

Local Court Rules

*of the
Superior Court
for*

Island County

Effective September 1, 2014

SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR ISLAND COUNTY SUPERIOR COURT

ALAN R. HANCOCK
Judge
VICKIE I. CHURCHILL
Judge
BROOKE POWELL
Court Administrator

ORDER

In the Matter of the Adoption of

LOCAL RULES OF COURT

Superior Court of Island County, State of Washington

IT IS HEREBY ORDERED that the Local Rules herein be, and the same are hereby, approved and adopted as Local Rules of Practice and Procedure in the Superior Court of the State of Washington for Island County.

The Local Rules herein shall take effect and be in force from and after the 1st day of September 2011, and all other Local Rules or designated Special rules shall be abrogated.

These Local Rules are a supplement to Rules for the Superior Court.

DATED this 27th day of June, 2014.



ALAN R. HANCOCK, JUDGE
DEPARTMENT 1



VICKIE I. CHURCHILL, JUDGE
DEPARTMENT 2

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PART I
LOCAL CIVIL RULES (LCR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2012

1. INTRODUCTORY (Rules 1-2A)

LCR 1. SCOPE OF RULES

Unless specifically designated otherwise, these rules shall govern the local 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 Civil Rules (CR). In all cases where the word "counsel" is used, the provisions shall apply equally to a party appearing without counsel, which party is also known as a "party *pro se*."

LCR 2. – 2A. *(No Local Rules)*

2. 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

clerk of the court no later than 4:30 p.m. seven (7) days preceding the date of the hearing.

(2) – (3) *(No Local Rules)*

(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. If the opponent or opponent's counsel does not appear, the judge shall require a full showing with respect to the notice given.

(e) Filing With the Court Defined.

(1) *Filing with the Clerk.* The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, and not the court administrator's office or the judge.

(b) – (c) *(No Local Rules)*

(2) *Facsimile Filing of Pleadings with Clerk.* Documents, including pleadings, may be filed with the clerk by facsimile transmission, in accordance with GR 17, with the following change: In addition to the requirements of a fax transmittal sheet contained in GR 17(b)(2), the fax transmittal sheet shall also contain the title and number of

(d) Filing.

(1) *Time.* All notices for the law and motion calendar shall be filed with the

pages for each document sent in the transmission.

(3) *Courtesy Copies for Judges.* Courtesy copies of pleadings and other papers shall be provided to the court administrator's office for the judge assigned to the case at the same time as such pleadings and other papers are required to be served on the opposing party. Such courtesy copies shall have the words "Judge's Courtesy Copy" in the upper right hand corner of the first page, the judge's name, and the date and time of the hearing. Courtesy copies are discarded after ten (10) days from the assigned hearing date. It is the responsibility of the parties or counsel to provide new courtesy copies to the judge thereafter as provided herein.

(f) – (j) *(No Local Rules)*

(k) **Special Set Hearings.** In the event argument on the motion is expected to be longer than 15 minutes, the moving party shall confer with the opposing counsel or party, and then contact the court administrator's office to obtain a special set hearing date and time that takes into account the opposing party's reasonable conflicts.

LCR 6. TIME

(a) – (c) *(No Local Rules)*

(d) **For Motions – Affidavits.**

(1) *Time.* Notwithstanding CR 6(d), a written motion, other than one which may be heard *ex parte*, and notice of the hearing thereof shall be served not later than twelve (12) days before the time

specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on *ex parte* application as set forth in LCR 6(f). When a motion is supported by affidavit, the affidavit shall be served with the motion, and, except as otherwise provided in CR 59(c), opposing affidavits may be served no later than 4 p.m. six (6) calendar days prior to the hearing. Reply affidavits in strict reply to the opposing affidavits may be served no later than 4 p.m. four (4) calendar days prior to the hearing. No additional responses or replies shall be permitted from either party without permission of the court. All motions, affidavits and other documents served on opposing party shall be fully conformed as to signatures, dates signed, date filed, and all other information as it appears on the filed original.

(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.

(3) *Signatures.* Declarations or affidavits shall be signed by the declarant or affiant.

(e) *(No Local Rules)*

(f) **Motion to Shorten Time.** A motion to shorten time for 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 opposing party regardless of when the motion is prepared and provided. The motion shall contain a written certification that

pro se 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.

3. 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 the motion or reply is based shall be identified 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 Argument.* Oral argument on civil motions, including family law motions, may be heard by conference telephone call through the CourtCall Telephonic Appearance Program (“CourtCall”). The court shall hear CourtCall 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.

(A) Hearings Unsuitable for CourtCall. The following matters are currently deemed unsuitable for

CourtCall appearances: Judgment debtor examinations; settlement conferences; hearings or trial at which oral testimony may be presented; hearings in which oral argument is anticipated to exceed 15 minutes. (no criminal cases may be heard by courtcall)

(B) Scheduling CourtCall. CourtCall appearances are scheduled by the party desiring to use CourtCall not less than seven (7) court days prior to the hearing date by calling CourtCall (1-888-882-6878), filling out any required forms, paying the stated fee, and following all procedures set by CourtCall. The court may shorten the time for requesting CourtCall for good cause shown. No calls with a cellular or cordless telephone device or through a personal computer shall be permitted. The party making a CourtCall appearance shall eliminate to the greatest extent possible all ambient noise from the calling location and speak directly into a telephone headset. No private recordings may be made of telephonic appearances.

(C) CourtCall Appearances at Hearing. Parties utilizing CourtCall shall call the court’s designated toll free teleconference line approximately five (5) minutes prior to the scheduled time and check-in with the clerk. All persons calling after the check-in period shall 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 CourtCall shall not utilize the "hold" button, as it is not within the policy of the court to wait for any person to rejoin the line.

(D) Court May Reject or Halt CourtCall Appearances. The court reserves the right, at any time, to reject any request for CourtCall appearances. When the court rejects a request, it shall order a refund of deposited telephonic appearance fees and notify CourtCall, LLC. The court reserves the right to halt the telephonic hearing on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted

(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.

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. [See GR 14.]

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

(2) *Typing or Legible Printing.* All court documents submitted for filing must be typed or printed legibly using black or dark blue ink. Cursive writing is not allowed. All typing or printing shall be double-spaced.

(3) *Photocopies.* Photocopies of documents shall be legible.

(e) Format Recommendations.

(1) – (6) *(No Local Rules)*

(7) *Black and White Photographs.* Color photographs do not produce usable scanned or microfilmed images. Black and white reproductions are preferred.

(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.* The court administrator shall set pretrial readiness hearings in all

civil and domestic cases approximately a month prior to the assigned trial date.

(2) *Matters Considered.* 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.

(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 his or her readiness for trial with a written statement of readiness for trial filed with the court. *See*, Forms Appendix G.

(d) **Settlement Conference.** Any party in a civil action may schedule a pretrial settlement conference through the court administrator for hearing no later than 21 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. The parties shall provide documentation clearly stating the issues involved to the settlement conference judge at least two (2) days prior to the settlement conference.

