

**FAMILY LAW SUBGROUP'S  
NARRATIVE SUMMARY REPORT**

**Part 1**

The family law subgroup reviewed local rules for all Washington Counties (2007) to identify those rules that relate only to family law practice. There is often cross over with civil rules because family law cases are also civil law cases. The family law practitioner is thus forced to be cognizant of the local rules that are clearly identified as family law local rules, but in most counties, the practitioner must also research the regular civil rules that may or may not apply.

In addition to identifying civil rules that include specific mention of family law matters, the group identified specific topic areas and then prepared a digest of local rules that corresponded with the topic area. Because many family law rules do not correspond to a civil rule number, there is a large "other" section to this report, and the committee found that the chart did not work well for our analysis. It should be noted that we did not address specific rules relating to the regulation of guardians ad litem which have been adopted by many counties.

As with the findings of other task force subgroups, the family law subgroup found that there is little or no correlation between the numbering of local rules to the numbering of state civil rules. Likewise, the family law subgroup found that there is little or no correlation between the topics contained in local rules to the corresponding state civil rules. In addition, the family law subgroup found that a number of family law related local rules, rather than being purely procedural in nature, contained matters of substantive law or, worse, were substantive with no corresponding authority in statutory law.

Our report to the Task Force will consist of three separate parts. Part I is this narrative summary of our findings with respect to specific topic areas of importance to family law and is provided below. Part II is intended to be a recommendation for the organization of family law local rules. Part III is intended to be a summary of recommendations with regard to adoption of statewide rules, elimination of inappropriate or duplicative local rules, and other similar noteworthy concerns.

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**1) Motion Time Frames Specific to Family Law (CR 6)**

The following counties have motion time frame rules for Family Law motions that are different than other types of motions and many of which that do not necessarily comport with time frames set forth in the state civil rules:

- a) Chelan - uncontested FL matter ~ 3 days
- b) Clallam - 9 days notice/2 day response/1 day reply
- c) Clark (Rule 6) - 9 days notice (by 4:30)/5 days response/reply
- d) Cowlitz/Wahkiakum - 9 days/4 day response/2 day reply
- e) Douglas - non-contested calendar sets with 3 days notice

- f) Hells Canyon (Asotin, Columbia, Garfield) - responding affidavits due prior business day by 3 pm
- g) King - 14 day notice of motion/14 day response/2 day reply for commissioner hearings; for judges 6/2/1; for relocations motions filed within 15 days of objection filing
- h) Kitsap (KCLSPR 94.04) - 5 days notice/response 12:00 noon, the day before hearing, reply 5:00 PM the day before (and limited to 3 pages); support mods heard on affidavits - hearing 90 days from note, 1417/1 for papers for that hearing.
- i) Lincoln - show cause on 5 days notice
- j) Pierce - 14/4/2
- k) Snohomish - 12/5/3, defaults in 20 days notice, some FL hearings governed by the general civil rule (those heard by judges).
- l) Spokane - Rule is very specific as to day set, but pattern seems to be 12/6/4; mods f+14 for response and f+21 for reply; request oral testimony with 5 days notice
- m) Thurston - 5/2/1
- n) Whatcom - 9/4/2
- n) Yakima-14/3 or 5

## **2) Shortening Time Rules (CR 6(d)) specific to FL**

- a) King - to be heard by same judge that hears substantive motion.
- b) Whitman - in emergencies, when ordered by the court.

Many other counties have shortening time rules, but not specific to family law.

## **3) Telephonic Appearances CR 7(b)(5) specific to FL**

- a) King - parties may attend a trial by affidavit trial by phone with prior arrangement

A few other counties have phone appearance rules, some very specific and detailed, however they are not specific to family law.

## **4) Format/Margin Requirements (CR 10 and GR 14) specific to Family Law**

The following counties have formatting rules for Family Law motions that do not necessarily comport with formatting requirements set forth in the state civil rules:

- a) Chelan - 12 point or larger, double spaced
- b) Clallam - 11 point or larger, double spaced
- c) Cowlitz - affidavits to be typed and double spaced
- d) King - 12 point, double spaced
- e) Spokane - 12 point or larger and double spaced with typed or done on computer; pro se filing rules; black or blue ink

Many other counties have format rules, but not specific to family law.

## **5) Reconsideration/revision CR 59 specific to Family Law**

Many counties have local rules on reconsideration and revision, however none of them are specific to family law.

**6) Parenting Seminars (no corresponding civil rule or statute)**

Although there exists no statutory authority in Title 26 RCW to do so, the following counties require couples with children to attend a seminar regarding the effects of divorce on children prior to granting the relief requested in the particular petition at issue. These seminars are required for any type of case with children, including divorce, paternity, and third party custody matters..

- a) Benton/Franklin (LR 94.05 W)
- b) Chelan (LR94.04 I)
- c) Clallam (LR 95)
- d) Cowlitz (LR 93)
- e) Douglas (LR94.04 H)
- f) Ferry/Pend Orielle/Stevens (LR 95.04)
- g) Grant (LR 13)
- h) Island/San Juan (SPR 94.08.2)
- i) Jefferson (LSPR 95)
- j) King (LFLR 13 (c»
- k) Kitsap (KCLSPR 94.05)
- l) Kittitas (LCR II(i»
- m) Klickitat/Skamania (LR 17)
- n) Lewis County (LMPSR 1.1)
- o) Okanogan (LR 11)
- p) Pacific/Wahkiakum (LR 8)
- q) Pierce (PCLSPR 94.05)
- r) Skagit (SCLSPR 94.08.1)
- s) Snohomish (SCLSPR 94.04 (c) (5)
- t) Spokane (94.03)
- u) Thurston (LSPR 96.06)
- v) Walla Walla (WWCSCLR 19)
- w) Whatcom (WCSPR 94.08 (d))

**7) Mandatory Mediation - No corresponding civil rule except for health care claims (CR 53.4)**

Although there exists no statutory authority in Title 26 RCW to do so, the following counties have mandatory mediation and/or court ordered mediation:

- a) Benton/Franklin (LR 94.06W) - child placement and visitation issues are to be mediated
- b) Hells Canyon Circuit (Asotin, Columbia and Garfield) (HCCLR II) for all family law cases prior to trial 30 days prior to trial
- c) Island/San Juan (SPR 94.08.3) if case is contested unless there is a DV protection order in place
- d) King (LR 16 and LFLR 16) - except for domestic violence cases, either mediation or a settlement conference or other ADR with neutral third person no later than 30 days prior to trial
- e) Kitsap (KCLR 87) family law cases are excluded from mediation unless specified by the court
- f) Lewis (LMMR 1) - mandatory for all custody and visitation disputes. May be waived for good cause
- g) Okanogan (LR 8-not specific to family law) - may be ordered by court
- h) Pacific/Wahkiakum (LR 9) - mandatory in domestic cases before a trial date can be set.
- i) Skagit (SCLSPR 94.08.2 (c)) - required in all unresolved family law cases except child support cases or if domestic violence restraining order is in place.
- j) Spokane (LSPR 94.04(12)) - Court may order mediation in family law cases upon motion of a party or on its own motion.
- k) Thurston (LSPR 94.05) - Mandatory for child custody proceedings, including visitation
- l) Walla Walla (WWCSCLR 20) - required in all contested family law matters within 30 days prior to trial
- m) Whatcom (WCSPR 94.08 (f) (g)) - All contested family law cases except child support issues or if domestic violence restraining order in place
- (n) Yakima (LSPR 94.04 (3)) - In all contested Title 26 cases, a party may request or the court may order mediation

**8) Required or optional settlement conferences - no corresponding civil rule**

*A) The following counties have mandatory settlement conferences:*

- a) Benton/Franklin - (LR 94.04W(d)) - combined with pretrial conference
- b) Clallam (LR 94(f) - contested matters have mandatory settlement conference list of items you must bring to conference
- c) Cowlitz (LR 91) - mandatory in contested actions verified statement by each party that negotiations have been attempted is required along with statement of family financial status.
- d) Jefferson (LCR 16) - in domestic relations matters involving children

- e) King (LR 16 and LFLR 16) - except for domestic violence cases, either mediation or a settlement conference or other ADR with neutral third person no later than 30 days prior to trial
- f) Kitsap (KCLCR 16) - mandatory in domestic relations cases
- g) Kittitas (LCR 11 (d) and (j))- mandatory in family law cases except for modification of child support
- h) Mason (LCR 40 3.2) - mandatory in family law cases except in modification of child support. Must exchange mandatory fonn (App A).
- i) Okanogan (LR 8 - not specific to FL cases) - may be ordered by court
- j) PacificWahkiakum (LR 3 - not specific to family law cases) - mandatory in all cases involving more than one day of trial time. Must be held at least two months prior to trial. Attendance is mandatory.
- k) Pierce (PCLR 3 (c)) - mandatory for PCLR cases, optional for non PCLR cases (reader could not find a definition of a PCLR case). Can use other ADR to satisfy this requirement. Pretrial information form is mandated in family law cases.
- l) Spokane (LSPR 94.04 (c) (2) - Mandatory parenting issue conference for any contested case where parenting issues are involved
- m) Thurston (LSPR 94.03 (f)) - Required for all contested family law cases prior to trial assignment.
- n) Whatcom (WCSPR 94.08(h)) - Required if mediation fails or not required
- o) Yakima (LSPR94.04W(C)) - Required in all contested domestic relations cases.

