

# **Local Court Rules**

*of the  
Superior Court  
for*

## **Island County**

Effective September 1, 2025



**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR ISLAND COUNTY**

**CHRISTON C. SKINNER**  
*Judge*  
**CAROLYN L. CLIFF**  
*Judge*  
**MEGAN FRAZIER**  
*Court Administrator*

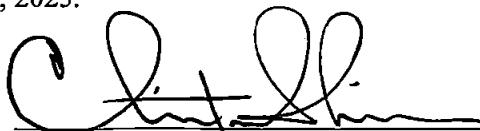
**In the Matter of the Adoption of  
LOCAL RULES OF COURT  
For the Superior Court of Island County, State of Washington**

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Pursuant to the authority of CR 83 of the Civil Rules for Superior Court, the following Local Rules of Practice and Procedure are adopted by the Superior Court of the State of Washington for Island County, to be in effect on and after September 1, 2025. All other Local Rules or designated Special Rules shall be abrogated to the extent they are inconsistent.

These Local Rules are a supplement to Rules for the Superior Courts of the State of Washington.

DATED this 27<sup>th</sup> day of June, 2025.



**CHRISTON C. SKINNER, JUDGE - DEPARTMENT 1**



**CAROLYN CLIFF, JUDGE - DEPARTMENT 2**

## TABLE OF RULES

### PART I LOCAL ADMINISTRATIVE RULES (LAR)

#### LAR 0.1 SCOPE OF RULES

#### LAR 0.2 COURT ORGANIZATION

#### LAR 1 PRESIDING JUDGE

- (a) Election
- (b) Terms
- (c) Vacancy
- (d) Duties and Responsibilities
- (e) Selection Criteria

#### LAR 2 JUDICIAL ADMINISTRATIVE RECORDS

- (a) Policy
- (b) Procedures for Requesting Access

### PART II LOCAL CIVIL RULES (LCR)

#### INTRODUCTORY (Rules 1-2A)

#### LCR 1 Scope of Rules

#### LCR 2 - 2A (No Local Rules)

#### COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS (Rules 3-6)

#### LCR 3 - 4.2 (No Local Rules)

#### LCR 5 Service and Filing of Pleadings and Other Papers

- (a) Service – When Required
  - (1) Emergency Orders
- (b) Service – How Made
  - (1) Acceptance by Email Required
  - (2) Exceptions
  - (3) How Served
  - (4) Electronic File Format and Contents
  - (5) Service Confirmation
  - (6) Delivery of Paper Copies
  - (7) Stipulation to Modify Email Service Rule

- (c) (No Local Rules)
- (d) Filing
  - (1) Time
  - (2) - (3) (No Local Rules)
- (e) Filing With the Court Defined
  - (1) Filing With the Clerk
  - (2) E-Filing and Facsimile Filing of Pleadings with Clerk
  - (3) Documents that May Not be E-Filed or Filed by Telefax
  - (4) Judge's Copies
- (f) - (j) (No Local Rules)
- (k) (Deleted)

#### **LCR 6 Time**

- (a) - (c) (No Local Rules)
- (d) For Motions – Declarations/Affidavits
  - (1) Deadlines for Filing and Serving Motions, Responses and Replies
    - (A) Motions
    - (B) Responses to Motions**
    - (C) Replies
    - (D) Proposed Orders
    - (E) Orders and Virtual Appearances
    - (F) (Deleted.)
  - (2) Conformed Copies
  - (3) Signatures
- (e) (No Local Rules)
- (f) Motions to Shorten Time**

### **PLEADINGS AND MOTIONS (Rules 7-16)**

#### **LCR 7 Pleadings Allowed; Form of Motions**

- (a) (No Local Rules)
- (b) Motions and Other Papers
  - (1) - (3) (No Local Rules)
  - (4) Identification of Evidence
  - (5) Telephonic and Video Argument and Appearances**
    - (A) Hearings Unsuitable for Telephonic or Video Conferencing Systems
    - (B) Court May Require Personal Appearances
    - (C) Equipment/Conduct
    - (D) Pre-Check for Remote Attendance
    - (E) Court May Reject or Halt Telephone or Video Appearances
    - (F) Familiarization with Video and Electronic System
    - (G) Recording Remote Proceedings Prohibited
    - (H) Protection Order Hearings
    - (I) Additional Rules May be Posted on Superior Court Website
  - (6) Presentation of Orders After Hearing.
- (c) - (d) (No Local Rules)

- (e) Motions and Orders to be Separate

**LCR 8 - 9 (No Local Rules)**

**LCR 10 Form of Pleadings and Other Papers**

- (a) - (c) (No Local Rules)
- (d) Format Requirements
  - (1) Tabs or Separators in Documents
  - (2) Page Format
  - (3) Use of Photos of Documents as Originals Prohibited
  - (4) Photocopies, Screenshots, Photographs
- (e) Format Recommendations
  - (1) - (6) (No Local Rules)
  - (7) Black and White or Color Photographs
- (f) - (g) (No Local Rules)

**LCR 11 Signing and Drafting of Pleadings, Motions, and Legal Memoranda; Sanctions**

- (a) Violation of Local Court Rules
- (b) (No Local Rules)

**LCR 12 – 15 (No Local Rules)**

**LCR 16 Pretrial Procedure and Formulating Issues**

- (a) - (b) (No Local Rules)
- (c) Pretrial Readiness Hearings
  - (1) Time
  - (2) Purpose of Hearing
  - (3) Completion of Discovery
  - (4) Statement of Readiness for Trial
- (d) Settlement Conference
- (e) Trial Briefs

**PARTIES (RULES 17-25) (No Local Rules)**

**DEPOSITIONS AND DISCOVERY (Rules 26-37)**

**LCR 26 - 32 (No Local Rules)**

**LCR 33 Interrogatories to Parties**

- (a) Availability; Procedures for Use

**LCR 34 - 37 (No Local Rules)**

**TRIALS (RULES 38-53.4)**

## **LCR 38 – 39 (No Local Rules)**

### **LCR 40 Assignment of Cases**

- (a) Notice of Trial – Note of Issues
  - (1) - (5) (No Local Rules)
- (b) Methods
  - (1) [Note for Trial Setting](#)
  - (2) [Confirmation of Trials](#)
- (c) - (d) (No Local Rules)
- (e) Continuances
- (f) (No Local Rules)
- (g) Related Cases

### **LCR 41 Dismissal of Actions**

- (a) - (d) (No Local Rules)
- (e) Notice of Settlement

### **LCR 42 Consolidation; Separate Trials (No Local Rules)**

### **LCR 43 Taking of Testimony**

- (a) - (k) (No Local Rules)
- (l) [Telephonic and Video Testimony and Appearances](#)
- (m) [Exhibits to Clerk in Advance of Trial or Evidentiary Hearing](#)
- (n) Records in Administrative Appeals

### **LCR 44 - 50 (No Local Rules)**

### **LCR 51 Instructions to Jury and Deliberation**

- (a) Proposed
- (b) - (i) (No Local Rules)

### **LCR 52 - 53.4 (No Local Rules)**

### **JUDGMENT (Rules 54-63)**

### **LCR 54 Judgment and Costs**

- (a) - (d) (No Local Rules)
- (e) [Presentation of Order or Judgment](#)
  - (1) Duty to Prepare Order or Judgment
  - (2) Time for Service
  - (3) Time for Presentation
- (f) [Presentation Hearing; Objections; Ex Parte & Remote Appearances.](#)
  - (1) (No Local Rule)
  - (2) Notice of Presentation
    - (A) Emergency

- (B) Approval
- (C) After Verdict, etc.
- (3) Objection to Proposed Form of Order or Judgment
- (4) Presentation of Orders or Judgments by Court Clerk

#### **LCR 55 Default and Judgment**

- (a) (No Local Rules)
- (b) Entry of Default Judgment
  - (1) - (4) (No Local Rules)
  - (5) Default Orders, Decrees or Judgments
- (c) - (f) (No Local Rules)

#### **LCR 56 Summary Judgment**

- (a) - (b) (No Local Rules)
- (c) Scheduling; Confirmation of Hearing
  - (1) Scheduling Hearings for Summary Judgment
  - (2) Confirmation of Summary Judgment Motions
- (d) - (h) (No Local Rules)

#### **LCR 57 - 58 (No Local Rules)**

#### **LCR 59 New Trial, Reconsideration and Amendment of Judgments**

- (a) (No Local Rule)
- (b) Time for Motion; Contents of Motion
  - (1) (No Local Rule)
  - (2) Time Limitations & Notice Requirements
  - (3) Temporary Protection Orders – Notice exception
  - (4) Grounds for Motion
  - (5) Response
  - (6) Oral Argument Only Upon Request From Court
  - (7) Decision on Motion; Notice of Readiness

#### **LCR 60 - 63 (No Local Rules)**

#### **PROVISIONAL AND FINAL REMEDIES (Rules 64-71) (No Local Rules)**

#### **APPEALS (Rules 72-76) (No Local Rules)**

#### **SUPERIOR COURTS AND CLERKS (Rules 77-80)**

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

- (a) (No Local rules)
- (b) Powers of Superior Courts
  - (1) Powers of Court in Conduct of Judicial Proceedings [See RCW 2.28.010]
    - (A) Conduct and Dress Code

- (B)Professional Conduct
- (2) - (3) (No Local Rules)
- (c) (No Local Rules)
- (d) Superior Court Hours of Operation
- (e) No Court on Legal Holidays – Exceptions [See RCW 2.28.100]
- (f) Sessions
  - (1) Involuntary Commitment Hearings.
- (g) - (i) (No Local Rules)
- (j) Trials
- (k) [Trial Briefs](#)
- (l) Court's Non-Trial Calendar**
  - (1) Law and Motion Calendars – Generally
  - (2) Times for Hearings
    - (A) Civil Motion Calendar**
    - (B) Adult Criminal and Juvenile Offender Calendar
    - (C) Special Set Hearings - Procedure**
    - (D) Regularly Scheduled Calendars**
      - i. Tuesdays
        - Self-represented Family Law Final Decrees/Orders
        - Parentage, At-Risk Youth (ARY), Children in Need of Services (CHINS), and Emancipation
        - Truancy Proceeding
      - ii. Wednesdays
        - Probate/Guardianship
        - Shelter Care
        - Civil Protection Orders
      - iii. Thursdays
        - Dependency
        - Adult Drug Court
        - Family Reunification Court
    - (E) *Ex parte* Calendar

#### **LCR 78 Clerks**

- (a) - (f) (No Local Rules)
- (g) Payment and Disbursal of Trust Funds
  - (1) Payment of Trust Funds
  - (2) Disbursal of Trust Funds

#### **LCR 79 Books and Records Kept by the Court**

- (a) - (c) (No Local Rules)
- (d) Other Books and Records of Clerk
  - (1) Clerk's Fee Schedule
  - (2) Filing Family Court Documents
  - (3) Court Files
- (e) Destruction of Records.
- (f) List of Pending Decisions (No Local Rules)

**LCR 80      Court Reporters**

- (a) Matters Not Reported/Audio Recording
- (b) - (c) (No Local Rules)

**GENERAL PROVISIONS (Rules 81-86)**

**LCR 81 - 84 (No Local Rules)**

**LCR 85      Title of Rules**

**LCR 86      (No Local Rules)**

**PART III**

**LOCAL SPECIAL PROCEEDINGS RULES (LSPR)**

**LSPR 94      FAMILY LAW RULES**

- (a) Scope of Rules
- (b) Court's Automatic Temporary Order
- (c) Affidavits and Declarations – Page Limits
  - (1) Number of Pages of Declarations and Affidavits Limited
  - (2) Exhibits
  - (3) Financial Declarations
  - (4) Expert Witness Reports and Evaluations
  - (5) Electronic Communications as Evidence
  - (6) Miscellaneous Exceptions
  - (7) Format
  - (8) Circumvention Prohibited
  - (9) Violations
- (d) Parent Education Class
  - (1) Mandatory Attendance
  - (2) Certificate of Completion
  - (3) Fees
  - (4) Seminar Providers
  - (5) Waiver and Special Considerations
    - (A) Opposing Parties
    - (B) Domestic Violence or Abuse
    - (C) Proposed Parenting Plan Required
    - (D) Willful Refusal
- (e) Mandatory Mediation
  - (1) Requirement for Mandatory Mediation
  - (2) Mandatory Mediation Not Required

- (A) Good Cause
- (B) Restraining or Protection Order
- (C) No Contact Order
- (D) Domestic Abuse
- (E) Order to Require Mediation
- (F) Order Waiving Mediation
- (3) Settlement Conference after Mandatory Mediation
- (4) Effect on Court Proceedings
- (5) Cost of Mediation
- (6) Responsibility for Compliance
- (7) Failure to Comply with Mandatory Mediation Requirement
- (8) Approval of Mediators
- (9) Selection of Mediator; Right of Mediator to Decline
- (10) Authority of Mediator
- (11) Attendance at Mediation
- (12) Certificate of Completion of Mediation
- (13) Confidentiality
- (14) Effective Date
- (f) [Jurisdictional Declaration in Non-Contested Dissolution Cases.](#)
- (g) [Required Documents in Family Law Trials](#)
- (h) [Parenting Plans and Child Support Orders Submitted by Self-represented Parties – Review](#)
- (i) Family Court – Reconciliation
- (j) [Informal Family Law Trials](#)
- (k) Background JIS Checks

**LSPR 95 UNLAWFUL DETAINER CASES – EVICTION RESOLUTION PILOT PROGRAM (ERPP) AND RIGHT TO COUNSEL**

- (a) Standing Order; Recission of Standing Order
- (b) Right To Counsel; Continuances

**LSPR 98.04 NO LOCAL RULES**

**LSPR 98.16 ESTATES, PROBATES, GUARDIANSHIPS**

- (a) Minor Guardianships
  - (1) Filing Fee
  - (2) Modifications of Final RCW 26.10 Orders
  - (3) Forms
  - (4) Actions Involving Multiple Children
  - (5) Cases involving minor children who are subject to dependency – RCW 13.34
  - (6) Commencing Minor Guardianship Case
    - (A) Permanent Minor Guardianship
    - (B) Standalone Emergency Minor Guardianship (60 day)
  - (7) Service
  - (8) Judge's Copies and Proposed Orders
  - (9) Emergency Motions

- (10) Hearings
- (11) Lengthy Hearings to Extend Emergency Guardianships
- (12) Background/JIS Checks
- (13) Objections
- (14) Initial Hearing on Petition for Minor Guardianship
- (15) Appointment of Attorney for Biological Parents
- (16) Appointment of Attorney for Minor Child
- (17) Review Hearings. (Reserved)
- (18) Emergency Minor Guardianship Hearing (60 day)
- (19) Finalization of Agreed or Defaulted Matters
- (20) Information Required
- (21) Trial
- (22) Review of Self Represented Persons' Orders
- (23) Guardian's Acceptance of Appointment

**(b) Probate and Estate & Administration**

- (1) *Ex parte* Presentation
- (2) Commencing Probate Proceedings – Death Certificate Required

**PART IV**

**LOCAL GUARDIAN AD LITEM RULES (ICGALR)**

**ICGALR 1 SCOPE AND DEFINITIONS**

**ICGALR 2-4 (No Local Rules)**

**ICGALR 5 Appointments of Guardians Ad Litem/Court Visitors**

- (a) Equitable Distribution of Workload
- (b) Appointment of GAL/Court Visitor at Public Expense
- (c) Payment of GAL/Court Visitor at Public Expense
- (d) Procedure to Address Complaints

**ICGALR 6 Limited Appointments (No Local Rules)**

**ICGALR 7 Grievance Procedures**

- (a) Clear and Concise. (No Local Rules)
- (b) Separate Procedures
  - (1) Pending Cases
  - (2) Grievances Filed Subsequent to Conclusion of Case
  - (3) Considerations as to Merit
- (c) Fair Treatment of Grievances. (No Local Rules)
- (d) VGAL Grievance Procedures.
- (e) Confidentiality
- (f) Response to Complaint.