4. PARTIES (Rules 17-25) *(No Local Rules)*

5. DEPOSITIONS AND DISCOVERY (Rules 26-37)

LCR 26. – 32. *(No Local Rules)*

LCR 33. INTERROGATORIES TO PARTIES

(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)*

6. TRIALS (Rules 38 – 53.4)

LCR 38. – 39. *(No Local Rules)*

LCR. 40. ASSIGNMENT OF CASES

(a) Notice of Trial – Note of Issue.

(1) – (5) *(No Local Rules)*

(6) *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.

(b) Methods.

(1) *Note for Trial Setting.* Counsel shall file with the court administrator and serve on all parties, including the guardian ad litem, a Note for Trial Setting and a Notice of Conflict Dates in the form set forth in the Forms Appendix E & F. Conflict dates shall be limited to previously scheduled vacations and trial dates. Counsel or parties appearing *pro se* 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.

(2) *Confirmation of Trials.* Counsel shall confirm with the court administrator no earlier than seven (7) court days or no later than two (2) court days prior to the trial date that their trial will proceed on the scheduled trial date.

(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) days of the assigned trial date. A continuance sought within thirty (30) days of the assigned trial date shall be made by written motion. Within ten (10) days after a continuance is granted, either by stipulation or by motion, the parties shall file a new Note for Trial Setting and a Notice of Conflict Dates as set forth above, and a new trial date shall be assigned by the court administrator.

(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 nonparental actions for child custody, (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. Whenever such a case is 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.

LCR 41. DISMISSAL OF ACTIONS

(a) – (d) *(No Local Rules)*

(e) **Notice of Settlements.** 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) – (b) *(No Local Rules)*

**(c) Mode and Order of Interrogation
and Presentation.** [See ER 611]

(1) *Trial Exhibits.* [See also, GR 15(i)]. Counsel shall provide all exhibits, except exhibits intended for impeachment purposes, to the clerk at least one day in advance of trial to be marked for identification. Copies of all exhibits, except large maps or large drawings, shall be given to opposing counsel and to the trial judge at the same time as such exhibits are offered into evidence. Counsel shall also provide the clerk with an 8x11-inch version of any large trial exhibit.

(2) *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.

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)*

7. JUDGMENT (Rules 54-63)

LCR 54. JUDGMENT AND COSTS

(a) – (e) *(No Local Rules)*

(f) Presentation.

(1) – (2) *(No Local Rules)*

(3) *Ex Parte Presentation and Fees.* Agreed orders, orders when notice of presentation is waived, and *ex parte* orders based upon the record in the file may be presented by mail. 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 mail or delivery. If accepted by the clerk, the proposed order will be presented to the *ex parte* judge for consideration. If rejected by the clerk, the proposed order will be returned to the sender for resubmission or in-person presentation. Self-addressed, stamped envelopes, along with copies of the proposed order, must

be provided if return of any conformed materials or rejected order is sought.

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.* 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, including the date the order was filed with the clerk, 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)*

(c) **Motion and Proceedings.**

(1) *Confirmation of Summary Judgment Motions.* The moving party shall confirm his or her summary judgment motion with the court administrator no earlier than seven (7) court days or no later than two (2) court days prior to the hearing.

(d) – (h) *(No Local Rules)*

LCR 57 – 63 *(No Local Rules)*

8. PROVISIONAL AND FINAL REMEDIES (Rules 64 – 71)
(No Local Rules)

9. APPEALS (Rules 72-76) *(No Local Rules)*

10. 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 in the Forms Appendix K.

(B) **Professional Conduct.** Counsel shall adhere to the Guidelines for Professional courtesy, as well as the "Courtroom Decorum and Practice

Guidelines," a copy of which may be found in the Forms Appendix L.

(2) – (3) *(No Local Rules)*

(c) *(No Local Rules)*

(d) Superior Courts Always Open.

Unless otherwise ordered, the Island County Superior Court shall be open as set forth in CR 77(d) from 8:30 a.m. to noon, and from 1:00 p.m. to 4:30 p.m. Non-judicial days are designated as Saturday and Sunday and those days designated by law as legal holidays.

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

(f) Sessions.

(1) Involuntary Commitment Hearings. Involuntary commitment hearings 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) – (j) *(No Local Rules)*

(k) Motion Day – Local Rules. The Island County docket shall be as follows:

(1) Law and Motion Calendars. The civil, adult criminal, and juvenile offender law and motion calendar for Island County shall be on Monday of each week in the assigned departments. If Monday falls on a legal holiday, then

the motion calendar shall be heard on the following Tuesday. If any matter on the 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 5(k).

(A) Civil Motion Calendar. Closed civil hearings, including adoptions, shall be heard at 9 a.m. Open civil hearings shall be heard from 9:30 a.m. to noon in the following order: Ex parte matters; supplemental proceedings; readiness hearings; parentage motions where paternity has previously been determined; uncontested matters in probates and guardianships; uncontested dissolutions; all orders to show cause and motions in domestic actions; other orders to show cause and motions in civil case; motions and orders subsequent to judgment and motions for summary judgment.

(B) Criminal and Juvenile Offender Calendars. The criminal and juvenile offender calendars shall be heard from 1:30 p.m. to 4:15 p.m. Criminal and juvenile offender preliminary hearings and hearings on bench warrants shall be heard Monday during the criminal and juvenile offender calendar and at 1:15 p.m. on Tuesday through Friday.

(2) Court Commissioner Calendar. The court commissioner, or judge when available, shall hear the following matters every Wednesday.

(A) Shelter Care. Shelter care hearing shall be held at 8:30 a.m. on Wednesday, or if more time is needed, at 8:30 a.m. on Friday.

(B) Parentage Actions. Parentage actions shall be heard at 9:00 a.m.

(C) Emancipations, dependencies, at-risk youth and CHINS proceedings. Such proceedings shall be heard from 9:00 a.m. to noon.

(D) Domestic Violence and Anti-Harassment Cases. Such proceedings shall be heard at 1:00 p.m.

(E) Truancies. Truancy actions shall be heard at 3 p.m.

(3) Pro Se Dissolution Calendar. Pro Se dissolutions will be heard at 8:30 a.m. on Wednesday.

(4) Ex Parte Calendar. The ex parte calendar shall be heard on the Monday civil motion calendar and at 1 p.m. on Tuesday through Friday.

(5) Drug Court Calendars. The Family Treatment Court shall be heard at 10:30 a.m. on Tuesday. Adult Drug Court shall be heard at 10:30 a.m. on Thursday. Juvenile Drug Court shall be heard at 3 p.m. on Thursday.

(6) *Jury Trials*. Jury trials in Island County Superior Court shall be on the date assigned by the court administrator and shall be held from 9:30 a.m. until 4:15 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.

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 with one of the following methods of payment: cash, cashier's check, money order, certified check, government check, attorney's check, or company's check.