*B) The following counties have optional settlement conferences:*

- a) Adams (LR 7 (C) - not specific to family law) - has a settlement conference option that may be scheduled upon motion
- b) Chelan (LR 16(f) - not family law specific) - settlement conference on motion of either party or of court
- c) Ferry/Pend Orielle/Stevens (LCR 16) - settlement conference is available upon motion or court's initiative in any civil case. CR 16(c)(4) contains some specific settlement conference requirements for family law matters.
- d) Grant (LR 17-not family law specific) - settlement conference is available upon motion or court's initiative in any civil case (rule indicates this includes domestic cases).
- e) Grays Harbor (LR 16 - not family law specific) - may be ordered by a judge
- f) Island/San Juan (SPR 94.08.3 (c)) - if mediation fails
- g) Klickitat/Skamania (LR 6 III - not specific to family law cases) – settlement conference is "encouraged but are voluntary and may be requested by any party."

h) Spokane (LSPR 94.04 (c) - Voluntary for family law actions except support mods.

## **9) Status or Pre-trial Conferences or Other Pretrial Procedures**

The following counties have mandatory status conferences, pre-trial conferences or other pretrial procedures, including mandatory submission of certain documents before trial:

- a) Adams - LR 7 has a status conference for all civil cases including family law. Plaintiff (Petitioner) has burden of notifying all parties of conference schedule and of placing the conference call (mandatory local forms at LR 7-A and 7-B). LR 6E requires submission of a written pretrial information form 10 days pretrial in domestic relations matters. LR 8, which is not specific to family law, requires working copies of trial briefs, lengthy memorandum, pleadings, admitted exhibits to be delivered not less than three days prior to trial and requires that said documents shall be three hole punched and not stapled. LR 10, which also is not specific to family law, mandates that exhibits are to be pre-marked.
- b) Benton/Franklin - LR 94.04W(c) establishes a mandatory status conference in family law matters. LR 94.04W(d)(3) requires submission of a position statement, asset/liability list, needs ability statement and pretrial statements for that status conference.
- c) Chelan- LR 16 is not family law specific. It contains some provisions related to pre-trial conferences, including requirements to submit certain documents, though a pretrial conference does not appear to be required in all cases. LR 94.04B, which is family-law specific, requires statement of issues three days pre trial.
- d) Clallam - LR94(b) - a written pretrial affidavit must be submitted in domestic relations matters by 1:30, on the day before trial (form found at LR Ex C).
- e) Douglas County LR 94.04B - Pretrial statement of issues due three days prior to trial in domestic relations matters. Mandatory form (LR Ex B) for assets and debts.
- f) Grant - LR5, which is not specific to family law, permits a pretrial conference.
- g) Grays Harbor - LR94 requires a written summary of issues, proposed resolution, assets and liabilities, proposed parenting plan in dissolution cases at least 4 days before a pretrial conference, settlement conference or trial date, whichever occurs first.
- h) Hells Canyon Circuit (Asotin, Columbia and Garfield) - HCCLR 10 (B) mandates a pretrial conference prior to trial in dissolution or parentage actions and the parties are required to submit a position statement 2 days prior to trial.
- i) Island/San Juan - LR 16(a), which is not specific to family law matters, requires a readiness hearing in all civil and domestic cases. LR39(d)(I), which apply to all civil cases mandates submission of a trial briefs. LR 39(d)(2) requires submission of a pretrial info form on division of assets and liabilities (fonn App 1) and proposed parenting plan. LR 39(d)(3) indicates that these documents must be submitted by noon, two days before trial commences.
- j) Jefferson County - LCR 16.3 is not specific to family law cases. It permits a pretrial conference in any civil case. LCR 16.4, which is also not specific to family law, mandates exchange of witness lists, exhibits lists, documentary exhibits, and nondocumentary evidence made available to other side five court days before trial. LCR 16.6, which also is not specific to family law cases establishes additional pre-trial

procedures which may be used if there are more than two parties, history of procedural difficulties, large number of witnesses and/or experts

k) King LR 16(a and b) establish pretrial procedures for civil cases and family law cases not involving children, and for family law cases that do involve children. A pre-trial conference is mandatory in family law cases involving children and discretionary in other family law and non-family law civil cases. King County LFLR 16 also addresses pretrial procedures in family law matters. Among the documents that must be exchanged are witness and exhibit lists a joint confirmation of Trial Readiness form and Joint Statement of Evidence form. As well as proposed final orders and a financial declaration.

i) Kittitas (LR II(e) - a position statement that includes a financial declaration must be submitted in domestic relations matters. It is due three days prior to trial, settlement conference or final hearing for petitioner and two days before for respondent.

m) Klickitat/Skamania - LR 7 IV requires the parties to in dissolution, separation or invalidity cases to submit a position statement before the settlement conference, pretrial conference or trial date, whichever occurs later.

n) Lincoln (LR 7 and 8) - pre trial conference may be requested. Trial briefs must be filed three days prior to trial Lincoln (LR 5 E) - there is a pretrial information form due 10 days before trial

o) Mason (LCR 40 2) - Pretrial conferences shall occur in conformance with CR 16

p) Okanogan (LR 5 and LR 10) - Working copies of trial briefs, motions in limine, exhibits must be provided to trial court judge. In Dissolutions must provide property and debt itemization and updated financial declarations prior to trial. Okanogan (LR 10) - Asset and debt itemization form available from court administrator.

q) Pierce (PCLR 3 (c) (5) (B)) -pretrial information form

r) Skagit (SCLCR 6 (a)) - Case summary form (App G) due by noon day before trial.

s) Snohomish (SCLSPR 94.04 (g)) - Pretrial statement required in all Title 26 cases

t) Spokane (LCR 16) - Cases with Civil Case Schedule requires joint preparation of Trial Management Joint Report.

u) Thurston (LSPR 94.03 (g)) - Status conference on Thursday before the week of trial if have not settled. Thurston (LSPR 94.03(h)) - Each party shall submit proposed division of assets and liabilities, financial declarations, child support worksheets, proposed parenting plan, trial brief, two days before trial.

v) Walla Walla (WWCSCLR 17) - Mandatory discovery items are to be exchanged ten days before pretrial conference. Walla Walla (WWCSCLR 17) Position statements are due seven days before pretrial conference, including asset and liability list, financial statement, disclosure of exhibits for trial, pretrial statement due at conclusion of conference.

w) (w)Whatcom (WCSPPR 94.06) - Pretrial information form is required, including proposed division of assets and liabilities (App B). Parties shall also exchange Financial Declarations and trial briefs two days prior to trial.

x) Whitman (LR 5) - Exhibits are to be pre-marked, copied and distributed prior to trial. Whitman (LR 8 D) - upon note for trial setting, court issues an order describing information to be provided by pretrial hearing.

y) Yakima (LSPR 94.04W (A)(4)) - Court may order status hearing prior to trial Yakima (LSPR94.04W (C) (2)) - Position statement must be filed and served prior to settlement conference along with asset and liability list and financial statement

#### **10) Case schedules - Civil Rule 16, Civil Rules 26 (c) and (d)**

The following counties have case schedules

a) Adams - Status conference creates one

b) Benton & Franklin - yes created by court clerk (LCR 4 and 94.04(c)(4)) - except not in paternity cases. Petitioner is required to provide copy to other parties within 10 days

c) Ferry (LCR 16 (a)) - upon motion of party or on court's initiative pretrial schedule may be set

d) Grant (LR 8) - DOES NOT APPLY TO DOMESTIC CASES

e) Grays Harbor (LR 16) - may be set at pretrial conference upon motion of party or court's own initiative

f) Jefferson -created at status conference

g) King (LFLR 4) - issued upon filing of case

h) Kitsap (KCLCR 40) - domestic cases are Track III (also mentioned in Track I)

i) Kittitas (LCRI (1) - created when file for trial date

j) Mason (LCR 40 I) - set at status conference

k) Okanogan (LR7 c) - only for trial dates and pretrial conferences

l) Pierce (PCLR I) - issued by court clerk upon filing of case

m) Spokane (LAR 0.4.1) - case schedules ordered except in child support modifications, paternity, domestic violence, guardianships and adoptions and others areas not family law related.

