

**Thurston County Local Court Rules
Publication for Comment
June 2010**

5. LOCAL SUPERIOR COURT SPECIAL PROCEEDINGS RULES

~~LSPR 94.03A CASE ASSIGNMENT PRETRIAL PROCEDURE, TRIAL SCHEDULING, AND TRIAL IN TITLE 26 RCW CASES~~
Case Assignment and Calendaring Administration.

~~(1)(a) Master Calendar.~~ Cases under Title 26 RCW (Family Law) are tried under a master calendar system.

~~(2)(b) Early Assignment of Judge.~~ Upon motion by any party, or upon the Court's own motion, the Court may direct assignment of an appropriate case to a single judge for all purposes including trial.

~~(3)(c) Affidavits of Prejudice.~~ An affidavit of prejudice should be filed with the court clerk ~~of the court~~ as soon as possible after the assignment of a judge has been made. The family court judicial assistant shall assign the case to a new department.

LSPR 94.03B MOTION PRACTICE

~~(b) Motion Practice.~~

~~(1)(a) Court Calendars~~

~~(1) Limits on Calendars.~~ The Court may direct the clerk to limit the number of cases to be heard on a particular calendar. Once those cases have been confirmed for argument, any further confirmations for that calendar will be continued to the next available family law calendar. The clerk will inform the moving or petitioning party of the continuance.

~~(2) Scheduling Hearings.~~

~~(A) Appendix of Calendar Information.~~ The schedules and confirmation requirements for family law calendars and ex parte matters are contained in the Appendix of Calendar Information attached to these rules. The schedule for these calendars may be changed without formal republication of these rules or appendices. Parties and counsel who are not familiar with Thurston County practice are advised to confirm calendar schedules before noting matters for hearings. Incorrectly scheduled matters will be stricken.

~~(2)(B) Commissioners' Calendars.~~ All motions in family law cases, except those identified in (C) below, shall be noted for hearing before the assigned court commissioner. Petitions for modification of dissolution decrees, petitions in paternity actions and all motions in family law cases shall be noted for hearing on the calendar, day and time shown in the Appendix of Calendar Information.

~~(3)(C)~~ Judges' Calendars. Motions for revisions, motions for continuance of trial dates, objections to relocation, and motions in cases where all court commissioners are unable to hear the case shall be noted for hearing on the judge's motion calendar ~~at the day and time shown in the Appendix of Calendar Information.~~

~~(4) (D)~~ Change Of Venue Motions. Motions for change of venue shall be heard by a judge unless the parties to the case provide a written waiver of waive in writing the right to bring a motion to revise the order on change of venue before the motion for change of venue is heard. If a waiver is filed, a court commissioner may hear the motion for change of venue.

~~(E)~~ Domestic Violence Cases. Parties petitioning applying for temporary protection orders in domestic violence cases shall be heard on a daily basis at a time specified at the time of filing. If the party can demonstrate a need for an earlier hearing, the matter may be heard pursuant to the ex parte procedures.

~~(4)(b)~~ Filing Requirements and Deadlines.

~~(A)(1)~~ Motions, briefs and all supporting documents must be filed and served before 12:00 noon, five court days preceding the motion calendar day - e.g., by noon Tuesday of the preceding week for a Tuesday calendar. Upon objection, motions that violate this requirement may be stricken or continued. This rule does not affect the notice requirements of the Civil Rules or any statute.

~~(B)(2)~~ All responding documents must be filed and served before 12:00 noon, two court days preceding the motion calendar day, e.g., by noon Friday for a Tuesday calendar.

~~(C)(3)~~ All reply documents must be filed and served before 12:00 noon, one court day preceding the motion calendar day, e.g., by noon Monday for a Tuesday calendar. Upon objection, late filing of responding and reply documents may result in striking the documents or a continuance and terms.

~~(4)~~ Working Copy.

~~(A)~~ A working copy of all briefs, attachments and exhibits shall be provided to court administration at or before the time of filing of the originals with the clerk. Each working copy shall be identified as the bench copy and shall identify the date, time and the judge or commissioner before whom the matter is scheduled to be heard, in the top left hand corner of the first page.