- (g) Complaint Resolution Time Standards; Procedures
  - (1) Time
  - (2) Final Determination
  - (3) Sanctions/Discipline
  - (4) Finality of Disposition
  - (5) Appeal Process
- (h) Records of Grievances (No Local Rules)
- (i) Removal from Registry
  - (1) Removal from Other Local Registries
  - (2) Notice to Office of Administrator of the Courts
- (j) Implementation (No Local Rules)

## **ICGALR8– GAL/COURT VISITOR REGISTRIES**

- (a) Registry Administration
- (b) Qualifications

**PART V**

**LOCAL CRIMINAL RULES (LCrR)**

### **LCrR 1 - 2 (No Local Rules)**

#### **LCrR 3        Rights of Defendants**

#### **LCrR 3.1-3.3 (No Local Rules.)**

#### **LCrR 3.4        Presence of the Defendant**

- (a) (No Local Rule)
- (b) When Necessary

### **LCrR 4        Procedures Prior to Trial**

#### **LCrR 4.1        (No Local Rules)**

#### **LCrR 4.2        Pleas**

- (a) – (h) (No Local Rules)
- (i) Authority of Court Commissioners

#### **LCrR 4.3 – 4.4 (No Local Rules)**

### **LCrR 4.5        Pretrial Motions/Motions *in limine***

- (a) – (c) (No Local Rules)
- (d) Motions
- (e) – (h) (No Local Rules)

**LCrR 4.6** (No Local Rules)

**LCrR 4.7 – Discovery** (No Local Rules)

**LCrR 5**      **Venue** (No Local Rules)

**LCrR 6**      **Procedures at Trial**

**LCrR 6.1**      **Trial by Jury or by the Court**

- (a) Trial Brief or Memorandum
- (b) Jury Instructions
- (c) Zoom and Approved Video and Telephonic Appearances

**LCrR 6.2 - LCrR 6.16** (No Local Rules)

**LCrR 7**      **Procedures Following Conviction** (No Local Rules)

**LCrR 8**      **Miscellaneous**

**LCrR 8.1**      **Time**

**LCrR 8.2**      **Motions**

- (a) Motion Calendar
- (b) Zoom and Approved Video and Telephonic Appearances
- (c) Equipment/Conduct
- (d) Presentation of Final Documents

**LCrR 8.3 - LCrR 8.9** (No Local Rules)

<p><b><u>PART VI</u></b> <b>LOCAL JUVENILE COURT RULES (LJuCR)</b></p>
--

**TITLE I. SCOPE AND APPLICATION OF RULES**

**LJuCR 1.1-1.3** (No Local Rules)

**LJuCR 1.4      Applicability of Other Rules**

- (a) Criminal Rules.

**LJuCR 1.5** (No Local Rules)

**LJuCR 1.6      Volunteer Guardian ad Litem Program**

## **TITLE II. SHELTER CARE PROCEEDINGS**

**LJuCR 2.1-2.4** (No Local Rules)

**LJuCR 2.5 Amendment of Shelter Care Order**

- (a) 30-day Shelter Care Review

## **TITLE III. DEPENDENCY PROCEEDINGS**

**LJuCR 3.1-3.8** (No Local Rules)

**LJuCR 3.9 Review Hearing**

- (a) Department's Written Review Report
- (b) Notice of Contested Issues

**LJuCR 3.10-3.11** (No Local Rules)

## **TITLE IV – TITLE VI** (No Local Rules)

## **TITLE VII. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT**

**LJuCR 7.1-7.2** (No Local Rules)

**LJuCR 7.3 Detention and Release**

- (a) – (f) No Local Rules
- (g) Detention Facilities in Island County

**LJuCR 7.4-7.15** (No Local Rules)

## **TITLE VIII - X** (No Local Rules)

## **TITLE XI. SUPPLEMENTAL PROVISIONS**

**LJuCR 11.1 – LJuCR 11.3** (No Local Rules)

**LJuCR 11.4 Court Schedules for Juvenile Matters – see LCR 77(k)**

**LJuCR 11.5 Financial Responsibility**

- (a) Financial Obligation
- (b) Assessment of Costs
- (c) Notice
- (d) Time
- (e) Payments Forwarded
- (f) Sanctions

**LJuCR 11.6-11.22** (No Local Rules)

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## PART I

### LOCAL ADMINISTRATIVE RULES (LAR)

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#### **LAR 0.1 – SCOPE OF RULES**

- (a)** These rules shall become effective September 1, 2025.
- (b)** All proceedings in Island County Superior Court shall be conducted in accordance with applicable statutes and Washington State Court Rules, except as modified by these Local Court Rules.
- (c)** Compliance with Island County Local Court Rules shall be mandatory, unless waived by the Court for good cause.

#### **LAR 0.2 - COURT ORGANIZATION**

- (a) Departments.**

Department 1- Hon. Christon C. Skinner (Date of qualification: January 2021)

Department 2- Hon. Carolyn Cliff (Date of qualification: January 2021)

Department 3- Hon. Scott Wessel-Estes, Court Commissioner

- (b) Court Commissioners.** Except where otherwise required by law or court rules, the terms "judge" and "court" include commissioners. Court Commissioners authorized by Article 4, Section 23 of the Constitution of the State of Washington have the power, authority and jurisdiction established by RCW 2.24.040, including the specific authorization to accept pleas in adult criminal cases in accordance with CrR 4.2.

[Adopted September 1, 2025.]

#### **LAR 1 – PRESIDING JUDGE**

- (a) Election.** Pursuant to GR 29(a)(1), Rules of Court, the elected Superior Court Judges shall elect a Presiding Judge and an Assistant Presiding Judge by majority vote at a meeting of the Judges to be held in October of even numbered years. Votes may be cast orally or in writing but the result thereof shall be memorialized in a writing that is signed by each Judge who participated in the election.
- (b) Terms.** The terms of the Presiding Judge and the Assistant Presiding Judge shall be for two years beginning January 1 of the odd numbered year after election to these administrative posts.
- (c) Vacancy.** A vacancy in the office of the Presiding Judge shall be filled by the then serving Assistant Presiding Judge. A vacancy in the office of the Assistant Presiding Judge shall be filled by majority vote of the elected Superior Court Judges at the first meeting of Judges that is held after the vacancy is known to exist. In the event that there is a vacancy

in the offices of both the Presiding Judge and the Assistant Presiding Judge, both vacancies shall be filled by majority vote of the elected Superior Court Judges at a meeting of Judges that shall be held promptly after the vacancies are known to exist. Judges filling vacancies shall serve until January 1 of the next odd numbered year.

**(d) Duties and Responsibilities.** The duties of the Presiding Judge and Assistant Presiding Judge shall be as provided in GR 29, except as otherwise provided by written court policy approved by a majority of the elected Judges of the Island County Superior Court.

**(e) Selection Criteria.** Selection of the Presiding Judge and Assistant Presiding Judge should be based on the criteria set forth in GR 29(a)(5); provided, however, that in the event that no Judge of the Island County Superior Court has at least four years of experience as a fulltime judge, selection may be made by rotation, to allow more candidates to develop their management and administrative abilities.

[Amended effective September 1, 2023.]

## **LAR 2 - JUDICIAL ADMINISTRATIVE RECORDS**

**(a) Policy.** It is the policy of the Washington State's judiciary to facilitate access to its administrative records. In accordance with GR 31.1(c), this Court has adopted this policy to facilitate access to its records. A presumption of access applies to this Court's administrative records. Access, however, is not absolute, and this Court must honor exemptions for personal privacy, restrictions in statutes and/or court rules, and as required for the integrity of the judicial decision-making process. To ensure its compliance with GR 31.1 and this policy, the Court has designated its Court Administrator as the Court's Public Records Officer and requires that requests for judicial administrative records be submitted to its Public Records Officer in writing.

**(b) Procedures for Requesting Access.** In accordance with GR 31.1(c)(2), the procedures for requesting access to this Court's administrative records, together with identification and contact information for this Court's Public Records Officer and a form for use in requesting this Court's administrative records, is available on the Court's website.

[Adopted effective September 1, 2021.]

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**PART II**  
**LOCAL CIVIL RULES (LCR)**  
**ISLAND COUNTY SUPERIOR COURT**  
Effective September 1, 2025

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**INTRODUCTORY (Rules 1-2A)**

**LCR 1 SCOPE OF RULES**

Unless specifically designated otherwise, these rules shall govern the local practice and procedure in the Island County Superior Court. These rules are subject to amendment at the direction of the judges. Counsel and litigants should check with the Court Administrator or county Clerk to assure that the rules applicable to their matters are currently in effect. These local rules are supplemental to the Washington State Supreme Court Rules for Superior Court and Juvenile Court. In all cases where the word "counsel" is used, the provisions shall apply equally to a party appearing without counsel, also known as a "self-represented party". [Adopted effective September 1, 1999. Amended effective September 1, 2000; September 1, 2008; September 1, 2011; September 1, 2012; September 1, 2021; September 1, 2022; September 21, 2023.]

**LCR 2 – 2A (No Local Rules)**

**COMMENCEMENT OF ACTION; SERVICE OF PROCESS,  
PLEADINGS, MOTIONS AND ORDERS (Rules 3-6)**

**LCR 3 – 4.2 (No Local Rules)**

**LCR 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

**(a) Service - When Required.**

(1) *Emergency Orders.* A party applying for an emergency order which will require or forbid the doing of some act shall notify the opponent or his or her counsel, if known, and shall request his or her presence at presentation of the order, unless good cause to the contrary is shown. Copies of the motion, declaration, proposed order, and other applicable pleadings and papers shall be provided to the opposing party or his or her counsel, if possible. If the opponent or opponent's counsel does not appear, the judge shall require a full showing with respect to the notice given.

**(b) Service – How Made.** Service of all papers other than the summons and other process may be made by electronic mail (email) as follows:

(1) *Acceptance by Email Required.* Except as otherwise provided herein, every attorney or self-represented party shall provide an email address to which service of pleadings and other papers after original service may be made. An email address shall be provided in a summons, notice of appearance, or upon request by the opposing party or attorney. In the event that an attorney does not provide an email address as required by this subsection, opposing parties and the Court may serve an attorney at any email address associated with that attorney on the Washington State Bar Association lawyer directory, or any public facing webpage published by the attorney or that attorney's law firm.

(2) *Exceptions.*

(A) Discovery requests and responses, including documents produced in response to discovery requests, are expressly excepted from this rule, and may only be served by email or other electronic means by stipulation of the parties.

(B) A self-represented party may ask the Court for an exception to the email service rule based on a showing of good cause. Such request shall be made by motion, properly noted for hearing and served on the opposing party or attorney.

(3) *How Served.* Pleadings and other papers or documents shall be served either:

(A) By emailing electronic documents attached to one or more emails, with no one email to exceed ten (10) megabytes. The email must be sent from an email address at which the sending party will receive service from opposing parties; or

(B) Through the use of a secure file transfer service, such as Dropbox, Box, ShareFile, Google Drive, or One Drive or other vendor providing this type of file transfer service. The sender may transmit a secure link to the document or documents from the sending party's own email, or using the internal file share function of the file transfer service. If a link is transmitted using the file transfer service's internal share function, the body of the transmittal email must include the sender's email address. Other than page limits elsewhere in the Civil Rules or these Local Rules, there are no specific electronic file size limits when using a file transfer service.

(4) *Electronic File Format and Contents.* Each document served under this rule shall be in "portable document format" (PDF). Each PDF file shall contain only one pleading or other document, including appendices. Each PDF file shall be of sufficient resolution and clarity that it is legible on ordinary digital devices and when printed on paper. Each PDF file shall be named to adequately identify the specific pleading or document it contains. (For example: "Second Motion for Summary Judgment.pdf" is adequate. "Motion.pdf" is not adequate.)

The subject field of each transmittal email under subsection (3)(i) or (3)(ii) of this rule shall indicate the name and cause number of the case to which it pertains. Each transmittal email may serve documents for only one case. Each transmittal email shall include, in the body of the email, a list of the electronic documents attached or linked on the file transfer server. The sending transmittal email shall include, in the body of the email, complete contact information of the sender, including name, phone number, and a reply email address if different from the sending address.

(5) *Service Confirmation.* Service is deemed complete once the sender notifies the recipient that materials were served by email, unless the recipient can prove email service was not actually received. Notification may be effected by a “read receipt,” telephone notification, including voicemail, or any other means reasonably calculated to advise the recipient that email service was effected. Service completed after 4:30 PM shall be considered completed the next court day. The parties may stipulate to an alternate confirmation method.

(6) *Delivery of Paper Copies.* If service by email is being made to a self-represented party, such service shall be followed by delivery of paper copies no later than the following court day by deposit in the regular mail or hand delivery, unless otherwise stipulated by the parties.

(7) *Stipulation to Modify Email Service Rule.* The parties may modify the email service rule contained herein by written stipulation, including an agreement that email service shall not be used. A sample email stipulation is provided on the Superior Court website.

[Adopted September 1, 2021; amended effective September 1, 2022; September 1, 2023; September 1, 2024; September 1, 2025.]

**(c) (No Local Rules)**

**(d) Filing.**

(1) *Time.* All notices for the law and motion calendar shall be filed with the Clerk of the Court no later than 4:00 p.m. twelve (12) calendar days preceding the date of the hearing.

[Amended effective September 1, 2021; September 1, 2022.]

(2) - (3) (No Local Rules)

**(e) Filing With the Court Defined.**

(1) *Filing with the Clerk.* The filing of pleadings and other papers with the court shall be made by filing the originals with the Clerk of the Court as provided in these rules, and not the Court Administrator’s office or the judge.

(2) *E-Filing and Facsimile Filing of Pleadings with Clerk.* Documents, including pleadings, may be filed with the Clerk by electronic filing (e-file) or facsimile transmission (telefax) in accordance with GR 17 and GR 30. However, in addition to the requirements of a telefax transmittal sheet contained in GR 17(b)(2), a transmittal sheet shall also be required for all e-filing transmissions. The e-filing or telefax transmittal sheet shall contain the title and number of pages for each document sent in the transmission. The e-filing or telefax transmittal sheet shall also contain the title and number of pages for each document sent in the transmission. The Clerk may assess a fee for documents filed via telefax or e-filing methods. The fee schedule and the procedure for e-filing or facsimile filing of documents with the Clerk’s office can be found at the Island County Superior Court Clerk’s webpage.: <http://islandcountycourt.org>

<https://www.islandcountywa.gov/395/EmailElectronic-Filing>

(3) *Documents That May Not be E-filed or Filed by Telefax.* The following documents may not be filed electronically:

- (A) Original wills and codicils;
- (B) Certified records of proceedings for purposes of appeal;
- (C) Documents of foreign governments under official seal including foreign and out-of-state adoption documents;
- (D) Documents presented for filing during a court hearing or trial including documents submitted for *in camera* review pursuant to GR 15;
- (E) Foreign (out-of-state) Judgments;
- (F) Documents that are illegible as a result of multiple scans or copying; or
- (G) Trial and hearing exhibits that need to be marked for identification by the Clerk of Court.

(4) *Judge's Copies.* Judge's copies of pleadings and other papers shall be provided to the Court Administrator's office for the judge assigned to the case or calendar by U.S. Mail, courier, hand delivery, or via the email filing system provided by the Island County Superior Court Clerk. Judge's copies shall be provided at the same time as such pleadings and other papers are required to be served on the opposing party. Judge's copies shall have the words "Judge's Copy" or similar designation placed in the upper right hand corner of the first page, the judge's name, and the date and time of the hearing. Judge's copies are discarded after ten (10) calendar days from the assigned hearing date. It is the responsibility of the parties or counsel to provide new judge's copies to the judge thereafter as provided herein. In order to address emergent events such as a pandemic, the Court may temporarily modify these rules regarding delivery of judge's copies as circumstances dictate. Parties and counsel are encouraged to monitor the Superior Court's webpage located at:

<https://www.islandcountywa.gov/220/Superior-Court>

[Amended effective September 1, 2021; September 1, 2022; September 1, 2023; September 1, 2024; September 1, 2025.]