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

LCR 79. BOOKS AND RECORDS KEPT BY THE CLERK

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

(d) 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 the 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.* The clerk shall permit no file to be taken from the Clerk's office or the Clerk's custody, except to the courtroom, or to a judge, commissioner, referee, bailiff, official court reporter, or the Court Administrator or deputy unless written authority has first been obtained from the Clerk. The Clerk may with discretion and on application in writing, grant written authority to the applicant to withdraw one or more files from the Clerk's custody for a period not exceeding 3 days. Only attorneys with a WSBA number or an employee of that firm's office may make a written request to withdraw a file from the Clerk's office. Such applicant shall return the file, and all of its papers, in good order, and shall not remove, even temporarily, any papers from the file. Any request to withdraw a file from the Clerk's office within one calendar week of its being scheduled for a court hearing or trial shall not be granted. For case files maintained electronically, no person may remove the electronic media on which the record is kept from the custody of the Clerk unless an account is

established. Copies of a file or of the documents therein may be obtained from the Clerk as provided by law and rule.

(e) **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.

(f) **List of Pending Decisions.** (*No Local Rules*)

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: Opening statements and closing arguments in non-jury civil trials; *ex parte* matters on the law and motion calendar; verbal statements in a tape recording; video tape recording used at trial or in a hearing.

(b) – (c) (*No Local Rules*)

11. 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.

LCR 86. (*No Local Rules*)

PART II
LOCAL / SPECIAL PROCEEDINGS RULES (SPR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2012

SPR 94.04. FAMILY LAW RULES

(a) Scope of Rules. These special proceeding rules are supplemental to the Washington State Supreme Court Civil Rules (CR) and to the Island County Local Court Rules (ICLCR). Unless otherwise specifically directed otherwise, these rules shall apply to all cases filed after September 1, 2007, in all (1) family law petitions seeking dissolution of marriage, declaration of invalidity, legal separation, parentage and nonparental actions for child custody; and (2) actions brought by parties to non-marital relationships involving parenting or distribution of assets and liabilities. This rule shall also apply to all modification actions filed in the specified cases.

(b) Court's Automatic Temporary Restraining Order. Upon filing a summons and petition in any of the actions specified in SPR 94.04(a), the court on its own motion shall automatically issue the temporary order set forth in the Forms Appendix A, entitled "Court's Temporary Order, Re: SPR 94.04."

(c) Blank Affidavits and Notices Required for *Pro Se* Parties. When either of the parties are *pro se*, a blank affidavit or declaration shall be attached to the motion for a temporary order and show cause order and served on the other party. In addition, the motion for a

temporary order and show cause order shall contain the following language:

"At the hearing, the court will consider written sworn affidavits or declarations made under penalty of perjury, which must be signed and must include the date and place of signing. You are not allowed to argue any facts that are not included in affidavits or declarations. Prior to the hearing you must (1) file your affidavits and declarations and any supporting attachments with the clerk of the court, (2) provide a copy of those documents to the court administrator as a courtesy copy for the judge, (3) serve the other party or the other party's attorney with copies of your documents, and (4) complete your filing of the documents within the time period required by Island County Superior Court Local Court Rule 6(d). If you need more information, you are advised to consult an attorney or a court facilitator.

"FAILURE TO APPEAR AS SET FORTH ABOVE MAY RESULT IN A TEMPORARY ORDER BEING ENTERED BY THE COURT THAT GRANTS THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE TO YOU."

(d) Financial Declarations and Verified Statement of Assets and Liabilities. Within 30 days after the filing of an answer or other responsive pleading in any of the actions specified in SPR 94.04(a), each party shall serve the opposing party with (1) a Financial Declaration (WPF DRPSCU 01.1550) and all attachments in all cases involving a request for child support, maintenance or attorney fees, and (2) a Verified Statement of Assets and Liabilities in the form set out in the Forms Appendix B. The Financial Declaration shall be filed with the court. All parties have a duty to supplement the documents when additional information becomes available. Each party shall file with the court a Declaration of Mailing, in the form set out in the Appendix, attesting that Financial Declaration and all attachments and the Verified Statements of Assets and Liabilities has been provided to the other party within the 30-day time limit.

(e) Parenting Seminars. This rule shall apply to all cases in which the court is being asked to enter a parenting plan for minor children.

(1) *Mandatory Attendance.* Unless waived as provided herein, within 30 days of filing an appearance, answer or other responsive pleading in an action involving a parenting plan 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 60 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) *Seminar 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 administrator, juvenile court administrator, or county clerk. 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 14 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.* Willful refusal to participate in a parenting seminar or willful delay in completing a court-ordered parenting seminar may result in a finding of contempt and imposition of sanctions. (See Order to Show Cause Re: Parenting Class in the Forms Appendix H.)

(f) Mandatory Mediation.

(1) *Requirement for Mandatory Mediation.* In all cases specified in SPR 94.04(a) with unresolved issues, both parties shall in good faith engage in mediation with a court-approved mediator in an effort to resolve the case, unless waived as set forth herein. In cases where parenting issues exist, the mediation shall not occur until both parties have completed the parenting seminar described herein. Mediation shall be completed at least 60 days prior to the scheduled trial date.

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

(A) *Good Cause.* For good cause shown upon motion and approval by the court; or

(B) *Restraining or Protection Order.* 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;

(C) *No Contact Order.* Where a domestic violence no contact order exists pursuant to RCW 10.99;

(D) *Domestic Abuse.* 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) *Order to Require Mediation.* Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not 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.

(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 by in SPR 94.04(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.* Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt and imposition of sanctions.

(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. 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, address and telephone number, 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) *Declaration of Completion of Mediation.* Within seven (7) days of completion of mediation, a declaration that mediation has been completed shall be filed with the court by the mediator. The mediator shall advise counsel and the parties of the results of mediation in writing. The mediator shall advise the court only whether an agreement has been reached on some or all of the issues.

(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.

(g) Jurisdictional Declaration in Non-Contested Dissolution Cases. If a decree is entered under RCW 26.09 by joinder, agreement, or default, an attorney representing the petitioner or the respondent may present jurisdictional testimony pursuant to a "Request for Entry of Decree and Declaration of Jurisdictional Facts," found in the Forms Appendix I. If both parties are not represented by counsel, at least one party's presence in court is required.

(h) Required Documents in Dissolution Trials. In addition to the trial briefs required under LCR 40(a), in all contested trial in domestic relations matters, each party shall provide the court with (1) a current Financial Declaration (WPF DRPSCU 01.1550) and all attachments; (2) a written Pretrial Affidavit indicating a proposed division of assets and liability, which form can be found in the Forms Appendix J; and (3) if children are involved, a proposed parenting plan and child support worksheets. All required documents 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.

(i) Parenting Plans and Child Support Orders Submitted by *Pro Se* Parties – Review. In any action in which the residential care or child support of a

minor child or children is at issue and in which none of the parties are represented by counsel, the parenting plan and child support documents shall first be reviewed, approved and initialed by the court facilitator in the county in which the action is pending, or if there is no court facilitator, by the juvenile court administrator. A proposed parenting plan does not need to be initialed and approved before filing, but any parenting plan submitted for court approval must be so initialed and approved before the court will consider it.