~~(B)~~ Working copies are not accepted by electronic means except as provided in this rule. In addition to a hard copy, a party may provide an additional, exact copy of working copies by e-mail. In emergency situations, and only if granted prior approval by court administration, a party may submit a working copy by facsimile.

~~(C)~~ If the brief or other material does not meet these guidelines, it is subject to being returned.

~~(c)~~ Confirmation of Hearings.

~~(1)~~ All motions to be considered on a family law calendar, a state family law and paternity calendar, a commissioner's concurrent cases calendar, or a judge's motion calendar must be confirmed. Confirmations on the family law calendar or state family law and paternity calendar must be made to the Clerk of the Court no later than 10:00

a.m. two court days prior to the motion calendar day. Confirmations on the judge's motion calendar must be made to the Clerk of Court no later than 10:00 a.m. three court days prior to the motion calendar day. Motions not confirmed will be stricken or continued at the discretion of the Court.

(2) If the deadline for confirmation falls on a court holiday, confirmations shall be made not later than 12:00 noon on the last court day before the holiday.

(d) Submission Requirements.

(1) Document Requirements. All declarations and affidavits filed shall be clear, legible, and printed or typewritten in black or dark blue ink on paper suitable for scanning. Declarations and affidavits shall be one-sided only.

(2) Page Limits.

(A) Generally. Absent prior authorization from the court as set forth in (D), the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions, including any reply, shall be limited to a sum total of twenty (20) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

(B) Exhibits Included In Page Limits: All exhibits that consist of declarations or affidavits will count toward the above page limits, unless listed in (C) below or authorized as set forth in (D).

(C) Exhibits Not Included In Page Limits: The following are not included in the 20 page limit:

(i) financial declarations and supporting financial documents

(ii) declarations, affidavits or reports from Guardians ad Litem and expert witnesses;

(iii) copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience in lieu of the court file; and

(iv) if parties and attorneys quote only the relevant parts of the emails, journals or depositions in the declaration or brief, and attach the full version of the email, journal or deposition as an exhibit, for context, the full version of the materials will not count against the page limit, if labeled as such for that limited purpose.

(D) Authorization. A party seeking authorization to exceed the page limit may do so on the ex parte calendar with notice to opposing counsel or a self-represented party. Opposing counsel or the self-represented party may appear telephonically for the authorization hearing

—(5)(3) Financial Declarations/Temporary Order/Modifications. A party applying for child support, maintenance, attorney's fees, or other financial relief must serve and file with the motion a completed mandatory financial declaration form (Washington Pattern Form DR 01.0550). The party shall also file and serve complete individual (or joint) tax returns for the past two calendar years together with all schedules, 1099's, and similar statements of income, and W-2's; complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per cent or greater; and all pay stubs showing income for the past six months or since January 1 of the current calendar year, whichever period is longer. A party responding to a motion for child support, maintenance, attorney's fees, or other financial relief must also file and serve a completed

financial declaration form (Washington Pattern Form DR 01.0550), and shall file and serve the documents set forth above as required for the moving party.

~~(6)(4) *Child Support Worksheets Standards and Worksheets.*~~ Prior to hearing an application for, or modification of, child support, the parties shall prepare, serve and file Support Schedule Worksheets as appropriate, giving consideration to the Definitions and Standards of the Washington State Child Support Schedule. The parties or their attorneys may file and serve a proposed Order of Child Support, provided that the proposed document be entitled "Proposed Child Support." The clerk will accept these proposals for filing, if entitled in this manner. The Court shall not consider the issue of support unless the appropriate worksheets have been filed. Support Schedule Worksheets and Child Support Order Summary Report Form shall be filed prior to entry by the Court of an order setting support at a level agreed to by the parties or ordered by the Court.

(5) *Temporary Restraining Orders.* Every party applying for a temporary restraining order in a family law case shall comply with the requirements of CR 65 and LSPR 94.03(c).