**(f) - (j) (No Local Rules)**

**(k) Special Set Hearings.** (Deleted. See [LCR 77\(k\)\(2\)\(A\)](#) & (C).)

[Amended effective September 1, 2020; September 1, 2023; September 1, 2025.]

**LCR 6 TIME**

**(a) - (c) (No Local Rules)**

**(d) For Motions – Declarations/Affidavits.**

(1) *Deadlines for Filing and Serving Motions, Responses and Replies.*

(A) Motions. Notwithstanding the provisions of CR 6(d), a written motion, other than summary judgment motions, motions for reconsideration, and motions that may be heard *ex parte*, shall be filed with the Clerk's office no later than 4:00 p.m., twelve (12) calendar days prior to the date of the scheduled hearing. The motion and related materials shall be served on the opposing party or their attorney (if represented), no later than 4:30 p.m., twelve (12) calendar days prior to the scheduled hearing, unless a different period is fixed by these rules or by order of the Court. Such an order for a different time period may, for cause shown, be made on *ex parte* application as set forth in [LCR 6\(f\)](#). The motion shall be filed and served with a notice of hearing setting a hearing date for the motion on the appropriate calendar. ([See LCR 77\(k\).](#)) When a motion is supported by affidavit or declaration or other documents, those documents shall be served with the motion.

(B) Responses to Motions. Except as otherwise provided in the Civil Rules governing motions for summary judgment, motions for reconsideration, or an order setting deadlines for a specific motion or hearing, opposing or responsive affidavits, declarations and related documents shall be filed with the Clerk's office no later than 4:00 p.m., six (6) calendar days prior to the scheduled hearing. The opposing materials shall be served on the opposing party or their attorney (if represented), no later than 4:30 p.m., (6) six calendar days prior to the scheduled hearing.

(C) Replies. Affidavits, declarations, memoranda, and related documents submitted in strict reply to the response material (i.e., no new issues or facts), shall be filed with the Clerk's office no later than 4:00 p.m., four (4) calendar days prior to the hearing and the same shall be served on the opposing party(ies) or their attorney no later than 4:30 p.m., four (4) calendar days prior to the date of the scheduled hearing. No additional responses or replies shall be permitted from either party without permission of the Court.

(D) Proposed Orders. A proposed order shall be served with the motion or response to motion as an exhibit thereto and shall be included in the Judge's copy provided to the Court. The proposed order shall be in a form that the Court can adopt or modify, consistent with the Court's decision on the motion. **The proposed order shall not be filed as a separate document with the Clerk.** Originals of the proposed orders shall be retained by counsel or party and presented for entry at the time of the hearing. Alternatively, counsel or parties appearing at a hearing remotely, may submit proposed orders for entry as permitted by [LCR 54\(f\)\(4\)](#).

(E) Orders and Virtual Appearances. If a party or lawyer is appearing virtually (i.e., via Zoom) and wishes to submit an "original" Order or similar document for the judge's signature at the conclusion of the hearing, the presenting party or lawyer shall submit the proposed order or other document through the Clerk's office as more particularly described in [LCR 54\(f\)\(4\)](#), below.

(F) Time for Presentation of Orders and Final Pleadings. (Deleted. See [LCR 54\(e\)](#) and [54\(f\)](#).)

(2) *Conformed Copies.* Court documents served on opposing parties shall be fully conformed as to signatures, dates signed, date filed, and all other information as it appears on the original once it is filed. If a court document is e-filed, the document shall be conformed to reflect signatures and the date and time of electronic submission.

(3) *Signatures.* Declarations or affidavits shall be signed by the declarant or affiant. Electronic signatures submitted in accordance with GR 30 shall satisfy this requirement.

**(e) (No Local Rules)**

**(f) Motions to Shorten Time.** A motion to shorten the time that is otherwise required in LCR 6(d) shall be granted only upon good cause shown. The party requesting an order to shorten time shall give verbal and written notice as soon as possible to the opposing party or his or her counsel, if known, regardless of when the motion is prepared and provided. Copies of the motion, declaration, proposed order, and other applicable pleadings and papers shall be provided to the opposing party or his or her counsel, prior to the time of the application if possible. The motion shall contain a written certification that self-represented parties or counsel were notified of the time and place when the motion to shorten time is to be heard, or the reasons why such notice was not given. Failure to provide notice may result in terms.

[Amended effective September 1, 2021; September 1, 2022; September 1, 2023; September 1, 2024; September 1, 2025]

## **PLEADINGS AND MOTIONS (Rules 7-16)**

### **LCR 7 PLEADINGS ALLOWED; FORM OF MOTIONS**

**(a) (No Local Rules)**

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

**(1) - (3) (No Local Rules)**

(4) *Identification of Evidence.* The evidence on which motions, responses and replies are based shall be identified in the body of the pleading with particularity. Deposition testimony, discovery pleadings, and documentary evidence must be quoted verbatim, or a photocopy of relevant pages must be attached. Deposition testimony in connection with a motion shall not require publication unless a challenge is made and opposing party shows good cause for such publication. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the Court.

(5) *Telephonic and Video Argument and Appearances.* Telephonic and video appearances are permitted for hearings on the regular law and motion calendar, and for appearances at special set hearings. Oral argument and appearances by parties, witnesses

or counsel, may be heard by telephone or video conference through the Zoom conferencing system currently in use by the Court, or such other video and audio conferencing system as the Court may from time to time adopt, as provided in this Local Rule or elsewhere in these Local Rules, except as otherwise provided in LCR 7(b)(5)(A) and (B) below. During the regular law and motion calendar, the Court will call cases in the order in which they are noted on the Court's calendar, regardless of whether a party is appearing in person or remotely, unless the Court exercises its discretion to call cases in a different order.

(A) Hearings Unsuitable for Telephonic or Video Conferencing Systems. The following matters are unsuitable for telephonic or video appearances: Judgment debtor examinations and settlement conferences. Parties and their attorneys shall attend these hearings "in person," absent a formal, written order entered by the Court after proper notice and a hearing.

(B) Court May Require Personal Appearances. The Court may require a party or witness to appear in person at a hearing, conference, or other proceeding if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(C) Equipment/Conduct. Every person appearing in court via video or audio means shall eliminate, to the greatest extent possible, all ambient noise from the calling location and speak directly into a telephone headset or microphone in a manner that allows all persons in the courtroom and "online" to hear what the speaker is saying. Persons appearing by video or telephone shall use equipment and an internet or telephone connection sufficient to allow clear communication. When using the Zoom system or any other, similar system that may be adopted by the Court for remote court appearances, the user shall keep their device microphone on mute unless that person is speaking. All parties, attorneys and witnesses appearing at trial or any special set hearing shall conduct themselves in the same manner as if the appearing party, attorney or witness was present in court. Persons appearing in court via video shall arrange to appear in a suitably quiet and private location. Offensive or lewd screen names, backgrounds or filters are prohibited. Persons appearing in court via video shall remain seated, shall refrain from eating, drinking, or smoking except during recesses, and shall not permit other persons to be in the same room or location without express authorization from the Court.

(D) Pre-check for Remote Attendance. Parties utilizing the Court's Zoom system shall connect using the Court's designated telephone number or web link and meeting number at least ten (10) minutes prior to the scheduled time and shall promptly notify Court Administration if they have reason to believe they will have difficulty doing so. All persons connecting at a later time may be considered to be late for the hearing and shall be treated by the Court in the same manner as if the party had personally appeared late for the hearing. Any party appearing by video or telephonic means shall not utilize the "hold" button on a phone or leave the video device, as it is not the policy of the Court to wait for any person to rejoin the line.

(E) Court May Reject or Halt Telephone or Video Appearances. The Court reserves the right, at any time, to suspend or reject any person appearing through Zoom or other telephonic and video appearances, if, in the Court's opinion, the user's equipment is inadequate or the person appearing is not observing appropriate protocols for appearing via telephonic or video means. The Court further reserves the right to halt the hearing or trial at which the telephonic or video appearance is occurring and order the attorneys and the parties, if applicable, to personally appear at a later date and time.

(F) Familiarization with Video and Electronic System. All parties, witnesses and attorneys who intend to utilize the Zoom conferencing platform to appear at any trial or hearing, shall familiarize themselves with the operation of the system software and related hardware prior to their scheduled appearance.

(G) Recording Remote Proceedings Prohibited. The prohibition on recording proceedings of the Superior Court without prior permission extends to recording the audio or video of remote proceedings.

(i) All lawyers, litigants, participants, or observing members of the press or public who wish to take photographs or record video or audio during remote proceedings, shall comply with GR 16, including its requirement to first secure express permission from the judge presiding over the proceedings.

(ii) No person participating in, or listening to, such a proceeding may rebroadcast, live-stream, or otherwise disseminate any live or recorded audio or video of the court proceeding, except with written authorization by the judicial officer conducting the hearing.

(H) Protection Order Hearings. These hearings may occur remotely or in person unless otherwise ordered by the Court. These matters are open to the public and the courtroom shall be open and available for all hearings. However, remote access to these hearings is limited to those persons involved in the case. Livestream of these hearings is not available. Remote hearing information for these hearings will not be posted on the Court's website; rather, remote hearing information will be provided directly to the parties and their counsel/advocates by Court Administration.

(I) Additional Rules May be Posted on Superior Court Website. Additional or supplemental rules pertaining to the use of the Zoom system or other similar system adopted by the Court may be posted on the Court's webpage.

Parties and counsel intending to appear by telephone or video should review the Court's website from time to time for updated rules and procedures.

**(c) - (d) (No Local Rules)**

(e) **Motions and Orders to be Separate.** Motions and orders shall not be combined into one document. An order shall always be set forth in a separate document.

[Amended effective September 1, 2021; September 1, 2022; September 1, 2023; September 1, 2024]

## **LCR 8 GENERAL RULES OF PLEADING (NO LOCAL RULES)**

## **LCR 9 PLEADING SPECIAL MATTERS (NO LOCAL RULES)**

## **LCR 10 FORM OF PLEADINGS AND OTHER PAPERS**

### **(a) - (c) (No Local Rules)**

**(d) Format Requirements.** Pleadings and other papers submitted for filing with the Clerk shall conform to the provisions of GR 14. In addition, the following rules apply:

(1) *Tabs or Separators in Documents.* Any tabs or separators used within documents shall be placed at the bottom of the page only.

(2) *Page Format.* The text of all briefs, legal memoranda, motions, declarations and affidavits shall be typed, double spaced, or legibly hand printed. Print in any format must appear as twelve point or larger type in the following fonts or their equivalent: Times New Roman, Courier, CG Times, Arial, Century, and Century Schoolbook.

(3) *Use of Photos of Documents as Originals Prohibited.* Use of a photograph of a page of an original document – as, for example, the use of a photograph of a signature page taken with a cellphone by the signer as an original document’s signature page – often results in illegibility and is therefore prohibited. [Adopted effective September 1, 2022.]

(4) *Photocopies, Screenshots, Photographs.* Photocopies, screenshots, or photographs that are incorporated into original documents that are filed with the Court – such as exhibits to a declaration -- shall be legible and of sufficient resolution to allow legible replication by scanning or copying. Particular care must be taken with photographs or other documents that often do not reproduce clearly. [Adopted effective September 1, 2022.]

### **(e) Format Recommendations.**

(1) - (7) (No Local Rules)

[LCR 10(e)(7) rescinded effective September 1, 2025.]

### **(f) - (g) (No Local Rules)**

## **LCR 11 SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS**

**(a) Violations of Local Court Rules.** Violation of these local court rules may result in sanctions as set forth in CR 11.

**(b) (No Local Rules)**

## **LCR 12 - 15 (NO LOCAL RULES)**

## **LCR 16 PRETRIAL PROCEDURE AND FORMULATING ISSUES**

**(a) - (b) (No Local Rules)**

**(c) Pretrial Readiness Hearings.**

(1) *Time.* At the time of trial assignment in all civil and domestic cases, a pretrial readiness hearing will also be scheduled by Court Administration. Pretrial readiness hearings are generally scheduled for a Monday approximately one month prior to the assigned trial date. A party's (or their lawyer's) failure to appear at the pretrial readiness hearing may result in the trial date being stricken, the imposition of sanctions or any other relief deemed appropriate by the Court.

(2) *Purpose of Hearing.* A pretrial readiness hearing is the final opportunity (before trial) for the parties to confirm their understanding of the proceedings, particularly if components of the trial will be occurring remotely. Conferences involving self-represented individuals may involve an explanation of the proceedings and expectations at trial. A pretrial readiness hearing is not an opportunity to address substantive motions, contested motions to continue the trial date, or motions in limine unless properly noted for the law and motion calendar. Matters to be considered at the readiness hearing may include, but are not limited to, the following: Completion of mandatory mediation, completion of mandatory parenting seminar, witness availability, confirmation of length of trial, continuance of trial date pursuant to [LCR 40\(e\)](#), and pretrial motions properly noted as referenced above.

(3) *Completion of Discovery.* Unless otherwise stipulated by the parties, or ordered by the Court upon good cause shown and, on such terms, and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementation thereto, must be completed no later than the scheduled date of the pretrial readiness hearing. Nothing herein stated shall modify a party's responsibility to promptly supplement responses to discovery or otherwise comply with discovery.

(4) *Statement of Readiness for Trial.* If there are no matters to be resolved by the Court, a party's personal appearance at the readiness hearing may be waived, provided the party has certified and filed his or her readiness for trial with a written statement of readiness using the applicable form on the Superior Court website.

**(d) Settlement Conference.** Any party in a civil action may schedule a pretrial settlement conference through the Court Administrator for hearing no later than twenty-one (21) calendar days prior to trial. The settlement conference shall be before a judge who has not been assigned to preside at any subsequent trial. Attendance at the settlement conference by all parties and counsel shall be mandatory, unless the Court determines that circumstances exist precluding another party's attendance. Attendance by non-parties is permissible upon agreement by the parties. The parties shall provide documentation clearly stating the issues involved to the settlement conference judge at least two (2) judicial days prior to the settlement conference.

**(e) Trial Briefs.** See [LCR 77\(k\)](#) for rule governing submission of trial briefs or legal memoranda.

[Amended effective September 1, 2023; September 1, 2025.]

## **PARTIES (Rules 17-25) (NO LOCAL RULES)**

## **DEPOSITIONS AND DISCOVERY (Rules 26-37)**

## **LCR 26 – 32 (NO LOCAL RULES)**

## **LCR 33 INTERROGATORIES TO PARTIES**

**(c) (a) Availability; Procedures for Use.** Interrogatories and answers thereto shall not be filed with the Court unless they are submitted as evidence in support of the motion or petition. A copy of the face page containing proof of service may be filed with the Court.

## **LCR 34 – 37 (NO LOCAL RULES)**

## **TRIALS (Rules 38 – 53.4)**

## **LCR 38 – 39 (NO LOCAL RULES)**

## **LCR 40 TRIAL ASSIGNMENT**

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

(1) - (5) (No Local Rules)

**(b) Methods.**

(1) *Note for Trial Setting.* Counsel or, if self-represented, parties, shall file with the Court Clerk, provide a copy to the Court Administrator and serve on all parties, (including the guardian ad litem), a Note for Trial Setting and a Notice of Conflict Dates using the applicable forms on the Superior Court website. No case shall be noted for trial assignment unless all Complaints, Petitions, Counterclaims, and Crossclaims have been answered and responsive pleadings filed with the Court Clerk. Conflict dates shall be limited to previously scheduled vacations and trial dates. Counsel or self-represented parties should request sufficient time for the trial; overestimation of the length of trial is preferred to underestimation of time needed. On the date requested for trial assignment, the Court Administrator, without the parties appearing, shall assign cases a specific trial date and notify the parties, including the guardian ad litem, if any, by mail. If all required responsive pleadings have not been filed at the time trial assignment is requested and notice of trial setting scheduled, Court Administration will not make assignments.

(2) *Confirmation of Trials.* All civil jury trials shall be confirmed by noon Thursday the week before the scheduled trial date. All other non-jury trials, EXCEPT unlawful detainer cases, **shall be confirmed by noon, five (5) judicial days before the scheduled trial date.** To confirm a trial, contact Island County Superior Court Administration at 360-679-7361. If a trial is not confirmed in accordance with this rule, the trial date will be stricken unless the Court orders otherwise after a hearing.

