



# King County

Department of Judicial Administration

*Barbara Miner*

*Director and Superior Court Clerk*

(206) 296-9300 (206) 296-0100 TTY/TDD

March 1, 2016

Andrew Prazuch, Executive Director  
King County Bar Association  
1200 Fifth Avenue, Suite 600  
Seattle, WA 98101

RE: Proposed Changes to King County Superior Court Local Rules

Dear Mr. Prazuch:

Attached please find the proposed amendments to the King County Superior Court Local Rules pursuant to King County Local Rule 83. The Court will consider all comments, criticisms and objections to these proposals that are received prior to May 1, 2016.

Comments to the proposed rule changes should be in writing and directed to:

[lrcomments@kingcounty.gov](mailto:lrcomments@kingcounty.gov)

or

Barbara Miner  
Clerk of the Superior Court  
ATTN: Local Rules  
516 Third Avenue, Rm E609  
Seattle, WA 98104

A copy of these proposed changes will also be available in the Copy Center of the Clerk's Offices, the King County Law Library in Seattle and at the Law Library in the Regional Justice Center in Kent and on the Clerk's web page at: [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules)

Also attached is a copy of the Clerk's Alert and a brief summary of the proposed rule changes. I respectfully request that you notify your members of the open comment period regarding the proposed rule changes.

Sincerely,

Barbara Miner  
Director and Superior Court Clerk

enclosure

*Seattle:*  
516 Third Avenue Room E609  
Seattle, WA 98104-2386

*Regional Justice Center:*  
401 Fourth Avenue North Room 2C  
Kent, WA 98032-4429

*Juvenile Section:*  
1211 East Alder #307  
Seattle, WA 98122-5598

Summary of Proposed 2016 KCSC Local Rule Amendments  
Open for Comment March 1 – April 30, 2016

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**LGR 29. PRESIDING JUDGE IN SUPERIOR COURT**

New: Previously LCRs 0.3, 0.5, 0.6 and 0.8.

**LGR 30. MANDATORY ELECTRONIC FILING AND SERVICE**

(b)(4)(B)(ii): Deletion of "(opt in)" for clarity of mandatory e-service requirement.

**LGR 31. ACCESS TO COURT RECORDS**

(f): Previously LCR 0.17

**LCR 7. CIVIL MOTIONS**

(b)(5)(B)(vi): Change motion and opposing memorandum size limits from page count to number of words, and includes a notation that the party signature constitutes a certification of compliance with word limits.

**LCR 12. PRELIMINARY HEARINGS**

Title: Change to "Defenses and Objections" for consistency with CR 12.

(d): Clarity and consistency - added rule citations and "word" limitation change.

**LCR 55. DEFAULT AND JUDGMENT**

(c): Clarity - removed language due to inconsistency, now addressed in LCR 60.

(d): Remove - Clean-up.

(g): Correction of numbering per CR 56; Added clarity re: family law cases.

**LCR 56. SUMMARY JUDGMENT**

(c)(3): Change of motion and opposing memorandum size limits from page count to number of words and includes a notation that the party signature constitutes a certification of compliance with word limits. (Consistent with LCR 7)

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

(e)(1) - (3): Rescinded - not limited to default judgments.

(e)(2): New - Judgment entered in Ex Parte goes back to Ex Parte for review; same for judgments entered by a judge, subsequent motions to go back before signing judge or respective Chief Judge.

(e)(5): New - Clarity re: family law cases.

**LCR 77. Superior Courts and Judicial Officers**

(f)(2)(A): Removing court hours on Saturday from the rule.

**LCR 78. CLERKS**

(g): Correction - Removal of language that conflicts with current DJA policy and practice regarding payments. Clean-up.

**LCrR 3.2 PRETRIAL RELEASE**

Approved as emergency amendment: Text rescinded and rule "reserved" based on case law and action of Supreme Court.

**LMPR 1.8 TAKING TESTIMONY VIA VIDEO OR TELEPHONE**

Approved as a modified emergency amendment: Added clarity re waiver of presence, video hearings and authorizes Navos, Fairfax and Cascade BH facilities to conduct ITA evidentiary non-jury hearings via video.

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**Juvenile Dependency Rules**

Clean-up of rules to eliminate redundancy of State Rules and RCWs, to clarify local practice, and to provide numbering, format and language consistency.

- LJuCR 1.2 JURISDICTION OF JUVENILE COURT - Rescinded**
- LJuCR 1.4 APPLICABILITY OF OTHER RULES - Rescinded**
- LJuCR 1.7 PRE-TRIAL HEARINGS - New**
- LJuCR 1.8 PROCEDURAL MOTIONS - New**
- LJuCR 1.9 DISCOVERY - New**
- LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING - Clean-up**
- LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER - Clarification**
- LJuCR 3.4 NOTICE AND SUMMONS – SCHEDULING OF FACT FINDING HEARING - Rescinded**
- LJuCR 3.7 FACT FINDING HEARING - Rescinded**
- LJuCR 3.10 MODIFICATION OF ORDER - Rescinded**
- LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS - Clean-up & Clarification**
- LJuCR 3.13 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME - Clarification**
- LJuCR 4.3 NOTICE OF TERMINATION HEARINGS - Clean-up**
- LJuCR 4.4 AMENDMENT OF CASE SCHEDULE - Rescinded**

## 2016 Proposed Amendments to the Superior Court Local Rules Open for Comment March 1 – April 30, 2016

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## **KING COUNTY LOCAL GENERAL RULES**

### **LGR 29. PRESIDING JUDGE IN SUPERIOR COURT [NEW]**

#### **(a) Election, Term, Vacancies, Removal and Selection Criteria.**

##### **(1) Elections.**

**(A) General Provisions.** Each elected position (Presiding Judge, Assistant Presiding, and Executive Committee) shall be handled by a separate election. The procedures set forth below shall be undertaken separately for each position in the following order: Presiding Judge, Assistant Presiding Judge and members of the Executive Committee.

**(B) Solicitation of Candidate.** Prior to each election, a questionnaire shall be circulated to every judge to determine whether that judge wishes to be a candidate for the position at issue. The solicitation for the position of Presiding Judge shall occur no later than October 1 of the year in which a Presiding Judge is to be elected. Immediately after a Presiding Judge has been elected, candidates for the position of Assistant Presiding Judge shall be solicited and an election for that position shall be held. Immediately after the election of an Assistant Presiding Judge, candidates for the Executive Committee shall be solicited. The questionnaire for each position shall include a description of the election process and the deadline by which the questionnaire must be returned.

**(C) Candidate Information.** A list of all judges who have responded affirmatively to the questionnaire shall be available from the Chief Administrative Officer throughout the nomination process. One week prior to the deadline for returning the questionnaires, the Chief Administrative Officer shall provide each judge with a list of all persons who have answered affirmatively regarding the race in question.