(n) Yakima (LSPR 94.04W (A)(4)) - Court may order status hearing prior to trial

#### **11) Individually assigned judges Civil Rule 40 (b)**

The following counties have assigned judges Many counties have individually assigned judges, however this is not unique to their family law cases.

#### **12) Page Limits - no corresponding civil rule.**

The following counties have rules regarding page limits

a) Benton & Franklin - LCR94.04 W - 25 pages from moving party including all declaration and reply declarations, 20 pages from responding party

b) Chelan -LR 94.04 E - 25 pages from moving party including all declarations and reply, 20 pages from responding party, Includes exhibits

- c) Clallam - LCR 94(a) - 25 pages from moving party including all declarations including reply (except financial dec), 20 pages from respondent unless it includes counter motion, then 25
- d) Cowlitz - CCLCR 88 -limited to six pages (exclusive of exhibits) and four from other witnesses, with a total of four affidavits each. Moving party may file two more affidavits of two pages each in reply. Typed and double spaced only.
- e) King KCLFLR 6(e)(5) limits the number of pages of declarations and affidavits to 25 pages for the moving party and 20 for the responding party. Exhibits are specifically excluded from the page limit unless they are declarations or affidavits, as are financial declarations and expert reports and evaluations.
- f) Skagit - page limits are not family law specific.
- g) Spokane - Spokane SPR 94.04(a)(8) limits the declarations of the moving party to 15 pages total (including reply, but not including non-declaratory attachments, mandatory court forms or reports from GALs or other experts). The rule similarly limits the declarations of the responding party to 10 pages total. Spokane SPR 94.04(a)(10) lays out a procedure whereby counsel for the parties, after conferring, may present a request to the court to have this limitation waived.
- h) Pierce - PCLSPR 94.04(c ) (3) (A-D) - 20 pages from moving party for all declarations and non-expert witness statements, except financial declaration and deposition excerpts, including reply, 20 pages from responding party, except financial declaration and deposition excerpts. Exhibits that are not declarations are limited to 10 pages.
- i) Thurston - LSPR 94.03 (b)(7) - limits moving and responding parties to total of 25 pages each (including reply for moving party). Exhibits that are not declarations, financial declarations, expert reports are not counted as part of page limits.

### **13. Rules re Time Limits on Oral Argument/Special Sets - No corresponding civil rule**

The following counties have rules:

- a) Grant - LR4 - 10 minutes per side
- b) King - KCLFLR 6(f)(1) limits oral argument to 5 minutes per side
- c) Snohomish - 10 minutes per side
- d) Spokane - Spokane SPR 94.04(a)(8) indicates that all matters which will take more than 10 minutes for either side shall be carried to the end of the calendar or rescheduled.
- e) Pierce - PCLSPR 94.04(c ) (7) - court shall direct counsel and pro sets to appropriate issues and shall place strict limits on time for argument.
- f) Thurston - LSPR 94.03(b) - 10 minutes a side including rebuttal, special set may be requested for more time.
- g) Yakima - Yakima County LSPR 94.04W (A)(l)(e) provides that oral argument for temporary orders hearing is limited to 5 minutes per side, unless otherwise ordered by the court

### **14. Mandatory information exchange or access (automatic discovery):**

The following counties have rules imposing some form of mandatory discovery/exchange of or access to documents:

- a) Benton & Franklin & Franklin County - 94.04W - support worksheets, tax return for 2 years with W-2 forms, business tax returns for two year, pay stubs for 6 months or first of the year, balances due on real estate loans, installment contracts, contributions to pension plans, written appraisal of real estate, antiques, jewelry or other items of value, blue book for cars, evidence of tracing of separate property, life insurance, business evaluations, disclosure of experts.
- b) Cowlitz County - Rule 87 - Must exchange statement of positions and proposal for resolution of contested issue to court and other party not less than one court day prior to date of hearing
- c) Ferry/Stevens/Pend Orielle - LCR 94.04 requires a declaration "respecting financial affairs" when a party seeks a temporary order related to support, maintenance, debt or income producing property. Also Ferry/Stevens/Pend Orielle County LCR 16(c)(5) indicates that a "position statement" must be exchanged before a settlement conference.
- d) Grant - Grant County LR 15 requires preparation, filing and service of a document related to assets and debts before trial. The rule requires certain information be provided with regard to each asset or debt.
- e) Grays Harbor - Rule 94 - requires exchange of written summary of statement of issues, proposed resolution, description and valuation of assets and liabilities and proposed division and proposed parenting plan.
- f) Hells Canyon Circuit (Asotin, Columbia and Garfield Counties): HCCLR 3 (requires pretrial/position statement in family law cases), HCCLR 10 (pretrial conference required in dissolution/separation/invalidity and parties must submit position statement before the pretrial conference),
- g) Island and San Juan - Island/San Juan County SPR 94.08.1(b) - "Court's Automatic Temporary Order." This order is issued at time of filing in all FL cases (26.09, 26.10, 26.26 and possibly meretricious relationship). Subsection (1) requires notification of extraordinary expenditures after issuance of automatic temporary order and subsection gives each party access to all "tax, financial, legal and household records."
  - Island/San Juan County SPR 94.08.1(c) requires parties to file financial statement and other information regarding assets and liabilities within 30 days after an answer or responsive pleading is filed. There is a special local form for the statement of assets and liabilities.
  - Island/San Juan County SPR 94.08.2(g) requires parties to exchange proposed parenting plans within 14 days of attending the mandatory parenting seminar.
- h) King - KCLFLR 13 (a) requires the parties in child custody proceedings to submit a proposed parenting plan and a Uniform Child Custody Jurisdiction and Enforcement Act Declaration and a Declaration Regarding Other proceedings (which must be supplemented while the proceeding is pending).
- i) Kittitas - LCR IICe) and LCR 11(j)(4) "position statement" required before trial in all domestic relations cases - also requires before settlement conference (if any).

j) Spokane - Spokane LCR 40(a)(2) requires parties in family law cases to exchange proposed parenting plans, proposed child support worksheets, a financial declaration and an Asset and Liability Statement at the times specified in the Domestic Case Schedule Order.

The rule also provides that failure to provide the proposed parenting plan at the time required can be a basis for the other party to seek entry of his/her proposed parenting plan and allows the court to enter an order adopting the proposed plan, precluding the presentation of evidence on certain issues or imposing other sanctions.

In addition, Spokane LSPR 94.04(a)(12)(c) requires exchange of certain additional information in family law cases before the settlement conference (tax returns, appraisals and pension statements).