[Amended effective September 1, 2022; September 1, 2023; September 1, 2024.]

**(c) - (d) (No Local Rules)**

(e) **Continuances.** Continuances may be granted upon mutual agreement of the parties and upon presentation of an order of continuance if the continuance is sought more than thirty (30) calendar days in advance of the assigned trial date. A continuance sought within thirty (30) calendar days of the assigned trial date shall be made by written motion. If either party wants to set a new trial date, that party must use the process described in LCR 40(b) above.

**(f) (No Local Rules)**

(g) **Related Cases.** Cases are randomly assigned by the Clerk of Court to the judges of the Superior Court on an equal basis at the time of filing, with the following exception: For (1) family law petitions seeking dissolution of marriage, declaration of invalidity, legal separation, parentage and minor guardianship, (2) actions brought by parties to non-marital relationships involving parenting or distribution of assets and liabilities, and (3) dependency cases, the same judge shall be assigned to all such cases involving the same parents and children pursuant to unified family court principles. Other related cases may be assigned to the same judge, by consent of the Court on duly noted motion or on the Court's own initiative. Whenever a case is assigned, or re-assigned, to the same judge pursuant to this rule, the other judge shall then be assigned an additional case, to equalize the case assignments between the judges.

[Amended effective September 1, 2021; September 1, 2025.]

## **LCR 41 DISMISSAL OF ACTIONS**

### **(a) - (d) (No Local Rules)**

**(e) Notice of Settlement.** If the parties fail to comply with CR 41(e) and the Court incurs unnecessary expenses, such as jury expenses, the Court may in its discretion assess such costs to the parties.

## **LCR 42 CONSOLIDATION; SEPARATE TRIALS (NO LOCAL RULES)**

## **LCR 43 TAKING OF TESTIMONY**

### **(a) - (k) (No Local Rules)**

**(I) Telephonic and Video Testimony and Appearances.** Video appearances are permitted for protection order hearings, trials, and other proceedings at which testimony will be presented. Telephonic appearances at such proceedings are not permitted without express permission from the Court.

(1) Any party desiring to use the Court's Zoom system at a trial, an evidentiary hearing, or protection order hearing, shall follow all procedures set by the Court for video and telephonic appearances.

(2) Notice of any witness, party's or attorney's intent to appear at a trial, or other proceeding at which testimony will be presented by video – including a hearing after notice on a petition for a protection order – should be submitted in writing to the Court Administrator, with a copy to the opposing counsel or opposing party if not represented by counsel, no later than three (3) calendar days prior to the date of the special set hearing or first trial day.

(3) Any objections to the use of video appearances by a witness or party or attorney shall be addressed at the time the hearing or trial commences. Objections shall only be granted for good cause shown.

(4) *Court May Require Personal Appearances.* The Court may require a party or witness to appear in person if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular matter being heard.

(5) *Equipment/Conduct.* Every person appearing in Court via video or audio means shall eliminate, to the greatest extent possible, all ambient noise from the calling location and speak directly into a telephone headset or microphone in a manner that allows all persons in the courtroom and “online” to hear what the speaker is saying. Persons

appearing by video or telephone shall use equipment and an internet or telephone connection sufficient to allow clear communication. When using the Zoom system or any other, similar system that may be adopted by the Court for remote court appearances, the user shall keep their device microphone on mute unless that person is speaking. All parties, attorneys and witnesses appearing at trial or any special set hearing shall appear and conduct themselves in the same manner as if the appearing party, attorney or witness was present in court.

(6) *Location/Background.* Persons appearing in court via video shall arrange to appear in a suitably quiet and private location. Parties, witnesses and attorneys shall label themselves by their legal names. Offensive or lewd screen names, backgrounds or filters are prohibited. Persons appearing in court via video shall remain seated, shall refrain from eating, drinking, or smoking except during recesses, and shall not permit other persons to be in the same room or location without express authorization from the Court.

(7) *Pre-check for Remote Attendance.* Parties utilizing the Court's Zoom system shall connect using the Court's designated telephone number or web link and meeting number at least ten (10) minutes prior to the scheduled time and shall promptly notify Court Administration if they have reason to believe they will have difficulty doing so. All persons connecting at a later time may be considered to be late for the hearing and shall be treated by the Court in the same manner as if the party had personally appeared late for the hearing. Any party appearing by video or telephonic means shall not utilize the "hold" button on a phone or leave the video device, as it is not the policy of the Court to wait for any person to rejoin the line.

(8) *Court May Reject or Halt Telephone or Video Appearances.* The Court reserves the right, at any time, to suspend or reject any person appearing through Zoom or other telephonic and video appearances, if, in the Court's opinion, the user's equipment is inadequate or the person appearing is not observing appropriate protocols for appearing via telephonic or video means. The Court further reserves the right to halt the hearing or trial at which the telephonic or video appearance is occurring and order the attorneys and the parties, if applicable, to personally appear at a later date and time.

(9) *Familiarization with Video and Electronic System.* All parties, witnesses and attorneys who intend to utilize the Zoom conferencing platform to appear at any trial or evidentiary hearing shall familiarize themselves with the operation of the system software and related hardware prior to their scheduled appearance.

(10) *Recording/Photographing Remote Proceedings Prohibited.* The prohibition on recording proceedings of the Superior Court without prior permission extends to recording the audio or video of remote proceedings. All lawyers, litigants, participants, or observing members of the press or public who wish to take photographs or record video or audio during remote proceedings, shall comply with GR 16, including its requirement to first secure express permission from the judge presiding over the proceedings before taking any photographs or video of court proceedings.

(11) No person participating in, or listening to, such a proceeding may rebroadcast, live-stream, or otherwise disseminate any live or recorded audio or video of the court proceeding, except with written authorization by the judicial officer conducting the hearing.

[Adopted effective September 1, 2022 Amended effective September 1, 2024]

**(m) Exhibits to Clerk in Advance of Trial or Evidentiary Hearing.** [See also, GR 15(i)]. Counsel and self-represented parties shall provide all exhibits (except exhibits intended for impeachment purposes) to the Superior Court Clerk at least two (2) judicial days in advance of the trial or evidentiary hearing date. The exhibits shall be numbered by the Clerk at the time of submission. Copies of all proposed exhibits, except large maps or large drawings, shall be given to opposing counsel/party, and to the trial judge after they have been marked and numbered by the Clerk, immediately prior to the commencement of trial. Counsel shall also provide the Clerk with an 8x11-inch version of any larger exhibit.

**(n) Records in Administrative Appeals.** Records of proceedings and exhibits filed as the record in an appeal of any administrative hearing shall be presumed to be exhibits to the file in the Superior Court. Any video conference tapes or audio tapes shall have a transcript filed in addition to the video or audio tape.

[Amended effective September 1, 2020; September 1, 2022; September 1, 2023; September 1, 2024.]

#### **LCR 44 - 50 (NO LOCAL RULES)**

#### **LCR 51 INSTRUCTIONS TO JURY AND DELIBERATION**

**(a) Proposed.** Proposed jury instructions shall be submitted prior to commencement of trial but in no event later than 9 a.m. the day on which the case is called for trial.

**(b) - (i) (No Local Rules)**

#### **LCR 52 - 53.4 (NO LOCAL RULES)**

#### **JUDGMENT (Rules 54-63)**

#### **LCR 54 JUDGMENT AND COSTS**

**(a) - (d) (No Local Rules)**

**(e) Presentation of Order or Judgment.**

(1) *Duty to Prepare Order or Judgment.* If the Court issues an oral or memorandum decision after trial, or rules on a motion at the conclusion of a scheduled

hearing (written or oral), and no final judgment or order is entered at the time the ruling is made, the substantially prevailing party or such other party designated by the Court, shall prepare an order or judgment and any necessary findings of fact and conclusions of law, in conformity with the Court's oral or written pronouncement.

(2) *Time for Service.* The proposed order or judgment, and related findings and conclusions, shall be prepared and submitted to opposing counsel or any self-represented party, within ten (10) calendar days of the date of the oral ruling or written decision.

(3) *Time for Presentation.* The proposed order or judgment shall be scheduled for presentation no later than thirty (30) calendar days after the date the oral or written ruling was made, unless the Court orders otherwise.

[Adopted effective September 1, 2022; amended effective September 1, 2023; amended effective September 1, 2025.]

**(f) Presentation Hearing; Objections; Ex Parte & Remote Appearances.**

(1) (No Local Rules)

(2) *Notice of Presentation.* No order or judgment shall be signed or entered unless opposing counsel or opposing party(ies) (if unrepresented), have been given seven (7) calendar days' notice of presentation and served with a copy of the proposed order or judgment unless:

(A) Emergency. An emergency is shown to exist; or

(B) Approval. Opposing counsel or opposing party(ies), (if unrepresented), have approved in writing, the entry of the proposed order or judgment or waived notice of presentation; or

(C) After Verdict, etc. If presentation is made after the decision, verdict or findings and while opposing counsel or opposing party(ies) (if unrepresented), are in open court.

(3) *Objection to Proposed Form of Order or Judgment.* Any counsel or party (if unrepresented), who objects to the form or content of a proposed order or judgment being presented as required by these rules, shall describe any such objection in detail and in writing. Any such objections shall be filed with the Court and served on the presenting counsel or presenting party no later than 4:30 p.m., two (2) **judicial** days prior to the date of the presentation hearing. Any reply from the presenting counsel or party shall be in writing and served on all other counsel or parties no later than 4:30 p.m. one (1) **judicial** day prior to the presentation hearing.

[Adopted effective September 1, 2023; amended effective September 1, 2024; amended effective September 1, 2025.]

(4) *Presentation of Orders or Judgments by Court Clerk.* Agreed orders, orders submitted when notice of presentation is waived, **orders submitted when the presenting**

**party or parties appear remotely**, and *ex parte* orders based upon the record in the file, may be presented to the Court by the Superior Court Clerk's office. The original order, supporting materials, and the required fee as set forth in the Clerk's fee schedule ([LCR 79\(d\)\(1\)](#)) must be included in the delivery. If accepted by the Clerk, the proposed order will be presented to the *ex parte* judge for consideration; **or if the presenting party is appearing at a hearing remotely**, the proposed order will be presented at the time of hearing. If a proposed order submitted in this manner is rejected, the proposed order will be destroyed unless the presenting party submits a self-addressed, stamped envelope at the time the proposed order is delivered.

[Amended effective September 1, 2022; September 1, 2024; September 1, 2025.]

## **LCR 55 DEFAULT AND JUDGMENT**

**(a) (No Local Rule)**

**(b) Entry of Default Judgment.**

(1) - (4) (No Local Rules)

(5) *Default Orders, Decrees or Judgments.* If an order, decree or judgment has been entered by default, counsel representing the prevailing party, or the prevailing party if not represented by counsel, shall immediately mail a conformed copy of the order, decree or judgment signed by the judge, to the opponent or opponent's counsel at his or her last known address. An affidavit or declaration showing proof of service by mailing shall be filed with the Clerk.

**(c) - (f) (No Local Rules)**

## **LCR 56 SUMMARY JUDGMENT**

**(a) - (b) (No Local Rules)**

**(d) Scheduling Motions; Confirmation of Hearing**

(1) *Scheduling Summary Judgment Hearings.* Hearings on contested motions for summary judgment shall not be scheduled on the regular, Monday Law and Motion calendar without the express approval from the assigned trial judge. Counsel for the moving party shall confer with opposing counsel and the Court Coordinator (360-679-7361) to secure a "special set" hearing date for hearings on all contested summary judgment motions.

(2) *Confirmation of Summary Judgment Motions.* If a hearing on a contested summary judgment motion has been scheduled for hearing as a "special set" hearing, the moving party shall confirm the moving party's intent to proceed with the summary

judgment motion and hearing. Confirmation shall be provided to the superior court, Court Coordinator by 12:00 noon, five (5) judicial days before the scheduled hearing date. To confirm a summary judgment hearing, contact the Island County Superior Court Administration Office at 360-679-7361. If a summary judgment hearing is not confirmed in accordance with this rule, the hearing will be stricken unless the Court orders otherwise.

[Amended effective September 1, 2024; September 1. 2025.]

**(d) - (h) (No Local Rules)**

**LCR 57 - 58 (No Local Rule)**

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

**(a) (No Local Rule)**

**(b) Time for Motion; Contents of Motion**

**(1) (No Local Rule)**

(2) *Time Limitations & Notice Requirements.* Motions for reconsideration of a Judge's or Judge *pro tem*'s rulings; and for reconsideration or revision of a Commissioner's rulings, and all pleadings and documents in support thereof, must be filed with the Clerk of Court and served on opposing counsel, or on the opposing party if unrepresented, **no later than ten (10) calendar days after entry/filing of the judgment, order, or the judicial officer's written/memorandum decision.** Judge's copies of all pleadings related to Motions submitted under this rule shall be provided to the Judge or judicial officer who made the ruling by submitting the same to Superior Court Administration.

(3) *Temporary Protection Orders- Notice Exception.* A petitioner in a Protection Order proceeding shall not be required to provide notice to the respondent in a Protection Order proceeding when the petitioner files a motion for reconsideration or request for revision of a Denial Order entered in connection with a petition for a Temporary Protection Order requested pursuant to RCW 7.105.305.

(4) *Grounds for Motion.* The motion must set forth the specific grounds identified in CR 59(a) for reconsideration, and the arguments and authorities in support thereof. The failure to identify the specific grounds upon which the motion is made may result in the summary denial of the Motion before the opposing party or counsel is required to respond.

(5) *Response.* The opposing party may, within ten (10) calendar days after receipt of the motion, file and serve on the moving party; and file with the Clerk, pleadings and documents in opposition.

(6) *Oral Argument.* Oral argument related to the Motion for Reconsideration will be scheduled only if the judicial officer involved requests the same.

(7) *Decision on Motion; Notice of Readiness.* Motions for reconsideration or revision shall not be noted for hearing on any motion calendar unless oral argument has been requested by the Judge or judicial officer. After expiration of ten (10) calendar days following filing and service of the motion, either party may file and serve on opposing counsel and file with the Clerk, a notice containing the case heading, a designation of the Judge or judicial officer making the original ruling, and certifying that the matter is ready for a ruling on the motion for reconsideration. The matter will not be brought before the Judge or judicial officer until a Notice of Readiness is filed by any party. The Notice of Readiness shall be in substantially the same form as shown on the Superior Court website.

[Adopted effective September 1, 2021; amended effective September 1, 2022; amended effective September 1, 2024; September 1, 2025.]

#### **LCR 60 - 63 (No Local Rules)**

### **PROVISIONAL AND FINAL REMEDIES (Rules 64 – 71) (NO LOCAL RULES)**

### **APPEALS (Rules 72-76) (NO LOCAL RULES)**

### **SUPERIOR COURTS AND CLERKS (Rules 77 – 80)**

#### **LCR 77 SUPERIOR COURTS AND JUDICIAL OFFICERS.**

**(a) (No Local Rules)**

**(b) Powers of Superior Courts.**

(1) *Powers of Court in Conduct of Judicial Proceedings.* [See RCW 2.28.010.]

(A) Conduct and Dress Code. All participants and spectators shall follow the Conduct and Dress Code adopted by the judges and posted outside the courtrooms. A copy of the local conduct and dress code may be found on the Superior Court website and will be posted outside the courtrooms.

(B) Professional Conduct. Attorneys and other legal professionals should adhere to the Guidelines for Professional Courtesy, as well as the “Courtroom Decorum and Practice Guidelines,” a copy of which may be found on the Superior Court website.

(2) - (3) (No Local Rules)

**(c) (No Local Rules)**

**(d) Superior Court - Hours of Operation.** Unless otherwise ordered, the Island County Superior Court shall be open on all judicial days from 8:30 a.m. to twelve noon; and from 1:00 p.m. to 4:30 p.m. "Judicial days" are all days other than Saturdays, Sundays and those days designated by law as legal holidays. [Amended effective September 1, 2023.]

