(1) [Rescinded].**

**(2) Change of Trial Date.** ~~Unless agreed (see LCR 40(b)(1)(B)), a~~ A motion to strike or change a trial date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is filed after the Final Date to Change Trial, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

**(3) Amended Case Schedule.** When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

**(4) Change of Trial Date on Court's Motion.** The Court on its own initiative may, if necessary, change the trial date.

**(f) Change of Judge.** For notices of disqualification see RCW 4.12.050.

### LCR 40.1. EX PARTE AND PROBATE DEPARTMENT

This rule governs all matters presented to the Ex Parte and Probate Department ~~and directs certain other matters elsewhere.~~

**(a) Ex Parte and Probate Department Motions and Hearings Manual.**

~~(1) Ex Parte and Probate Department Presentation of Motions and Hearings Manual.~~  
The Ex Parte ~~and Probate Department and probate Presentation of~~ Motions and Hearings Manual (~~"Motions and Hearings Manual"~~) is issued by the clerk and ~~shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate lists~~ which matters ~~shall be~~ are heard in person and which ~~shall~~ must be submitted in writing, without oral argument, through the clerk's office. The Ex Parte Motions and Hearings Manual ~~shall~~ contains specific procedural information on how to present matters through the clerk's office. The Ex Parte Motions and Hearings Manual shall be made available online at <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/ex-parte-via-the-clerk> and in paper form through the clerk's office and the Ex Parte and Probate Department.

**(b2) Argument.** Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

**(1A) Matters With Oral Argument.** Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument. The parties shall comply with the Ex Parte Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

**(2B) Matters Required to be Noted.** Those matters that require notice to another party and all matters listed under Local Rule 98.16, 98.04, and 98.20 must be noted for hearing with oral argument in the Ex Parte and Probate Department and served on all parties.

**(3C) Matters Without Oral Argument.** All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the clerk's office. Parties must submit their paperwork to the clerk's office directly. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting

their paperwork.

**(c3) Certification to a Judge.** At the judicial officer's discretion, a case assigned to the Ex Parte and Probate Department may be certified for assignment to a judge. Upon certification, the clerk's office will assign the case to a judge with a trial date. Once assigned to a judge, the entire case is before that judge, including all motions except as provided otherwise in these rules or by the Court.

**(db) Motions and Other Procedures Specific to Certain Proceedings.**

~~(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:~~

**(1A) Adoption Proceedings.** Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the clerk.

**(2B) Agreed and Default Family Law Decrees and Modifications.** See LFLR 5.

**(3C) Civil Protection Orders.** Petitions for Civil Protection Orders and all accompanying submissions must comply with the requirements of LFLR 12. Applications Requests for temporary civil protection orders; including antiharassment, stalking, domestic violence, extreme risk, sexual assault, and vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department.

**(A) Return Hearings.** Hearings on final civil protection orders, except vulnerable adult protection orders, shall be set by the clerk or judicial officer on the Civil Protection Order calendar. ~~Working copies will not be accepted. 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.~~

**(Bii) Vulnerable Adult Protection Orders.** Hearings on final vulnerable adult protection orders shall be set by the clerk or judicial officer on the Guardianship/Probate calendar in the Ex Parte and Probate Department. Unless otherwise ordered by the court, immediately following each hearing, an order reflecting the ruling of the court shall be presented for signature by the moving party.

**(4D) Guardianships, Probates and Other Settlements of Claim Involving Incapacitated Adults or Minors.** With the exception of actions governed by LCR 98.22, all All proceedings brought under Title 11 RCW which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the clerk's office or in person, pursuant to the policy guidelines in the Ex Parte Motions and Hearings Manual ~~issued by the clerk's office~~. If the matter is contested, it may be referred by the judicial officer to the clerk who will issue a trial date and will assign the case to a judge.

**(5E) Judgments on Arbitration Awards.** Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

**(6F) Motions Orders to Show Cause.** ~~All Motions for Show Cause on cases not assigned a case schedule or judge at filing shall be presented to the Ex Parte and Probate Department. For all cases where~~ Where the return on the order to show cause is to a calendar, the moving party shall select the return date and state the calendar in the proposed order. For family law cases, see LFLR 5(b)(1). See also LCR 7(b)(9). See also LCR 7(b)(3); LFLR 5. For cases assigned a case schedule or judge at filing, see LCR 40.1(b)(2)(H).

~~(7G) **Motions to Waive Orders Waiving Filing Fees.**~~ In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments>.

~~(H) **Rescinded.**~~

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

~~(8J) **Receivership Proceedings.**~~ If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

~~(9K) **Sealed Files.**~~ See LGR 15, LCR 26(b) and LFLR 11.

~~(10L) **Unlawful Detainer Actions.**~~ This subsection applies to unlawful detainer actions brought under chapter 59.18 RCW.