**(D) Reconsideration of Previously Submitted Questionnaire.** Up until the deadline for returning questionnaires, a judge may withdraw a previously submitted questionnaire and re-submit a new questionnaire indicating whether that judge wishes to be a candidate for the position in question.

**(E) Distribution of Ballots.** Except where there is only one candidate for a position, ballots will be immediately circulated to all judges after the deadline for

returning the questionnaire for that position has passed. Each judge shall return the ballot in the time allotted. Voting may be by absentee ballot when necessary.

**(F) Counting.** Ballots shall be counted by the three most junior judges present at the King County Courthouse on the first judicial day following the return date specified in the ballot.

**(G) Run-Off Elections.** A candidate who receives a majority of votes cast shall be elected. If one candidate does not receive a majority of votes cast, there shall be a run-off election.

**(H) Single Candidate.** When only one candidate has submitted his or her name for consideration, that candidate shall be deemed elected without the need for the distribution and counting of ballots.

**(2) Term.**

**(A)** The Presiding Judge shall serve a three-year term. The term shall commence on January 1 of the year in which the Presiding Judge's term begins.

**(B)** The Assistant Presiding Judge shall serve a one-year term, commencing on January 1. A candidate for Assistant Presiding Judge who wishes to serve in year three of the term of the Presiding Judge shall indicate an intention to seek the position of Presiding Judge for the following term.

**(C)** The elected members of the Executive Committee shall serve a two-year term. The terms are to be staggered such that approximately half the elected members are chosen in odd-numbered years and half in even-numbered years. Terms shall commence on January 1.

**(3) Vacancies.** If a judge who has been elected to any office resigns from office or is otherwise unable to complete a term, the Presiding Judge shall promptly establish an election process consistent with the method provided in these rules.

**(g) Executive Committee.**

**(1) Membership of the Executive Committee.**

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

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

**(C)** The chief judges of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center shall serve as members of the Executive Committee.

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

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

**(2) Powers and Duties of the Executive Committee.**

(A) Decide matters of policy affecting the court, not reserved to the judges as a whole. Decisions shall be final unless referred to the judges as a whole pursuant to sec.(a)(13) of this rule. Provided, however, that decisions involving urgent matters may be implemented after notice to the judges.

(B) Make recommendations on policy matters to the judges at any meeting of the judges.

(C) Recommend the designation and duties of the committees of the court and receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chair of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.

(D) Act in an advisory capacity to the Presiding Judge.

(E) Review and advise the Presiding Judge concerning his or her decision, in the capacity of Presiding Judge, to report a judge or commissioner to the Judicial Conduct Commission.

(F) Determine whether disciplinary action of a commissioner, short of termination, is appropriate.

(G) Approve an expenditure budget and review and approve actual unfunded items.

(H) Determine the general qualifications of and establish a training program for pro tem judges and pro tem court commissioners. Training may be delegated to the relevant standing committee.

(I) Conduct the annual performance review of the Chief Administrative Officer and the Director of Judicial Administration.

(J) Meet at least once a month and provide written agenda and timely notice of the regular Executive Committee meetings to all judges and commissioners. If attachments are available in electronic form, they shall be distributed with the agenda.

(K) Promptly distribute to the judges written minutes of action taken by the Executive Committee.

(L) In the absence of the Presiding and Assistant Presiding Judge, the senior member of the Executive Committee shall serve as Acting Presiding Judge.

**(h) Respective Chief Judge.** In these Local Rules, “respective Chief Judge” means:

- (1) in civil cases with a Seattle case-assignment-area designation (SEA), the Chief Civil Judge;
- (2) in criminal cases with a Seattle case-assignment-area designation (SEA), the Chief Criminal Judge;
- (3) in civil or criminal cases with a Kent case-assignment-area designation (KNT), the Chief Judge of the Maleng Regional Justice Center;
- (4) in juvenile offender cases, the Chief Juvenile Judge; and
- (5) in family law cases, the Chief Judge of the Unified Family Court.

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## LGR 30. MANDATORY ELECTRONIC FILING AND SERVICE

### **(b) *Electronic Filing Authorization, Exception, Service, and Technology Equipment.***

#### **(4) Electronic Filing and Service.**

**(A) Mandatory Electronic Filing.** Attorneys shall electronically file (e-file) all documents using the Clerk's online eFiling application unless this rule provides otherwise. Non-attorneys are not required to e-file but may do so.

**(i) Documents That Shall Not Be E-Filed.** The following documents must be filed in paper form rather than e-filed:

- Original wills and codicils, including new probate cases that include original wills or codicils;
- Certified records of proceedings for purposes of appeal;
- Documents presented for filing during a court hearing or trial;
- Documents for filing in an Aggravated Murder case;
- Administrative Law Review (ALR) Petitions;
- Interpleader or Surplus Funds Petitions;
- Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
- Affidavits for Writs of Garnishment and Writs of Execution;
- New cases or fee based documents filed with an Order in Forma Pauperis.

**Comment:** Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

**(ii) Documents That May Be E-Filed.** The following documents may be e-filed:

- Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
- Answers to Writs of Garnishment.
- Appeals of lower court decisions.



- Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

**(iii) Working Copies for E-Filed Documents.** Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eFiling application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

**(iv) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must make a showing of good cause and explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

**(v) Non-Compliance with this Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4A.630.060 for each paper document filed.

**(B) Mandatory Electronic Service.**

**(i) Effecting E-Service.** When a party e-files a document, the party must electronically serve (e-serve) the document via the e-service feature within the Clerk's online eFiling application. A related document that is not filed but which must be served —e.g., a proposed order or a document served to comply with LCR 7(b)(4)(F) — shall also be e-served via the eFiling application using the "Upload Additional Documents to E-Serve" feature. E-service under this subsection (b)(4)(B)(i) constitutes service under CR 5 and is complete as stated in CR 5(b)(7). *Exceptions:* This subsection (b)(4)(B)(i) does not apply when a statute or rule requires that a document be personally served on the receiving party, the receiving party is not represented by an attorney and has not registered to accept e-service, or the receiving attorney has a waiver under subsection (b)(4)(A)(iv) above.

**(ii) Accepting E-Service.** Attorneys must promptly register ~~(opt in)~~ to accept e-service via the Clerk's eFiling application in each case in which the attorney appears (unless the attorney has a waiver under subsection (b)(4)(A)(iv) above). Likewise, a party that is not represented by an attorney must promptly register ~~(opt in)~~ to accept e-service via the Clerk's eFiling application in each case in which the party e-files a document.

**(d) Authentication of Electronic Documents.**

## **(2) Signatures**

**(D)** Law enforcement officer signatures on documents signed under penalty of perjury.

**(ii)** The King County Electronic Log of Detective Investigations is designated as a local and secure system for law enforcement to submit electronically signed documents to the King County Prosecuting Attorney for filing in Superior Court.