**(e) No Court on Legal Holidays – Exceptions.** [See RCW 2.28.100]. The Court shall observe all legal holidays.

**(f) Sessions.**

Special sessions of Court such as involuntary commitment hearings and hearings which are authorized to be held before a commissioner, shall be held as occasion demands to expedite the hearing, availability of medical testimony, and the convenience of the Court. The prosecuting attorney shall notify the office of the Court Administrator immediately upon the filing of an application, and the time and place of the hearing shall be set by the Court Administrator at the earliest date compatible with the foregoing factors.

**(g) - (i) (No Local Rules)**

**(j) Trials.** Jury trials in Island County Superior Court shall be on the date or dates assigned by the Court Administrator and shall be held Tuesday through Friday, from 9:30 a.m. until 4:20 p.m., with a break from noon until 1:30 p.m., or at such other times and for such duration as designated in advance by the Court as the docket of cases warrants.

Bench trials shall be scheduled on the dates assigned by the Court Administrator.

**(k) Trial Brief in Civil Trials.** In all civil trials, each party shall prepare a trial brief or memorandum of authorities containing the issues involved and the authorities supporting the same. The trial briefs shall be filed with the Clerk, copies served on opposing counsel and a copy provided to the assigned judge by noon on the Friday before the date set for commencement of trial.

[Amended effective September 1, 2021; September 1, 2022; September 1, 2023; September 1, 2024; September 1, 2025.]

**(l) Court's Non-Trial Calendar.** The Island County Superior Court daily court schedule shall be as follows:

**(1) Law and Motion Calendars – Generally.** Except as otherwise stated in section (C), below, the regular civil, adult criminal, and juvenile offender, law and motion calendars for Island County shall be held on **Monday** of each week in the assigned departments. If Monday falls on a legal holiday, then the law and motion calendars shall

be heard on the following Tuesday. If any matter on the regular law and motion calendars is expected to last longer than 15 minutes total, the parties must obtain a specially set hearing date from the Court Administrator pursuant to [LCR 77\(k\)\(2\)\(C\)](#). The Court may make this determination on its own motion after the matter has been scheduled for hearing.

(2) *Times for Hearings.*

(A) Civil Motion Calendar. Closed civil hearings, including adoptions, shall be heard at 8:30 a.m. Unless the judge presiding over a particular civil motion calendar determines otherwise, open civil motions shall be heard from **9:00 a.m. until noon** in the following order: *Ex parte* matters; supplemental proceedings; readiness hearings; parentage motions where paternity has previously been determined; uncontested final marriage dissolutions or legal separations presented by attorney; all hearings on orders to show cause and motions in domestic/family law actions; hearings on non-family law orders to show cause and motions in civil cases; matters subsequent to judgment (e.g. presentation). Any motion or any case in which more than one motion has been noted for hearing on the same day and which is expected to take longer than 15 minutes total, shall be scheduled as a “special set” hearing. (See paragraph [77\(k\)\(2\)\(C\)](#), below.) If the parties have agreed to continue or strike a scheduled hearing, the parties shall notify the Clerk’s Office and Court Administration of the change no later than two (2) judicial days prior to the date of the scheduled hearing unless articulable circumstances preclude notification within that time.

(B) Adult Criminal and Juvenile Offender Calendars. The adult criminal and juvenile offender calendars shall be heard from 1:30 p.m. to 4:20 p.m. Matters related to the Washington State Supreme Court’s decision of *State v. Blake*, shall be heard at 3:30 p.m. in the department assigned to hear the juvenile offender calendar. Adult criminal and juvenile offender preliminary appearance hearings, and hearings on bench warrants, shall be heard during the regularly scheduled criminal and juvenile offender Law and Motion calendar; and at 1:15 p.m. on the other judicial days of the week. Preliminary appearance hearings shall be conducted on non-judicial days as required by CrR 3.2.1 or other applicable rule of criminal procedure.

(C) Special Set Hearings – Procedure. If a matter is to be heard as a “special set” hearing, either by request of one of the parties or as required by the Court or these local court rules, the requesting party shall contact Court Administration and secure at least three dates that are available on the Court’s calendar and to the requesting party for the special set hearing. Such dates shall not include a date that is within a period covered by a Notice of Unavailability filed by the other party. The requesting party shall then notify the other party or parties of the three dates that are available. If one of the three dates is not selected by the other party or if there is no response provided to the requesting party within two (2) judicial days of the time initial contact is made, then the requesting party may select one of the three provided dates and note the special set hearing on that date. If a special set hearing is scheduled in this manner, and an opposing party was unable to respond to the notice as a result of circumstances beyond their control, the Court will consider a request

for a reset on the *ex parte* calendar, so long as the same is presented with a supporting declaration and after notice to the other party or parties.

[Amended effective September 1, 2023.]

**(m) Regularly Scheduled Calendars.**

(1) *Tuesdays.* The Court shall hear the following matters every *Tuesday*:

(A) Self-represented Family Law Final Decrees/Orders shall be heard at 8:30 a.m.

(B) Parentage, At-Risk Youth (ARY), Children in Needs of Services (CHINS), and Emancipation proceedings shall be heard at 9:30 a.m.

(C) Truancy proceedings shall be heard at 3:00 p.m.

(2) *Wednesdays.* The Court shall hear the following matters every *Wednesday*:

(A) Probate/Guardianship. Uncontested matters in probates, adult guardianships and minor guardianships, including motions for *ex parte* orders in emergency guardianships, motions to approve guardian/conservator reports, uncontested final, adult guardianship hearings, and final, uncontested minor guardianships, shall be heard at 8:30 a.m. Contested probate and minor/adult guardianship hearings shall be conducted on the regular Monday Law and Motion calendar, unless the same will exceed more 15 minutes in which case the matter must be scheduled as a “special set” hearing or trial. (See, LCR 77(2).) However, *ex parte* petitions to commence probate proceedings may be presented on any of the Court’s *ex parte* calendars. See [LSPR 98.16\(b\)](#).

(B) Shelter Care hearings shall be held at 10:30 a.m. If Shelter Care hearings cannot be held on Wednesday for any particular reason, such hearings shall be held at 8:30 a.m. on the Court’s first available calendar day, but no later than the time required by applicable statute.

(C) Civil Protection Order Hearings shall be heard at 1:00 p.m. in Department 3. In the event it is necessary to add an “overflow” calendar for civil protection order hearings, the overflow calendar will be heard in Department 1.

(3) *Thursdays.* The Court shall hear the following matters every *Thursday*:

(A) Dependency petitions and related hearings shall be heard at 9:30 a.m.

(B) Adult Drug Court shall be held at 10:30 a.m.

(C) Family Reunification Court shall be held at 2:30 p.m.

**(n) Ex parte Calendar.** *Ex parte* matters shall be heard at the beginning of the civil motion calendar on Monday at 9:00 a.m. Additionally, *ex parte* matters may be presented at 1:00 p.m. each day on Tuesday through Friday. Parties and counsel who intend to submit a matter to the Court for consideration on the *ex parte* calendar shall file all pleadings and supporting documents with the Clerk and deliver judge's copies to Court Administration as follows:

(1) *Monday Law & Motion Calendar.* If the *ex parte* matter is to be heard on the civil law and motion calendar, then pleadings and supporting documents shall be filed with the clerk and delivered at least one (1) judicial day prior to the date that a matter will be presented on the *ex parte* calendar;

(2) *Tuesday – Friday Calendar.* If an *ex parte* matter is to be considered at 1:00 p.m. on Tuesday through Friday, then pleadings and supporting documents shall be filed and delivered no later than 11:00 a.m. on the day that the proposed order or orders will be presented. The Court will review the proposed order(s) and supporting documents in chambers and if appropriate sign and enter the same without oral presentation. In the event the Court has questions for the presenting party, the Clerk of Court will notify the presenting party accordingly and the matter will be heard at 1:00 p.m.

(3) *Protection Orders.* If the matter being presented *ex parte* is a protection order petition, then, unless an articulable emergency exists, the petition and supporting documents shall be filed with the clerk no later than 11:00 a.m. prior to the time the matter will be presented on the *ex parte* calendar. Additionally, the petitioning party shall provide the Clerk with proposed Protection Orders for the Court's consideration.

[Amended effective September 1, 2022; September 1, 2023; effective September 1, 2024; September 1, 2025.]

## **LCR 78 CLERKS**

**(a) - (f) (No Local Rules)**

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

(1) *Payment of Trust Funds.* Trust funds shall be paid to the Clerk of Court 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 (8) judicial days after receipt by the Clerk. Trust funds that are paid by any other method listed in subsection (1) above will normally be available to be disbursed the first or second judicial day following receipt by the Clerk.

## LCR 79 BOOKS AND RECORDS KEPT BY THE CLERK

### **(a) - (f) (No Local Rules)**

#### **(g) Other Books and Records of Clerk.**

(1) *Clerk's Fee Schedule.* The Clerk of the Court will maintain a schedule of charges authorized by law for Clerk's services. The schedule shall be available for public inspection and will be maintained in the Clerk's office and on the Clerk's website.

(2) *Filing Family Court Documents.* The Clerk shall file a petition for Family Court and other documents in a special file maintained for such matters if no dissolution action has been filed previously. Such Family Court documents may be kept in one file and numbered serially. If the petition states that a dissolution action has been filed, the Clerk shall file all Family Court documents in the dissolution file as a part of that cause of action, bearing the same cause number.

(3) *Court Files.* Case files are maintained electronically. Copies of a file or of the documents therein may be obtained from the Clerk as provided by law and court rule.

**(h) Destruction of Records.** After final judgment, if the time of the appeal has elapsed and no appeal has been taken, the court, upon application of any party or other person entitled to the possession of one or more exhibits, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

## LCR 80 COURT REPORTERS

**(a) Matters Not Reported.** Unless requested by a party and expressly directed by the judge, the following matters will not be reported when a court reporter is present: Opening statements and closing arguments in non-jury civil trials; *ex parte* matters on the law and motion calendar; verbal statements in an electronic recording; and electronic video recording used at trial or in a hearing.

**(b) Electronic Recording.** Except as provided in SPRC 3 regarding capital cases, any civil or criminal proceeding may be recorded electronically in lieu of or supplementary to causing shorthand or stenographic notes thereof to be taken. The use of such devices shall rest within the sole discretion of the court. If proceedings are recorded electronically, the judicial officer shall assure that all case participants identify themselves for the record. In any proceeding where a court reporter is not present, the Court will electronically audio record the proceedings using an appropriate recording protocol.

**(c) Copies of Audio Recording.** Copies of audio recordings may be obtained from superior court administration upon request and payment of a fee as determined by the superior court administrator.

[Amended effective September 1, 2023; September 1, 2025.]

**GENERAL PROVISIONS (Rules 81-86)**

**LCR 81 - 84 (NO LOCAL RULES)**

**LCR 85      TITLE OF RULES**

These rules shall be known and cited as the Local Civil Rules for Island County Superior Court. LCR is the official abbreviation. Special Rules shall be abbreviated LSPR. Rules governing guardianship shall be abbreviated ICGALR.

[Amended effective September 1, 2022; September 1, 2025.]

**LCR 86      NO LOCAL RULES**

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**PART III**  
**LOCAL SPECIAL PROCEEDINGS RULES (LSPR)**  
**ISLAND COUNTY SUPERIOR COURT**  
Effective September 1, 2025

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**LSPR 94**  
**FAMILY LAW RULES**

**(a) Scope of Rules.** LSPR 94 shall apply to all (1) family law petitions seeking dissolution of marriage, declaration of invalidity, legal separation, or parentage determination; and (2) actions brought by parties to non-marital relationships (e.g., as “committed intimate relationships”) involving parenting, support or non-marital distribution of assets and liabilities; and (3) minor guardianship proceedings governed by RCW Ch. 11.130.185 to 11.130.260. This rule shall also apply to all modification actions filed in the specified cases.

**(b) Court’s Automatic Temporary Order.** Upon filing a summons and petition in any of the actions specified in LSPR 94(a), above, the Court on its own motion shall automatically issue a temporary order using the applicable form on the Superior Court website.

**(c) Affidavits and Declarations – Page Limits, Electronic Communication, Format requirements.**

(1) *Number of Pages of Declarations and Affidavits Limited.* Absent prior authorization of the Court, the entirety of all declarations, affidavits from the parties and non-expert witnesses in support of motions, (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of twenty (20) pages. The entirety of all declarations and affidavits submitted in response to motions shall not exceed twenty (20) pages. The entirety of all declarations and affidavits submitted in reply to the response shall not exceed ten (10) pages. In the event a party seeks leave of Court to exceed the page limits set forth in this rule by an amount in excess of five additional pages for any one pleading, the Court may, at the time of the scheduled hearing, strike the hearing and direct the parties to schedule a “special set” hearing as provided in LCR 77(2). [Amended effective September 1, 2024].

(2) *Exhibits.* Exhibits that consist of declarations or affidavits of parties or witnesses, including electronic communications such as emails, text messages, depositions or other similar materials, shall count toward the above page limit.

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

(4) *Expert Witness Reports and Evaluations.* Declarations, affidavits, and reports from Volunteer Guardians ad Litem (VGAL), Guardians Ad Litem (GAL), Court Visitors and expert witnesses do not count toward the page limit.

(5) *Electronic communications as evidence.* If a party or lawyer in a family law case intends to submit copies of emails, texts, or other electronic communications between individuals, the party or lawyer offering this type of evidence shall:

(A) Clearly label the name of the “speaker” at each location where the conversation changes; or

(B) Provide a summary of the content of a text message or email without attaching a copy of the actual communication, so long as it is available for inspection by any other party to the proceeding ; and

(C) Certify, under penalty of perjury, that the copy of the email, text or other electronic communication submitted is a true and correct copy of the original, has not been altered in any manner, and that the apparent author of the communication is the person who actually transmitted it.

(6) *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.

(7) *Format.* All declarations and affidavits and factual statements in mandatory family law forms must comply with GR 14 (format for pleadings and other papers) and LCR 10(d). Pages in declarations or affidavits shall be sequentially numbered at the bottom of the page and exhibits shall be labeled by exhibit letter or number.

(8) *Circumvention Prohibited.* This rule may not be circumvented by filing several motions in the same family law matter on the same day. Similarly, this rule may not be circumvented by including factual content in mandatory family law forms that should otherwise be included in a party’s or witness’ declaration.

(9) *Violations.* If the Court finds that one or more of the parties violated this rule, the Court may, on its own motion or upon objection of a party, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.

[Amended effective September 1, 2024; September 1, 2025.]

**(d) Parent Education Class.** With the exception of Minor Guardianship proceedings, this rule shall apply to all cases in which the Court is being asked to enter a parenting plan or residential schedule for minor children.

(1) *Mandatory Attendance.* Unless waived as provided herein, within thirty (30) calendar days of filing an appearance, answer or other responsive pleading in an action involving a parenting plan or residential schedule for minor children, both parties shall register for a court-approved parent education seminar on the effects of family transitions

on children, unless the parties have previously attended such a course within the last three years. Each party shall attend the seminar within sixty (60) calendar days of registering.

(2) *Certificate of Completion.* Upon completion of the seminar, each party shall file with the Court the seminar completion certificate provided by the sponsoring agency or provider. Additionally, a copy of the certificate of completion shall be provided to the judge at presentation of final documents.

(3) *Fees.* Each party attending a seminar shall pay a fee charged by the approved provider and authorized by the Court.

(4) *Class Providers.* The Court shall establish standards for parenting seminars and shall approve seminar providers. A list of approved parenting seminars shall be available from the Court Facilitator. If a parenting seminar is not included on the list, then the Court, upon proper motion, may allow other seminar providers to fulfill this requirement on a case-by-case basis.

(5) *Waiver and Special Consideration*

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

(B) Domestic Violence or Abuse. Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or if the Court determines that attendance at a seminar is not in the children's best interest pursuant to Ch. 26.12 RCW, the Court shall either waive the requirement of completion of the seminar or allow participation in an alternative parenting seminar if available.

(C) Proposed Parenting Plan Required. Within fourteen (14) calendar days of completing the parenting seminar as described above, each parent shall provide the other parent with a Proposed Parenting Plan if they have not already done so.