~~(7) *Page Limits.*~~

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

~~(B) *Exhibits.* Exhibits that consist of declarations or affidavits will count toward the above page limits. If parties and attorneys quote only the relevant parts of the emails, journals or depositions in the declaration or brief, and attach the full version of the email, journal or deposition as an exhibit, for context, the full version of the materials will not count against the page limit, if labeled as such for that limited purpose. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.~~

~~(C) *Financial Declarations.* Financial declarations and financial documents do not count toward the page limit.~~

~~(D) *Expert Reports and Evaluations.* Declarations, affidavits or reports from Guardians ad Litem and expert witnesses do not count toward the page limit.~~

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

~~(F) *Authorization.* A party seeking authorization to exceed the page limit may do so on the *ex parte* calendar with notice to opposing counsel or a self-represented party. Opposing counsel or the self-represented party may appear telephonically for the authorization hearing~~

(e) *Hearings - Time for Argument.* Each side will be allowed 10 minutes to argue a contested motion, including rebuttal, unless the Court allows additional time. Arguments requiring more than 10 minutes per side may be specially set.

~~(2) *Show Cause Returns.* Orders to show cause, summons containing return dates and citations shall be made returnable to the appropriate calendar as scheduled in the Appendix of Calendar Information.~~

~~—(A) *Adoptions*. Matters relating to adoptions shall be made returnable to the adoption calendar.~~

~~—(B) *Family Law*. Matters relating to family law cases, except motions for revision, and petitions for paternity, shall be made returnable to the family law motion calendar. Notices for final hearings in uncontested dissolutions where neither party is represented by an attorney shall be made returnable to the final dissolution calendar without attorneys.~~

~~—(C) *Petitions for Paternity/Uniform Interstate Family Support Act Cases*. Matters relating to petitions for paternity or UIFSA shall be made returnable to the State Family Law and Paternity Calendar.~~

~~—(D) *Motions for Revision*. Matters relating to motions for revision of a court commissioner decision shall be made returnable to the judge's motion calendar.~~

~~(8) *Document Requirements*. All declarations and affidavits filed shall be clear, legible, and printed or typewritten in black or dark blue ink on paper suitable for scanning. Declarations and affidavits shall be one-sided only.~~

~~—(9) *Confirmation*.~~

~~—(A) All motions to be considered on a family law calendar, a state family law and paternity calendar, a commissioner's concurrent cases calendar, or a judge's motion calendar must be confirmed. Motions not confirmed will be stricken or continued at the discretion of the Court. Confirmations on the family law calendar or state family law and paternity calendar must be made to the Clerk of the Court no later than 10:00 a.m. two court days prior to the motion calendar day. Confirmations on the judge's motion calendar must be made to the Clerk of Court no later than 10:00 a.m. three court days prior to the motion calendar day.~~

~~(B) If the deadline for confirmation falls on a court holiday, confirmations shall be made not later than 12:00 noon on the last court day before the holiday.~~

~~(10) *Time for Argument*. Each side will be allowed 10 minutes to argue a contested motion, including rebuttal, unless the Court allows additional time. Arguments requiring more than 10 minutes per side may be specially set.~~

~~—(11) *Limits on Calendars*. The Court may direct the clerk to limit the number of cases to be heard on a particular calendar. Once those cases have been confirmed for argument, any further confirmations for that calendar will be continued to the next available family law calendar. The clerk will inform the moving or petitioning party of the continuance.~~

~~(12) *Motions for change of venue*. Motions for change of venue shall be heard by a judge unless the parties to the case waive in writing the right to bring a motion to revise the order on change of venue before the motion for change of venue is heard. If a waiver is filed, a court commissioner may hear the motion for change of venue.~~

~~—(d) *Show Cause Returns*. Orders to show cause, summons containing return dates and citations shall be made returnable to the appropriate calendar as scheduled in the Appendix of Calendar Information.~~

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~~(3) *Petitions for Paternity/Uniform Interstate Family Support Act Cases.* Matters relating to petitions for paternity or UIFSA shall be made returnable to the State Family Law and Paternity Calendar.~~

~~(4) *Motions for Revision.* Matters relating to motions for revision of a court commissioner decision shall be made returnable to the judge's motion calendar.~~