Spokane LSPR 94.04(a)(11) indicates that the automatic temporary order issued by the court at the time of filing of dissolution, legal separation and invalidity cases shall give each party access to all "tax, financial, legal and household records" and that each parent shall have full access to the education/medical records of the children. The order also requires notification of extraordinary expenditures.

k) Thurston LSPR 94.03 - No later than 14 days prior to settlement conference, parties shall exchange complete tax returns for two years, partnership or corp. returns for two years, pay stubs since Jan 1 of calendar year or six months whichever is longer, current and from date of separation balance statements for mortgages, installment purchase contracts, credit card or other debts, retirement statements, appraisal of real estate or personal property, blue book on cars, summary of tracing of separate property, life insurance, business evaluations, expert witness list.

l) Walla Walla - No later than 10 days prior to pretrial conference, parties shall exchange, child support worksheet, tax returns for past two years, partnership and corporate returns for past two years, pay stubs for six months or since Jan 1 whichever is greater, most recent statements for mortgages, installment purchase contracts and time payment accounts, retirement statements, real estate or personal property appraisals, blue book for vehicles, summary of tracing of separate property, life insurance statement, business evaluations, disclosure of expert witnesses.

m) Whatcom - WCSPR 94.08 (c) - Within 30 days of filing of response, exchange of financial declaration, verified statement of assets and liabilities and exchange proposed parenting plans within 14 days of completing parenting seminar. Post decree discovery is limited under WCCR 94.04 (a) and financial info can be sought only in support modification case.

## **15. Automatic Temporary Orders:**

The following counties have rules mandating the issuance of automatic temporary orders regardless of whether either party requests such orders and, in some cases, prior to the parties ever appearing before the court:

a) Benton & Franklin & Franklin County - LCR 94.04 mutual restraints and each party responsible for debts after separation, full access to all tax and financial and household records, no changing residence of children or make negative comments about other parent.

b) Island and San Juan County SPR 94.08.1(b)- "Court's Automatic Temporary Order". This order is issued at time of filing in all FL cases (26.09, 26.10, 26.26 and possibly meretricious relationship). It orders as follows:

Financial Provisions:

- restrains parties from transferring or disposing of property absent written agreement
- requires maintenance of auto, health and other insurance *w/o* changes
- makes each party responsible for his/her debts
- requires notification of extraordinary expenditures after issuance of automatic temporary order
- gives each party access to all "tax, financial, legal and household records"

Provisions Related to Children:

- restrains parents from changing residence of children except as agreed in writing,
- indicates that each parent shall have full access to education/medical records
- requires each parent to ensure that the children are not exposed to negative comments about the other parent and not make such comments in front of the child.

c) Skagit County (SCLSPR 94.08.2 (b) - Court's Automatic Temporary Order Upon filing of Summons and Petition in any case for dissolution, legal separation or declaration of invalidity, non marital relationship cases and modification of parenting plans.

Financial Provisions:

- restrains parties from transferring or disposing of property absent written agreement
- requires maintenance of auto, health and other insurance *w/o* changes makes each party responsible for his/her debts
- requires notification of extraordinary expenditures after issuance of automatic temporary order
- gives each party access to all "tax, financial, legal and household records"

Provisions Related to Children:

- restrains parents from changing residence of children except as agreed in writing,
- requires each parent to ensure that the children are not exposed to negative comments about the other parent and not make such comments in front of the child.

c) Spokane County SPR 94.04(11) - "Court's Automatic Temporary Order" indicates that a temporary order shall automatically issue at the time of filing in dissolution, invalidity or separation cases (these types only - not all FL cases). It orders as follows:

Financial Provisions:

- restrains parties from transferring, concealing or disposing of property absent written agreement, except that parties may access "funds in a reasonable amount" to obtain counsel

- requires maintenance of auto, health and other insurance w/o changes makes each party responsible for his/her debts
- requires notification of extraordinary expenditures after issuance of automatic temporary order
- gives each party access to all "tax, financial, legal and household records"

Provisions Related to Children:

- restrains parents from changing residence of children except as agreed in writing,
- indicates that each parent shall have full access to education/medical records
- requires each parent to ensure that the children are not exposed to negative comments about the other parent and not make such comments in front of the child.

Other Provisions:

- restrains the parties from harassing or disturbing the peace of the other party requires parents to attend a parenting seminar within 60 days of receipt of the court's temporary order indicates that the parties must request a GAL within 30 days if they believe one IS necessary
- provides a mechanism to enforce the court's order (Motion and Order to Show Cause) and indicates that sanctions, attorney fees and adoption of the other party's proposed orders are available remedies.
- indicates the order takes effect upon receipt by each party
- indicates that the restraints will not be entered in any law enforcement database

d) Whatcom County WCCR 94.08 (b) - Court's Automatic Temporary Order

Financial Provisions:

- restrains parties from transferring or disposing of property absent written agreement requires maintenance of auto, health and other insurance *w/o* changes makes each party responsible for his/her debts gives each party access to all "tax, financial, legal and household records"

Provisions Related to Children:

- restrains parents from changing residence of children except as agreed in writing,
- requires each parent to ensure that the children are not exposed to negative comments about the other parent and not make such comments in front of the child.

**16. Discovery Cutoff - Civil Rule .....**

The following counties provide discovery cutoff that differs from the thirty-five day period set forth in the state rules:

- Benton & Franklin County - LCR 94.04W(d)2 - 20 days prior to settlement conferences
- Snohomish - SCLCRRule 37 (h) - Friday two weeks before trial - same as deadline for confirming trial date

c) King - in case schedule

### **17. Mandatory Use of Courthouse Facilitator by Pro Se Litigants - no Civil Rule**

The following counties require pro se litigants to have certain documents reviewed by a Courthouse Facilitator prior to being allowed to file or present such documents to the court:

a) Island and San Juan - CR 9(c) requires pro se litigants to have proposed parenting plans and CS orders reviewed by facilitator (at their own expense). Exception for the PPP one files with the Petition or Response).

b) Thurston - SLPR 94.03(c ) requires self represented parties to have ex parte motions and orders reviewed by facilitator before submitting to judicial officer.

c) Walla Walla - WWCSLR 21 requires pro se parties to have proposed family law orders reviewed by the facilitator or certified by mediator except for the proposed PP that is filed wi the petition or response.

### **18. Other Rules related to Family Law without corresponding Civil Rule.**

Family law lends itself to the creation of unique rules individual to the customs of the particular county. Below is a summary of these unique rules none of which are based on the civil rules.

a) Clark - Rule 0.6 (i) has a suggested visitation schedule for parenting plans. There are special rules for pro se parties under rule 10 as to form (typewritten or neatly printed and under Rule II must certify in writing that all documents and pleadings were prepared personally or with the advice of an attorney and that he or she understands that entry of a decree or other order does not relieve the party of the responsibility for any omissions defects or inaccuracies in the file or any consequences resulting there from.

b) Douglas - LR94.04 - Contains special policies and procedures as obtaining Writs of Habeas Corpus

c) Grant

Grant County LR 12 limits access to paternity files to certain persons, and seems to prohibit copying or obtaining copies of documents from that file other than orders. The mother and alleged or presumed fathers is limited to "review of the file at the office of the clerk." Attorneys, GALs, and the prosecutor "may examine or otherwise handle the file in the clerk's office" - it is not clear whether this permits copying of documents from the file. The rule also says that the clerk may segregate the file into 2 files, one of which contains the documents filed after parentage was established and shall not be subject to the limitations of the rule.

d) Hells Canyon Circuit (Asotin, Columbia and Garfield Counties):

HCCLR 10(D) specifically requires entry of a Parenting Plan in all dissolutions and in parentage cases where a party asks for it to be entered.

HCCLR (15) Establishes guidelines for residential schedules for the parties "to consider." Refers to Spokane Guidelines and also lays out certain specific schedules based on child's

age) and HCCLR 22(relates to establishment of a courthouse facilitator program in each of the three counties in the circuit).

e) Island/San Juan Counties

Island CR 9(d) requires that pro se be given blank declaration with specific language re the process to respond (the blank dec form and required language is the same as/differs from? the state form).

g) King

KCLFLR LR40 directs that procedures for a writ of habeas corpus related to a child shall be directed to the senior judge of the Unified Family Court at the RJC. King County KCLFLR (5)(c)(II) says the same thing.

KCLFLR LR40 directs that procedures for a writ of habeas corpus related to a child shall be directed to the senior judge of the Unified Family Court at the RJC. King County KCLFLR (5)(c)(II) says the same thing.

KCLFLR 3 mandates the use of state mandatory forms unless the statewide form is designated "optional" or does not exist or where there is a local form.