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

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

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

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

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

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

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

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

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

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

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

### **Official Comment**

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

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## KING COUNTY LOCAL CIVIL RULES

### LCR 7. CIVIL MOTIONS

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

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

**(2) Hearing Times and Places.** Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, Maleng Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300 or by accessing <http://www.kingcounty.gov/courts/clerk>. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

**(3) Argument.** All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

**(A)** Motions for revision of Commissioners' rulings, other than rulings regarding involuntary commitment and Title 13 proceedings;

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

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

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

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

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

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

**(B) Scheduling Oral Argument on Dispositive Motions.** The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

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

**(D) Opposing Documents.** Any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the hearing judge no later than 12:00 noon two court days

before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

**(E) Reply.** Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing.

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

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

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

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

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

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

**(5) Form of Motion and Responsive Pleadings.**

**(A) Note for Motion.** A Note for Motion shall be filed with the motion. The Note shall identify the moving party, 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 Note for Motion form is available from the Clerk's Office.

**(B) Form of Motion and of Responsive Pleadings.** The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

**(i) Relief Requested.** The specific relief the court is requested to grant or deny.

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

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

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

**(v) Authority.** Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing Judge and to counsel or parties, but shall not be filed with the Clerk. See LCR 5(k).

**(vi) Page-Word Limits.** The initial motion and opposing memorandum shall not exceed 3,500 words 12 pages without authorization of the court; reply memoranda shall not exceed 1,500 words five pages without the authority of the court. The signature of the attorney or party constitutes a certification that the memorandum complies with these word limits.

**(C) Form of Proposed Orders; Mailing Envelopes; E-mail Address.** The moving party and any party opposing the motion shall include with their submissions a proposed order. The original of each proposed order shall be submitted to the hearing judge along with any working copies. If the motion is to be considered without oral argument, the moving party shall at the time of filing the motion provide to the court either pre-addressed stamped envelopes addressed to each party/counsel, or e-mail addresses, for the court's use in providing courtesy copies of entered orders. Where working copies are provided via the Clerk's eWorking Copies Application, the parties shall request courtesy copies of entered order(s) through the Clerk's application.

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

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

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

**(A)** A motion for revision of a commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

**(B)** A hearing on a motion for revision of a commissioner's order shall be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

**(i)** For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

**(ii)** For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the Maleng Regional Justice Center Chief Judge. For family law cases involving children the hearing shall be scheduled by the Chief Unified Family Court Judge.

**(iii)** All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

**(iv)** The commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Judge.

**(v)** The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned judge or Chief Judge working copies of the motion, notice of hearing, and copies of all documents submitted by all parties to the commissioner, pursuant to LCR 7(b).

**(vi)** For cases in which a timely motion for reconsideration of the commissioner's order has been filed, the time for filing a motion for revision of the commissioner's order shall commence on the date of the filing of the commissioner's written order of judgment on reconsideration.

**(9) Motion for Order to Show Cause.** Motions for Order to Show Cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For cases where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to the Ex Parte and Probate Department.

**(10) Motion Shortening Time.**

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

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

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

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next business day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

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

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

**(11) Motion for Stay of Proceedings.**

(A) Motions for stay of proceedings shall be heard by the individual judge assigned or if not assigned by the Chief Civil Judge, Chief Judge of the Maleng Regional Justice Center or Chief Unified Family Court Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

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**LCR 12. DEFENSES AND OBJECTIONS PRELIMINARY HEARINGS**

(d) Motions under CR 12(b) and CR 12(c) shall be subject to the word page limitations and scheduling requirements of CR 56, ~~and~~ LCR 56 and LCR 7(b)(4)(B).

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**LCR 55. DEFAULT AND JUDGMENT**

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

(1) **Order of Default.** When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the Clerk's office. When there has been an appearance by any non-moving party, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Chief Civil Department for Seattle case assignment area cases and the Chief Judge of the Maleng Regional Justice Center for Kent case assignment area cases. The Motion in support of the Order for Default shall affirmatively state whether or not there has been an appearance by any non-moving party. Failure to so state shall result in the denial of the motion for default without prejudice.

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

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

~~**(c) Setting Aside Default Judgments.** Orders to show cause to vacate default judgments shall be presented to the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk. Orders to show cause are returnable to the assigned judge. If no judge is assigned, orders to show cause are returnable to the Chief Civil Judge for Seattle cases and the Chief Judge of the Maleng Regional Justice Center for Kent cases. See LCR 7(b)(8). Also see LCR 60(e)(1).~~

~~**(d) Failure to Appear at Trial.** The failure of a party to appear at trial is not governed by this rule. (See LCR 43.)~~

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

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## LCR 56. SUMMARY JUDGMENT

### **(c) Motions and Proceedings**

**(1) Argument.** The court shall decide all summary judgment motions after oral argument, unless the parties waive argument. The assigned judge shall determine the length of oral argument.

**(2) Dates of Filing and Hearing.** The deadlines for moving, opposing, and reply documents shall be as set forth in CR 56 and the Order Setting Case Schedule. In all other regards, parties shall file and deliver documents and the court shall set all hearings in conformance with LCR 7.

**(3) Form of Motion and Opposition Documents.** The parties shall conform all moving, opposing, and reply documents to the requirements of LCR 7(b)(4), except that moving and opposing memoranda shall not exceed 7,000 words 24 pages. Reply memoranda shall not exceed 1,500 words five pages without authority of the court. The signature of the attorney or party constitutes a certification that the memorandum complies with these word limits.

**(4) Motions to Reconsider.** The parties shall conform all motions to reconsider to the requirements of CR 59 and LCR 7(b)(5).

**(5) Reopening.** Reopenings are subject to the requirements of LCR 7(b)(6).

**(e) Form of Affidavits; Nonconforming Evidence.** A party objecting to the admissibility of evidence submitted by an opposing party must state the objection in



writing in a responsive pleading, a separate submission shall only be filed if the objection is to materials filed in the reply.

[Note: Judgment upon multiple claims or involving multiple parties, see CR 54(b).]

#### Official Comment

[Amended effective September 1, 2011, Subsection (e) is added to obviate the filing of motions to strike objectionable evidence, to relieve parties of the need to file such motions six days in advance and thus, under LCR 7, to file an accompanying motion to shorten time for a timely consideration of the objection. This rule is intended to clarify local practice and to conform to *Cameron v. Murray*, 151 Wash.App 646,658, 214 P.3d 150 (Div. I, 2009).]

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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 show-cause hearing on the motion shall be scheduled as follows: (i) before the Ex Parte and Probate Department, if the judgment was entered in the Ex Parte and Probate Department; (ii) before the judge who signed the judgment, if a judge signed it, the judge is still on the court, and the order was not signed in the Ex Parte and Probate Department; or (iii) before the respective Chief Judge in all other situations. See also LCR 7(b)(9) (presenting motion for order to show cause). If a judicial officer grants the motion to vacate and a new trial date is necessary, the officer will, as appropriate, set the new trial date or refer the case to the Chief Judge or Clerk 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.

