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DAVID T. LEWIS III

KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON

IN RE THE KITSAP COUNTY COURTHOUSE AND THE
PANDEMIC OUTBREAK OF THE CORONAVIRUS
DISEASE 2019 (COVID-19)

No. 2022-10
EMERGENCY ADMINISTRATIVE
ORDER RE: TWELFTH ORDER
REGARDING DOMESTIC
RELATIONS CASES

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).¹

Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public, the recommendations of the Health Department, and the authority granted by Order No. 25700-B-602 ¶1 (Mar. 4, 2020), No. 25700-B607 ¶15 (amended Mar. 20, 2020), No. 25700-B-614 ¶11 (Apr. 3, 2020), and No. 25700-B-615 (April 13, 2020), additional immediate action by the Kitsap County Superior Court is required.

NOW, THEREFORE, it is hereby ORDERED that effective immediately and until further Order of the Court-

¹ Hereafter "disease."

1 1. **Previous Orders-** All previous Emergency Administrative Orders and
2 Correspondence issued by this Court remain in full effect except where modified
3 below. Specifically, Emergency Administrative Order 2020-12 remains in effect
4 re: digital signatures.
5

6 2. **Ex Parte Calendars-** emergency matters may be brought on the *ex parte*
7 calendar every day at 8:30 a.m. and Monday, Thursday and Friday at 3:30 p.m.
8 This calendar may be accessed remotely and counsel/parties are encouraged to
9 do so.
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11 3. **Agreed Orders/ Uncontested Orders-** Agreed or uncontested orders may be
12 emailed to SuperiorCourt@kitsap.gov for signature.
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14 4. **Contested Family Law Motions, Motions for Default, Motions to Compel**
15 **Discovery-**

16 a. **How Initiated.** All motions shall be docketed by filing a Note for
17 Hearing at least fourteen (14) calendar days before the hearing,
18 simultaneously with a Motion and Notice of Hearing and any supporting
19 pleadings, unless this is a re-note of a motion or notice for hearing
20 previously filed, in which event only the Note for Hearing shall be filed.
21 The Note for Hearing shall include the applicable Zoom or telephonic
22 appearance information. The hearing shall be heard on the basis of
23 affidavit and/or declaration.
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25 b. **Counter Motions.** In the event there is an existing motion or adequate
26 cause hearing and the responding party wishes to file a counter motion
27 to be heard the same date they may do so without leave of the court by
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1 filing a Note for Hearing, Motion and any supporting pleadings, as long
2 as the counter motion and all supporting pleadings are filed and served a
3 minimum of fourteen (14) calendar days before the hearing.

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5 c. **Notice and Hearing.** Copies of the motion, counter motion, Note for
6 Hearing, together with all supporting documents including affidavits,
7 declarations, exhibits, and any other materials to be considered by the
8 court, shall be served on all counsel and any self-represented party at
9 least fourteen (14) calendar days before the hearing.

10
11 d. **Responsive Affidavits.** Response documents, including briefs or
12 memoranda, if any, shall be filed with the Clerk and copies served on all
13 parties and attorneys no later than 5:00 p.m. three (3) court days prior to
14 the hearing time.

15
16 e. **Reply Affidavits.** Reply documents in strict reply to the motion shall be
17 similarly benched and served no later than 5:00 p.m. one (1) court day
18 prior to the hearing. Reply affidavits may be filed no later than the day
19 of the hearing. Reply affidavits shall be limited to a maximum of three
20 double spaced pages and shall be in strict reply to the responsive
21 affidavit. Parties may submit bench copies of strict reply affidavits by
22 emailing them to: SuperiorCourt@kitsap.gov.

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25 f. **Exhibits and Worksheets.** Mandatory financial declarations and
26 support worksheets as required by RCW 26.09 shall be filed whenever
27 financial matters are at issue. [See KCLCR 77(k)(5).]
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1 g. **Benching Materials.** Bench copies must be provided to the Court no
2 later than two (2) court days before the hearing.

3 h. **Proposed Orders.** Draft temporary and final orders following a Court
4 ruling shall be delivered to the Court and to the opposing party no later
5 than noon seven (7) days prior to the scheduled hearing on presentation.
6 Opposing parties who object to any provision of the draft documents as
7 being inconsistent with the Court's ruling must file written objections by
8 5:00 p.m. two (2) court days prior to the hearing. Objections must include
9 the proposed orders as an attachment, specifically identify the
10 objectionable provisions, and shall offer alternative language.
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14 i. **Confirmations**

15 i. Hearings set by order of a judicial officer, including Orders to
16 Show Cause and Presentation of Orders set by a judicial officer
17 in open court following that judicial officer's oral ruling, do not
18 require confirmation and are not subject to continuance except by
19 signed order of that judicial officer.
20

21 ii. All other domestic relations motions must be confirmed in
22 person, by telephoning the Superior Court office at (360) 337-
23 7140 (Option 2), or by email at supcourtconfirm@kitsap.gov no
24 later than 12:00 noon one day before hearings, but no earlier than
25 48 hours in advance.
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28 iii. All parentage/ paternity motions must be confirmed in person, by
29 telephoning the Superior Court office at (360) 337-7140 (Option
30

1 2), or by email at supcourtconfirm@kitsap.gov no later than
2 12:00 noon one day before hearings, but no earlier than 48 hours
3 in advance.