**(A*i*) When Circumstances Do Not Seriously Affect the Health and Safety of Other Tenants.** Except in actions described in subparagraph (ii) below, orders to show cause, any agreed orders, and any orders that do not require notice, shall be presented without oral argument through the clerk's office to the Ex Parte and Probate Department. The moving party shall obtain the order to show cause first before filing the note for hearing. The initial hearings on order to show cause shall be heard in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Chief Civil Judge, who will issue a trial date with a case schedule and will assign the case to a judge. Once assigned to a judge, the moving party shall present a motion to show cause to the assigned judge as required by LCR 7(b)(9). The assigned trial judge shall manage the entirety of the matter, including all other motions, except as provided otherwise in these rules or by the court.

**(B*ii*) When Circumstances Substantially Affect the Health and Safety of Other Tenants.** In actions alleging that the tenant is in substantial noncompliance with RCW 59.18.130 or RCW 59.18.140 in a manner that either seriously affects the health and safety of other tenants, or greatly increases the hazards of fire or accidents, as outlined in RCW 59.18.180, the case to a judge shall be submitted without oral argument to the Chief Civil Judge. If the Chief Civil Judge grants the motion, the Chief Civil Judge will assign the case, with a trial date, to a judge. Once assigned to a judge, the moving party shall present a motion to show cause to the assigned judge as required by LCR 7(b)(9). The assigned trial judge shall manage the entirety of the matter, including all other motions, except as provided otherwise in these rules or by the court.

**(C*iii*) Calendared Show Cause Hearings.** A plaintiff in an unlawful detainer proceeding may reserve only one show cause hearing on the Ex Parte and Probate Department calendar at any given time. If an unlawful detainer matter settles, or if for any other reason a plaintiff in an unlawful detainer proceeding decides not to proceed with a scheduled show cause hearing, the plaintiff shall file promptly a notice striking the pending show cause hearing. This notice to strike the pending show cause hearing shall be filed no later than one judicial day after settlement or any other decision not to proceed. If a plaintiff in an unlawful detainer proceeding has already obtained a date for a hearing on an order to show cause and seeks to reset the hearing to a new date on the Ex Parte and Probate Department calendar, the plaintiff shall file a notice striking the original hearing before submitting a new motion to reset the hearing to a new date. Failure to comply with this rule may result in the sua sponte imposition of sanctions on the offending party, attorney for that party, or both.

**(11M) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office. The moving party shall obtain a date from the assigned trial court for the return hearing before presenting the motion to the Ex Parte and Probate Department. For other writs, see LCR 40-(b)(13).

**(12N) Post-Foreclosure Motions.** Following the entry of the order of foreclosure by the assigned judge, motions to confirm the sale and/or motions for an order to disburse funds shall be set in the Ex Parte and Probate Department and be presented in person with notice pursuant to LCR 7-(b) to all parties who have appeared.

**(13) Motion for Temporary Restraining Order.** See LCR 65(b).

~~**(2) Cases Assigned to a Judge, But Heard in the Ex Parte and Probate Department.**~~

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

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

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

~~**(D)** Civil and family law emergency restraining orders, including civil protection orders where either no notice or shortened notice has been given to the opposing parties.~~

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

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

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

~~**(H) Orders to Show Cause.** For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See LFLR 5. For all family law cases where the return hearing is before the assigned judge, the moving party shall comply with LFLR 5(b)(1). For all other civil proceedings where the return hearing is before the assigned judge, the moving party shall present the motion to show cause to the assigned judge as required by LCR 7(b)(9).~~

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

~~**(1) Matters Presented to the Clerk.**~~

~~—— (A) Requests to Waive Ex Parte via the Clerk Fees. Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments>.~~

~~—— (2) Matters Presented to the Assigned Judge.~~

~~—— (A) Orders Waiving Other Fees. Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments>~~

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## LCR 41. DISMISSAL OF ACTIONS

### (b) *Involuntary Dismissal.*

#### (2) Dismissal on Clerk's Motion.

**(A) Failure to Appear for Trial.** If the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LCR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

**(B) Failure to File Final Order on Settlement.** If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional period of time. If an order disposing of all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal without prejudice.

**(C) Failure to File Final Orders after a Certificate of Settlement Without Dismissal is Filed.** If an order disposing of all claims against all parties is not entered by the date the parties agreed to in the certificate of settlement without dismissal, the clerk shall notify the parties that the case will be dismissed without prejudice. If a party makes a written application to the court within 21 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case be continued for an additional period of time. If an order disposing all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal without prejudice.

**(D) Failure to File Judgment or Appeal Following an Arbitration Award.** At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

**(E) Lack of Action of Record.** The Court may enter an order of dismissal without prejudice for failure to take action of record during the past 12 months. The clerk shall issue notice to the attorneys of record that such case will be dismissed by the court unless within 45 days following such issuance a status report is filed with the court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received or if the status is disapproved by the court, the case shall be dismissed without prejudice.

**(F) Failure to Return from Stay.** If after 90 days beyond the review date no renewing stay order has been filed and there are no future hearing dates, the case shall be dismissed without prejudice by the court for want of prosecution upon further notice to the parties.

**(G) Failure to complete an Unlawful Detainer.** If no action of record is taken for 45 days, and no future hearing date is scheduled, then the case may be administratively closed by the clerk.