(j) 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.

SPR 98.04 ESTATES – PROBATE – GUARDIANSHIPS

(a) Guardianship Hearing Dates. In all reports required by RCW 11.92 *et seq.*, the title shall contain, in addition to the name of the report, a notice to the

clerk to set the next report date, i.e., **“Clerk’s Action Required: Next Hearing Date and Time: (date) at 9:30 a.m.”**

PART III
LOCAL GUARDIAN AD LITEM RULES (GALR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2012

GALR 1-4 *(No Local Rules)*

GALR 5. APPOINTMENTS OF GUARDIANS AD LITEM

(a) Equitable Distribution of Workload. The parties may either agree to a guardian ad litem from the court-approved list or the guardian ad litem will be determined by use of a strike list. A guardian ad litem has the right to decline to serve in a particular case. If a guardian ad litem 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) 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.

(c) Form of Order Appointing Guardian ad Litem. In any case in which a guardian ad litem is appointed for a minor, any party may request an "Order Appointing Guardian ad Litem (Supplemental)" found in the Forms Appendix C in addition to the mandatory "Order Appointment Guardian ad Litem" found at

<http://www.courts.wa.gov/forms>.

GALR 6. LIMITED APPOINTMENTS *(No Local Rules)*

GALR 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 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 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 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 30 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 has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (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) CASA Grievance Procedures. Grievances against any Court Appointed Special Advocate shall be handled as set forth in the Island County CASA Volunteer Policies and Procedures, a copy of which is available from the CASA 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 30 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 20 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 60 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) 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 20 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)*

PART IV
LOCAL CRIMINAL RULES (LCrR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2012

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) (No Local Rules)

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 OMNIBUS HEARING

(a) – (c) (No Local Rules)

(d) Motions. Unless otherwise scheduled, 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) days prior to trial.

(e) – (h) (No Local Rules)

LCrR 4.6 – 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) days prior to the date set for commencement of trial.

(b) **Exhibits.** LCR 43(b) shall apply in criminal trials.

(c) **Jury Instructions.** LCR 5 shall apply in criminal trials.

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.

of the decision, unless the court orders otherwise.

LCrR 8.3- 8.9 *(No Local Rules)*

LCrR 8.2. MOTIONS

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

(b) **CourtCall Does Not Apply.** Unless changed by the Local Criminal Court Rules, Criminal Rules 3.5 and 3.6, Civil Rule 7(b), and LCR 7 shall govern motions in criminal cases. CourtCall does not apply to criminal cases.

(c) **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

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

Effective September 1, 2012

TITLE I. SCOPE AND APPLICATION OF RULES

LJuCR 1.1 – 1.3 (No Local Rules)

when not inconsistent with these rules and applicable statutes.

LJuCR 1.5 (No Local Rules)

**LJuCR 1.4. APPLICABILITY OF
OTHER RULES**

**LJuCR 1.6 COURT APPOINTED
SPECIAL ADVOCATE PROGRAM**

(a) **Criminal Rules.** The Superior Court Criminal Rules and Local Criminal Rules shall apply in juvenile offense proceedings

This judicial district has a Court Appointed Special Advocate program. Rules and details may be obtained from Juvenile Court Services.

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.1-2.4 (No Local Rules)

notice of contested issues no later than three (3) court 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.

**LJuCR 2.5 AMENDMENT OF
SHELTER CARE ORDER**

(a) **30-Day Shelter Care Review.** If a parent, guardian ad litem, or court-appointed special advocate 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

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.1 – 3.8 (No Local Rules)

(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) days prior to the review hearing.

LJuCR 3.9 REVIEW HEARING

(b) **Notice of Contested Issues.** After receipt of the department's report, if a parent, guardian ad litem, or court-appointed special advocate wishes to contest any issue, he or she must file and serve a notice of contested issues no later than three (3) court 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)*

Names of designated facilities may be obtained from Island County Juvenile Court Services.

**LJuCR 7.3. DETENTION AND
RELEASE**

LJuCR 7.5-7.15 *(No Local Rules)*

(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.

**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)*

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

In Re _____ of:

and _____ Petitioner,

Respondent.

NO.

COURT'S TEMPORARY RESTRAINING ORDER
RE: SPR 94.04(b)

I. NOTICE TO PARTIES

- 1.1 An action has been started in this court that affects your rights. Both parties are now required to obey the following order unless the court changes it. Either of you may ask the court to change or clarify this order. The court has the authority to punish violations of this order and to require the violator to pay attorney fees to the other party for having to bring the violation before the court.
- 1.2 The financial restraints in section 2.1 below and the requirement to fill out the attached "Verified Statement of Assets and Liabilities" only apply in actions for (1) dissolution of marriage, legal separation, or marriages declared to be invalid, or (2) non-marital relationships involving distribution of assets and liabilities.

II. ORDER

IT IS ORDERED:

2.1 TEMPORARY ORDERS FOR ALL PARTIES

- (a) Both parties are restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other of any extraordinary expenditure made after this order is issued.
- (b) Both parties are restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent children, whether medical, health, life or auto insurance, except as agreed in writing by the parties.
- (c) Unless the court orders otherwise, both parties are responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties.
- (d) Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court.
- (e) Within 30 days after the filing of any general appearance, answer or other responsive pleading, each party shall provide the other party with **a completed Financial Declaration (WPF DRPSCU 01.1550) and a Verified Statement of Assets and Liabilities** (form available at www.islandcounty.net/superiorcourt/forms or see Forms Appendix B herein). Each party shall then file a Declaration of Mailing showing that these documents have been provided to the other party within the time limit. In all cases involving a request for child support,

maintenance or attorney fees, the completed Financial Declaration shall also be filed with the court. All parties have a duty to supplement the financial information when additional information becomes available.

2.2 TEMPORARY ORDERS FOR PARTIES WITH MINOR CHILD(REN).

- (a) Both parents are restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties.
- (b) Each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.
- (c) Each parent shall insure that the child(ren) are not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).
- (d) Within 30 days of filing an appearance, answer or other responsive pleading in this action, both parties shall register for a court-approved parent education seminar. Each party shall attend the seminar within 60 days of registering. Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider. In no case shall opposing parties be required to attend a seminar together.
- (e) Within 14 days of completing the above-ordered parent education seminar, each parent shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

2.2 MEDIATION AND SETTLEMENT CONFERENCE

If the parties are not able to agree on the final terms of their Decree, they shall be required to participate in mediation of unresolved disputes. Mediation is not required in cases involving domestic violence. For purposes of this order, domestic violence has occurred in the relationship if (1) 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; (2) a domestic violence no contact order exists pursuant to RCW 10.99; or (3) the court upon motion makes a finding that domestic violence has occurred between the parties and that such abuse would interfere with arm's-length mediation. If, after mediation, there remain unresolved issues, the parties may participate in a settlement conference, pursuant to LCR 16(d).