~~**(1) Default Judgment:** The return on the order to show cause to set aside a default judgment shall be as follows:~~

~~**(A) Case originally assigned to a judge who has not been assigned (transferred) to a new case designation area or to juvenile court:** The order to show cause shall be returned to the judge to whom the case had been originally assigned, regardless of which judicial officer signed the judgment of default.~~

~~**(B) Case originally assigned to a judge who has left the court or who has transferred to a court facility other than that reflected in the case designation:** The order to show cause shall be returned to the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.~~

~~**(C) Case not assigned to a judge:** The order to show cause shall be returned to the department that entered the default judgment.~~

~~**(2) Judgment following trial:** The return on the order to show cause to set aside a judgment following trial shall be before the judge who presided over the trial. If that judge has left the court, the return on the order to show cause shall be before the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, depending~~

~~upon the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.~~

~~(3) Where the relief sought includes the right to a trial, a motion to re-set trial date shall be filed contemporaneously with the motion for relief from judgment.~~

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## LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

### (f) Sessions.

**(1) Continuous Session.** There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

### (2) Court Hours.

**(A) Presiding Department.** The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday, ~~and Saturday from 10:00-12:00. No judge need attend personally on Saturdays except upon call.~~ When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

**(B) Trial Departments.** Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4 PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

**(C) Ex Parte Department.** The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday. See LCR 40.1

### (i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

**(1) Presiding Judge; Duties.** The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of all communications intended for the Superior Court not personally addressed to any judge nor relating to business which has been assigned to any particular department.

**(2) --Same; Jurors.** The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the determination for requests for excuse from jury service to senior jury staff.

**(3) --Same; Liaison with Departments.** If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle

case assignment area cases and the Chief Maleng Regional Justice Center Judge for Kent case assignment area cases, for hearing or reassignment.

**(4) --Same; Criminal Arraignments, Emergency Orders and Writs.** The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to the most senior UFC Judge at the Maleng Regional Justice Center. Applications for emergency and miscellaneous applications on criminal or infraction matters shall be presented to the Chief Criminal Judge or Chief Judge of the Maleng Regional Justice Center. No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center, or except as provided in LCR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

**(5) --Same; Ex Parte Orders.** The Chief Civil Department or Chief Judge of the Maleng Regional Justice Center may hear any matters assigned to or arising out of the Ex Parte Department.

**(6) --Same; Judges Pro Tempore.** All judges pro tempore shall be appointed by the Presiding Judge.

**(7) --Same; Absence.** The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

**(8) --Same; Delegation of Duties.** The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

**(9) Orders to Show Cause.** The court shall make orders to show cause returnable in not less than five days except for good cause shown.

**Comment:** See also LFLR 5(c) (*Where to Schedule Specific Motions in Family Law Proceedings*).

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## LCR 78. CLERKS

### **(a) Powers and Duties of Clerk.**

**(1) Certification.** The Clerk, upon application and payment of the fee provided by law, shall certify any one or more of the rules of this Court, or subsections thereof.

### **(c) Orders by Clerk.**

**(1) Commission to Take Testimony in Probate and Adoption Proceedings.** Upon the filing of a request the Clerk shall issue a commission to take testimony in any probate or adoption proceeding, unless otherwise ordered by the Court.

### **(f) Bonds.**

**(1) Cash Bonds; Minimum Amount.** Cash bonds ordered to be posted with the Clerk in probate and other matters will be in the amount of at least \$25 and shall be paid in cash.

**(2) --Same; Withdrawal.** The party posting a cash bond, promptly at the conclusion of the matter to which it relates, shall present to the Court an order authorizing withdrawal, and forthwith upon its entry, withdraw the bond.

**(g) *Payment and Disbursal of Trust Funds.***

~~**(1) Payment of Trust Funds.** Trust funds shall be paid to the Clerk with one of the following methods of payment: cash, cashier's check, money order, certified check, government check, attorney's check, or company's check.~~

~~**(2) Disbursal of Trust Funds.** Trust funds that are paid by attorney's check or company's check will be available to be disbursed eight court days after receipt by the Clerk. Trust funds that are paid by cash or guaranteed funds any other method listed in subsection (1) above will normally be available to be disbursed the first or second court day following receipt by the Clerk.~~

**(h) *Interest Bearing Accounts.***

**(1)** Requests and orders directing the Clerk to place trust funds in amounts exceeding \$2,000.00 into an interest bearing account, must be delivered to the Cashier Section of the King County Superior Court Clerk's Office. If the request or order was filed prior to payment of the trust funds, a copy of the request or order must be delivered to the Cashier Section at the time the trust funds are paid.

**(i) *Waiver of ECR On-Line fees.*** Requests to waive fees for ECR On-line shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk)

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## KING COUNTY LOCAL CRIMINAL RULES

### LCrR 3.2 PRETRIAL RELEASE

**(Reserved)**

~~**(a) *Personal Bond; Ten Percent Deposit.***~~

~~**(1)** Whenever bond has been set, either by use of a bail schedule, or by order in an individual case, unless the court order setting bond specifically provides to the contrary, the bond requirement may be met by deposit in the registry of the court in cash of a sum equal to ten percent of the amount of the bond and by the filing of a personal appearance bond in a form provided by the court.~~

~~**(2)** The appearance bond shall obligate the defendant to appear for all required court hearings and for trial and to keep a correct address and phone number on file with the court.~~

~~**(3)** Failure to comply with the obligations of the appearance bond without just cause will result in:~~

~~**(A)** Liability for the entire amount of the bond; and~~

~~(B) Forfeiture of the cash posted.~~

~~(4) Failure to comply with those obligations without just cause will also constitute grounds for imprisonment pending trial.~~

~~(5) The cash deposit will be returned to the person who posted the bond upon a showing that the defendant has fulfilled the conditions of the bond and upon presentation of an order showing the defendant has fulfilled the conditions and exonerating bond.~~

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## KING COUNTY LOCAL MENTAL PROCEEDING RULES

### LMPR 1.8 TAKING TESTIMONY VIA VIDEO OR TELEPHONE

**(a) General.** The Court may take testimony from any witness, including the respondent, via video, telephone, or other electronic means consistent with CR 43(a). The testimony shall be taken in open court with the respondent ~~present, unless the respondent waives his or her presence appearing either in-person or by video, unless the respondent or his or her guardian ad litem, if the court has appointed one, waives his or her presence.~~

**(b) Specific.** The Court will conduct all evidentiary non-jury hearings via video for respondents detained at the Northwest Hospital and Medical Center in Seattle, the Navos Mental Health Solutions inpatient facility in West Seattle, and the Cascade Behavior Health Hospital and Treatment Center in Tukwila. Nothing in this rule precludes any respondent from filing a motion to request an in-person hearing, which the court may grant for good cause in appropriate circumstances. In considering such a motion, the Court may consider, among other things, whether the respondent's alleged mental illness has an impact on the respondent's ability to perceive or participate in the proceedings by video. LMPR 1.9 shall govern the filing of that motion and the response, if any. The Court may rule on such motion based on the written submissions of the parties and may also allow testimony by video or in-person.