**(c) Dismissal of Counterclaim, Cross-Claim, or Third Party Claim** No local rule.

**(d) Costs of Previously Dismissed Action** No local rule.

**(e) Notice of Settlements**

**(1) Advising the Court of Settlement.** After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual judge ~~and such written notice cannot be filed with the clerk before the trial date, the assigned judge shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days shall be provided to that court at the same time it is filed.~~

**(2) Notice of Settlement with Prompt Dismissal.** If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LCR 41(e)(3), the case may be dismissed on the clerk's motion pursuant to LCR 41(b)(2)(B).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_

WSBA No.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
WSBA No.

(Signatures by attorneys on behalf of all parties.)

**(3) Settlement With Delayed Dismissal.** If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the court):

**CERTIFICATE OF SETTLEMENT**

**WITHOUT DISMISSAL**

**I. BASIS**

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

**II. CERTIFICATE**

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody

of: \_\_\_\_\_

at: \_\_\_\_\_.

2.3 No further court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of: \_\_\_\_\_.

Date: \_\_\_\_\_

**III. SIGNATURES**

\_\_\_\_\_  
Attorney for Plaintiff(s)/Petitioner

\_\_\_\_\_  
Attorney for Defendant(s)/Respondent

WSBA No. \_\_\_\_\_

WSBA No. \_\_\_\_\_

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 Attorney of Plaintiff(s)/Petitioner

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 Attorney for Defendant(s)/Respondent

WSBA No. \_\_\_\_\_

WSBA No. \_\_\_\_\_

#### IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, if the parties do not dismiss their case, the clerk will notify the parties that the case will be dismissed by the court for want of prosecution unless within 14 days after the issuance a party makes a written application to the court, showing good cause why the case should not be dismissed.

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### LCR 60. RELIEF FROM JUDGMENT OR ORDER

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

**(2) Notice.** When a party moves to vacate a judgment, the party shall schedule the show-cause hearing on the motion (i) before the judge that signed the judgment if the judge is still on the court; (ii) before the Ex Parte and Probate Department if a commissioner signed the judgment in that department; or (iii) before the Respective Chief Judge if (i) and (ii) do not apply. See also LCR 7(b)(9) (presenting motion for order to show cause). If a judicial officer grants the motion to vacate and a new trial date is necessary, the officer will, as appropriate, set the new trial date or refer the case to the Respective Chief Judge for assignment of a judge and trial date.

**(5) Family Law Cases.** In family law proceedings (see LFLR 1), motions to vacate a judgment are governed by LFLR 5, ~~not by LCR 60.~~ Family law cases (Type 3) without children are governed by LCR 60.

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### LCR 70.1 APPEARANCE BY ATTORNEY

#### Proposed New Rule

**(a) Notice of Appearance.** In every civil action (see CR 1), the attorney of record must notice their appearance. The filing of the initiating document (whether designated complaint, petition, or otherwise), constitutes a notice of appearance. Otherwise, the attorney of record must file a document titled "Notice of Appearance," and that must occur before or concurrently with the filing of any other document. The notice of appearance (whether the initiating document or a separately filed document) must include the attorney's bar number, address, telephone number, and email address in the signature block or the footer.

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## LCR 98.16 SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

### **(a) Representation and Report Date.**

**(1) File Number Case Type.** All actions for approval of minor settlements and approval of settlements for incapacitated persons shall be filed with a type '4' cause number. Petitions shall include the full name and date of birth of the affected person, including minors, pursuant to SPR 98.16W.

**(2) Independent Counsel.** A plaintiff attorney representing the incapacitated person may be found to be an independent attorney upon application to the Court and entry of findings per SPR 98.16W. An attorney may not be specially retained by the parties for the purpose of serving as independent counsel, but may be appointed by the Court.

**(3) Appointment.** The appointment of settlement or litigation guardians ad litem, trust drafters, and independent counsel are subject, as appropriate, to the provisions of LGALR 1-7.

**(4) Performance of Requirements; Review.** If there is no general guardian at the time a settlement is authorized, the Court shall thereupon follow procedures for review and checking on the case until all requirements of the Court incident to the settlement have been complied with and appropriate receipts have been placed on file.

**(5) Report Date.** Upon signing of the order appointing a settlement guardian ad litem or independent counsel, the Court will note on the order when the report is due.

**(b) Control and Orders for Remaining Funds.** For all settlements in which the funds will be retained in a blocked account, a receipt must be submitted on a form approved by the court. The Order approving Minor Settlement shall note a date by which an order to disburse funds will be presented to the court. The court will review the case 60 days after the 18<sup>th</sup> birthday of the minor, or other date as determined by the court, for purposes determining whether the funds have been or should be disbursed.

### **(c) Motions.**

**(1) Ex Parte and Probate Department to Hear.** All matters requiring the attention of the Court shall be presented to the Ex Parte and Probate Department.

**(2) Reports and Accounting.** Periodic reports and accountings required of guardians ad litem who are custodians of an incapacitated person's estate shall be filed and noted for hearing at least 14 days before the scheduled date.