2.3 EFFECTIVE DATE OF ORDER

The Petitioner is subject to this order from the time of filing the Petition. **The Petitioner shall serve a copy of this on the Respondent and file a declaration of service in the court file.** The Respondent is subject to this order from the time that the order is served. This order shall remain in effect until further court order.

Dated: _____

JUDGE/Commissioner

VERIFIED STATEMENT OF ASSETS AND LIABILITIES

SPR 94.04(d)

(Attach additional sheets in the same form if necessary.)

DO NOT FILE THIS DOCUMENT WITH THE COURT

Within 30 days after the filing of any general appearance, answer or other responsive pleading, each party shall provide the other party with a **completed Financial Declaration (WPF DRPSCU 01.1550) and a Verified Statement of Assets and Liabilities.**

Petitioner: _____ Respondent: _____ Case #: _____

Date of separation from Spouse: _____ Date Petition for Dissolution filed: _____

1. I am the [] Petitioner [] Respondent in this action.

2. To my knowledge, as of the date of separation, the following community and separate assets and liabilities existed. (Note: Generally "**Community assets**" means those assets that were acquired during marriage, except by inheritance or gift. "**Community liabilities**" means all debts incurred during the marriage, regardless of whose name the debt is in. "**Separate assets**" means those assets owned before marriage, or acquired after separation, or acquired during the marriage by inheritance or gift. "**Separate liabilities**" means those debts incurred before the marriage or after separation.)

COMMUNITY ASSETS

SEPARATE ASSETS

Real Property:

1. _____

1. _____

2. _____

2. _____

Vehicles (autos, trailers, boats etc.):

1. _____

1. _____

2. _____

2. _____

3. _____

3. _____

4. _____

4. _____

Bank Accounts:

1. _____

1. _____

2. _____

2. _____

3. _____

3. _____

4. _____

4. _____

Pensions/Retirement Accounts:

1. _____
2. _____

1. _____
2. _____

Business Interests:

1. _____
2. _____

1. _____
2. _____

Stocks/Bonds/Investments:

1. _____
2. _____
3. _____

1. _____
2. _____
3. _____

Life Insurance:

1. _____
2. _____

1. _____
2. _____

**Household Goods/Furnishings/
Appliances valued over \$250:**

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Sporting Goods/Tools & Equipment valued over \$250:

1. _____
2. _____
3. _____
4. _____

1. _____
2. _____
3. _____
4. _____

Jewelry/Artwork/valued over \$250:

1. _____
2. _____
3. _____
4. _____

1. _____
2. _____
3. _____
4. _____

Electronics and Accessories valued over \$250:

1. _____
2. _____
3. _____
4. _____

1. _____
2. _____
3. _____
4. _____

Other:

1. _____
2. _____
3. _____

1. _____
2. _____
3. _____

COMMUNITY LIABILITIES

Mortgage:

1. _____
2. _____

Balance at Separation

\$ _____
\$ _____

Current Balance

\$ _____
\$ _____

Loans (vehicles/student/personal):

1. _____
2. _____
3. _____
4. _____

\$ _____
\$ _____
\$ _____
\$ _____

\$ _____
\$ _____
\$ _____
\$ _____

Credit Cards:

1. _____
2. _____
3. _____
4. _____
5. _____

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

I anticipate receiving the following in the future:

- (a) **Inheritance** [] Yes [] No
- (b) **Settlement proceeds from a lawsuit** [] Yes [] No
- (c) **Settlement proceeds from a work-related injury** [] Yes [] No
- (d) **Money owed to me by another** [] Yes [] No

I declare under penalty of perjury of the laws of the State of Washington that the above is true and correct to the best of my knowledge.

DATED this _____ day of _____, 20____
at _____, Washington

Declarant

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

vs/and Plaintiff/Petitioner,

Defendant/Respondent.

NO. _____

ORDER APPOINTING GUARDIAN
AD LITEM (SUPPLEMENTAL - GALR 5(c))

Supplementing the Order Appointing Guardian ad Litem, entered on _____, the Guardian ad Litem appointed in this cause shall:

1. Investigate and make recommendations regarding:

- Paternity
 - Establishment
 - Dis-establishment

- Residential Schedule
 - Initial Parenting Plan (RCW 26.09.187, 26.09.191)
 - Modification of Parenting Plan (RCW 26.09.240)
 - Non-Parental Custody (RCW 26.10.030)
 - Non-Parental Visitation (RCW 26.09.230)

2. Investigate the following:

- Abuse of the child
- Performance of parenting functions
- Child's relationship to parents
- Child's relationship to significant others
- School placement/Adjustment of child
- Criminal behavior
- Other _____
- Mental health issues, including substance abuse
- Family conflict, including Domestic Violence
- Special needs of child
- Cultural factors

Dated: _____

JUDGE/COURT COMMISSIONER

Attorney for Petitioner:

(Sign) _____
(Print Name) _____
WSBA#: _____
Address: _____
Phone: _____

Attorney for Respondent

(Sign) _____
(Print Name) _____
WSBA #: _____
Address: _____
Phone: _____

Petitioner:

(Sign) _____
(Print Name) _____
Address: _____
Home Phone: _____
Cell Phone: _____
Employer: _____
Work Phone: _____

Respondent:

(Sign) _____
(Print Name) _____
Address: _____
Home Phone: _____
Cell Phone: _____
Employer: _____
Work Phone: _____

(All information requested must be provided.)

SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND

In re:

Plaintiff/Petitioner,

and/vs

Defendant/Respondent.

No.

NOTE FOR MOTION CALENDAR
LCR 77(k)(1)

TO: The Clerk of Court and the attorneys/parties listed below:

PLEASE TAKE NOTICE that a hearing on the motion listed below will be held at the date and time given in the Law & Justice Center, 1st Floor, 101 North East 6th Street, Coupeville, Washington.

Date:

Time:

Room:

Nature of Motion:

If you require an interpreter and/or ADA accommodations, please provide a minimum of 10 days' advance notice to us. TTY/TTD users, please call the Washington Relay Service at 1-800-833-6388.

List the attorneys/parties names and addresses below.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

| | |
|-----------------------|---------------------------|
| _____ | NO. _____ |
| Plaintiff/Petitioner, | NOTE FOR TRIAL SETTING |
| vs/and | LCR 40(b)(1) |
| _____ | (Clerk's Action Required) |
| Defendant/Respondent. | |

TO: The Clerk of the Court
AND TO: _____

ADDRESS: _____

AND TO: _____

ADDRESS: _____

Please take notice that the above captioned action is now fully at issue. The clerk is requested to note this case on the regular Trial Assignment Calendar.

Date requested for trial assignment: _____
(Monday – No Appearance) (See LCR 40(b)(1))

Nature of the case: _____

Issues in Dispute: _____

Estimated Length of Trial: _____

A jury of 6 of 12 has has not been demanded.

Mandatory mediation under Local Rule 16 does does not apply to this case.

The parties have completed mandatory mediation: yes no N/A

Dated: _____

(Sign) _____
(Print Name) _____
Attorney for _____
WSBA# _____
Address: _____

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

Plaintiff/Petitioner,
vs/and

Defendant/Respondent.