KCLFLR 5 (b) and (c) primarily relate to where and by whom (individually assigned judge, Unified Family Court, Chief Civil Judge, Family Law Commissioner, Ex Parte Commissioner) various proceedings will be adjudicated. However, there are some other substantive issues addressed in this set of rules, as indicated below. It should also be noted that family law motions heard by judges in King County are not heard on the 14/4/2 day family law motion timeframe instead they are heard on the 6/#!/# day timeframe used for other civil motions in King County. In addition, in many instances, many family law motions ruled upon by judges are ruled upon without oral argument whereas motions heard by commissioners are heard with oral argument.

KCLFLR 5(c)(1) requires 14 days notice for presentation of final orders in uncontested actions for dissolution, separation or invalidity or non-parental custody. The term "uncontested" appears to not include default situations, which are addressed by KCLFLR5(c)(9). An exception is made for agreed orders regarding dissolution, separation or invalidity when presented by an attorney who completes a "certificate of compliance." The notice in KCLFLR 5(c)(1) is required in all non-parental custody matters, even where the parties agree and an attorney is involved. The rule also indicates that agreed non-parental custody orders may be presented at the time of the "Mandatory Case Review Hearing" which is established by the case schedule.

KCLFLR 5(c)(3) indicates that all pre-trial motions in support cases in which LFLR requires a "trial by Affidavit" shall be governed by LFLR 14.

KCLFLR 5(c)(9) addresses motions for default and default judgments in family law motions in which "notice is not required" and contains provisions regarding entry of final orders in these cases.

KCLFLR 5(c)(II)directs that procedures for a writ of habeas corpus related to a child shall be directed to the senior judge of the Unified Family Court at the RJC. (NOTE: As indicated above, King County LR 40 says the same thing).

KCLFLR 6(e)(2) indicates that "children's statements are disfavored."

KCLFLR 6(e)(4) specifically indicates that the rules of evidence are not applied in domestic violence and anti-harassment order proceedings and references ER 1101(c)(4).

KCLFLR 6(f)(2) permits the parties to stipulate that any motion may be ruled upon without oral argument except motions for contempt. In such cases the commissioner may request oral argument.

KCLFLR 6(g) allows the parties to request a special set hearing for motions that they feel will require more than 5 minutes per side and lays out the procedure for making said request. The rule also allows a party to request that live testimony be permitted and indicates that such request must be made at the same time as the request for the special set hearing.

KCLFLR (6)(h) requires presentation of orders immediately following a hearing unless otherwise ordered by the court.

KCLFLR (7) relates to King County Unified Family Court.

KCLFLR (8) relates to ex parte orders. Subsection (b) requires parties seeking an ex-parte restraining order to attempt to give notice to the other party when unless the moving party "clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given." Subsection (e) limits the duration of an ex-parte order to 14 days unless the court finds good cause to issue an order of longer duration. Subsection (f) indicates that a party seeking to quash an ex-parte order shall provide notices as required by (statewide) CR 65(b).

KCLFLR 9 relates to the background checks required in non-parental custody cases.

KCLFLR 10 requires submission of a financial declaration and certain financial records for any hearing related to child support, spousal maintenance, payment of a child's expenses or "any other financial matter, including payment of debt, attorney and expert fees, or the costs of an investigation or evaluation." The required supporting financial records are: 6 months of pay stubs, complete tax returns for the last 2 years, corporate tax returns if a party owns more than 5% of a corporation, partnership or entity, all records related to any accounts the party has held in a financial institution in the last 6 months, documentation related to any non taxable income or benefits the party has received in the last 6 months, check registers if requested by the other party (must provide registers w/in 14 days) and, if child support is at issue, a proposed child support worksheet.

KCLFLR 11 relates to sealed and confidential court records. Subsection (a) indicates that court records are generally not sealed, subsection (b) indicates that certain financial records will be automatically sealed by the clerk and references GR 22, subsection (c) requires the parties to redact social security and drivers license numbers, telephone numbers, children's dates of birth, and all but the last 4 numbers in account numbers. Subsection (d) establishes procedural requirements when the parties wish to seek an order sealing records, even where the motion is agreed and requires submission of an affidavit demonstrating a basis for the order that is consistent *with* GR 15(c) and the Washington Constitution.

KCLFLR 12 relates to notice requirements and other procedures for Domestic Violence Protection Order Hearings. It is consistent with RCW 26.50.

KCLFLR 13(b)(2, 3 and 4) relate to the court's authority to order investigations by professionals or evaluations or appoint child advocate who may be a GAL, a CASA or a GAL for the child. If such advocate is appointed that person shall be served with all pleadings and shall be discharged only upon order of the court.

KCLFLR 13(b)(5) relates to the payment for the evaluations, investigation or child advocate described in KCLFLR 13(b)(4). The rule does indicate that persons who have obtained an In Forma Pauperis Order need not pay a fee for a Family Court Services investigation, and the rule indicates that in general the fees for these services shall be apportioned based on their income and resources "or as otherwise ordered."

KCLFLR 13(d) relates to procedural requirements for parenting plan, custody or visitation modifications. It clarifies the timing of the adequate cause hearing and indicates that only emergency temporary orders may be obtained prior to a finding of adequate cause.

KCLFLR 14 requires certain support modifications to be resolved by a "trial by Affidavit" procedure and delineates specific requirements for that procedure. Subsection (c)(2) permits the filing of motions to permit live testimony and indicates that such motion must demonstrate "the extraordinary features of the case warranting live testimony." Some examples of such extraordinary circumstances are provided. Subsection (c)(3) indicates that motions for temporary orders will not ordinarily be considered in support modification proceedings and lays out a procedure to seek such temporary orders in "exigent" circumstances. Subsection (d)(4) indicates that affidavits of prejudice will not be recognized in Trial by affidavit cases and references LCLR 40(g). Subsection (d)(6) permits the parties to stipulate to arbitration in these matters. Subsection (d)(7) specifically permit telephonic appearance and also indicates that a party need not attend the trial by affidavit. Accordingly, subsection (d)(8) indicates that failure to appear at the Trial by Affidavit does not constitute default and the court will resolve the matter on the pleadings.

KCLFLR 15 lays out procedural requirements for cases involving the relocation of children. Among other things the rule indicates that relocation issues that arise while another custody case is pending shall be assigned to the same individually assigned judge and no new case schedule shall issue.

KCLFLR 17 lays out procedures related to motions for contempt. DOES THIS RULE DEVIATE FROM THE RCW?

h) Kittatas

LCR 11(a) indicates that "personal appearance of a party may be required upon the judge's request" if a party seeks an ex parte order restraining the other party from the family home.

LCR 11 (b) indicates that family law motions will be heard on affidavits only unless, after motion, the judge permits oral testimony.

LCR II (b)(2) indicates that financial exhibits and worksheets shall be filed "as required by statute" for any hearing where financial matters are at issue.

LCR 11(c) indicates that the Washington State Child Support Schedule shall be applied in all matters related to child support.

LCR 11(f) requires a party who obtains dissolution by default to immediately deliver or mail a conformed copy of the decree with a stamp indicating the date it was filed.

LCR 11(g) requires that every order regarding support specify the day on which the order becomes effective and the day(s) when support is due.

LCR 11 (h) indicates that child support modifications shall be heard on affidavits, unless a party seeks an order allowing live testimony.

i) Mason

LCR 40 4.2 - cases regarding residential placement of children are given priority in trial setting

j) Pierce

Modification of parenting plan must obtain finding of adequate cause before date specified in case schedule.

k) Snohomish

SCLSPR 94.04© - family court investigations ordered, then the completed and signed order shall be immediately submitted to Family Court.

SCLSPR 94.04 (e)- if opponent has given notice of appearance, then must give notice before seeking an ext parte order, all orders shall be mutual where appropriate. No ex parte temporary orders removing a person from premises will be issued if opposing party has resided at residence within 14 days of application, or which affects the custody of a minor child. Ex party orders establishing, vacating or changing child custody may only be entered if

- there is an existing order in a different cause number and the order is merely confirming status quo,

- parties have been separated more than 14 days and moving party has had children for those 14 days, or other party has voluntarily vacated family residence more than 14 days hence.,

- less than 14 days has passed but responding party has voluntarily acceded to present arrangement,

- or parties have not yet separated and there are substantial allegations of physical, emotional or sexual abuse of other party or children. For this allegation, the applicant is expected to appear personally and give testimony.

l) Spokane

Spokane Local Administrative Rule (LAR) 0.8(a)(3) clarifies GRs 22 and 31 and lists which sorts of court documents must contain children's' full names. Some of these provisions are FL specific.