(D) Willful Refusal. The Court, on its own motion, may issue an Order to Show Cause requiring a party to attend a parent education seminar using the applicable form on the Superior Court website. Thereafter, willful refusal to complete the court-ordered parenting seminar may result in a finding of contempt and imposition of sanctions.

(e) **Mandatory Mediation.**

(1) *Requirement for Mandatory Mediation.* In all cases specified in LSPR 94(a) with unresolved issues, except cases solely related to modification of child support, all parties shall, in good faith, engage in mediation with a court-approved mediator in an effort to resolve the case, unless mediation is waived as set forth herein. Mediation shall be completed at least sixty (60) calendar days prior to the scheduled trial date.

(2) *Mandatory Mediation Not Required.* Mediation shall not be required in the following cases:

- (A) For good cause shown upon motion and approval by the Court; or
- (B) Where a domestic violence restraining order or protection order (excluding *ex parte* orders) involving the parties has been entered by a court at any time within the previous 12 months; or
- (C) Where a domestic violence no contact order exists pursuant to RCW ch. 7.105; or;
- (D) Where the Court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with “arm’s-length” mediation.
- (E) Notwithstanding the forgoing, either party may seek a court order requiring mandatory mediation in a case where it would not otherwise be required if the moving party believes that the parties would be able to mediate their dispute at “arm’s length” under the particular circumstances of the case.
- (F) It shall not be necessary for a party to obtain a court order waiving mandatory mediation if orders have been entered as described in (2)B and (2)C above.

(3) *Settlement Conference after Mandatory Mediation.* If, after mediation in good faith or where mediation is not required, there remain unresolved issues in any case specified in LSPR 94(a), the parties may participate in a settlement conference, pursuant to LCR 16(d).

(4) *Effect on Court Proceedings.* Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The Court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process.

(5) *Cost of Mediation.* Mediators shall be paid by the parties in accordance with the agreement of the parties, or in the absence of agreement, as determined in mediation.

(6) *Responsibility for Compliance.* The parties shall be responsible for arranging for and completing all mediation requirements established under this rule.

(7) *Failure to Comply With Mandatory Mediation Requirement.* A party’s willful refusal to participate in mediation or willful delay in completing mediation, or a party’s failure to mediate in good faith, may result in a finding of contempt and/or the imposition of sanctions, including the costs of mediation, attorney’s fees and such other relief as the Court deems appropriate.

(8) *Approval of Mediators.* Mediators performing mediation services pursuant to this rule must fulfill certain minimum qualifications established by the Court. The Court Administrator shall maintain a list of such minimum qualifications for distribution to the public. In order to fulfill the mediation requirements of this rule, the parties must use the services of a court-approved mediator. An attorney who is on active status and licensed in the State of Washington shall be deemed qualified to act as a mediator. The Court Administrator shall maintain a list of approved mediators, either persons or agencies, for distribution to the public. The list shall contain the following information: each mediator's name, organization, if any, contact information, and fee schedule.

(9) *Selection of Mediator; Right of Mediator to Decline.* The parties may either agree to a mediator from the court-approved list or the mediator will be determined by use of a strike list. A mediator has the right to decline to serve in a particular case. If a mediator declines to serve, the parties shall select a different mediator, using the same selection process by which the preceding mediator was selected.

(10) *Authority of Mediator.* The mediator has the authority to determine the time, place, manner, and duration of mediation. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion.

(11) *Attendance at Mediation.* The parties shall personally attend all mediation sessions unless the mediator permits telephonic or other attendance. The mediator shall have the authority to require other persons to attend.

(12) *Certificate of Completion of Mediation.* Within seven (7) calendar days of completion of mediation, a certificate of completion signed by the mediator (using the applicable form on the Superior Court website) shall be filed with the Court by the mediator or one of the parties. The mediator shall advise the Court only whether an agreement has been reached on some or all of the issues. The mediator shall advise counsel and the parties of the results of mediation in writing.

(13) *Confidentiality.* [See RCW 5.60.070]. The work product of the mediator and all communications during the mediation shall be privileged and confidential and not subject to compulsory disclosure. The mediator shall not appear to testify in any court proceedings.

(14) *Effective Date.* This rule shall apply to all cases described herein filed after January 1, 1997.

**(f) Jurisdictional Declaration in Non-Contested Dissolution Cases.** If a decree or final order is entered under RCW 26.09 by joinder, agreement, or default, an attorney representing the petitioner or the respondent, or a self-represented party may present jurisdictional testimony pursuant to a "Request for Entry of Decree and Declaration of Jurisdictional Facts" using the applicable form on the Superior Court website. If a self-represented party submits final documents that are incomplete or contain material errors, the

Court will note the error(s) on the proposed final documents and the Court Facilitator will return the documents to the presenting party for correction

**(g) Required Documents in Family Law Trials (Not Including Minor Guardianships).** In addition to the trial briefs required under [LCR 77\(k\)](#), and exhibits addressed in [LCR 43\(1\)](#), each party in all contested trials in family law matters shall provide the Court with (1) a current Financial Declaration (FL All Family 131) and all attachments; (2) a written Pretrial Affidavit indicating a proposed division of assets and liability, which form can be found on the Superior Court website; and (3) if children are involved, a proposed parenting plan or residential schedule, as applicable, and child support worksheets. If a party is not represented by counsel, the unrepresented party's proposed parenting plan and child support worksheets shall be reviewed and initialed by the Court Facilitator, or, if the Court Facilitator is not available, by the Juvenile Court Administrator before submission to the Court. With the exception of proposed Orders and proposed Parenting Plans all required documents shall be filed with the Clerk, copies served on opposing counsel or party and a copy provided to the assigned judge by noon on the Friday before the date set for commencement of trial.

**(h) Final Divorce Pleadings Submitted by Self-represented Parties – Review.** In any action for divorce, legal separation, or annulment, where none of the parties are represented by counsel, the proposed final findings of fact, conclusions of law, divorce order, parenting plan (or residential schedule as applicable) and child support documents shall first be reviewed, reviewed and initialed by the Court Facilitator. The documents described in this paragraph submitted for court approval, must first be initialed and reviewed as described herein before the Court will consider final entry.

**(i) Family Court - Reconciliation.** A party requesting a hearing for reconciliation before Family Court under RCW 26.09.030 shall file a petition with the Superior Court Clerk and obtain a specially set hearing date and time from the Court Administrator.

**(j) Informal Family Law Trials**

(1) *Generally.* Pursuant to GR 40, Informal Family Law Trials ("IFLT") may be held to resolve all issues in original actions or modifications for family law matters described in LSPR 94(a) above.

(2) *How a Case is Set for IFLT.* Either party may request an IFLT at the time the case is noted for trial assignment. The parties may select an IFLT no later than thirty (30) *calendar days* before the scheduled trial date, or at the Readiness Hearing whichever occurs later. Parties must file the "Informal Family Law Trial Selection" form (found on the Superior Court website) *no later than the date of the Readiness Hearing*.

(3) *Changes to Selection.* The Court may refuse to allow the parties to utilize the IFLT procedure at any time and may also direct a case proceed with a traditional trial even after an IFLT has commenced, but before the Court has ruled. A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT provided that this

motion is noted for a hearing to occur not less than eight (8) calendar days before the week of trial. Additionally, a party who has previously requested a traditional family law trial may file a motion to opt out of the traditional trial provided that this motion is noted for a hearing not less than eight (8) calendar days before the week of trial. This motion shall be scheduled on the civil law and motion calendar. The time period may be modified or waived by the Court upon a showing of good cause. A change in the type of trial to be held may result in a change in the trial date.

**(k) Background Judicial Information System (“JIS”) Check.** Prior to **any** request for entry of a temporary or final parenting plan or residential schedule, the parties shall file a “Supplemental Confidential Information Form” using the form available on the Superior Court website, providing the names, dates of birth and driver’s license numbers of all co-residents of the petitioner and the respondent who are over the age of 11 years.

[Amended effective September 1, 2020; September 1, 2021; September 1, 2022; September 1, 2023; September 1, 2024; September 1, 2025.]

**LSPR 95**  
**UNLAWFUL DETAINER CASES – EVICTION RESOLUTION PILOT  
PROGRAM (ERPP) AND RIGHT TO COUNSEL**

**(a) Standing Order Rescinded.** The Island County Superior Court "opted in" to the Eviction Resolution Pilot Program (ERPP) pursuant to Chap. 115, Laws of 2021 Sec. 7.A. The standing order was adopted on this subject effective August 23, 2021. Effective May 10, 2023, the aforementioned standing order was **rescinded**. A copy of the recission order can be found on the Superior Court's web page.

**(b) Right to Counsel; Continuances.** Pursuant to Ch. 115, Laws of 2021, Secs. 8-9, hearings in unlawful detainer cases may be continued to afford the tenant an opportunity to obtain counsel at the Court's discretion and for time frames as allowed by law. A copy of the Standing Order for RTC Counsel Under E2SSB 5160 as entered by the Island County Superior Court on September 27, 2021, can be found on the Superior Court's web page.

[Adopted effective September 1, 2021; amended September 1, 2022.]

[Rescinded effective September 1, 2022.]

**LSPR 98.04**  
**NO LOCAL RULES**

[Rescinded effective September 1, 2022]

**LSPR 98.16**  
**ESTATES, PROBATES, GUARDIANSHIPS**

**(a) Minor Guardianships.**

(1) *Filing Fee.* Payment of filing fees shall be governed by RCW 11.130.170. “Relative” shall be defined pursuant to RCW 13.34.030(22).

(2) *Modifications of Final RCW 26.10 Orders.* Effective January 1, 2021, any party wishing to modify or change a final order entered pursuant to a Non-Parental Custody matter previously filed under RCW 26.10 who did not commence said modification prior to December 31, 2020 shall follow the procedures set forth in RCW 11.130.240 and pay any required filing fees as set by the Clerk.

(3) *Forms.* Standard forms available from the Washington Courts website ([Washington State Courts - Court Forms - All forms Related to Guardianships, Conservatorships, or Other Protective Arraignments](https://www.courts.wa.gov/forms/guardianship-conservatorship-and-protective-arrangements)) shall be used in matters involving Minor Guardianships unless Island County Superior Court has adopted and posted an alternate form. If no mandatory form or Island County Superior Court form exists for a necessary purpose, the parties may develop their own form. Until forms are developed for child support and relocation within minor guardianships, parties shall use the family law forms and child support worksheets, and submit all documentation as required for family law cases related to those issues.

(4) *Actions Involving Multiple Children.* A minor guardianship may have multiple minors named as respondents so long as those minors have the same legal parents. If there are more than two legal parents, a separate action must be filed for each set of legal parents.

(5) *Cases involving minor children who are subject to a dependency action under RCW 13.34.* Any petitioner seeking guardianship over a minor child who is currently the subject of a dependency action under RCW 13.34 may not seek a guardianship under RCW 11.130 unless the Juvenile Court authorizes concurrent jurisdiction under RCW 13.34.155. Any such guardianship petitions filed under RCW 11.130 shall be served by the petitioner upon the Department of Children Youth and Families and the Washington State Attorney General's Office.

**(6) Commencing Minor Guardianship Case.**

(A) *Permanent Minor Guardianship.* All petitions for permanent minor guardianship shall be commenced by the filing of a summons, petition, confidential information form, declaration explaining reasons for minor guardianship if the reasons are not otherwise explained in a petition for emergency minor guardianship. This requirement does not apply to matters converted from RCW 26.10.

(i) *Child Abuse and Neglect Check.* At the time of filing the action, the petitioner(s) shall submit a motion and order directing the Department of Children, Youth and Families (DCYF) to release information as provided under RCW 13.50.100 and RCW 11.130.210 for each petitioner, each

proposed guardian, and each person 18 years of age or older who resides in the home of the proposed guardian or petitioner(s).

(ii) Washington State Patrol Criminal Identification Information. At the time of filing the action, the petitioner(s) shall file the results of a Washington State Patrol criminal history report as required by RCW 11.130.210 and then promptly serve the results on all persons entitled to notice under RCW 11.130.

(iii) Disclosure of Guardian or Conservator. All proposed guardians must submit a Disclosure of Bankruptcy or Criminal History as provided under RCW 11.130.085. Form GDN ALL 002 shall be used.

(B) Standalone Emergency Guardianship (60 day). If an emergency minor guardianship is filed as a standalone proceeding, as opposed to a motion for emergency guardianship order in a pending minor guardianship matter, an emergency guardianship is commenced by filing a petition. (Form GDN M 204) Reasonable notice must be given before a hearing can be had on a motion for emergency guardian; however, an emergency guardian may be appointed without notice if the court finds that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice can be held. If an emergency guardian is appointed without notice, notice of the appointment must be provided to the individuals listed within RCW 11.130.225(3) and be made within 48 hours of the appointment. A substantive hearing on the Petition for Appointment of an Emergency Guardian must be held not later than five *court days* after the appointment or the date of the first, regular Monday Civil Motion calendar occurring after the appointment.

(7) *Service*. It is the responsibility of the Petitioner(s) to notify and serve all documents when commencing the case, to include those listed in RCW 11.130.195 and RCW 11.130.065.

(8) *Judge's Copies and Proposed Orders*. Judge's copies shall be provided as set forth in [LCR 5\(e\)\(4\)](#). The moving party must supply the Court with proposed orders for each hearing in conformance with [LCR 6\(d\)\(1\)\(D\)](#). The proposed orders shall contain the entire case caption and all names and contact information as denoted within each form but leave blank all findings and order sections, other than required names and contact information as denoted within each form. Parties may seek an appointment with the Court Facilitator for assistance with forms.

(9) *Emergency Motions*. The return hearing for all emergency orders issued under RCW 11.130.225 shall be held on the next regular Civil Motion calendar, regardless of whether the parties are represented.

(10) *Hearings*. Except for "return hearings" described in paragraph (a)(9), above, all minor guardianship matters filed under RCW 11.130 shall be heard on the regular Probate and Guardianship calendar on the dates and times directed by the Court calendar. See, [LCR 77\(k\)](#). Parties involved in minor guardianship proceedings shall be subject to and shall follow local, special rules set forth in [LSPR 94](#), unless the Court orders otherwise. The parties shall utilize the note for calendar form on the Superior Court website.

(11) *Lengthy Hearings to Extend Emergency Guardianships.* Parties expecting a contested emergency guardianship hearing to take longer than fifteen (15) minutes may seek Court permission for a non-testimonial special set hearing. At the time of the request, the Court shall determine if a special set hearing is necessary. Parties with Court approval for a special set hearing shall schedule that hearing through Court Administration.

(12) *Background/JIS Checks under RCW 11.130.210.* Prior to **any** request for a temporary order, including emergency orders under RCW 11.130.215, the Petitioner shall file a JIS request form (using the applicable form on the Superior Court website) with the Clerk under seal, providing the names and dates of birth of the following parties: (A) Petitioner(s); (B) any adult residing the Petitioner's home; (C) Minor's Parent(s); (D) Any adult residing in the Parents' homes; (E) proposed guardian(s); (F) any adult residing in the proposed guardian's home. Any additional party requesting intervention or who has a right to notice in the proceeding shall ensure a JIS request is provided to the Clerk and Court Administration for all adults in their home.

(13) *Objections.* Any person entitled to notice under RCW 11.130 who objects to the appointment of a minor guardian shall promptly file and serve on all other persons entitled to notice a completed "Objection to Minor Guardianship", (Form GDN M 301).

(14) *Initial Hearing on Petition for Minor Guardianships.* Unless the matter can be resolved by default or entry of an agreed order, the initial hearing on the Petition for Guardianship shall be a status hearing to address the following:

(A) Whether the Petitioner has complied with the statutory notice requirements set forth in RCW 11.130.195 or RCW 11.130.240.

(B) Whether an attorney should be appointed for the minor(s) and/or the parent(s). (RCW 11.130.200)

(C) Whether a guardian ad litem or Court Visitor should be appointed.