**(bc) Standards for Video Proceedings.** For any hearing conducted via video, the technology used must permit the presiding judicial officer, counsel, all parties, and the witness to be able to see, hear, and speak when authorized, during the proceedings, ~~to~~ and allow attorneys to use exhibits or other materials during trial, and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent and/or respondent's counsel. To the extent there are any statutes, case law, or constitutional standards relating to conducting video proceedings, such standards are incorporated herein by reference.

**(cd) Video Pilot Projects.** The court may implement video pilot projects consistent with LCMR 13 (KCLCR 0.16).

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## KING COUNTY LOCAL JUVENILE COURT RULES

### TITLE I. SCOPE AND APPLICATION OF RULES

#### LJuCR 1.2 JURISDICTION OF JUVENILE COURT

[Rescinded]

~~(a) **Generally.** (Reserved)~~

~~(b) **Indian Children.** In the case of an Indian child, as defined by the federal Indian Child Welfare Act of 1978 and RCW 13.38, jurisdiction and proceedings under these rules shall be in accordance with those acts. Court validation of a voluntary consent to foster care placement of Indian Children shall be in accordance with RCW 13.34.245 and RCW 13.38.150.~~

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#### LJuCR 1.4 APPLICABILITY OF OTHER RULES

[Rescinded]

~~—(e) **Discovery**~~

~~—(1) **Generally.** Discovery procedures in cases involving alleged dependent or dependent children (including termination and guardianship proceedings) shall generally be governed by CR 26-37.~~

~~—(2) **Completion of Discovery.** Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed as provided in the case schedule. Discovery requests must be served early enough that responses will be due and depositions will have been completed by the applicable cutoff date. Discovery requests that do not comply with this rule will not be enforced, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date. Nothing in this rule shall modify a party's responsibility to reasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.~~

~~—(f) **Summary Judgment**~~

~~—(1) **Motion.** A motion for summary judgment may be filed by any party in accordance with LCR 56.~~

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#### LJuCR 1.7 PRE-TRIAL HEARINGS [New]

(a) **A. Pre-Trial Hearing to be set in all cases brought pursuant to Title 13.34 and Title 13.36.** The case schedule for cases brought pursuant to RCW Title 13.34 and

Title 13.36 shall include a pre-trial hearing date. That date may be continued, by court order, as appropriate.

**(b) Pre-Trial Order.** If the case is not resolved at or prior to the pre-trial hearing date, the matter shall be set for a contested Fact Finding hearing and a pre-trial order shall be entered. The order shall set forth the expected length of trial, particular witness problems, final disclosure dates and other related matters. Only after a pre-trial order is signed, will the case be placed on the trial board for assignment.

**(c) Fact Finding Hearing Continuances Entered in Conjunction with Pre-trial Order.** A separate order of continuance is required, if the parties are seeking to change the Fact Finding hearing date. A new date cannot simply be written on the pre-trial order.

**(1)** For dependency matters, an order of continuing Fact Finding hearing will normally need to accompany the proposed pre-trial order, given the short period of time between the pre-trial hearing and the scheduled Fact Finding hearing.

**(2)** For termination matters, if the currently set trial date will provide sufficient time for the parties to prepare, no order of continuance is necessary.

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### **LJuCR 1.8 PROCEDURAL MOTIONS [New]**

**(a) Scope of Rule.** Except as covered by LJuCR 2.3-2.5 (Shelter care); LJuCR 3.12 (Contested motions: commissioner calendar), LJuCR 3.13 (Emergency Hearing and Hearings Set on Shortened Time-Contested Dependency Calendar and LJuCR 3.14 (Reconsideration and Revision), this rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington.

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

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

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

**(e) Proposed Orders.** The moving party and any party opposing the motion shall each include a proposed order with their submissions.

**(f) Motions to Withdraw-Court Appointed Counsel.** Withdrawals and substitutions shall be made in compliance with CR 71. Appropriate notice must be sent to the client.

(1) For cases pending a contested Fact Finding hearing (after entry of a pre-trial order), a motion to withdraw, whether or not a new attorney from the same division seeks to substitute in as counsel, must be set for hearing before the assigned dependency judge, with oral argument.

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

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

**(g) Motions to Compel or For Protective Order.** See LJuCR 1.7(d)

**(h) Motions to Continue Fact Finding Hearing.**

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

(2) Motions to Continue Fact Finding hearing made prior to or at time of entry of a pre-trial order. If all parties agree to the continuance, a motion need not be separately noted, however, no case will be continued, even by agreement, without court approval. If the parties agree that the motion to continue may be made a shortened time at the pre-trial hearing, no formal motion for shortened time is required. In all other situations, six-days notice is required. These motions shall be heard by the judicial officer presiding at the pre-trial hearing.

(3) Motion to continue Fact Finding hearing made after entry of a pre-trial order. The motion shall be made on six-days notice without oral argument, unless oral argument is requested by the court or by a party. The motion will not be granted except under extraordinary circumstances, where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires. These motions shall be heard by the assigned dependency judge.

(4) Trial Assignment Board. Dependency staff maintain a list of cases on which pre-trial orders have been entered. If a lawyer becomes unavailable after the entry of the pre-trial order, that lawyer must file a motion to continue or present a proposed agreed order from all parties. An email to the bailiff is insufficient.

(i) Motions for Summary Judgment. Motions for summary judgment shall be noted before the assigned dependency judge and shall comply with the requirements of CR 56 and LCR 56.

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

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## LJuCR **1.9 DISCOVERY [New]**

(a) Discovery. Discovery means case-related materials, such as treatment reports, social worker notes, evaluations, urinalysis results, visitation reports, etc. The Department has an on-going duty to provide this material promptly when received. If a



parent or party other than the Department has additional documents that will likely be offered at trial, those documents must be provided to all parties no later than five days after receipt.

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

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

**(d) Motions to Compel or For Protective Order.** Motion to compel or for a protective order shall be noted without oral argument on six-days notice, pursuant to the provisions of LJuCR 1.6(b). A discovery conference shall be held before a motion to compel or for protective order is filed. See CR 26(i) and LCR 37(e). When the matter is pending trial, the motion shall be noted before the assigned dependency judge. All other motions to compel or for protective order shall be noted on the appropriate commissioner calendar.

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

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## TITLE II. SHELTER CARE PROCEEDINGS

### LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

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

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

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

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

**(e) Notice to Attorneys of Record.** Where there is already a previously assigned or retained attorney of record for any party, including an attorney or CASA for the child, in a dependency proceeding presently pending in Juvenile Court, they shall be provided notice of the shelter care and Fact Finding hearings no later than 24 hours prior to the 72-hour shelter care hearing whenever reasonably possible.