~~(e) TROs.~~

~~(1) *Family Law Cases.* Every party applying for a temporary restraining order in a family law case shall comply with the requirements of CR-65 and LSPR 94.03(e).~~

~~(2) *Domestic Violence Cases.* Parties applying for temporary restraining orders in domestic violence cases shall be heard on a daily basis at a time specified at the time of filing. If the party can demonstrate a need for an earlier hearing, the matter may be heard pursuant to the ex parte procedures.~~

LSPR 94.03C EX PARTE REQUESTS

~~(e) Ex Parte Procedure.~~

~~(1) (a) *Ex Parte Departments.* Ex parte matters will be heard at the Family and Juvenile Court on a schedule set forth in the Appendix of Calendar Information. In addition, a call for ex parte matters will be made at the beginning of each morning and afternoon session in each courtroom and at such other times when the Court's schedule can accommodate a matter. Ex parte matters should be presented to the most appropriate department in session.~~

~~(2) (b) *Presentation of Order.* Ex parte orders presented for entry must be accompanied by a written motion, original supporting documents and the case file from the Clerk of the Court.~~

~~(3) (c) *Presentation in Self-Represented Cases.* Any ex parte motion and order to be presented by a self-represented party shall be reviewed by the Family Law Courthouse Facilitator before the motion is submitted to a judicial officer for consideration.~~

~~(4) (d) *Alternative Presentation by Mail or Drop Box—Mail; Drop Box.*~~

~~(1) *What is allowed:*~~

~~(a) *By mail:* Agreed orders, orders when notice of presentation is waived, and ex parte orders based upon the record in the file may be presented by mail.~~

~~(b) *By drop box:* Agreed orders and orders when notice of presentation is waived, and which do not require reference to the case file, may be left at the desk of the court receptionist for presentation.~~

~~(2) *Who may present:* Except for good cause, these alternative methods of presentation are available only to counsel licensed to practice law.~~

(3) Required documents: A person presenting an order under this rule must send the original order, supporting materials, and the required fee in the clerk's fee schedule (LCR 79(a)) to the Court Clerk. Self addressed, stamped envelopes, along with copies of the order to be signed, shall also be provided for return of any conformed materials or rejected orders.

(4) Judicial procedure: Orders will be directed to the ex parte judicial officer. When accepted, the Court will sign the order and cause it to be entered. When rejected, the papers will be returned by mail to the counsel sending them, without prejudice to presentation by counsel in person to the same judge.

~~Counsel may present agreed orders, orders when notice of presentation is waived and ex parte orders based upon the record in the file by mailing the original order, supporting materials and the required fee as set forth in the clerk's fee schedule (LCR 79(a)) to the Clerk of the Court. Orders will be directed to the ex parte judicial officer. When accepted, the Court will sign the order and cause it to be entered. When rejected, the papers will be returned by mail to the counsel sending them, without prejudice to presentation by counsel in person to the same judge. Self addressed, stamped envelopes, along with copies of the order to be signed, shall be provided for return of any conformed materials or rejected orders. Agreed orders and orders when notice of presentation is waived, and which do not require reference to the case file, may be left at the desk of the court receptionist for presentation. Except for good cause these alternative methods of presentation are available only to counsel licensed to practice law.~~

LSPR 94.03D SETTLEMENT AND PRETRIAL CONFERENCES

~~(4)~~ (a) Settlement Conferences.

(1) *Requirement.* All contested family law cases shall be set for settlement conference prior to assignment of a trial date unless otherwise ordered by the Court. Upon filing of notice for settlement conference setting, the Court shall assign the earliest available date. The case must be at issue prior to the settlement conference setting.

(A) In dissolution actions, paternity, and nonparental custody actions, if a settlement conference setting has not been requested within four months from the date the action was filed, the Court may order a settlement conference setting with notice to the parties or counsel of record.

~~(B) In paternity actions, if a settlement conference setting has not been requested within four months from the date paternity was determined by court order, the Court may order a settlement conference setting with notice to the parties or counsel of record.~~

(2) Scheduling.

(A) To initiate the setting of a settlement conference, the moving party must file a Note for Settlement Conference and set the matter for hearing in accordance with the Appendix of Calendar Information. The Note for and Response to Settlement Conference Setting may be found in the Forms Appendix. The note for hearing must be filed 14 days prior to the date scheduled for the hearing.