(D) The extent to which the child should participate in the proceedings going forward. (RCW 11.130.205)

Each party shall file a statement that addresses his or her position on the above issues. This statement may be in the form of a declaration or memorandum. Said statement shall be provided to all parties and the court (in the form of Judge's copies) no later than five (5) court days prior to the initial hearing.

(15) *Attorney Appointments for Parent(s).* Any party seeking appointment of an attorney under RCW 11.130.200 shall file a motion for appointment of an attorney (GDN ALL 021). Such motion may be made on the *ex parte* calendar. Upon Court approval, the party must then contact the Office of Public Defense at Island County General Services Administration (360-679-7378) to be screened for eligibility for assigned counsel. The Office of Public Defense shall maintain a list

of qualified attorneys. The appointment shall be by rotation and assigned by the Office of Public Defense.

(16) *Appointment of Attorney for Minor.* Any minor age 12 or older may request the Court to appoint an attorney at public expense. If the Court determines that an attorney should be appointed for a minor, the Court will enter an order appointing an attorney. The Office of Public Defense will identify an available qualified attorney from their list of attorneys accepting RCW 11.130 appointments. The appointment shall be by rotation and assigned by the Office of Public Defense.

(17) *Review Hearing. (Reserved.)*

(18) *Emergency Guardianship Hearing.* Substantive hearings on petitions for emergency guardianship (60 day) shall be heard on the Probate and Guardianship calendar unless the parties wish to provide oral testimony. In cases in which oral testimony will be presented, the emergency guardianship hearing shall be heard as a special set hearing (a date should be obtained from the court coordinator). Substantive hearings on the Probate and Guardianship calendar shall be based on written declarations and/or affidavits. The following rules shall govern the emergency guardianship hearings:

(A) At the hearing, each party is entitled to present evidence through declarations and/or testimony, present exhibits, and examine witnesses.

(B) Any written evidence that the Petitioner intends to present at the substantive hearing shall be filed, provided to the court (in the form of bench copies), and provided to the other parties, at least five (5) judicial days prior to the hearing. Any written evidence that the responding parties and GAL/Court Visitor wish to provide shall be filed, provided to the court (in the form of bench copies), and provided to the other parties, at least three (3) judicial days prior to the hearing.

(C) The court shall not hold a substantive hearing on a Petition for Emergency Guardianship unless the Petitioner has filed an affidavit of service indicating that all individuals listed in RCW 11.130.225(3) have been provided proper notice.

(D) A failure to receive notice of the emergency guardianship hearing, or a failure to receive evidence in a timely manner on the part of any party, shall be deemed good cause to continue the emergency guardianship hearing to the next minor guardianship calendar.

(E) If either the parents or child have requested counsel, counsel shall be appointed prior to the substantive emergency guardianship hearing. Failure to appoint counsel, or the inability of counsel to participate in the hearing, shall be deemed good cause to continue the emergency guardianship hearing to the next emergency guardianship calendar.

(F) If an emergency guardianship order is entered, that order shall expire 60 days following entry of the order unless the order indicates an alternate review date, or the petitioner files a motion to renew the emergency guardianship and schedules that motion for hearing prior to the expiration of the 60 days period. Renewal hearings shall comply with the rules set forth above.

(19) *Finalization for Agreed or Defaulted Matters*; Agreed, final minor guardianship orders may be entered *ex parte*. Any petitioner(s) seeking an order of default against any respondent(s) shall set their motion on the Probate and Guardianship calendar.

(20) *Trial*. Petitioners seeking full guardianship orders in a contested matter shall note the case for Trial Assignment pursuant to [LCR 40\(b\)](#) in order to finalize the case. Final orders will not be issued on the motions calendar for contested cases. Contested guardianships shall be resolved by trial. At trial each side may present evidence through witnesses and exhibits. The Washington State rules of evidence shall apply to these proceedings. Two sets of exhibits shall be provided to the court no less than two (2) judicial days prior to trial (one set to be marked by the clerk, and one set for the judge).

(21) *Review of Self-Represented Persons' Orders*. Unless presented by an attorney, no temporary or final Orders in minor guardianship cases shall be presented to the Court without first being reviewed and initialed by the Island County Superior Court, Court Facilitator. This requirement may be waived by the Court for good cause shown.

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

[Adopted effective September 1, 2023; amended effective September 1, 2024; September 1, 2025.]

**(b) Probate and Estate & Administration**

(1) ***Ex parte Presentation***. Probate matters not requiring notice to any party (such as petitions to commence a probate proceeding) may be presented to the Court *ex parte* on the regular Monday Law and Motion calendar, the Wednesday Probate and Guardianship calendar, or the *ex parte* calendar conducted at 1:00 p.m. Tuesday through Friday each week.

(2) ***Commencing Probate Proceedings***. In all cases in which any probate proceeding is filed or commenced; the filing party shall contemporaneously file a copy of the applicable death certificate. Prior to submitting the death certificate for filing with the Clerk, the filing party shall redact the following information from the death certificate:

- (A) Social security number;
- (B) Date of birth;
- (C) "Maiden name"; and
- (D) Cause of death if other than "natural causes"

The death certificate need not be an original or a certified copy.

[Adopted effective September 1, 2024; amended effective September 1, 2025.]

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**PART IV**  
**LOCAL GUARDIAN AD LITEM AND COURT VISITOR RULES (ICGALR)**  
**ISLAND COUNTY SUPERIOR COURT**

Effective September 1, 2025

(Cite as ICGALR)

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**ICGALR 1 - SCOPE AND DEFINITIONS**

**(a) Scope.** These rules apply to proceedings under RCW Titles 11 and 26. For general guidelines regarding responsibilities and authority of Guardians ad Litem and roles and responsibilities of Guardians ad Litem in Title 13 juvenile court proceedings, see Washington Superior Court Guardian Ad Litem Rules (GALR).

**(b) Definitions.** As used in these rules, the following terms have these meanings.

(1) **Guardian ad Litem Registry/Court Visitor Registry.** Guardian ad litem registry, Guardian ad Litem/Court Visitor registry, Court Visitor registry, or registry shall mean the list of individuals authorized by Island County Superior Court to serve as guardians ad litem and Court Visitors. Title 11 registry and Title 26 registry shall mean the list of individuals authorized by Island County Superior Court to serve as guardians ad litem and Court Visitors under Titles 11 and 26, respectively, of the Revised Code of Washington.

(2) **Registry Applicant.** Registry applicant shall mean any individual applying to be listed on the registry.

(3) **Court Administrator.** Court Administrator shall mean the Island County Superior and Juvenile Court, Court Administrator.

[Adopted effective September 1, 2025.]

**ICGALR 2 – 4**  
**(NO LOCAL RULES)**

**ICGALR 5 APPOINTMENTS OF GUARDIANS AD LITEM/COURT VISITORS**

**(a) Equitable Distribution of Workload.** The parties may agree to appointment of a specific guardian ad litem or Court Visitor from the court-approved list, subject to the Court's approval; and if they do not agree, the party or parties shall bring a motion before the Court for a guardian ad litem or Court Visitor to be appointed, which motion may suggest a proposed candidate from the court-approved list that the movant has confirmed is available to serve. A guardian ad litem/Court Visitor has the right to decline to serve in a particular case. If a guardian ad litem/Court Visitor declines to serve, the parties shall select a different guardian ad litem, using the same selection process by which the preceding guardian ad litem was selected.

**(b) Appointment of Guardian ad Litem/Court Visitor.** If the Court has appointed a guardian ad litem (GAL) pursuant to RCW 26.12.175 (Family Law Proceedings) or Court Visitor or GAL pursuant to RCW Chapter 11.130 (Guardianships & Conservatorships), the parties are required to pay the costs and fees of the GAL or Court Visitor in the amount and proportion determined by the Court.

(1) *Family Law Cases - Appointment of GAL at Public Expenses.* If both parents in a family law case are indigent and financially unable to pay those costs, they may apply to have a GAL appointed at public expense. (See, RCW 26.12.175(1)(d)). Applications for the appointment of a GAL at public expense shall be submitted to the Court Facilitator who will then assist the applicant by identifying proper forms to file with the Court, including a motion and supporting documentation and declarations.

(2) *Guardianship/Conservatorship Cases - Appointment of GAL or Court Visitor at Public Expense.* In guardianship cases, the Court may determine from the bench that payment of the GAL or Court Visitor's fee would result in substantial hardship to the person subject to the guardianship or the petitioner, in which case the costs will be paid by the County per RCW 11.130.280 and RCW 11.130.380. Alternatively, the Court may direct the petitioner or party requesting payment of GAL or Court Visitor costs by the county, to meet with the Court Facilitator as provided in ICGALR 5(b)(1).

(3) *Time for Application.* A person requesting the appointment of a GAL or Court Visitor at public expense shall do so within fifteen (15) days of the date of the entry of an Order appointing the GAL or Court Visitor. The failure to make timely application may result in the denial of a party's request.

**(c) Payment of Guardians ad litem/Court Visitors at Public Expense.** If the Court has appointed a GAL or Court Visitor to be paid by the county, the person accepting that appointment shall, at the conclusion of the appointment submit a motion to the court for approval of payment. The motion shall contain time records showing time and work performed and the hourly rate charged. In the event the appointed person's time charges exceed the maximum amount allowed for payment of GALS/Court Visitors at public expense, the Court shall only authorize payment to the GAL/Court Visitor of the maximum amount authorized and the GAL/Court Visitor shall be required to accept that amount. GAL/Court Visitors appointed at public expense shall not attempt to collect funds from the parties to the litigation.

**(d) Procedure to Address Complaints.** Any complaints made by a guardian ad litem regarding registry or appointment matters shall be written and given to the Court Administrator and addressed in accordance with ICGALR 7.

[Amended effective September 1, 2020; September 1, 2025.]

## **ICGALR 6 LIMITED APPOINTMENTS (NO LOCAL RULES)**

## ICGALR 7 GRIEVANCE PROCEDURES

**(a) Clear and Concise. (No Local Rules)**

**(b) Separate Procedures.** All complaints or grievances made by or against a guardian ad litem/Court Visitor shall be in writing and shall be submitted to the Court Administrator. All complaints or grievances must bear the signature, name and address of the person filing the complaint, and the case number of the action.

(1) *Pending Cases.* Upon receipt of the written complaint or grievance, the Court Administrator shall check to see if the complaint or grievance involves a pending case. If the complaint or grievance involves a pending case, the Court Administrator shall send out a form letter no later than fourteen (14) days after receiving the complaint or grievance advising the complainant that the matter must be handled in context of the pending case, either by seeking the removal of the guardian ad litem/Court Visitor or by contesting the information or recommendations contained in the guardian ad litem's report or testimony.

(2) *Grievances Filed Subsequent to Conclusion of Case.* If the complaint or grievance does not involve a pending case and the time for appeal has expired or any appeal has been concluded, the Court Administrator shall assign the complaint or grievance to the judge who was not assigned to the case. The reviewing judge shall then investigate the complaint or grievance and respond in writing to the complainant or grievance within thirty (30) calendar days of receiving such complaint or grievance, informing the complainant of the action that will be taken. The reviewing judge shall either determine that the complaint or grievance has no merit on its face and decline to review the complaint or grievance and so inform the complainant, or determine that the complaint or grievance has potential merit and inform the complainant that the guardian ad litem has been requested to respond to the complaint or grievance. The reviewing judge shall provide the complainant with a copy of these grievance procedures.

(3) *Considerations as to Merit.* In considering whether any complaint or grievance has merit or potential merit, the reviewing judge shall consider whether the complaint or grievance alleges the guardian ad litem/Court Visitor has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem/Court Visitor, (iii) breached the confidentiality of the parties, (iv) falsified information in a report to the court or in testimony before the court, (v) failed, when required, to report abuse of a child, (vi) communicated with a judicial officer *ex parte* concerning a case for which he or she is serving as guardian ad litem, (vii) violated state or local laws or court rules, or (viii) taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

**(c) Fair Treatment of Grievances. (No Local Rules)**

**(d) VGAL Grievance Procedure.** Grievances against any Volunteer Guardian ad Litem (VGAL) shall be handled as set forth in the Island County VGAL Volunteer Policies and Procedures, a copy of which is available from the VGAL director upon request.

**(e) Confidentiality.** A complaint or grievance shall be deemed confidential for all purposes unless the reviewing judge has made a final determination that the complaint or grievance has merit. Any record of complaints or grievances filed which involve a pending case or which are not deemed by the reviewing judge to have merit shall be confidential and shall not be disclosed except by court order, upon good cause shown, after the person against whom the complaint or grievance was brought has been given notice and an opportunity to be heard.

**(f) Response to Complaint.** If the reviewing judge determines that the complaint or grievance has potential merit, the reviewing judge shall inform the guardian ad litem in writing within thirty (30) calendar days of receiving the complaint or grievance that a complaint or grievance has been brought against him or her which has potential merit and request the guardian ad litem to make a written response to the complaint or grievance within twenty (20) calendar days. The reviewing judge shall provide the guardian ad litem with a copy of these grievance procedures and a copy of the original complaint or grievance.

**(g) Complaint Resolution Time Standards; Procedures.**

(1) *Time.* Complaints or grievance filed subsequent to the conclusion of a case shall be resolved within sixty (60) calendar days of the date of receipt of the written complaint or grievance. A copy of the reviewing judge's written final determination shall be mailed to the guardian ad litem and to the complaining party.

(2) *Final Determination.* Upon receipt of a written response to a complaint or grievance, the reviewing judge shall make a final determination either (i) that the complaint or grievance has no merit and dismiss the complaint or grievance, or (ii) that the complaint or grievance has merit and impose sanctions or discipline, if appropriate.

(3) *Sanctions/Discipline.* The reviewing judge shall have the authority to issue a written admonition or a written reprimand, refer the guardian ad litem to additional training, suspend, remove the guardian ad litem from the registry, or impose other appropriate sanctions. In considering an appropriate form of discipline, the reviewing judge shall take into consideration any prior complaints or grievances that resulted in an admonition, reprimand, referral to training, suspension, removal from the registry, or any other mitigating or aggravating factors.

(4) *Finality of Disposition.* All resolutions of complaints or grievances shall be final and not subject to further appeal, except removal of a guardian ad litem from the registry. The complainant and the guardian ad litem shall be notified in writing of the reviewing judge's final determination and in the case of an appeal, the final disposition and any sanctions imposed.

(5) *Appeal Process.* A guardian ad litem who has been removed from the registry may appeal to the Superior Court bench by written notice to the Presiding Judge within ten (10) calendar days of receipt of a written notice of removal from a registry. The notice of appeal shall clearly state the basis for the appeal. The Superior Court bench shall consider the written material considered by the reviewing judge and any written communication from the guardian ad litem. Neither the guardian ad litem nor any complainant may personally appear to argue issues to be considered by the Superior Court bench on such appeal. The Superior Court bench shall

inform the parties of the final disposition of the appeal in writing within twenty (20) calendar days of receipt of the appeal.

**(h) Records of Grievances. (No Local Rules)**

**(i) Removal from Registry.**

(1) *Removal from Other Local Registries.* If the guardian ad litem against whom the discipline is directed is listed on more than one registry within the Court in which the guardian ad litem is practicing, the suspension or removal may apply to each local registry the guardian ad litem is listed on, at the reviewing judge's discretion.

(2) *Notice to Office of Administrator of the Courts.* Notice of removal of the guardian ad litem from a county's registry shall be sent to the Office of Administrator of the Courts after the guardian ad litem's appeal process has concluded or expired.

**(j) Implementation. (No Local Rules)**

**ICGALR 8 - GAL/COURT VISITOR REGISTRIES**

**(a) Registry Administration**

(1) The Court Administrator shall maintain and administer the Guardian ad Litem and Court Visitor registries. These registries are limited to RCW Title 11 and Title 26 Guardians ad Litem and Court Visitors. These requirements and procedures also apply to persons not listed on a registry who are appointed to serve as a guardian ad litem in a field for which there is a registry.

(2) The Court Administrator shall maintain an application form and background information records pertaining to each person on a registry.