**(3) Motions.** Motions shall be filed and noted in the Ex Parte and Probate Department on 14 days' notice (LCR 98.04(b)).

**(4) Working Copies.** Working copies of reports of the settlement guardian ad litem, independent counsel, and of the general guardian in regard to the proposed settlement shall be provided to the Ex Parte and Probate Department not later than seven days preceding the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

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## LCAR 1.1. APPLICATION OF RULES – PURPOSE AND DEFINITIONS

**(a) Purpose.** The purpose of arbitration of civil actions under RCW 7.06 as implemented by the Civil Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims up to one hundred thousand dollars

(\$100,000). The Superior Court Civil Arbitration Rules as supplemented by these local rules are not designed to address every question that may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

**(b) “Supervisor” Defined.** In these rules, “Supervisor” means the Supervisor of Arbitration for the King County Superior Court or the Supervisor’s designee.

**(c) Applicability.** These rules do not apply to proceedings governed by RCW 26.14. For rules related to Family Law Arbitration refer to LFLR 24.

## LCrR 4.11. VIDEO CONFERENCE PROCEEDINGS

[Rescinded]

~~**(a) Criminal.** Preliminary appearances as defined by CrR 3.2(b) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings, as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, shall be deemed held in open court and in the defendant’s presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court Judge. Any party may request an in-person hearing which may, in the Judge’s discretion, be granted.~~

~~**(b) Agreement.** Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the Judge.~~

~~**(c) Standards for Video Conference Proceedings.** The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants.~~

## LFLR 1. APPLICABILITY

~~Unless otherwise described herein, these rules shall apply to all family law proceedings including committed intimate relationships filed under RCW Title 26, except for Chapter 26.33, and domestic violence protection proceedings These rules also apply to civil protection order proceedings under RCW Title 7.105. Temporary civil protection order proceedings are also governed by LCR 40.1(b)(1)(C). Family law proceedings also include cases regarding committed intimate relationships.~~

State court rules and other local court rules also apply to all family law and ~~domestic violence~~ civil protection order proceedings. Failure to follow these rules may result in the court imposing fines or penalties, including dismissal of the case.

For family law matters to be set for the Respective Chief Judge (RCJ), see: LGR 29(h).

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## LFLR 5. WHERE TO SCHEDULE MOTIONS ON FAMILY LAW PROCEEDINGS

For “Respective Chief Judge” see LGR 29(h). The Respective Chief Judge may reassign any motion to which this rule applies.

**(a) Case Assignment.** (Reserved)

**(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, Committed Intimate Relationships, and Domestic Partnerships.** Unless otherwise required by the court, at least one party shall complete a LFLR 5 formal proof declaration, available online at [kingcounty.gov/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms](http://kingcounty.gov/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms) at the link for “Family Law Forms”.

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

**(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.

**(D) Uncontested final orders presented when both parties are self-represented.** Final orders shall be reviewed by a court-approved program which shall submit the reviewed documents to a judicial officer for signature. See [kingcounty.gov/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/family-law-facilitators](http://kingcounty.gov/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/family-law-facilitators) for more information about the Family Law Facilitator program. See [https://cdn.kingcounty.gov/-/media/king-county/depts/dja/portal-qsgs/submit-proposed-order/qsg\\_submitproporder\\_english.pdf?rev=ca9a5c3ea79f42c6987a55497d0af232&hash=9DD7D2D019663B3356D0D8425D4D5285](https://cdn.kingcounty.gov/-/media/king-county/depts/dja/portal-qsgs/submit-proposed-order/qsg_submitproporder_english.pdf?rev=ca9a5c3ea79f42c6987a55497d0af232&hash=9DD7D2D019663B3356D0D8425D4D5285) for more information about how to submit orders for review.

**(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.

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

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

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

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## LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES

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

(b) **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.

(c) **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 [the King County Superior Court Clerk's website: https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms](https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms) by selecting "Family Law Forms." ~~kingcounty.gov/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/how-to-resources-family-law/motions-~~

(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.

(d) **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)."

**(e) 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.

**(f) 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.

**(g) 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 "Orders for Review" Queue. 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.

**(h) Requirements for Pleadings.**

**(1)** All pleadings shall follow GR 14. All filed documents and copies 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.

**(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.

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## LFLR 7. UNIFIED FAMILY COURT

(a) ~~**Purpose.** The purpose of the Unified Family Court (UFC) is to promote effective judicial management of cases involving the health and welfare of children, and to facilitate the prompt~~

~~resolution of these cases.~~

~~—(b) UFC Case Management is suspended. (Reserved)~~

~~—(c) UFC Court Programs.~~

~~—(1) Family Court Services provides mediations and conducts evaluations in family law cases with children. Services are provided by court order or after referral through the court review process. Fees for these services are determined on a sliding scale.~~

~~—(2) Early Resolution Program assists self-represented litigants resolve uncontested cases.~~

~~—(3) Family Law Information Center provides self-help resources to unrepresented parties, including forms, instructions, document review, and general information about the court process.~~

~~—(d) Case Management.~~

~~(1) Case Review.~~ On the deadline in the case schedule, court staff will review cases for compliance.