Spokane LCR 40(a)(2) provides a procedure for a party to ask the court to adopt his/her parenting plan, limit evidence on certain issues or impose sanctions if the other party has not timely submitted his or her proposed parenting plan.

Spokane LSPR 94.04(a)(2) indicates that no temporary order shall issue in a parenting plan/custody modification case until adequate cause is found, though LSPR 94.04(a)(1) permits issuance of Temporary Restraining Orders in cases where irreparable injury could result.

Spokane SPR 94.04(a)(10) contains a number of atypical provisions: subsection (B)(2) requires certain information in declarations, subsection (D) indicates that statements from children are disfavored and may be disregarded, subsection (F) prohibits "inappropriate or pornographic" materials without prior approval of the court and requires that such materials be sealed and subsection (G) indicates that sanctions may be imposed for violation of any of the requirements of SPR 94.04(a)(10).

Spokane LSPR 94.04(a)(12)(t)(5) indicates that child support modifications shall be adjudicated based on affidavits unless the court permits oral testimony. LSPR 94.04(a)(12)(t)(6) similarly indicates that actions to modify spousal maintenance she been adjudicated based on affidavits only.

Spokane LSPR 94.04(a)(12)(h) indicates that the court "shall make available" developmentally based residential guidelines through the Spokane Bar Association.

Spokane County LSPR 94.04(a)(12)(i) and relates to certain background information that persons petitioning for non-parental custody must provide to the court.

Spokane Country LSPR 94.05 has a number of provisions that seem to mandate appointment of a Gal where allegations of abuse of a child pursuant to RCW 26.44.020(12) what is this?? has been made. The motion to appoint the GAL may be brought by a party or the court and appears to require just 24 hours notice.

Upon the filing of this motion all discovery directly involving the child (including interviews of the child by investigators, psychologists, psychiatrists or other professionals) may not occur *w/o* court order. Finally the rule indicates that a GAL report in a title 26 action shall be treated as a confidential document by counsel, the parties and the clerk and dissemination to persons other than a party is prohibited.

Spokane LSPR 94.06 contains a number of provisions related to GALs and their appointment. These include a requirement that when a case is completed the parties and counsel shall prepare an evaluation of the GAL, annual reviews of GALs, a requirement that every GAL on the registry accept two county pay cases per year.

Spokane LSPR 96.04 relates to change of name of stepchildren.

m) Thurston

LSPR 94.11 - Orientation Program is provided for all family law actions and is mandatory for both parties.

LSPR (4.12 - Collaborative law procedures - if parties file notice of participation in collaborative law, the case is removed from case management process.

LSPR 94.03 (b) - if calendar is full, case may be bumped to next day.

n) Walla Walla

WWCSLR 18 (delineates visitation guidelines which "the parties should consider" and that the court "would be inclined to accept" in most cases),

WWCSLR 31(a) (delineates certain case types and certain documents in which children's full names in certain pleadings must be used).

o) Yakima

Yakima County LSPR 94.04W(D)(1)(a) indicates that in a parenting plan modification case no ex-parte change of primary custody shall be granted unless an emergency is clearly established.

Yakima County LSPR 94.04W(D) requires persons seeking a minor modification to state whether alternate dispute resolution required in the parenting plan has been completed, and if not, the rule indicates the court shall not consider the petition. The rule also indicates that failure to participate in this ADR in good faith shall be a basis for terms.

Yakima County LSPR 94.04W(D)(2 and 3) provide that modifications of child support and spousal maintenance shall be adjudicated based on affidavits unless the court orders otherwise.

Yakima County LSPR 94.04W(E) contains some additional provisions related to child support, including guidelines for how a court should allocate the tax exemption, a requirement to prepare and submit a special form that must be completed in child support cases regarding whether any of the children at issue have received public assistance and whether any debt is owed to the state and attesting that the state has been served with notice of the hearing 15 days prior for temporary orders and 21 days prior for final orders.

## **INTERIM REPORT OF THE WSBA LOCAL RULES TASK FORCE FAMILY LAW SUBCOMMITTEE**

One of the initial acts of the WSBA Local Rules Task Force was the establishment of several subcommittees to review local court rules with a focus on discrete areas of interest including but not limited to size of county and area of practice. As one such subcommittee, the family law subcommittee reviewed the 2007 local rules for all Washington counties to identify those that relate only to family law practice.

The family law subcommittee divided its assignment into three parts. Part I, a narrative summary of our findings with respect to specific topic areas of importance to family law, was provided to the Task Force in April 2008. Part II, a draft recommendation for the organization of family law local rules, was presented to the Task Force in July 2008. The final task, Part III, is intended to be a summary of the subcommittee's recommendations including but not necessarily limited to (1) a set of statewide family law rules recommended for adoption and (2) identification of noteworthy concerns with proposed solutions.

In performing our assigned tasks, the family law subcommittee discovered that there is often cross-over with civil rules both at the state and local levels because family law cases are also civil law cases. This forces the family law practitioner and/or pro se litigant to be cognizant of the local rules that are clearly identified as family law local rules, but in most counties, the practitioner/litigant must also research the state civil rules (CR) to find those that may or may not apply.

In addition to identifying civil rules that include specific mention of family law matters, the group identified specific topic areas of interest to family law practitioners and litigants. We then prepared a digest of local rules that corresponded with each topic area.

As with the findings of other task force subcommittees, the family law subcommittee found that there is little or no correlation between the numbering of local rules to the numbering of state civil rules. Moreover, the subcommittee found that the alpha identifier for local rules varied widely from county to county; i.e. LCR versus LFLCR, LR, SPR, LSPR, and so forth. Likewise, the family law subcommittee found that there is little or no correlation between the topics contained in local rules to the corresponding state civil rules. In addition, the family law subcommittee found that a number of family law related local rules, rather than being purely procedural in nature, contained matters of substantive law or, worse, were substantive with no corresponding authority in law. Finally, as with the findings of other task force subcommittees, the family law subcommittee found that many local rules were simply restatements of state civil rules, outdated, inconsistent with state civil rules, or efforts to micromanage litigants.

To remedy the problems created by the proliferation and complicated nature of the existing local rules, the family law subcommittee submits the following recommendations to the Task Force for approval and ultimately for submission to the WSBA Board of Governors for their consideration and approval:

**1. Create a Separate Category of State Civil Rules to be known as Family Law Civil Rules (FLCR).**

To implement this recommendation, the family law subcommittee suggests the following steps would need to be taken by the Supreme Court:

- a. Amend existing CRs by removing all family law specific rules from the CRs.
- b. Adopt this subcommittee's recommendation to establish our proposed set of statewide rules to be known as Family Law Civil Rules (FLCR) that are numbered consistently, where possible, with the CRs and for those topics not covered by existing CRs continue the numbering process sequentially thereafter. See Attachment A.
- c. Identify existing local rules that would no longer be necessary or that are substantive in nature or otherwise inconsistent with either existing CRs and the new FLCRs and immediately revoke such rules.
- d. Direct each county to undergo an intensive review of their local rules and to submit by a date certain (perhaps six to nine months out) a set of new local rules, if needed, that:
  - 1) are not duplicative of either CRs or FLCRs,
  - 2) are numbered consistently with the CRs and/or FLCRs,
  - 3) are designated in each and every county in the same manner; i.e. as LFLCR (Local Family Law Civil Rules),
  - 3) are not substantive in nature, and
  - 4) are not outdated.
- e. At the end of the submission deadline described in 1d above, direct that all existing local rules will expire and be replaced by new local rules that are consistent with the new protocols described herein and that have been approved thereafter.
- f. Enforce and augment GR 7, Local Rules – Filing and Effective Date, by establishing a position within the Supreme Court responsible for reviewing local rules for compliance and authorized to reject local rules that do not meet the established criteria for approval.