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

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

**(h) Subsequent Shelter Care Hearing for Unavailable Party.** Whenever it appears that a parent, guardian, or legal custodian was unable to attend the initial shelter care hearing, such person may request a hearing by written application to the Court showing good cause for their inability to attend the initial hearing. Such subsequent hearing, if

granted, shall be conducted within 72 hours of the request (excluding Saturdays, Sundays and holidays).

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## **LJuCR 2.5 AMENDMENT MODIFICATION OF SHELTER CARE ORDER**

### **(a) 30 Day Hearing and New Issues**

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

**(2b) Procedure.** Unless a party has filed and served written notice of new issues as outlined below, a hearing in open court will not occur; parties presence will be excused; and an order continuing the terms of the 72 hour shelter care hearing will be entered by the court.

**(3e) New Issues:** Reasonable advance written notice shall be given to the court and other parties of the new issues any party seeks to raise at the 30 day hearing. The party seeking to modify terms or enforce compliance with the terms of a 72 hour shelter care order shall give written notice to the Court and other parties not later than noon three days prior to the hearing. Responses will be provided by noon the day before the hearing. All other issues require six days written notice to the parties and the court according to LCR 7.

**(bd) Procedure for Additional Modification of Shelter Care Order after 30 Day Hearing.** An additional shelter care hearing can be set on the contested-hearing calendar upon the filing of a note for calendar and a written "Motion and Affidavit of Change of Circumstances" with six court days' notice to all parties. The motion shall specify the change in circumstances, relief requested, statement of facts and the evidence relied upon, and shall be properly served on all parties. All responsive pleadings shall be submitted to the Court and parties pursuant to LCR 7. The hearing date shall be obtained from the Court.

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## **TITLE III. DEPENDENCY PROCEEDINGS**

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

[Rescinded]

~~—(a) **Notice and Summons.** At the time of filing the petition, a Notice and Summons and case schedule shall be issued by the Clerk of the Court and served by the petitioner pursuant to RCW 13.34.070. Service by publication shall conform to the requirement of RCW 13.34.080. A 72-hour shelter care hearing date, a pre-trial conference date and a fact finding date shall be obtained at the time of filing and set out in the notice. The~~

~~notice shall state that a petition begins a process, which if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.~~

~~— **(b) Advice to Be Contained in Notice and Summons.**~~

~~— **(1)** A notice directed to the juvenile and/or to the juvenile's parent, legal custodian, or guardian shall contain an advisement of rights conforming to requirements of RCW 13.34.062, RCW 13.34.070 and RCW 13.34.090 clearly setting forth the right of a party to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a child, parent, guardian, or legal custodian who cannot afford one.~~

~~— **(2)** The Notice and Summons shall also advise the parties that attendance at the pre-trial conference is mandatory, unless excused in advance by the Court.~~

~~— **(3)** The Notice and Summons shall also advise the parties that failure of a party to appear or otherwise plead or respond to the petition shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference.~~

~~— **(c) Scheduling Fact Finding Hearing.** The Court shall schedule a pre-trial conference and a fact finding hearing. The fact finding hearing shall be set to be held within 75 days of the filing of the petition alleging dependency. The parties may waive their right to a hearing within 75 days and stipulate to continue the hearing to a later time based on exceptional circumstances subject to Court approval.~~

~~— **(d) Indian Children.** If the petitioner knows or has reason to know that the child involved is or may be an Indian child as defined in RCW 13.38, the petitioner shall notify the child's tribe or band of the fact-finding hearing in the manner required by RCW 13.34.070(10), 13.38.070 and 25 U. S. C. 1912.~~

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### **LJuCR 3.7 FACT FINDING HEARING**

[Rescinded]

~~**(a) Procedure at Hearing.** The court shall hold a Fact Finding hearing on the petition in accordance with RCW 13.34.110. All Fact Finding hearings shall be assigned per the direction of the Court at the pre-trial conference.~~

~~— **(b)** (Reserved)~~

~~— **(c) Burden of Proof.** In a Fact Finding hearing on a petition alleging dependency pursuant to RCW 13.34.030(6), the facts alleged in the petition must be proven by a preponderance of the evidence.~~

~~— **(d)** (Reserved)~~

~~— **(e) Procedure at Pre-trial Conference.**~~

~~— **(1)** The Court shall hold a pre-trial conference on the date set in the case schedule which shall be at least 6 days prior to the scheduled date of the Fact Finding hearing, at the location specified in the case schedule, unless modified by Court order. All parties must be present at the pre-trial conference unless specifically excused by the Court. Failure of a party to appear or to otherwise plead or respond to the petition, shall~~

~~be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference. All parties shall attempt to reach agreement, in advance of the pre-trial conference, on issues regarding discovery, witnesses, evidentiary and other pre-trial questions including a continuance of a trial date. Parties must comply with the requirement of LJuCR 1.4(e) prior to seeking sanctions for failure to provide discovery.~~

~~———(2) At the pre-trial conference, the Court will inquire into the readiness of the case for trial and compliance with the case schedule. Failure to comply with the case schedule may be the basis for Court-ordered sanctions.~~

~~———(3) For those cases in which a parent or other respondent appears at the pre-trial conference and states their wish to proceed to trial, but has not filed an answer to the petition in a timely fashion pursuant to LJuCR3.6, and if the Court decides to allow the case to proceed to trial, a continuance of the pre-trial conference may be granted at the request of any other party sufficient to allow the other parties at least five days following the filing of the answer, which shall be filed no later than at the time of the pre-trial conference unless otherwise authorized by the Court due to circumstances beyond the control of the attorney for the answering party, to gather information necessary for completion of the Statement of Evidence based upon the allegations at issue.~~

~~———(4) For those cases for which an answer has been filed in compliance with LJuCR 3.6, or following a continuance to allow time for preparation of the Statement of Evidence, as provided above, the Court will consider matters of law, may certify the case for an alternative dispute resolution process, and otherwise define the specific procedural course of the Fact Finding hearing, such as determine the number of witnesses, the length and scope of the Fact Finding hearing defined by the allegations actually at issue as determined by the pleadings, stipulations, and other agreement based upon a “Statement of Evidence” prepared prior to the pre-trial conference.~~

~~———(5) All motions filed after the pre-trial conference order has been entered shall be brought pursuant to LCR 7 before the designated dependency Judge, unless otherwise assigned.~~

~~———(f) **Agreed Orders of Dependency or Disposition.** The parent, guardian or legal custodian of a child may waive his or her right to a fact finding hearing by stipulating or agreeing to the entry of an order of dependency or disposition pursuant to RCW 13.34.110.~~

~~———(1) Prior to entry of any stipulated or agreed order of dependency, the parent, guardian or legal custodian must appear before the court or waive his or her right to appear by executing, in writing, a waiver of the right to appear. The Court must establish on the record that the parent, guardian, or legal custodian possesses the knowledge and understanding of the legal effect of the stipulated order as required by RCW 13.34.110(2)(c).~~

~~———(2) If the parent, guardian, or legal custodian fails to appear before the court after stipulating to entry of an agreed order of dependency, the Court may approve entry of the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear and chose not to do so.~~

## LJuCR 3.10 MODIFICATION OF ORDER

### [Rescinded]

~~—Any party may move to change, modify, or set aside an order only upon a showing of a change of circumstances. The motion must be in writing pursuant to LJuCR 3.12 and must clearly state the basis for the motion and the relief requested.~~

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## LJuCR 3.12 CONTESTED DEPENDENCY MOTIONS

**(a) Scope of the Rule.** This rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington, except for procedural motions (LJuCR 1.6) and Motions for Reconsideration and Revision (LJuCR 3.14).