~~(A)~~ If eligible, cases in compliance will be referred to court programs for mediation, evaluation, or other assistance for resolving uncontested cases.

~~(B)~~ Cases not in compliance shall receive an order setting a mandatory compliance conference or a show cause hearing.

~~(2)~~ Pretrial Conferences. The court shall schedule a pretrial conference to determine trial readiness.

~~(e)~~ **(b) Evaluations and Investigations.** In parenting plan and custody cases not resolved by dispute resolution, the case may be referred to Family Court Services or other suitable person or agency for investigation upon motion or by stipulation of the parties. A report shall be provided in writing to the court and the parties in advance of trial.

~~(1) Child Advocate.~~

~~(A) Appointment.~~ Upon motion of the parties or on the court's own motion, the court may appoint a child advocate who may be a guardian ad litem, a court appointed special advocate, or an attorney for the child. See also LGALR 1-7. The order shall designate the appointee, the duties, and make provision for the payment of fees.

~~(B) Notice.~~ From the date of appointment, the child advocate shall receive copies of all documents that are to be served on parties, copies of all discovery, and notice of all hearings, presentations, and trials.

~~(C) Discharge.~~ Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of the court upon motion or upon completion of the case when final orders are filed with approval of the appointed child advocate.

~~(2) Evaluations.~~ The court may, upon motion, order a mental health evaluation or physical examination when appropriate. See LFLR 5(e)(8)(B). The issues of costs shall be addressed in the order.

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## LFLR 8. 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 7.105 RCW.

**(b) Notice of Motion.** The party asking for an Ex Parte Restraining Order (the moving party) shall give prior written or oral notice to the attorney for the opposing party or, if unrepresented, to the opposing party. The moving party or attorney shall certify to the court in writing the efforts which have been made to give notice to the opposing party. Such notice is required in all cases unless the moving party clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given.

**(c) Where Presented.** The moving party shall present the Motion for Ex Parte Restraining Order and Order to Show Cause in the Ex Parte Department.

**(d) Return Hearing.** The Order to Show Cause shall schedule a return hearing to review the Ex Parte Restraining Order on the Family Law Motions Calendar. All requirements of LFLR 6 shall apply.

**(e) Duration and Extension of Ex Parte Restraining Order.** The return hearing shall be held ~~no more than fourteen (14) days from as soon as possible after~~ entry of the Ex Parte Restraining Order, ~~unless the Court extends this deadline for good cause, such as to allow time to comply with the notice requirements of LFLR 6.~~

**(f) Motion to Quash Ex Parte Restraining Orders Entered Without Notice.** Unless otherwise directed by the court, a party seeking to quash an Ex Parte Restraining Order entered without notice shall present the motion to the Ex Parte Department, giving the notice required by CR 65(b).

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## LFLR 10. FINANCIAL PROVISIONS

### **(a) When Financial Information is Required.**

**(1)** Each party shall complete, sign, file, and serve on all parties a financial declaration for any motion, trial, or settlement conference that concerns the following issues:

**(A)** Payment of a child's expenses, such as tuition, costs of extracurricular activities, medical expenses, or college;

**(B)** Child support or spousal maintenance; or

**(C)** Any other financial matter, including payment of debt, attorney and expert fees, or the costs of an investigation or evaluation.

**(2)** A party may use a previously-prepared financial declaration if all information in that declaration remains accurate.

**(3)** Financial declarations need not be provided when presenting an order by agreement or default.

**(b) Supporting Documents to be filed with the Financial Declaration.** Parties who file a financial declaration shall also file the following supporting documents:

**(1)** Pay stubs for the past six months. If a party does not receive pay stubs, other documents shall be provided that show all income received from whatever source, and the

deductions from earned income for these periods;

(2) Complete personal tax returns for the prior two years, including all Schedules and all W-2s;

(3) If either party owns an interest of 5% or more in a corporation, partnership or other entity that generates its own tax return, the complete tax return for each such corporation, partnership or other entity for the prior two years;

(4) All statements related to accounts in financial institutions in which the parties have or had an interest during the last six (6) months. "Financial institutions" includes, but it not limited to: banks, credit unions, mutual fund companies, and brokerages, digital wallets, peer to peer (P2P) services, and cryptocurrency accounts in any format.

(5) If a party receives or has received non-taxable income or benefits (for example, from a trust, barter, gift, etc.), documents shall be provided that show receipts, the source, and any deductions for the last two (2) years.

(6) Check registers shall be supplied within fourteen (14) days if requested by the other party.

(7) If a party asks the court to order or change child support or order payment of other expenses for a child, each party shall also file completed Washington State Child Support Worksheets.

(8) For additional requirements for a Settlement Conference, see LFLR 16.

(c) **Documents to be filed under Seal.** Tax returns, pay stubs, bank statements, and the statements of other financial institutions should not be attached to the Financial Declaration but should be submitted to the clerk under a cover sheet with the caption "Sealed Financial Source Documents". If so designated, the Clerk will file these documents under seal so that only a party to the case or their attorney can access these documents from the court file without a separate court order.