(B) The responding party to a Note for Settlement Conference setting must file a Note for and Response to Settlement Conference Setting seven (7) days prior to the date

scheduled for the hearing. The Note for and Response to Settlement Conference Setting may be found in the Appendix of Forms.

(C) A party may object that a case is not ready for a settlement conference by filing and serving an objection no later than noon, three court days preceding the date noted. The matter shall then be referred to a judge to determine whether the case is ready for settlement conference. The court may require a hearing. If the matter is determined to be ready for settlement conference setting, the case will be returned to the case scheduler for settlement conference assignment. Otherwise, the judge may order a date by which the case shall be made ready for settlement conference setting.

(3) *Attendance and Preparation Required.* The parties and their attorneys shall personally attend the settlement conference unless other arrangements are approved by the ~~Family and Juvenile~~ Court in advance of the settlement conference. At the settlement conference each party shall be prepared to address the unresolved issues and negotiate settlement of the case in good faith.

(4) *Mandatory Discovery.* Parties shall exchange, as appropriate, the following documents no later than fourteen (14) days prior to the conference. If a document is not produced, a brief explanation of why it is not produced is required.

(A) Complete individual (or joint) tax returns for the past two calendar years together with all schedules, 1099's and similar statements of income, and W-2's.

(B) Complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per cent or greater.

(C) All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is longer.

(D) A copy of the most recent statements, and a copy of statements current as of the date of the parties' separation, of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, time payment accounts, credit cards, and other debt owed by or to the parties.

(E) The most recent employers' ERISA statement, and a statement of contributions since that statement, of any pension plan of either party; the most recent statements, and statements as of the date of separation, for any IRA, SEP, deferred compensation account, or other defined contribution "retirement" account.

(F) A written appraisal of any real estate and/or personal property of special, unusual, or extraordinary value or a summary of the evidence that will be relied upon to value such items.

(G) The most recent N.A.D.A. Official Used Car Guide or other similar vehicle appraisal guide showing both average loan or wholesale and retail values for any automobiles.

(H) A summary of the source and tracing of any property asserted to be the separate property of either party.

(I) A statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans against its cash value.

(J) A written appraisal/business evaluation of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence that will be relied upon to value the same.

(K) Expert witnesses shall be disclosed no later than at the time of the discovery exchange.

(5) *Settlement Conference Statement.* Each party shall serve upon the other party and provide to the court a settlement conference statement no later than 14 calendar days prior to the settlement conference, unless the parties agree to a shorter period of time. The shorter period for exchange shall not be less than 7 calendar days before the settlement conference. The settlement conference statement should be in form similar to that contained in the Forms Appendix - Family and Juvenile Court Forms. Parties may supplement the information provided in the preferred form with a written statement further describing the issues.

(6) *Sanctions.* If a party fails to comply with the provisions of (3), (4), and (5) above, then the Court may immediately impose sanctions not to exceed \$500.

(7) *Other Documents.* If child support or a parenting plan is at issue in the action, a proposed child support worksheet and a proposed final parenting plan shall be attached to the settlement conference statement of each party.

(8) *Negotiations ~~Prior to~~ Before Settlement Conference.* After the settlement conference statements are served, the parties are encouraged to negotiate and to exchange additional documentation. Parties may file supplemental settlement conference statements at any time prior to the settlement conference if the party's analysis or proposal to resolve all issues has changed after reviewing the other party's settlement conference statement. If the parties are able to resolve all issues prior to the settlement conference, they should appear at the conference prepared to present testimony and enter final orders completing the dissolution or to put the settlement agreement on the record.

(9) *Completion.* At the completion of a settlement conference, the court shall schedule a hearing for presentation of final papers if settlement is achieved; schedule a continuation of the settlement conference if warranted and time is available; or schedule the matter for trial.

(10) *Negotiations After Settlement Conference.* If the settlement conference does not result in complete resolution of the case, each party shall submit to the other a written settlement proposal addressing all unresolved issues. This offer shall be submitted within 30 days after the settlement conference, but no less than 21 days prior to trial.