NO. _____

NOTICE OF CONFLICT DATES
LCR 40(b)(1)

TO: The Clerk of the Court
AND TO: _____
ADDRESS: _____
AND TO: _____
ADDRESS: _____

Please take notice that the above captioned case has been noted for trial assignment on the following date: _____

The following are the undersigned's conflict dates, which are limited to previously scheduled vacations and trial dates:

| Dates of Counsel's Unavailability | Reason for Unavailability | Reference (Court and Cause No.) |
|-----------------------------------|---------------------------|---------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Dated: _____

(Sign) _____

(Print Name) _____

Attorney for _____

WSBA# _____

Address: _____

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

Plaintiff/Petitioner,
vs/and

Defendant/Respondent.

NO. _____

STATEMENT OF READINESS FOR TRIAL
LCR 16(c)(4)

TO: The Clerk of the Court
AND TO: _____
ADDRESS: _____
AND TO: _____
ADDRESS: _____

COMES NOW _____ by and through his/her attorney of record and pursuant to LCR 40(b)(1) certifies as follows:

- 1. This case is subject to mandatory mediation: yes no
If so, mandatory mediation has been completed: yes no N/A
- 2. This case is subject to mandatory parenting seminar: yes no
If so, the parenting seminar has been completed: yes no N/A
- 3. Declarant's witnesses are available for trial: yes no N/A
- 4. All discovery has been completed: yes no
- 5. All necessary pleadings have been filed: yes no
- 6. The parties are ready for trial: yes no
- 7. The estimated length of trial is _____ days.

Declarant hereby requests that his/her personal presence at the court scheduled Readiness Hearing be waived.

Dated: _____

(Sign) _____
(Print Name) _____
Attorney for _____
WSBA# _____
Address: _____

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

In Re the Marriage of:

Petitioner,

and

Respondent.

NO. _____

ORDER TO SHOW CAUSE
RE: PARENTING SEMINAR
SPR 94.04(e)(5)(D)

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

By sua sponte order of the court:

The petitioner/respondent herein, _____, shall complete the mandatory parenting seminar, "Helping Children Through Divorce," no later than _____. Proof of completion shall be filed with the court no later than _____. In the event petitioner/respondent has failed to complete this course, he/she shall be subject to contempt and sanctions, including forfeiture of visitation, by the court.

IT IS FURTHER ORDERED:

_____ shall appear in person before this court at the place and time below and show cause why sanctions should not be entered cause for failure to comply with this order.

Date: _____

Time: _____

Place: _____

Room/Department: _____

IF YOU FAIL TO APPEAR IN PERSON AND DEFEND AT THESE PROCEEDINGS THE COURT MAY ORDER SANCTIONS, INCLUDING CONTEMPT OR FORFEITURE OF VISITATION, AND/OR ISSUE A BENCH WARRANT FOR YOUR ARREST WITHOUT FURTHER NOTICE TO YOU.

Other:

In the event proof of compliance with the seminar is filed with the court on or before _____, the hearing shall be stricken.

This order may be served by mail.

Dated: _____

JUDGE/Commissioner

STATEMENT OF READINESS FOR TRIAL

FORMS APPENDIX G

**SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND**

In Re the Marriage of:

Petitioner,

and

Respondent.

NO. _____

REQUEST FOR ENTRY OF DECREE AND
DECLARATION OF JURISDICTIONAL FACTS
SPR 94.04(g)
(For use by Attorney Only)

REQUEST: The petitioner requests immediate entry of Findings of Fact, Conclusions of Law and
 Decree of Dissolution of Marriage, Decree of Legal Separation, or Declaration of
Invalidity without a final hearing, and states:

RESIDENCE: I was a resident of the state of Washington when the petition was filed.

TIME LIMITS: More than 90 days have elapsed since the later of _____, 20____, the date
on which the Petition was filed, and _____, 20____, the date on which

- the respondent signed an acceptance of service and the respondent has either
 - signed the final documents or
 - waived notice **and** the final documents provide for only that relief requested in
the petition.

Or

- the summons and petition were personally served upon the respondent, **or**
- the summons was first published pursuant to an order for service by publication, **or**
- the summons and petition were mailed pursuant to an order for service by mail.

**MARRIAGE &
SEPARATION:**

The parties were married on _____, _____, (date) at
_____, (city and state) and
separated on _____, 20____.

- The marriage is irretrievably broken, **or**
- The husband and wife wish to be legally separated, **or**
- The marriage of the parties is invalid.

PREGNANCY:

- The wife is not pregnant, **or**
- The wife is pregnant. The father of the unborn child is the husband, not the
husband, undetermined.

**REQUEST FOR ENTRY OF DECREE AND
DECLARATION OF JURISDICTIONAL FACTS**

DEPENDENT

CHILDREN: All dependent children of the marriage are identified and the Child Support Worksheets are accurate.

PARENTING

CLASS: Both mother and father have completed the mandatory court-approved parent education seminar and the certificates of completion are attached.
 The parent education seminar has been waived by the court.

PROPERTY & DEBTS:

All property and all debts of the parties are fairly and completely divided in the Decree.

MEDIATION:

The parties have complied with mandatory mediation and a certification of completion by the mediator is attached.
 Mediation has been waived by the court.

IF DEFAULT:

If entry of the Decree is sought after default of the Respondent, the final documents provide for only that relief requested in the petition.

PERJURY

DECLARATION: I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this date _____
at _____, Washington

Signature of Petitioner

Presented by:

Approved, notice of presentation waived:

Signature of Petitioner's Attorney

Signature of Respondent's Attorney

Signature of Respondent

SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND

In re

NO. _____

PRETRIAL AFFIDAVIT OF: PETITIONER
(SPR 94.04 (h)) RESPONDENT

NOTE: This form shall be filed and served by noon two judicial days before trial.

I. PERSONAL DATA

Name: _____, Age _____ Occupation: _____

Marriage/Relationship date: _____ Employer: _____

Separation date: _____ Gross monthly income: _____

Child's name: _____, Age _____ Net monthly income: _____

Child's name: _____, Age _____ Other income: _____

II. SUGGESTED RESIDENTIAL TIME FOR CHILDREN

With Petitioner _____

With Respondent _____

III. SUGGESTED CHILD SUPPORT

If child support is at issue, complete and file an updated set of Washington State Child Support Worksheets and your most current pay stubs for the last four months. Based on current Worksheets, the presumptive amount of child support for _____ children is \$ _____ per month.

Child support should be set at \$ _____ per month, because _____

IV. SUGGESTED MAINTENANCE

If maintenance is at issue, complete and attach the updated Washington State Financial Declaration and page 1-2 of the Washington State Child Support Worksheets (showing income and deductions).

Maintenance of \$ _____ per month should be paid to the petitioner or respondent, until _____, because _____

PRETRIAL AFFIDAVIT OF: • PETITIONER • RESPONDENT

V. ASSETS AND DEBTS

If the other party *has not yet* filed a Pretrial Affidavit: fill in and attach four separate schedules, listing each community asset, separate asset, community debt, and separate debt. For each item, insert your figures in the appropriate columns for "Wife's Position" or "Husband's Position."