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## LFLR 12. **DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS**

(a) **Applicability.** This rule applies to all petitions for domestic violence civil protection orders brought pursuant to the Domestic Violence Prevention Civil Protection Orders Act, RCW 7.105, 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 kingcounty.gov/dept/dja via the King County Superior Court Clerk's Office webpage.

(c) **Temporary Civil Protection Orders.** Petitions for temporary civil protection orders shall be presented in the Ex Parte and Probate Department. The process for temporary orders is governed by LCR 40.1(b)(1)(C) except as it conflicts with this rule. All hearings on final civil protection orders, except vulnerable adult protection orders, shall be set by the clerk or judicial officer on the Civil Protection Order Calendar

(d) **Return Hearing.** Every Temporary Order of Protection or Order of Modification entered without notice shall set a return hearing on the family law Civil Protection Order calendar in the

~~family law department on such notice as prescribed in Chapter 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. For all return hearings in the family law department, 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 delivered to the other party at their service address. Email service is preferred except in cases where personal service is required.~~

e) **Evidence.** Evidence may be submitted in the following formats: written, photographic, and audio/visual recordings. All evidence provided to the court must be provided to the other party's attorney. If the other party is not represented, the copies must be delivered to the address that the party has provided for service. Email service is preferred except in cases where personal service is required.

(e)(1) Written Submissions. Written submissions (including photographs, emails, and text messages) shall be filed into the Court file in accordance with LCR 5.

(e)(1)(A) Summary Required. Contents of voluminous writings (text messages and emails included), recordings, or photographs which cannot conveniently be examined in court shall be presented in the form of a chart, summary, or calculation, with the originals available for examination pursuant to ER 1006.

(e)(1)(B) No Re-Filed Submissions. No party may file separately or as an attachment or exhibit to a new document a document already filed as part of the court record. New pleadings should refer to already filed documents when appropriate, including in the reference the date of the referenced filing or the name and date of the referenced pleading to which it was attached.

(e)(1)(C) Limitations. Written submissions shall not exceed the total number and length set forth below:

<u>Document</u>	<u>Max # Submissions</u>	<u>Max # Pages</u>
<u>Declaration of a party in support of or opposition to Petition (this may be in addition to the Petition or a part of the Petition)</u>	<u>1</u>	<u>No maximum</u>
<u>Declaration of non-party witness in support of or opposition to Petition.</u>	<u>3</u>	<u>3</u>
<u>*Note: general character references are disfavored</u>		

<u>Reply Declaration of moving party</u>	<u>1</u>	<u>3</u>
<u>Sealed Confidential Source Document</u>	<u>No limit; must be related to supporting declaration</u>	<u>No limit; must be related to supporting declaration</u>
<u>Exhibits to Declaration</u>	<u>No limit; must be related to supporting declaration</u>	<u>No limit; must be related to supporting declaration</u>
<u>All exhibits must be labeled for identification</u>		

(e)(1)(D) Professional Assessments, Reports and Evaluations. Declarations, affidavits, and reports from professional evaluators, mental health providers, treatment providers, supervised visitation providers, appraisers, and realtors, do not count toward written submission limits but must be properly authenticated and filed as separate documents, under seal if required.

(e)(1)(E) Failure to Comply with Written Submission Limitations. If a filing party exceeds the page limits set forth in this Rule, the court may strike the pleadings, continue the hearing, and/or impose other terms at its discretion

(e)(2) Multimedia (Audio/Visual Recordings) Submissions. Multi-media submissions must be submitted in accordance with The King County Superior Court Clerk's office protocol (currently Case Center).

(e)(2)(A) Summary and time stamp required. Audio and video evidence shall be accompanied by a chart or written document that summarizes the content of each exhibit. The summary must indicate the time stamp (to the nearest second) that is relevant to the hearing for all files longer than 30 seconds.

(e)(2)(B) Limitations. Multi-media submissions shall not exceed the total number and length set forth below:

<u>Submission</u>	<u>Max # Minutes</u>
<u>Audio</u>	<u>30 mins</u>
<u>Video</u>	<u>30 mins</u>

(e)(2)(C) Failure to Comply with Multi-media Submission Requirements. If a filing party fails to comply with the requirements set forth in this Rule, the court may elect to not review the submission, continue the hearing, and/or impose other terms at its discretion.

(f) Form of Proposed Orders. The Petitioner and Respondent shall each provide a proposed order(s). The proposed orders must be provided by the day of the hearing. 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 Civil Protection Order. Hearing date (insert)."

(g) Timing. Responsive materials must be filed no later than noon 4 judicial days prior to the hearing. Any reply must be filed no later than noon 2 judicial days prior to the hearing.

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

(i) This rule will be interpreted liberally with the goal of realizing the stated policy goal of RCW 7.105, "to help ensure that protection orders and corresponding court processes are more easily accessible to all litigants, particularly parties who may experience higher barriers to accessing justice."