**2. Set Realistic and Achievable Deadlines for Implementation.**

It should take no longer than eighteen months for counties to revamp and submit for implementation their new local rules to meet the new protocols described herein. For example, if the above recommendations are approved by the WSBA Board of Governors by their January 2009 meeting, then July 1, 2010, would be a realistic and achievable

deadline to suggest to the Supreme Court for counties to accomplish the recommendations set forth herein.

**3. Periodically Review Local Family Law Civil Rules for Compliance.**

Establish a small, manageable subcommittee of the WSBA Board of Governors to review family law rules at least once every five years beginning in 2015 to assure ongoing compliance with the directives established through the adoption of these recommendations. Membership on this subcommittee should include no more than nine members consisting of the following: the WSBA BOG liaison to the Family Law Section, a representative from the Supreme Court, a representative from the WSBA Family Law Executive Committee, a representative from the Superior Court Judges, a representative from the Superior Court Clerks, a representative of the Superior Court Administrators, a representative of rural (small) courts, a representative from medium courts, and a representative from large courts.

**Family Law Civil Rules (FLCR)**  
**Draft 3 – November 10, 2008**

**FLCR 1        Scope of Rules**

These rules govern the procedure in the superior court in all Title 26 RCW actions with the exceptions stated specifically in rules hereunder. They shall be construed and administered to secure the just and speedy determination of every family law action. The numbering of these rules is intended to be consistent with the Superior Court Civil Rules (CR) wherever a corresponding, but unique, rule is applicable specifically to family law actions. Where no corresponding Superior Court Civil Rule exists, a unique identifier is provided in these rules. Where there is no difference in procedure for family law cases, the applicable Superior Court Civil Rule shall govern.

**FLCR 2        One Form of Action and Stipulations**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR2 and 2A).

**FLCR 3        Commencement of Action**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 3).

**FLCR 4        Process – Domestic Relations Actions**

(a) Summons--General. Actions authorized by RCW 26.09 shall be commenced by filing a petition or by service of a copy of a summons together with a copy of the petition on respondent as provided in rule 4. Upon written demand by the respondent, the petitioner shall pay the filing fee and file the summons and petition within 14 days after service of the demand or the service shall be void. No summons is necessary if both parties sign a joint petition or if the respondent files a written joinder in the proceeding.

(b) Summons--Content, Form.

(1) Content. The summons shall contain the title of the action, the name of the county and the court in which the action is brought, the names of the parties, as petitioner and respondent, a direction to the respondent to serve a copy of his or her response on the person who has signed the summons, the time limit within which the copy of the response must be served, notice that failure to serve a copy of the response within the stated time may result in a judgment by default, the signature and address of the petitioner or petitioner's attorney, and the date.

(2) Form. The summons for personal service in the state in an action for dissolution of marriage shall be substantially in the form provided in the pattern forms provided by the administrative office of the court. The summons for personal service in the state in any other action authorized by RCW 26.09 should be adapted from this form. The summons

for personal service out of state should be adapted from this form and must include the modifications required by statute. See RCW 4.28.180.

**FLCR 5 Service and Filing of Pleadings and Other Papers**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 5).

**FLCR 6 Time**

(d) For Motions - Affidavits

The time frames set forth in CR 6(d) shall be the minimum allowed for any family law motion other than one brought under a motion to shorten time or a motion seeking temporary relief as set forth below. Any county may expand the time frames set forth in CR 6(d) to allow for additional time of up to fourteen (14) days for the original notice as well as for responsive and reply documents.

(1) Motion to Shorten Time

For good cause shown, the court may waive the time frames set forth in FLCR 6(d) to allow for the hearing of an emergent matter necessary for the administration of justice. All such motions shall be supported by a written affidavit of counsel setting forth the basis for the good cause and emergent nature of the matter justifying the waiver of time to allow the granting of the motion to shorten time. Local courts may set conditions describing unique procedural requirements associated with such motions such as before whom the motion must be presented. [See also CR 77(k).]

(2) Except for good cause shown and as provided elsewhere in these rules, the moving party bringing any motion for temporary relief shall provide notice and moving documents to all parties no less than ten (10) court days. Responses shall be filed and served on all parties at least three (3) court days prior to hearing. Reply pleadings shall be due no later than one day prior to the hearing.

(2) Oral Arguments on Motions

Each Superior Court may establish a method for the timely and efficient scheduling of oral arguments in family law cases through the publication of local rules describing the methods available in the individual court. Acceptable methods shall include: (a) a limit on the time allocated for oral argument so long as an equal amount of time is provided for each litigant, (b) regular calendars with preset time slots assigned to the parties for oral argument of no less

than ten (10) minutes per side including rebuttal, and (c) special calendars for oral arguments requiring in excess of a total of thirty (30) minutes. [See also CR 77(k).]

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

CR 7b allows, at the discretion of each Superior Court, oral argument by telephone in family law motions.

(e) Page Limits.

(i) **Issues To Be Decided Solely On The Pleadings.** In matters where the court will decide an issue or motion for relief solely on the pleadings submitted by the litigants, a minimum of twenty-five (25) pages shall be allowed to petitioner, including reply declarations, and respondent for all declarations or affidavits including those of non-expert witnesses, exclusive of necessary supporting non-declaratory attachments or exhibits such as transcripts, emails, text messages and the like, in support of or opposition to a motion for relief.

(ii) **Issues To Be Decided After A Testimonial Proceeding.** In matters where the court will decide an issue or motion for relief only after the taking of oral testimony, a minimum of ten (10) pages shall be allowed to petitioner, including reply declarations, and respondent for all declarations or affidavits including those of non-expert witnesses, exclusive of necessary supporting non-declaratory attachments or exhibits such as transcripts, emails, text messages and the like, in support of or in opposition to a motion for relief.

(iii) Local courts may increase the number of pages allowed but all such increases shall be applied equally to all parties.

(iv) This page limit rule does not apply to trial briefs, memorandums of law, guardian ad litem reports, expert reports and evaluations or financial declarations, or any financial or medical documents filed under seal.

(f) Use of Pattern Forms

A party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts or a reasonable facsimile thereof. A party may delete unnecessary portions of the forms according to the rules established by the administrative office of the courts. A party may supplement the mandatory forms with additional material. A party's failure to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. However, the court

may require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

**FLCR 8      General Rules of Pleading**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 8).

**FLCR 9      Pleading Special Matters**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 9).

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

(d) Format Requirements. [Reserved. See GR 14.]

(1) Handwritten Documents.

To ensure access to the courts for pro se litigants, all courts shall allow the submission of pleadings that are legibly handwritten in black or blue ink using only the front side of each document. Declarations shall be double spaced and appropriately verified.

(2) Font Size for Typed or Computer Generated Documents.

Except for footnotes contained within legal documents, all typed or computer generated documents shall be prepared using a minimum of 11-point fonts. Individual courts may allow or indicate a preference for a larger sized printing but documents prepared using the minimum size set forth herein shall not be disallowed.

(3) Paper Color.

All pleadings submitted for filing or as bench copies shall be prepared on white or cream colored paper. Individual courts may not require the use of colored paper as a prerequisite for considering the matter before the court.

**FLCR 11     Pleadings/Motions/Legal Memoranda; Sanctions**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 11).

**FLCR 12     Defenses & Objections**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 12).

**FLCR 13     Counterclaim and Cross Claims**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 13).

**FLCR 14 Third Party Practice**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 14).

**FLCR 15 Amended & Supplemental Pleadings**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 15).

**FLCR 16 Pretrial Procedure & Formulating Issues**

(c) Information Exchange/Automatic Discovery

At least fourteen (14) days prior to settlement conference or thirty (30) days prior to trial, whichever is sooner, for any case involving dissolution of marriage or similar dissolutions or the setting of child support, the parties shall exchange complete individual and business tax returns with all schedules and applicable W-2 and 1099 forms for the past two years; pay stubs for the last six months; current and from date of separation balance statements for mortgages; installment purchase contracts, credit cards or other debts; retirement statements; appraisal of real or personal property; blue book valuations on automotive assets; summary of tracing of separate property; life insurance; business valuations; and disclosure of expert witnesses. In addition to the exchange of documents, local courts may also require the exchange of joint management reports or similar documentation by the parties.