(b) Pretrial Conferences

(1) Requirement: All family law (RCW 26.09, 26.10 and 26.26), dependency and termination of parental rights actions shall have a Pretrial Conference with the trial Judge prior to trial. Other cases set for an evidentiary hearing at Family and Juvenile Court

may have a pretrial conference if requested by the trial judge. This rule does not apply to juvenile offender proceedings.

(2) Scheduling. The Pretrial Conference shall be held within three weeks of trial. The date of the Pretrial Conference shall be included on the Case Schedule Order in dependency and termination cases.

(3) Subjects for the Conference. The Pretrial Conference shall address:

(A) The length of the trial, including opening and closing;

(B) Confirmation of witnesses and coordination of scheduling;

(C) Identification of exhibits and agreement on admission where possible; and

(D) Discussion of anticipated pretrial motions or problems.

(3) Attendance. Attorneys for the State and the parents shall be required to attend the Pretrial Conference in dependency and termination cases. Attorneys for the parties and the parties shall be required to attend the Pretrial Conference in family law cases.

LSPR 94.03E TRIALS

—(g) Trial Scheduling Procedure.

—(1)(a) Trial Date Priorities. Cases involving the relocation of children, or determination of dependency, or termination of parental rights where children are not in the care of a parent shall be accorded the highest priority in setting a trial date.

—(2)(b) Assignment for Trial.

(A)(1) In cases where a settlement conference is required, a trial date shall be set at the conclusion of the conference if settlement is not reached.

(B)(2) In cases where a settlement conference is not required, a party or counsel may schedule the matter for trial setting by filing a note for trial setting for hearing on the calendar for settlement conference settings, as shown in the Appendix of Calendar Information. The note for trial should be filed 14 days prior to the time for hearing on the calendar, and should indicate the nature of the case, the number of expected factual witnesses, the number of expert witnesses, the expected length of trial, and available dates. The responding party may file a response to this note for trial setting not less than 7 days prior to the hearing, providing similar information for that party's case. If the responding party objects to trial setting, the matter shall be referred to a judge for determination of whether the case is ready for trial setting. The objection shall be filed not later than 3 days prior to the date scheduled for trial setting. If the judge determines the matter is ready for trial, the case will be referred back to the case scheduler for trial setting. If the judge determines the matter is not ready for trial setting, the judge may enter an order determining when the case shall be ready for trial setting.

(C)(3) Cases set for trial will be assigned to a week for trial. No specific starting date or trial judge will be assigned, except early assignment of a judge may be ordered in appropriate cases pursuant to subpart (a)(2) of this rule. During a week of trial, priorities among the cases scheduled will be determined at status conference. In those cases where a date certain for trial is necessary due to out-of-state parties or other limited circumstances, a party may move for a trial starting on a date certain prior to the time of

trial setting. Failure to seek a date certain trial prior to the time the matter is set for trial shall constitute a waiver of the right to a date certain trial.

—~~(3)(c)~~ *Status Conference*. Each case which has been scheduled for trial but which has not settled will have a status conference on the Thursday before the week for trial. If the day for status conference is a legal holiday, the status conferences will be held on the Wednesday before the week for trial. The purpose of this conference will be to assist the court in determining priorities among cases set for trial the following week, the issues for trial, and the length of trial.

~~(4)(d)~~ *Trailing Trial Week*. Any case which is not called for trial during its assigned week shall trail to the last week of that month for trial. The trailing week shall be the last week of a month which contains the last Wednesday of that month.

~~(5)(e)~~ *Continuances*. A case shall proceed to trial when called or be dismissed, unless continuance is ordered by the court.

~~(A)(1)~~ *Form of the Motion*. A motion for continuance of trial shall be filed, served and heard by a judge before the status conference. A motion for continuance must (i) contain written acknowledgment of the motion by the client, and (ii) be accompanied by an affidavit giving the specific reasons necessitating a continuance.

~~(B)(2)~~ *Conditions of Order for Continuance*. A continuance will be ordered only for good cause. The court may impose terms upon a party or counsel who is not prepared for trial. Any case continued will be immediately referred to the case scheduler for a new trial date.