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## **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 ~~are no longer at issue~~ has been resolved and the only remaining issue is child support, the court may transfer the support issues to the Trial by Affidavit Calendar, and this rule will then apply.

(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.

(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 Ppre~~-trial motions relating to support-only modifications, including motions to change the trial date, to permit testimony, or relating to discovery, shall be decided on the Trial by Affidavit Calendar without oral argument; ~~unless otherwise specified.~~ Motions shall be noted for hearing at least fourteen (14) 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 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 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 on the Family Law Motions Calendar with at least 14 calendar days' notice; 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. There is no requirement to confirm such motions. ~~If the matter is being continued for reasons unrelated to the conduct of the party requesting the continuance, the court in its discretion may also consider an oral motion for temporary support pending trial.~~

**(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 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 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 on the Trial by Affidavit Calendar by a Family Law Commissioner.

**(4) ~~Affidavits of Prejudice Not Recognized. See LCR 40(g). Notice of Disqualification. Not recognized for matters heard by assigned TBA Commissioner. See RCW 4.12.050 and LCR 53.2.~~**

**(5) 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) 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 LCR 40 and 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. Trial by Affidavit must be confirmed by the submission of a copy of these materials either in paper form to the Trial by Affidavit mailbox at the courthouse where the matter will be heard or electronically through the Clerk's e-filing system (e-working copies) by the deadline in the case schedule. Materials not submitted via e-working copies must be in three-ring binders, with the case name, case number, and trial date on the front cover of each binder. Documents submitted in binders should be single-sided. 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.

**(8) Procedure on Default.**

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

**(B) Failure of a responding party or their counsel to be present 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.**

## LFLR 15. RELOCATION OF CHILDREN

**(a) Notice Required.** Where a parenting plan or custody order has been entered, a parent seeking to relocate a child outside of his or her school district shall provide notice in accordance with RCW 26.09.430-440. A parent objecting to relocation shall file and serve the form Objection to Relocation/Petition for Modification (DRPSCU 07.0700). If the objecting party is seeking to restrain an immediate move, that party shall file and serve a motion in accordance with LFLR 5(e)(6) within fifteen (15) days of the filing of the Objection to Relocation/Petition for Modification.

**(b) Presentation of Proposed Parenting Plan.** In the absence of an objection, but no earlier than thirty (30) days after the relocating party has served a proposed parenting plan on the person entitled to residential time with the children, any party to the relocation action may present the relocating party's proposed parenting plan to the Ex Parte and Probate Department through the Clerk's office for entry.

(1) If the relocating party identifies a need to obtain an order after filing the intent to relocate, but before thirty (30) days have passed, any motion should be noted in front of the Chief UFC judge.

**(c) Motion for Default.** If a response to an objection to relocation is not filed within the deadline for filing, a motion for default may be presented to the Family Law Department motions calendar upon fourteen (14) days notice.

**(d) Motions for Temporary Orders.** Motions for temporary orders shall not be heard until the deadline for filing an objection to relocation has passed, unless exigent circumstances require immediate relief. See LFLR 5(e)(6).

**(e) Concurrent actions.** If a petition for dissolution or modification is already pending at the time a notice of intent to relocate is served and if the objecting party serves an Objection to Relocation/Petition for Modification, that action shall be assigned to the same judge assigned to hear the initial action and no new case schedule shall issue. If, after the filing of an Objection to Relocation/Petition for Modification, a party seeks to modify the parenting plan pursuant to RCW 26.09.260, the modification action shall be assigned to the same judge who is assigned the relocation action and a modification case schedule shall be issued which shall govern both actions. A party who seeks to amend the case schedule based on the filing of the second action shall note a motion pursuant to LCR 7(b) with the assigned trial judge.

**(f) Mediation/Alternative Dispute Resolution.** The parties shall participate in mediation or some other form of alternative dispute resolution before trial unless waived by court order.

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## LFLR 16. ALTERNATIVE DISPUTE RESOLUTION (ADR)

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

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

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

Description of Property	Community or Separate?	Gross and Net value	Amount owed/Cost of Sale	Award to husband or wife?
Description of Debt	Community or Separate?	Amount owing	Post-Separation?	Award to husband or wife?

Totals:    Property to Wife    \$ \_\_\_\_\_  
                   Property to Husband    \$ \_\_\_\_\_  
                   Debt to Wife                    \$ \_\_\_\_\_  
                   Debt to Husband                \$ \_\_\_\_\_  
                   Other Requests: \_\_\_\_\_

The above property and debt distribution is proposed by: \_\_\_\_\_  
 Signature: \_\_\_\_\_      Date: \_\_\_\_\_

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

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

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

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

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**LFLR 23. INFORMAL FAMILY LAW TRIALS**

**(a) Applicability.** Informal Family Law Trials (IFLT) may be held to resolve all issues in actions for divorce, parentage, parenting plan and child support, relocation, and non-parental

custody, and for modification of parenting plans or non-parental custody orders. This rule applies immediately to cases involving children assigned to UFC judges and will apply to all cases after January 2, 2021.