(d) Automatic Temporary Orders Preserving Status Quo

Upon the filing of any dissolution of marriage or similar dissolution petition including but not limited to domestic partnerships and meretricious relationships, the court may sua sponte issue a temporary order that:

- (i) restrains the parties from transferring or disposing of any property absent written agreement or court order
- (ii) restrains the parties from changing any automobile, health or other insurance absent written agreement or court order
- (iii) makes each party responsible for his/her debts incurred subsequent to the filing of the petition
- (iv) requires notification of extraordinary expenditures or liabilities incurred after issuance of the automatic temporary order

- (v) requires each party to grant the opposing party access to all tax, financial, legal and household records
- (vi) restrains parents from changing the place of residence of the parties' children absent written agreement or court order
- (vii) delineates the requirements of RCW 26.09.240 which authorizes each parent to have full access to the children's education and medical records
- (viii) restrains parents from exposing the children to negative or derogatory commentary about the other parent

(e) A county may institute a system that creates case schedules for the efficient movement of cases through a court's system.

**LCR 17 Parties Plaintiff & Defendant; Capacity**

Designation of Parties. The party commencing the action shall be known as the petitioner with the opposite party known as the respondent.

**FLCR 18 Joinder of Claims & Remedies**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 18).

**FLCR 19 Joinder of Persons Needed for Just Adjudication**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 19).

**FLCR 20 Permissive Joinder of Parties**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 20).

**FLCR 21 Misjoinder and Nonjoinder of Parties**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 21).

**FLCR 22 Interpleader**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 22).

**FLCR 23 Class Actions**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 23).

**FLCR 24 Intervention**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 24).

**FLCR 25 Substitution of Parties**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 25).

**FLCR 26 General Provisions Governing Discovery**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 26).  
Counties may not change the discovery cut off as set forth in CR 26.

**FLCR 27 Perpetuation of Testimony**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 27).

**FLCR 28 Persons Before Whom Depositions May Be Taken**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 28).

**FLCR 29 Stipulations Regarding Discovery Procedure**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 29).

**FLCR 30 Depositions Upon Oral Examination**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 30).

**FLCR 31 Depositions Upon Written Questions**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 31).

**FLCR 32 Use of Depositions in Court Proceedings**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 32).

**FLCR 33 Interrogatories to Parties**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 33).

**FLCR 34 Production of Documents & Things and Entry Upon Land for Inspection and Other Purposes**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 34).

**FLCR 35 Physical and Mental Examination of Persons**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 35).

**FLCR 36      Requests for Admission**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 36).

**FLCR 37      Failure to Make Discovery – Sanctions**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 37).

**FLCR 38      Jury Trial of Right**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 38).

**FLCR 39      Trial by Jury or by the Court**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 39).

**FLCR 40      Assignment of Cases**

A county may institute a system that creates case schedules and the assignment of judicial teams for the efficient movement of cases through a court's system.

**FLCR 41      Dismissal of Actions**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 41).

**FLCR 42      Consolidations; Separate Trials**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 42).

**FLCR 43      Taking of Testimony**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 43).

**FLCR 44      Proof of Official Record**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 44).

**FLCR 45      Subpoena**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 45).

**FLCR 46      Exceptions Unnecessary**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 46).

**FLCR 47 Jurors**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 47).

**FLCR 48 Juries of Less Than Twelve**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 48).

**FLCR 49 Verdicts**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 49).

**FLCR 50 Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 50).

**FLCR 51 Instruction to Jury and Deliberation**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 51).

**FLCR 52 Decisions, Findings and Conclusions**

- 2) Specifically Required. Without in any way limiting the requirements of CR 52(1), findings and conclusions are required in all Title 26 RCW cases in which the court makes specific findings of physical or sexual abuse or exploitation of a child the court shall direct the court clerk to notify the state patrol of the findings pursuant to RCW 43.43.840.

**FLCR 53 Masters [Reserved]**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 53).

**FLCR 53.5 Mediation in Family Law Cases**

Any court may refer parties in any case filed under Title 26 RCW to mediation or settlement conferences prior to setting the matter for trial; PROVIDED THAT in cases where either of the parties is indigent or such referral would post a significant financial hardship on either party, the court shall not require participation in such services without also providing for funding to pay for the service.

**FLCR 54 Judgments and Costs**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 54).

**FLCR 55 Default and Judgment**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 55).

**FLCR 56 Summary Judgment**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 56).

**FLCR 57 Declaratory Judgments**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 57).

**FLCR 58 Entry of Judgment**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 58).

**FLCR 59 New Trial, Reconsideration, and Amendment of Judgments**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 59).

**FLCR 60 Relief from Judgment or Order**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 60).

**FLCR 61 Harmless Error [Reserved]**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 61).

**FLCR 62 Stay of Proceedings to Enforce a Judgment**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 62).

**FLCR 63 Judges**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 63).

**FLCR 64 Seizure of Person or Property**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 64).

**FLCR 65 Injunctions**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 65).

**FLCR 66 Receivership Proceedings [Reserved]**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 66).

**FLCR 67      Deposit in Court**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 67).

**FLCR 68      Offer of Judgment**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 68).

**FLCR 69      Execution**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 69).

**FLCR 70      Judgment for Specific Acts; Vesting Title**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 70).

**FLCR 71      Withdrawal of Attorney**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 71).

**FLCR 72      Reserved**

**FLCR 73      Reserved**

**FLCR 74      Reserved**

**FLCR 75      Reserved**

**FLCR 76      Reserved**

**FLCR 77      Superior Courts and Judicial Officers**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 77).

**FLCR 78      Clerks**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 78).

**FLCR 79      Books and Records Kept by the Clerk**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 79).

**FLCR 80      Court Reporters**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 80).

**FLCR 81      Applicability in General**

Except where inconsistent with rules or statutes applicable to special proceedings or Title 26 RCW proceedings, these rules shall govern all family law proceedings. Where statutes relating to special proceedings or Title 26 RCW proceedings provide for procedure under former statutes applicable generally to family law actions, the procedure shall be governed by these rules.

**FLCR 82      Venue**

There is no family law specific rule required. Refer to Superior Court Civil Rule (CR 82).

**FLCR 83      Local Rules of Court**

All local rules created by individual counties hereafter to more specifically address a procedure unique to that county shall conform to the same numbering system as these Family Law Civil Rules and the Superior Court Civil Rules and shall be denoted as Local Family Law Civil Rules (LFLCR). Statutes and case law rulings shall not be restated and set forth in local court rules but may be cited for purposes of reference pointers only. Local court rules shall be limited to procedural matters and shall not address substantive legal issues.

**FLCR 84      Forms [Reserved]**

See FLCR 7(f).

**FLCR 85      Title of Rules**

These rules shall be known and cited as the Family Law Civil Rules. FLCR is the official abbreviation. All local rules addressing family law procedural matters shall be designated as Local Family Law Civil Rules with LFLCR as the official abbreviation.

**FLCR 86      Effective Dates**

These rules promulgated pursuant to authority granted to the Supreme Court shall govern all proceedings in actions founded in Title 26 RCW after they take effect and also all further proceedings in actions pending on their effective dates except to the extent that in the opinion of the superior court, expressed by its order, the application of rules in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the procedure existing at the time the action was brought applies.

**FLCR 87      Courthouse Facilitators**

A court may require review by a courthouse facilitator of certain documents prepared by pro se litigants prior to submission to judicial officer or other mandated use of facilitators

by pro se litigants; PROVIDED THAT in cases where either of the parties is indigent or such requirements would pose a significant financial hardship on either party, the court shall not require the use of such services without also providing for funding to pay for the service.

**FLCR 88 Authority to Require Participation in Extra-Judicial Services**

A court may require parties to participate in parenting seminars as set forth in RCW 26.12.172 regarding the effect of divorce or separation of parents prior to entry of a parenting plan; PROVIDED THAT in cases where either of the parties is indigent or such requirements would post a significant financial hardship on either party, the court shall not require the use of such services without also providing for funding to pay for the service; PROVIDED FURTHER that the court must provide a means of waiving such requirements for good cause shown and that the failure of a party to participate in such court ordered extra-judicial services shall not be the basis for the court denying entry of a final order in the action.