~~(h)~~ *Trial Matters*.

~~(f)~~ *Pre-Trial Information and Trial Briefs and Required Information*. In all dissolution and legal separation trials where property or liabilities are at issue, each party shall submit a proposed division of assets and liabilities. In any family law matter where child support, maintenance, attorney's fees, or costs are at issue, each party shall prepare a current Financial Declaration (Washington Pattern Form DR 01.0550), attaching, if necessary, the materials identified in LSPR 94.03(b)(5). If child support is at issue, each party shall prepare the Washington State Child Support Worksheets. In any family law matter where a parenting plan is at issue, each party shall prepare a proposed parenting plan. The above information shall be submitted as a bench copy to the judge and served on opposing counsel or self-represented party by noon two judicial days prior to trial. Additionally, each party shall file a trial brief with the clerk and serve a copy on opposing counsel or self-represented party by noon two judicial days prior to trial.

~~(g)~~ *Exhibits*. Before trial convenes, each party shall provide the other parties an opportunity to review all exhibits to be offered, and the other parties shall review such exhibits to determine which exhibits may be admitted by stipulation.

~~(h)~~ *Proposed Final Orders*. Each party to a family law trial may provide proposed Findings of Fact and Conclusions of Law and proposed Decrees to be used as trial exhibits. In proceedings involving children, each party shall provide a proposed

parenting plan and a proposed order of child support and child support worksheets for use as trial exhibits.

(i) ~~Attorney's Fees/Costs~~ *Attorney Fees And Costs*. In considering a request for an award of attorney's fees and costs at trial based on bad faith or intransigence, the court may consider settlement proposals that have been communicated in writing in advance of trial. However, these settlement proposals shall not be submitted to the court or referred to in argument until a ruling on all other issues has been rendered.

LSPR 94.10 RESPONSE TO DEPENDENCY OR TERMINATION PETITION (Recodified to LJuCR 3.6 and 4.2)

[Effective September 1, 2002.]

LSPR 94.13 PARENTING COORDINATION

- (a) **Purpose:** In order to better serve high conflict families who are subject to parenting plans, the Court may appoint Parenting Coordinators to provide timely intervention in parenting disputes. The Parenting Coordinator will assist parents in making decisions regarding their children in accordance with the parenting plan, without involving the children or the court.
- (b) **Qualifications of Parenting Coordinators:** Individuals serving on the Thurston County Title 26 Guardian ad Litem or Mediation registries may request to serve as a Parenting Coordinator. An applicant shall complete an interview and court approved Parenting Coordination training and is subject to court approval. Parenting Coordinators shall be approved by the Court and listed on a separate registry.
- (c) **Appointment:**
- 1) A Parenting Coordinator may be appointed at any time after entry of a temporary or final parenting plan.
 - 2) A Parenting Coordinator may be appointed upon the request of a party, an attorney, the Guardian ad Litem, or on the court's own determination.
 - 3) An initial appointment of a Parenting Coordinator shall be for no more than ten hours. Appointments may be extended by agreement of the parties in writing or Court Order.

(d) **Payment:** The costs of a Parenting Coordinator shall be paid by the parties in such proportions as determined by the Court. A Parenting Coordinator shall bill for no more than three hours of background preparation done upon appointment, including initial parent interviews.

(e) **Authority of the Parenting Coordinator:**

- 1) A Parenting Coordinator will assist the parties in resolving disputed issues by clarifying misunderstandings, interpreting the parenting plan, working on compromise where appropriate, and making recommendations for resolution.
- 2) A Parenting Coordinator will not have authority to order the parents to do anything unless the parties grant this authority in writing.

(f) **Responsibilities of Parents:**

- 1) Each parent shall sign releases of records for the Parenting Coordinator.

- 2) Each parent shall contact the Parenting Coordinator within seven days of the appointment.
- 3) Each parent shall attempt to resolve parenting disputes through the Parenting Coordinator before initiating court action, except on issues of safety.