If the other party *has* filed a Pretrial Affidavit: on their four schedules, add your own figures for each item in the appropriate columns. If the other party omitted any assets or debts, add them to the appropriate schedule. Attach copies of your completed schedules.

Transfer your totals from the Community Assets and Community Debts schedules to this chart, showing your proposed division of community property and debt:

| | To Wife | To Husband |
|-----------------------------------|---------|------------|
| Community Assets: | | |
| Community Debts: | | |
| Subtract Debts from Assets: | | |
| Proposed judgment transfer (+/-): | | |
| FINAL TOTALS: | | |

VI. OTHER FACTORS

List any other factors which you believe should be considered by the court, such as special income situations, physical disabilities, dependent children of other relationships, etc.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this _____ day of _____, at _____, Washington.

Petitioner/Respondent

DATED _____

By: _____
 Attorney for _____ WSBA No. _____

Article I. COMMUNITY ASSETS

| Asset # | Description of Community Asset | Related Debt # | Petitioner's Position | | | Respondent's Position | | |
|--------------------------------|--------------------------------|----------------|-----------------------|---------------|---------------|-----------------------|---------------|---------------|
| | | | Fair Mkt Value | To Petitioner | To Respondent | Fair Mkt Value | To Petitioner | To Respondent |
| CA-1 | | | | | | | | |
| CA-2 | | | | | | | | |
| CA-3 | | | | | | | | |
| CA-4 | | | | | | | | |
| CA-5 | | | | | | | | |
| CA-6 | | | | | | | | |
| CA-7 | | | | | | | | |
| CA-8 | | | | | | | | |
| CA-9 | | | | | | | | |
| CA-10 | | | | | | | | |
| CA-11 | | | | | | | | |
| CA-12 | | | | | | | | |
| CA-13 | | | | | | | | |
| CA-14 | | | | | | | | |
| CA-15 | | | | | | | | |
| CA-16 | | | | | | | | |
| CA-17 | | | | | | | | |
| CA-18 | | | | | | | | |
| CA-19 | | | | | | | | |
| CA-20 | | | | | | | | |
| CA-21 | | | | | | | | |
| CA-22 | | | | | | | | |
| CA-23 | | | | | | | | |
| CA-24 | | | | | | | | |
| COMMUNITY ASSET TOTALS: | | | | | | | | |

Article II. SEPARATE ASSETS

| Asset # | Description of Separate Asset | Related Debt # | Petitioner's Position | | Respondent's Position | |
|-------------------------------|-------------------------------|----------------|-----------------------|---------------|-----------------------|----------------|
| | | | Fair Mkt Value | To Petitioner | To Respondent | Fair Mkt Value |
| SA-1 | | | | | | |
| SA-2 | | | | | | |
| SA-3 | | | | | | |
| SA-4 | | | | | | |
| SA-5 | | | | | | |
| SA-6 | | | | | | |
| SA-7 | | | | | | |
| SA-8 | | | | | | |
| SA-9 | | | | | | |
| SA-10 | | | | | | |
| SA-11 | | | | | | |
| SA-12 | | | | | | |
| SA-13 | | | | | | |
| SA-14 | | | | | | |
| SA-15 | | | | | | |
| SA-16 | | | | | | |
| SA-17 | | | | | | |
| SA-18 | | | | | | |
| SA-19 | | | | | | |
| SA-20 | | | | | | |
| SA-21 | | | | | | |
| SA-22 | | | | | | |
| SA-23 | | | | | | |
| SA-24 | | | | | | |
| SEPARATE ASSET TOTALS: | | | | | | |

Article III. COMMUNITY DEBTS

| Asset # | Description of Community Debt | Related Asset # | Petitioner's Position | | | Respondent's Position | | |
|-------------------------------|-------------------------------|-----------------|-----------------------|---------------|---------------|-----------------------|---------------|---------------|
| | | | Balance at Separation | To Petitioner | To Respondent | Balance at Separation | To Petitioner | To Respondent |
| CD-1 | | | | | | | | |
| CD-2 | | | | | | | | |
| CD-3 | | | | | | | | |
| CD-4 | | | | | | | | |
| CD-5 | | | | | | | | |
| CD-6 | | | | | | | | |
| CD-7 | | | | | | | | |
| CD-8 | | | | | | | | |
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| CD-11 | | | | | | | | |
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| CD-15 | | | | | | | | |
| CD-16 | | | | | | | | |
| CD-17 | | | | | | | | |
| CD-18 | | | | | | | | |
| CD-19 | | | | | | | | |
| CD-20 | | | | | | | | |
| CD-21 | | | | | | | | |
| CD-22 | | | | | | | | |
| CD-23 | | | | | | | | |
| CD-24 | | | | | | | | |
| COMMUNITY DEBT TOTALS: | | | | | | | | |

Article IV. SEPARATE DEBTS

| Asset # | Description of Separate Debt | Related Asset # | Petitioner's Position | | Respondent's Position | | | | |
|---------|------------------------------|-----------------|-----------------------|---------------|-----------------------|-----------------------|---------------|---------------|--|
| | | | Balance at Separation | To Petitioner | To Respondent | Balance at Separation | To Petitioner | To Respondent | |
| SD-1 | | | | | | | | | |
| SD-2 | | | | | | | | | |
| SD-3 | | | | | | | | | |
| SD-4 | | | | | | | | | |
| SD-5 | | | | | | | | | |
| SD-6 | | | | | | | | | |
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ISLAND COUNTY SUPERIOR COURT
CONDUCT AND DRESS CODE
LCR 77(b)(1)(A)

THE FOLLOWING CONDUCT AND DRESS CODE SHALL APPLY WHEN COURT IS IN SESSION:

1. No firearms or other weapons, including knives, shall be allowed in the courtroom.
2. No food or drinks, except water, shall be allowed in the courtroom.
3. No cell phones or pages, with audible signals activated, shall be allowed in the courtroom.
4. All persons in the courtroom shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - Men shall wear shirts, trousers and shoes.
 - Women shall wear shoes and either dresses, skirts and tops, or pants and tops.
 - Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and "flip-flop" footwear, shall not be worn.
 - Male attorneys shall wear coats, slacks and ties. Women attorneys shall wear professionally appropriate attire.
5. All persons in the courtroom shall in their speech and actions conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible.
 - All persons shall refrain from any gestures and from conduct or behavior, which manifest disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel, or other persons.
 - Children shall be closely controlled by adults inside and outside the courtrooms.

COURTROOM DECORUM AND PRACTICE GUIDELINES LCR 77(b)(1)(B)

PREFACE

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order and decorum are indispensable to the proper administration of justice.

A trial is an adversary proceeding, and lawyers must advocate for their clients' positions. However, conduct that may be characterized as discriminatory, abusive, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.

Attorneys are privileged to participate in the administration of justice in a unique way, and are responsible to their own consciences, to their clients, to one another, and to the public to conduct themselves in a manner which will facilitate, and never detract from, the administration of justice.