### **(b) Motions Format and Procedures.**

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

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

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

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

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

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

**(D) Evidence Relied Upon.** The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations unless a reasonable basis exists why such statements could not be procured, in which case the proponent of the evidence must

identify the source of the hearsay and its basis of knowledge for the facts or opinions asserted. Any party wishing to request clarification, modification, or enforcement of a prior order shall attach to their pleadings a copy of the order sought to be modified.

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

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

**(c) Time of Hearing.**

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

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

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

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

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

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

**(B) Working copies of the note and motion together with all supporting documents including affidavits shall be submitted to the Dependency Court Coordinator’s Office by noon three court days prior to the hearing.**

**(C) Responsive documents and briefs shall be filed with the Clerk and served upon all parties no later than noon seven days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon of the second court day prior to the hearing. All responsive documents shall have the name of the judicial officer expected to hear the matter or the assigned courtroom, and the hearing date and time noted on the upper right corner. Working copies of the response shall be submitted to the Court Coordinator’s Office by the noon three days prior to the hearing.**

and the reply shall be submitted to the Court Coordinator by the close of business two days prior to the hearing.

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

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

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

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

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

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

(C) Hearings Where There is a Motion to Expand Issues. Where another party has filed a motion to expand issues under LJuCR 3.12(d), the hearing originally noted may not be stricken unless the party who filed the original motion agrees, or the court orders that the hearing be continued to accommodate resolution of the expanded



issues. The hearing date may be changed by agreement of all parties in the manner described under subsection 3.12(e)(2) supra.

**(D) Motions without oral argument.** Non-dispositive motions, which a party reasonably believes can be resolved on pleadings alone, may be noted without oral argument in the same manner as other motions under LJuCR 1.6 except that:

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

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

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

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

(1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies of these materials must also be submitted to the Judge assigned to the calendar on which the motion is set and that Judge will determine whether oral testimony will be allowed and/or set out any limitations without oral argument. Working copies shall be submitted to the Judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

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

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

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

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

~~**(b) Scheduling a Contested Hearing.**~~

~~**(1) By a Party.** A party may set a contested dependency motion hearing by following the procedure outlined in this rule. If the contested hearing will include a full dependency review and the date for the hearing is more than six months from the~~

~~beginning date of the placement episode or the entry of the previous dependency review order or order of dependency (whichever is first), a status quo order will be entered as provided in LJuCR 3.9(d)(4). Once a contested motion hearing is scheduled, any party to the dependency may raise additional issues or designate it as a full dependency review by filing a motion to expand issues and noting the matter for hearing with the Court Coordinator via email at [calendar.dependencyseattle@kingcounty.gov](mailto:calendar.dependencyseattle@kingcounty.gov) or [calendar.dependencykent@kingcounty.gov](mailto:calendar.dependencykent@kingcounty.gov) to a date which provides all the parties with at least 14 days' notice of the new issues, and notifying the Juvenile Court Coordinator's Office. Motions to expand issues are not permitted if the party initially noting the motion for contested hearing designates the motion as an emergency.~~

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

~~————— **(3) Court-Approved Date.** The Court Coordinator shall administer the scheduling of all contested dependency review motion hearings via email at [calendar.dependencyseattle@kingcounty.gov](mailto:calendar.dependencyseattle@kingcounty.gov) or [calendar.dependencykent@kingcounty.gov](mailto:calendar.dependencykent@kingcounty.gov). All proposed dates for such matters must be approved by the Coordinator via email at [calendar.dependencyseattle@kingcounty.gov](mailto:calendar.dependencyseattle@kingcounty.gov) or [calendar.dependencykent@kingcounty.gov](mailto:calendar.dependencykent@kingcounty.gov). The approval will be based on the availability of time to hear the matter on the proposed date, unless ordered by the Court as an overset.~~

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

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

~~————— **(2) Motions Documents and Notes—Time and Place for Filing and Scheduling.**~~

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

~~————— **(ii)** Working copies of the note and motion together with all supporting documents including affidavits shall be submitted to the Dependency Court Coordinator’s Office by noon three court days prior to the hearing.~~

~~————— **(iii)** Responsive documents and briefs shall be filed with the Clerk and served upon all parties no later than noon seven days prior to the hearing; and documents in~~

~~strict reply thereto shall be similarly filed and served no later than noon of the second court day prior to the hearing. All responsive documents shall have the name of the judicial officer expected to hear the matter or the assigned courtroom, and the hearing date and time noted on the upper right corner. Working copies of the response shall be submitted to the Court Coordinator's Office by the noon three days prior to the hearing, and the reply shall be submitted to the Court Coordinator by the close of business two days prior to the hearing.~~

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

~~——(1) **Relief Requested.** The specific relief the Court is requested to grant.~~

~~——(2) **Statement of Facts.** A succinct statement of the facts contended to be material.~~

~~——(3) **Statement of Issues.** A concise statement of the issue(s) on which the Court is requested to rule.~~

~~——(4) **Evidence Relied Upon.** The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations unless a reasonable basis exists why such statements could not be procured, in which case the proponent of the evidence must identify the source of the hearsay and its basis of knowledge for the facts or opinions asserted. Any party wishing to request clarification, modification, or enforcement of a prior order shall attach to their pleadings a copy of the order sought to be modified.~~

~~——(5) **Authority.** Any legal authority relied upon must be cited.~~

~~——(6) **Proposed Order.** A copy of a proposed order shall be served with the motion and shall be included with the working copies provided for the Court. The original of the proposed order shall not be filed with the Clerk, nor included with the working copies for the Court, but brought to the hearing by the moving party.~~

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

~~——(1) **Striking Hearing.** A hearing on a contested dependency motion may be stricken at any time by the moving party, unless another party has previously filed and served a motion to expand issues under LJuCR 3.12(b). Notice that the motion hearing is being stricken shall be given to all parties not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed by filing with the Clerk a Note for Calendar indicating that the hearing has been stricken and serving the notice on all parties. The Note for Calendar should be filed by noon on the business day before the date of the hearing and should be served on the Court Coordinator for distribution to the Judge or Court Commissioner scheduled to hear the matter.~~