(3) The Registry shall be administered in accordance with the Title 26 Guardian ad Litem Registry Policies and Procedures and the RCW 11.130 Uniform Guardianship Act Guardian ad Litem and Court Visitor Registry Policies and Procedures adopted by the Court effective January 1, 2025. These policies and procedures are located on the Court's website here:

[Title 26 Guardian ad Litem Registry Policies & Procedures](https://www.islandcountywa.gov/DocumentCenter/View/9766)  
[https://www.islandcountywa.gov/DocumentCenter/View/9766 Title 11 UGA Guardian ad litem & Court Visitor Registry Policies & Procedures](https://www.islandcountywa.gov/DocumentCenter/View/9766)

(4) Persons shall be selected to serve on the registry at the discretion of the court giving due consideration to having a sufficient number of guardians ad litem available to fulfill the requests for appointment and to retain panels of persons with substantial experience and special knowledge within given fields. In some cases, there may be more qualified applicants than will be needed or would benefit the program, so that not all persons applying will be selected.

(5) The court shall periodically approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency. Training programs may be cosponsored or offered by the state or local bar association under the oversight of the court.

(6) The registry shall be open for new applications throughout the calendar year. To remain on the registry, all guardians ad litem and Court Visitors must comply with the provisions of Section 10.0 set forth in the Court's Policies and Procedures referred to in [ICGALR 8\(a\)\(3\)](#), above.

(7) Generally, a guardian ad litem/Court Visitor will be required to accept a minimum of one (1) appointment per year at public expense, in order to remain on the registry. The one qualifying appointment from the previous year should be listed on the application.

(8) Persons on the registry shall promptly inform the Court of any temporary unavailability to serve, or of their intent to resign from the registry.

(9) A guardian ad litem/Court Visitor who ceases to be on the registry and who still has active or incomplete cases shall immediately report his or her circumstance to the Court Administrator, and the court shall reassign such cases. Any unearned fees paid to the guardian ad litem/Court Visitor who is no longer eligible or desiring to be on the registry shall be paid over to the substitute guardian ad litem/Court Visitor or refunded to the paying party, as the Court may direct.

(10) A person's retention on the registry shall be reviewed upon the Court's receipt of a complaint regarding performance in office or the court's receipt of adverse information regarding the suitability of a person to serve as a guardian ad litem/Court Visitor. Complaints shall be reviewed in accordance with [ICGALR 7](#).

## **(b) Qualifications**

(1) All applicants to the guardian ad litem/Court Visitor registry must provide proof of successful completion of guardian ad litem/Court Visitor trainings as required by Title 11 and/or Title 26. Proof of re-certification is required for Title 26 guardians ad litem every three (3) years.

(2) All applicants to the guardian ad litem/Court Visitor registry must comply with the qualifications and requirements set forth in the RCW Title 26 and Title 11 Registry Policies and Procedures described in [ICGALR 8\(a\)\(3\)](#), above.

[Adopted effective September 1, 2025.]

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**PART V**  
**LOCAL CRIMINAL RULES (LCrR)**  
**ISLAND COUNTY SUPERIOR COURT**  
Effective September 1, 2024

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**LCrR 1 SCOPE, PURPOSE AND CONSTRUCTION**  
**(Rules 1.1-1.5) (No Local Rules)**

**LCrR 2 PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS**  
**(Rules 2.1-2.3) (No Local Rules)**

**LCrR 3 RIGHTS OF DEFENDANTS**  
**(Rules 3.1-3.6)**  
**LCrR 3.1 (No Local Rules)**

**LCrR 3.2**

**(a) (No Local Rule)**

**(b)**

(1-4) (No Local Rule)

(5) Any bond in the amount of \$25,000 or more that is posted pursuant to a Court order entered under CrR 3.2(b), shall be approved by the Court and shall only be accepted by the Court if posted by an approved, sufficiently solvent surety.

(6) -(7) (No Local Rules)

**(c) -(o) (No Local Rules)**

[Adopted effective September 1, 2025.]

**LCrR 3.3 (No Local Rule)**

**LCrR 3.4 Presence of the Defendant**

**(a) (No Local Rule)**

**(b) When Necessary.** In addition to those hearings listed in CrR 3.4(b), as now or hereafter amended, the following hearings are identified as hearings warranting special consideration by the Court in determining whether the defendant's presence is required:

(1) Defendant's motion to waive right to jury trial;

(2) Defendant's motion for continuance of trial date and waiver of speedy trial, unless the same is made at readiness hearing and the defendant's presence has been waived as provided in paragraph (5), below;

(3) Any hearing at which the Court is required to conduct a colloquy with the defendant (e.g., request to self-represent);

(4) Evidentiary hearings conducted pursuant to CrR 3.5 and CrR 3.6;

(5) Readiness hearings, unless (i) the defendant's counsel affirms, in writing or in open court that the defendant has expressly chosen to appear through counsel, as allowed by CrR 3.4(a) and (ii) that defendant's counsel has affirmatively determined, through recent contact with the defendant, that the matter is ready to proceed to trial as scheduled or that a written motion for continuance of trial has been approved by the defendant has been filed.

If the Court finds that the defendant's physical presence or remote appearance via video is required at a hearing pursuant to this local rule, the Court will enter an appropriate order pursuant to CrR 3.4(d).

(Adopted effective September 1, 2022)

## **LCrR 4 PROCEDURES PRIOR TO TRIAL (Rules 4.1-4.10)**

### **LCrR 4.1 (No Local Rules)**

### **LCrR 4.2 Pleas**

#### **(a) - (h) (No Local Rules)**

**(i) Authority of Court Commissioners.** Court Commissioners qualified under Article 4, section 23 of the Washington Constitution are authorized to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.200; accept guilty pleas as authorized in this local rule pursuant to RCW 2.24.040(15); appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances and accept waivers of the right to speedy trial.

### **LCrR 4.3 - 4.4 (No Local Rules)**

### **LCrR 4.5 Pretrial Motions/Motions *in limine***

#### **(a) - (c) (No Local Rules)**

**(d) Motions.** Unless otherwise scheduled, or as otherwise provided in an applicable emergency rule, motions in limine and other preliminary matters in criminal cases shall be heard at 8:30 a.m. on the first scheduled day of trial. All other pretrial motions in criminal matters shall be specially set with the Court Administrator at least ten (10) calendar days prior to trial.

#### **(e) - (h) (No Local Rules)**

### **LCrR 4.6 - (No Local Rules)**

**LCrR 4.7 – Discovery (No Local Rules)**

**LCrR 4.8-4.10 (No Local Rules)**

**LCrR 5 VENUE (Rules 5.1 - 5.2) (No Local Rules)**

**LCrR 6 PROCEDURES AT TRIAL (Rules 6.1-6.16)**

**LCrR 6.1 TRIAL BY JURY OR BY THE COURT**

(a) **Trial Brief or Memorandum.** In criminal trials with contested legal or evidentiary issues, each party shall prepare a trial brief or memorandum of authorities containing the issues involved and the authorities supporting same and provide the same to the Clerk, opposing counsel and assigned judge by noon two (2) judicial days prior to the date set for commencement of trial.

(b) **Jury Instructions.** LCR 51 shall apply in criminal trials.

(c) **Zoom and Approved Video and Telephonic Appearances.** The provisions of LCrR 8.2(b) and (c) below also apply to trials by jury and by the Court.

**LCrR 6.2 - 6.16 (No Local Rules)**

**LCrR 7 PROCEDURES FOLLOWING CONVICTION**

**(Rules 7.1-7.8) (No Local Rules)**

**LCrR 8 MISCELLANEOUS (Rules 8.1-8.9)**

**LCrR 8.1 TIME**

Time shall be computed and enlarged in accordance with CR 6, and not by the civil local court rules.

**LCrR 8.2. MOTIONS**

(a) **Motion Calendar.** Criminal motion calendar shall be set at 1:30 p.m. on Monday.

(b) **Zoom and Approved Video and Telephonic Appearances.** Subject to the provisions of LCrR 3.4(b), oral argument and appearances by parties, witnesses or counsel on motions may be heard by telephone call or video conference through the Court's Zoom conferencing system that is currently in use by the Court; or such other video and audio conferencing system as the Court may from time to time adopt for use in hearings or trials. Prior leave of court is required for any party, attorney or witness to appear at a trial or evidentiary hearing by video. During the regular motion calendar, the Court shall hear video and audio appearances in the order in which they are noted on the calendar, unless the Court exercises its discretion to call cases in a different manner. Appearances by counsel and defendants by Zoom or other approved video and telephonic

systems are not permitted in cases where the State and Local Criminal Court rules, U.S. Constitution or other laws require a defendant's personal appearance. Upon request by a party or defendant, the Court may waive the requirement for a personal appearance and permit attendance at hearings by telephonic or video means if just cause exists to do so. Just cause shall include, but is not limited to a public health crisis, pandemic or physical or mental health limitation on any attorney or defendant. Just cause shall not mean general inconvenience.

**(c) Equipment/Conduct.** Any person appearing in court via video or audio means shall eliminate, to the greatest extent possible, all ambient noise from the calling location and speak directly into a telephone headset or microphone. Persons appearing by video or telephone shall use equipment and an internet or telephone connection sufficient to allow clear communication. When using the Zoom system or any other similar system that may be adopted by the Court for court appearances, the user shall keep their microphone on mute unless that person is speaking. All parties, attorneys and witnesses appearing at trial or special set hearing shall conduct themselves in the same manner as if the appearing party was present in court. Persons appearing in court via video shall arrange to appear in a suitably quiet and private location. Offensive or lewd screen names, backgrounds or filters are prohibited. Persons appearing in court via video shall remain seated, shall refrain from eating or drinking except during recesses, and shall not permit other persons to be in the room or location without express authorization from the Court.

**(d) Presentation of Final Documents.** If a movant's motion is granted in whole or in part, the moving party shall be responsible to prepare and present any written findings, conclusions, and orders necessary as a result of the decision within fifteen days, unless the Court orders otherwise.

**LCrR 8.3- 8.9 (No Local Rules)**

[Amended effective September 1, 2021; September 1, 2023.]

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**PART VI**  
**LOCAL JUVENILE COURT RULES (LJuCR)**  
**ISLAND COUNTY**

Effective September 1, 2024

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**TITLE I**  
**SCOPE AND APPLICATION OF RULES**

**LJuCR 1.1 – 1.3 (No Local Rules)**

**LJuCR 1.4. APPLICABILITY OF OTHER RULES**

- (a) Civil Rules.** The Superior Court Civil Rules (CR) and Local Civil Rules (LCR) shall apply in all juvenile court proceedings that are not juvenile offense proceedings. Local rules apply so long as they are not inconsistent with the Superior Court Civil Rules and applicable statutes.
- (b) Criminal Rules.** The Superior Court Criminal Rules (CrR) and Local Criminal Rules (LCrR) shall apply in juvenile offense proceedings. Local rules apply so long as they are not inconsistent with the Superior Court Criminal Rules and applicable statutes.
- (c) (No Local Rule.)**
- (d) (No Local Rule.)**

**LJuCR 1.5 (No Local Rules)**

**LJuCR 1.6 VOLUNTEER GUARDIAN AD LITEM PROGRAM**

This Island County Superior and Juvenile Court has a Volunteer Guardian ad Litem program. Rules and details may be obtained from the director of the Volunteer Guardian ad Litem program or Juvenile Court. [Amended effective September 1, 2021.]

**TITLE II**  
**SHELTER CARE PROCEEDINGS**

**LJuCR 2.1-2.4 (No Local Rules)**

**LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER**

**30-Day Shelter Care Review.** If a parent, guardian ad litem, or volunteer guardian ad litem wishes to contest placement of a child or any service ordered at the shelter care hearing, he or she must file and serve on all parties and counsel a notice of contested issues no later than three (3) judicial days before the 30-day shelter care review hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is shown, failure

to provide timely notice of contested issues shall constitute a waiver of the right to raise such issues at the 30-day shelter care review hearing.

### **TITLE III DEPENDENCY PROCEEDINGS**

#### **LJuCR 3.1 - 3.8 (No Local Rules)**

#### **LJuCR 3.9 REVIEW HEARING**

**(a) Department's Written Review Report.** A written review report shall be prepared by the department and shall be filed and served on all counsel and parties not less than ten (10) calendar days prior to the review hearing.

**(b) Notice of Contested Issues.** After receipt of the department's report, if a parent, guardian ad litem, or volunteer guardian ad litem wishes to contest any issue, he or she must file and serve a notice of contested issues no later than three (3) judicial days before the hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is shown, failure to provide timely notice of contested issues shall constitute a waiver of the right to contest any issue, except the department's permanency plan.

#### **LJuCR 3.10-3.11 (No Local Rules)**

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

#### **LJuCR 4.1-4.3 (No Local Rules)**

### **TITLE V PROCEEDINGS FOR CHILDREN IN NEED OF SERVICES**

#### **LJuCR 5.1-5.7 (No Local Rules)**

### **TITLE 5A PROCEEDINGS FOR AT-RISK YOUTH**

#### **LJuCR 5A.1-5A.6 (No Local Rules)**

### **TITLE VI JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS**

#### **LJuCR 6.1-6.6 (No Local Rules)**

**TITLE VII**  
**JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT**

**LJuCR 7.1 - 7.2 (No Local Rules)**

**LJuCR 7.3 DETENTION AND RELEASE**

**(a) - (f) (No Local Rules)**

**(g) Detention Facilities in Island County.** The Island County Juvenile Court shall designate appropriate juvenile detention facilities for use; provided, that the detention area within the Island County jail may be used for detention of juveniles prior to an initial court appearance if no adult prisoners are housed in the same detention area. Names of designated facilities may be obtained from Island County Juvenile Court Services.

**LJuCR 7.4-7.15 (No Local Rules)**

**TITLE VIII**  
**DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER**

**LJuCR 8.1 – 8.2 (No Local Rules)**

**TITLE IX**

**RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS**

**LJuCR 9.1 - 9.3 (No Local Rules)**

**TITLE X**  
**JUVENILE COURT RECORDS**

**LJuCR 10.1 - 10.9 (No Local Rules)**

**TITLE XI**  
**SUPPLEMENTAL PROVISIONS**

**LJuCR 11.1-11.3 (No Local Rules)**

**LJuCR 11.4 COURT SCHEDULES FOR JUVENILE MATTERS**

See [LCR 77\(k\)](#)

## **LJuCR 11.5. FINANCIAL RESPONSIBILITY**

(a) **Financial Obligation.** Pursuant to the intent and standards set forth in RCW 13.16.085 and RCW 13.40.145, in any juvenile court proceeding regarding the detention, disposition or modification regarding a juvenile offender, or in any at risk youth, CHINS, truancy or dependency proceeding, the Court may order the parent or parents, guardian, or other person legally obligated to support the juvenile, to pay a reasonable sum for the cost of detention and/or legal services provided by publicly funded counsel.

(b) **Assessment of Costs.** The assessment for the cost of detention and publicly funded counsel should not exceed actual costs to the county. The costs shall be assessed and ordered paid in a reasonable time unless a sworn financial statement is presented to the Court at said proceeding justifying reduction or elimination of any such assessment, or there are other circumstances recognized by the Court for reducing or not imposing the assessment.

(c) **Notice.** It shall be the duty of the Juvenile Court Services and/or the prosecuting attorney, to notify the parent or parents, guardian, or other person legally obligated to support the juvenile of this rule prior to said proceeding and to provide all necessary documents in order for such person to adequately prepare for said proceeding. Notice shall be provided to the parties five days in advance of any proceeding to assess costs.

(d) **Time.** Proceedings to assess costs shall not be held prior to sentencing or contempt hearing.

(e) **Payments Forwarded.** Juvenile Court Services, the public defense department, or the county Clerk's office shall receive payments in a manner appropriate to local and state auditing regulations and shall forward such payments to the county treasurer.

(f) **Sanctions.** A show cause hearing with timely notice by Juvenile Court Services or the prosecuting attorney to the delinquent person or agency may be held to inquire into the delinquency of the assessment and the sanctions available under RCW 13.16.085 and RCW 13.40.145.

## **LJuCR 11.6 – 11.22 (No Local Rules)**

**END**