A trial is a truth-seeking process designed to resolve human and societal problems in a rational and efficient manner. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. A judge's conduct should be characterized at all times by courtesy, patience, and fairness toward all participants. The courts belong to the people of this state. The guidelines are intended to facilitate access to the courts for the fair resolution of disputes and should never be applied to deny access.

Application

The purpose of these guidelines is to provide lawyers, judges, and parties with a reasonable standard of conduct in judicial proceedings. However, these guidelines are not intended to homogenize conduct or remove individuality from the courtroom. To facilitate professional growth and foster voluntary compliance with these guidelines, the WSBA Court Congestion and Improvement Committee periodically review these guidelines. Comments are considered by the committee and changes are incorporated as needed.

All participants in judicial proceedings should voluntarily adhere to these guidelines. These guidelines shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these guidelines supersedes or detracts from existing codes or rules of conduct or discipline or alters existing standards by which lawyer negligence may be determined.

COURTROOM DECORUM

I. General Courtroom Decorum

- A. Always be prompt.
- B. Stand when the judge enters or leaves the courtroom.
- C. Do not make personal attacks on opposing counsel.
- D. Do not interrupt. Wait your turn.
- E. Enhancing courtroom decorum is a cooperative venture among bench and bar. It is appropriate to call to the attention of opposing counsel any perceived violations of these

guidelines out of the presence of the jury. After the court has ruled, ask the court's permission before arguing further.

F. Advise clients and witnesses of the formalities of the court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation. This applies both to attorneys and to *pro se* parties.

G. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.

H. Courtrooms equipped for videotaped reporting may require special precautions, such as remaining near a microphone.

I. Treat everyone in the courtroom with fairness, consideration, and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, sex, age, disability, sexual orientation, or marital status.

II. General Trial Conduct

A. Offers of and requests for stipulations are appropriate to facilitate the presentation of a case, but should not be employed to communicate to the jury a party's willingness or unwillingness to stipulate.

B. During trial, maintain appropriate respect for witnesses, jurors, and opposing counsel, avoiding informality. Address adults by their titles or surnames unless permission has been given to use first names. Avoid referring to adults by biased and demeaning expressions or labels such as "girl," "gal," or "boy." Address jurors individually or by name only during *voir dire*.

C. Treat jurors with respect and dignity, avoiding fawning, flattery, or pretended solicitude. Suggestions regarding the comfort or convenience of jurors should generally be made to the court out of the jury's hearing.

D. During the opening statement and argument of opposing counsel, never inappropriately divert the attention of the court or the jury.

E. Avoid expressing an opinion to the jury about the testimony of a witness, a ruling of the court, or argument of counsel through exaggerated facial expressions or other contrived conduct.

F. When practical, give the court advance notice of any legal issue that is likely to be complex, difficult, and which you expect to require argument.

G. Do not argue the case in the opening statement.

H. Counsel should not express to the jury personal knowledge or personal opinions about the evidence.

I. Address your remarks to the court, not to opposing counsel except when extending necessary courtesies, e.g., thank you.

J. Only attorney, parties, court personnel, and witnesses, when called to the stand, are permitted within the bar of the courtroom, unless otherwise allowed by the court.

III. Examination of Witnesses

A. When examining a witness, avoid undue repetition of the witness' answer.

B. Make objections for evidentiary reasons without delivering a speech or guiding a witness. Recapitulate testimony only as needed to put an objection in context.

C. If a witness was on the stand at a recess or adjournment, have the witness ready to proceed when the court is resumed.

D. Attempt to anticipate witness scheduling problems and discuss them with opposing counsel and the court. Try to schedule witnesses in advance of trial.

IV. Exhibits and Documents

A. Pre-mark exhibits with the clerk for identification prior to trial where appropriate. Hand all unmarked exhibits to the clerk for marking before using them in trial.

- B. If practical, have photocopies of an exhibit for the court, opposing counsel, and the witness. Avoid illegible copies if possible.
 - C. Return all exhibits to the clerk at each adjournment.
 - E. Whenever referring to an exhibit, mention the exhibit number.
- Give to the clerk all papers intended for the court. F. Show the proposed exhibit to opposing counsel prior to offering the exhibit in evidence.

V. Scheduling

- A. When practical, consult opposing counsel before scheduling hearings and discovery appearances in an effort to avoid scheduling conflicts. Assert a scheduling conflict only if the requested time is not available, not to obtain any unfair advantage.
- B. If opposing counsel fails promptly to accept or reject a time offered for hearing or discovery appearance, raises an unreasonable number of conflicts, or consistently fails to comply with this standard, agreement is not required.
- A. Where time associated with scheduling agreements could cause damage or harm to a client's case, then a lawyer is justified in setting a hearing or discovery appearance without first consulting with opposing counsel.
- B. Give notice of cancellation of appearances and hearings to all involved at the earliest possible time.

VI. Preferences of Individual Judges

Counsel are advised to determine the preferences of individual judges with respect to movement within the courtroom. Following are some examples of individual preferences.

- A. Stand when addressing the court and when making objections.
- B. Stand during opening statement and closing argument.
- C. Approach the bench only with permission.
- D. Maintain an appropriate distance from the witness and the jury.
- E. In the presence of the jury, address the judge as "Your Honor."

VII. Discovery

- A. Make reasonable efforts to conduct all discovery by agreement. Consider agreeing to an early voluntary exchange of information.
 - 1. Comply with all reasonable discovery requests in a timely manner.
 - 2. Stipulate to facts unless there is a genuine dispute.
- B. Conduct yourself in a professional manner and treat other lawyers, the opposing party, and all involved with courtesy and civility at all times. Clients should be counseled that civility and courtesy are required.
- C. Be punctual in fulfilling all professional commitments and in communicating with the court and other lawyers.
- D. Concentrate discovery responses on matters of substances and content, avoiding quarrels over form or style.
- E. Clearly identify for other counsel or parties all changes made in documents submitted for review.
- F. Fully respond to discovery, unless making a specific and clear objection warranted by existing law or a reasonable extension thereof. Do not produce documents in a manner designed to hide or obscure the existence of particular documents.

VIII. Depositions

- A. Advise clients regarding appropriate behavior, attire and other matters involved with depositions and other proceedings.
- B. Take depositions only when actually needed to ascertain facts or information or to perpetuate testimony.

C. Make only good-faith objections to discovery, and avoid objections solely for the purpose of withholding or delaying the disclosure of relevant information.

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- Trial Date, Time to Set – LCR 40
- Trial Documents in Dissolution – SPR 94.04(h)
- Trial Exhibits – LCR 43(c)(1)
- Trial Issues – LCR 16

- Trial, Conflicts for Dates – LCR 40(b)(1)
- Trial, Notice of – LCR 40(b)(1)
- Trial, Settlement of Cases Set for – LCR 41(e)
- Trials, Confirmation – LCR 40 (b)(2)
- Typing on Documents – LCR 10(d)(2)

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