~~——(2) **Changing Hearing Date.** The hearing date on a contested dependency motion may be changed once by agreement of all parties. A new date must be obtained from the Court Coordinator via email at [calendar.dependencyseattle@kingcounty.gov](mailto:calendar.dependencyseattle@kingcounty.gov) or~~

~~calendar.dependencykent@kingcounty.gov. A Note for Calendar reflecting the new date should be filed with the Clerk at the time that the hearing is changed and should reflect that the original hearing date is stricken.~~

~~——— **(3) Hearings Where There is a Motion to Expand Issues.** Where another party has filed a motion to expand issues under LJuCR 3.12(b), the hearing originally noted may not be stricken unless the party who filed the original motion agrees, or the court orders that the hearing be continued to accommodate resolution of the expanded issues. The hearing date may be changed by agreement of all parties in the manner described under subsection 3.12(e)(2) supra.~~

~~——— **(f) Time of Hearing.** The hearing of the motion will commence at such time as is designated by the Court.~~

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

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

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

~~——— **(g) Motions without oral argument.** Non-dispositive motions, which a party reasonably believes can be resolved on pleadings alone, may be noted without oral argument in the same manner as other motions except that:~~

~~——— **(1)** The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument, and must attach a proposed order to their working copies, and~~

~~——— **(2)** A party may object to the motion being heard without oral argument by clearly noting their objection in their responsive pleadings and timely filing and serving their response.~~

~~——— **(3)** If the court determines that oral argument is necessary it will issue an order resetting the hearing to occur with oral argument.~~

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

~~——— **(1)** The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies of these materials must also be submitted to the Judge assigned to the calendar on which the motion is set and that Judge will determine whether oral testimony will be allowed and/or set out any limitations without oral argument. Working copies shall be submitted to the Judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.~~

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

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

~~—— (i) **Imposition of Sanctions or Terms.** The Court may impose sanctions or terms for any frivolous motion or in granting a continuance of any matter. Nonappearance on a motion by the moving party may result in the imposition of sanctions or terms by the Court on counsel or on one or more of the parties as appropriate.~~

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

**(a) *Emergency Hearings.*** Any party or their attorney may set a contested hearing based upon their certification that an emergency exists that cannot be addressed on shortened time. In this event the matter shall be heard upon reasonable notice following the same procedure as for a 72-hour hearing pursuant to LJuCR 2.3. ~~The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing.~~

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

**(c) *Motion Shortening Time.***

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

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

**(3)** As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form

most likely to result in actual notice of the pending motion to shorten time, as well as the time and place that the motion to shorten time will be presented. The declaration in support of the motion to shorten time must indicate what efforts have been made to notify the other side of the motion to shorten time, whether efforts to notify were successful, and whether the other side opposes the order shortening time.

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

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

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## TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

### LJuCR 4.3 NOTICE OF TERMINATION HEARINGS

#### **(a) Generally. Notice and Summons & Notice to Counsel.**

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

**(2) Notice to Counsel.** In all cases where a party is represented by counsel in the underlying dependency action, the petitioner shall also provide counsel with a copy of the petition, notice and summons, and order setting case schedule. If the youth is age twelve (12) or older and not represented by counsel, a copy shall be given to the Office of Public Defense for appointment of counsel for the youth.

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

**(A)** The notice shall clearly state the date, time and place for the hearings and shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.180 for termination petitions, the requirements of RCW 13.36.030 for guardianship petitions, and RCW 13.34.062 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one.

**(B)** The notice and summons shall also advise the parties that failure to appear or otherwise plead or respond to the Petition shall be the basis for the Court to enter an Order of Default against that party.

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

**(c) Case Schedule.** Upon the filing of a termination petition, the Clerk of the Court will prepare and file an order setting case schedule and provide one copy to the petitioner. The petitioner shall serve a copy of the case schedule on all parties as provided in these rules. The case schedule shall be in a format set by the Court and shall set the termination Fact Finding ~~hearing trial~~ no more than 150 days after the filing of the termination petition. The case schedule will also identify the designated dependency judge to whom the termination Fact Finding ~~hearing proceeding~~ is assigned.

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

Nothing in this rule shall preclude any party from noting any additional motions prior to the pretrial conference pursuant to local or civil rule, and shall be set on the juvenile court dependency calendar.

~~**(e) Pre-trial Conference.** The Court shall hold a pre-trial conference on the termination petition no more than 120 days after the filing of the petition at a location and time specified at the preliminary hearing, unless modified by Court order. The pre-trial conference shall be set on the juvenile court pre-trial calendar. All parties must be present at the pre-trial conference unless specifically excused by the Court. The pre-trial conference shall be conducted as provided in LJuCR 3.7(a)(2)(5). All motions filed after the pre-trial conference order has been entered shall be brought pursuant to LCR 7 before the designated dependency Judge, unless otherwise assigned.~~

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#### LJuCR 4.4 AMENDMENT OF CASE SCHEDULE

##### [Rescinded]

~~**(a) Generally.** The Court, either on motion of a party or on its own initiative, may modify any date in the case schedule for good cause, except that the fact-finding trial date may be changed only as provided below. If a case schedule is modified on motion of a party, that party shall prepare and present to the Court for signature an amended case schedule, which the party shall promptly file and serve on all other parties. If a case schedule is amended on the Court's own motion, the Court will prepare and file the amended case schedule and promptly mail it to all parties.~~

~~**(b) Change of Fact-Finding Date**~~

~~**(1) Limited Adjustment of Fact-Finding Date to Resolve Schedule Conflict.** Any party to a termination proceeding may move for an adjustment of the fact-finding trial date to resolve schedule conflicts by making a written motion in accordance with~~

~~LGR 7. The motion must be brought within 30 days of the filing of the termination petition, notice and summons and order setting case schedule, but only to a day no more than 28 days before or 28 days after the fact-finding trial date listed in the case schedule.~~

~~——— **(2) Continuance of Fact-Finding.** Any motion to continue the fact-finding trial date made more than 30 days after filing of the termination petition, or to continue the fact-finding more than 28 days after the original fact-finding date, will not be granted unless the motion is supported by a showing of good cause. The motion must be made in writing in accordance with LGR 7. If a motion to change the trial date is made after the pre-trial conference, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires.~~

~~——— **(3) Approval of Party.** A motion for continuance made under subsection (2) above will not be considered unless it is signed by both the party making the motion and the party's attorney, if any, or contains an explanation of why it was impracticable for the party to sign the motion and a certification that a copy of the motion has been mailed or otherwise delivered to the party.~~

~~——— **(4) Order Striking Fact Finding Date.** An Order striking Fact Finding Date shall be filed upon any resolution of the case short of the trial date.~~