(g) Responsibilities of the Parenting Coordinator:

- 1) The Parenting Coordinator shall meet with each parent after appointment.
- 2) The Parenting Coordinator shall review the current Parenting Plan, any restraining or protection orders, and any Guardian ad Litem report.
- 3) The Parenting Coordinator shall determine whether any hearings are scheduled and may request the hearings be postponed.
- 4) The Parenting Coordinator shall maintain a log of contacts, agreements, recommendations and follow-through of the parties.
- 5) The Parenting Coordinator is not required to attend hearings unless requested by the Court. If there is a contested hearing related to parenting issues during the time of the appointment, the Parenting Coordinator shall file with the Court the relevant portions of the service log or a summary report of no more than two pages.

[New Section] (h) Terminating from Parent Coordination: In the event a party or attorney believes the services of a Parent Coordinator are not beneficial, he or she may request the court terminate the Parent Coordinator's appointment. The Court may terminate an Parent Coordinator appointment for good cause.

[Effective September 1, 2009]

LSPR 94.14 MOTIONS FOR RECONSIDERATION AND REVISION (Moved from LCR 59)

- (a) **Motions for Reconsideration.** Motions for reconsideration of family law shall comply with the procedure in the Local Court Rules for motions for reconsideration (LCR 59) ~~and submitting briefs and other materials (LCR 5).~~
- (b) **Motions for Revision of Court Commissioner's^s Orders or Judgment.**

(1) *Filing and Service Deadline.* A motion for revision must be filed and served within 10 days after the commissioner's ~~written~~ order or judgment is entered.

(2) *Findings of Fact and Conclusions of Law.*

(A) A party moving for revision shall present to the court commissioner proposed findings of fact and conclusions of law to support the order or judgment. Other parties may submit their proposals at the time for presentation.

(B) Findings of fact and conclusions of law shall be entered before the hearing on the motion for revision.

(C) The Administrative Office of the Court- approved form Order of Child Support and Child Support Worksheets may constitute findings of fact and conclusions of law for motions for revision on issues of child support.

(3) *Form of Motion.* A motion for revision shall:

(A) Specify each alleged error; and

(B) Identify each document in the court file related to the issues raised by the motion for revision

(4) *Hearing on Motion.* At the time a motion for revision is filed, the moving party shall schedule a hearing on the Family and Juvenile Court revisions calendar by filing a notice of issue. The hearing on the motion for revision shall be scheduled to occur within 30 days after the motion for revision is filed.

(5) *The Record.*

(A) The motion for revision shall be heard upon the record before the court commissioner. No new factual material may be filed without permission of the court for good cause shown.

(B) In all juvenile offender proceedings and other proceedings for which a electronic recording of live testimony is made, the party moving for revision shall make arrangements through the Family and Juvenile Court Supervisor for a transcript or a copy of the electronic recording of the proceedings to be provided to the court within 5 calendar days after filing the motion. A transcript shall be required if the electronic recording is more than 20 minutes in length. Where a transcript is required, the party moving for revision shall be responsible for arranging for payment for the transcript and ensuring that the transcript of proceedings is filed with the court not later than 5 calendar days before the scheduled hearing.

(6) *Scope of Motion.* The court may revise any order or judgment which is related to the issues raised by the motion for revision, for example, all issues related to child support or all issues related to the parenting plan. The court will not consider issues which are not related to the motion for revision without a separate motion, except:

(A) The court may consider requests for attorneys' fees by either party for the revision proceedings; and

(B) The court may consider issues in the original order when the motion for revision is filed as to a motion denying a motion for reconsideration.

(7) *Effect of Motion.*

(A) When a motion for revision is timely filed, the court commissioner loses jurisdiction to conduct further proceedings or enter orders on issues that are the subject of the revision proceeding until the revision proceeding is completed, except findings of fact and conclusions of law required by this rule.

(B) A court commissioner's order or judgment shall be effective upon entry of an ~~written~~ order or judgment unless stayed by court order pending hearing on a motion for revision.

[Amended effective September 1, 1994; September 1, 1997; February 9, 1999; September 1, 2000; Amended Effective September 1, 2003; Amended Effective September 1, 2004, Amended effective September 1, 2007.]