**(b) Requirements to select an IFLT.** All parties must state whether they wish to proceed with an IFLT or a traditional trial. All parties must agree in order to proceed with an IFLT. Each party shall make its selection in writing using the Family Law Trial Selection Form. The Family Law Trial Selection form must be filed prior to the trial commencing. For cases in which there is a pretrial conference hearing, the selection shall be made at that hearing. If there is no pretrial conference hearing, the selection shall be made in the Joint Confirmation of Trial Readiness form. If a party does not file a selection using either form prior to the trial commencing, the case will proceed as a traditional trial.

**(c) Changing the trial format.**

**(1)** A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT. The motion shall be filed at least 21 calendar days prior to the trial date.

**(2)** By agreement, parties may request to change from a traditional family law trial to an IFLT. This motion must be made at least 14 calendar days before the trial date unless good cause is shown.

**(3)** The motions referenced above shall be noted before the assigned trial judge without oral argument as outlined in LFLR 5.

**(4)** The assigned trial judge may refuse to allow the parties to use the IFLT process and direct that a case proceed with a traditional trial. The assigned trial judge may exercise this discretion at any time, including after an IFLT has started, but prior to ruling. In assessing whether this change in format should be made after trial has started, the trial judge will consider whether enforcement of traditional trial rules after the IFLT has started will prejudice either party.

**(5)** A change in the type of trial may result in a change to the trial date.

**(d) Procedure Prior to the IFLT.**

**(1)** Parties must affirm or agree to the following at either the pretrial conference or by filing the Family Law Trial Selection Form before the IFLT:

**(A)** They understand the rules and procedures of the IFLT process;

**(B)** They are agreeing to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the IFLT process;

**(C)** The case does not need more than one day (five hours) of court time to be heard; and

**(D)** They waive the right to appeal the court's use of the IFLT process or the court's admission of evidence pursuant to the IFLT process that is not consistent with the traditional court process, court rules and Rules of Evidence.

**(2)** Prior to or at the beginning of the IFLT, the assigned trial judge may ask the parties or their lawyers for a brief summary of the issues to be decided. p. 2

**(3) Trial Materials.** The requirements below are subject to the orders of the assigned trial judge. At least one week before trial, each party must submit:

**(a)** Proposed final orders in Microsoft Word format to the assigned trial judge and to any other parties.

**(b)** For any case involving financial issues, including child support, spousal maintenance, division of property/debts, attorney fees, the parties must submit to the court and to any other party a financial declaration and documents required by Local Family Law Rule 10.

**(e) Procedure During the IFLT.**

**(1)** Lawyers and parties are prohibited from questioning the parties.

**(2)** Lay witnesses (non-experts who are not named in the case caption) are not allowed to testify in IFLTs. Any testimony from lay witnesses must be submitted in the form of a declaration.

**(3)** The judge will swear in the parties.

(4) The person who filed the petition with the court will speak to the judge under oath concerning all issues in dispute. The judge may ask questions to develop evidence required by any statute or rule.

(5) The judge will ask the other parties or lawyers if there are any other relevant areas for the judge to ask the first participant about. If the judge determines the requested area of questioning is relevant, then the judge will ask questions about that subject.

(6) The above process will then be repeated for each other participant.

(7) If a Guardian ad Litem (GAL) or CASA is assigned to the case, or if Family Court Services (FCS) has completed an assessment or evaluation, the judge will read the GAL's, CASA's, or FCS's report. The author/expert may not be called as a witness unless a participant notes an intention to call the evaluator on the Family Law Trial Selection Form. If Family Law Trial Selection Form is timely filed and the author/expert appears voluntarily or by subpoena, then they will be questioned under oath by the assigned trial judge as outlined in this rule.

(8) GAL reports, CASA reports, and FCS evaluations and assessments will be entered into evidence as a court exhibit as provided by RCW 26.09.220.

(9) Expert reports will be read by the judge and entered into evidence as a court exhibit.

(10) If any participant requests or arranges expert witness testimony, the expert will be sworn and then questioned by counsel, the parties, and/or the judge.

(11) The parties may offer any additional documents for the judge's consideration. The judge will decide the weight, if any, to give each document. The judge may ask or order that parties provide additional documentation or evidence if needed to make a final decision.

(12) Declarations, letters, or other submissions by the parties' minor children will not be considered except as authorized by RCW 26.09.187(3)(a)(vi).

(13) All parties will have the opportunity to respond briefly to the testimony of the other parties using the format outlined in this rule.

(14) The parties or their attorneys will be offered the opportunity to make a brief closing argument.

(15) The judge may put reasonable time limits on any person's testimony or argument.

(16) The assigned trial judge retains jurisdiction to modify these procedures as justice and fundamental fairness require.

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### **LMPR 1.13. HOSPITAL RECORDS**

All hospitals that provide involuntary treatment must, as the petitioners in ITA cases, promptly provide all available and necessary records to defense counsel in keeping with the court protocols either on the Cloud or by way of other electronic transmission as promptly coordinated through DPD, PAO counsel, and ITA Court staff.

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