4 iv. Matters not confirmed may be heard only at the discretion of the
5 Court.

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7 j. **Time Limits.** Parties shall be limited to ten (10) minutes per side during
8 argument. The moving party shall have the opportunity to provide
9 rebuttal argument with any remaining time.

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11 k. **Nonappearance.** Upon the nonappearance of a non-moving party, the
12 court may enter orders consistent with the Moving Party's Motion, so
13 long as proof of service is filed with the Court.

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15 5. **Domestic Relations Settlement Conferences.** Settlement conferences shall
16 occur via Zoom.

17 a. **Mandatory Settlement Conferences.** In each dissolution, declaration of
18 invalidity, or legal separation, counsel and the parties shall participate in
19 a settlement conference presided over by a judge or court commissioner.
20 Settlement conferences are mandatory.

21
22 b. **How scheduled.** The above referenced filing deadlines do not apply to
23 scheduling of a Settlement Conference. All notes for Settlement
24 Conferences shall be docketed by filing a Note for Settlement Conference
25 at least seven (7) calendar days before the Settlement Conference setting
26 is placed on the calendar.
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1 c. **Attendance and Preparation Required.** No later than noon the day prior
2 to a settlement conference that has been scheduled pursuant to section (a),
3 each party shall have submitted to the other party and the Court a
4 completed settlement conference memorandum and a completed
5 “Domestic Relations Form” in the form of Exhibit G. The attorneys shall
6 come prepared to discuss in detail and in good faith all unresolved issues
7 in the case and, in addition, all pretrial matters if the case is not settled.
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10 d. Failure to Serve Settlement Conference Memorandum and “Domestic
11 Relations Form”/Exhibit G. Failure to serve a completed settlement
12 conference memorandum and a “Domestic Relations Form” in the form
13 of Exhibit G and/or an equivalent upon the other parties and provide the
14 original for the settlement conference judge, as required, may, at the
15 discretion of the judge, result in the settlement conference judge striking
16 the scheduled settlement conference and setting a subsequent settlement
17 conference on the Court’s next available date.
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20 e. **Mandatory Confirmations.** All settlement conferences must be confirmed
21 by telephoning the Superior Court office at (360) 337-7140 (Option 2), or
22 by email at supcourtconfirm@kitsap.gov no later than 12:00 noon one day
23 before hearings, but no earlier than 48 hours in advance. Failure to
24 confirm may result in the imposition of terms and/or sanctions as the
25 Court may deem appropriate.
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28 f. **Proceedings Confidential.** Proceedings of settlement conferences shall,
29 in all respects, be confidential and not reported or recorded. No party shall
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1 be bound unless a settlement is reached. When a settlement has been
2 reached, the Court may, at its discretion, and with the consent of the
3 parties, order any agreement to be placed on the record.

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5 g. **Judge Disqualified for Trial.** A judge presiding over a settlement
6 conference shall be disqualified from acting as the trial judge or exercising
7 discretion in regard to subsequent motions in that matter.

8
9 **6. Domestic Relations Trials:**

- 10 a. You may appear for your trial via Zoom.
- 11 b. You may appear for your trial in person.
- 12 c. In the event that a party does not wish to conduct a trial by Zoom and
13 does not wish to appear in the courthouse during the COVID-19
14 pandemic, the trial may be continued. A party seeking a continuance
15 must note the motion to continue in accordance with the notice
16 provisions stated herein.
- 17 d. If you are proceeding to trial, hard copies of your exhibits must be
18 provided to opposing counsel (or party if self-represented) no later than
19 72 hours before trial, excluding weekends and holidays.
- 20 e. Exhibits should be dropped off to the Clerk's Office or physically mailed
21 to the Clerk's Office to be received no later than 72 hours prior to the
22 trial, excluding weekends and holidays. Please use the following address:

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27 **Kitsap County Clerk's Office**

28 **Attn: Lindy Mense**

29 **614 Division St, MS-34 Port Orchard, WA 98366**

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2 f. If bench copies of exhibits are included, the Clerk's Office will ensure
3 that they are delivered to Superior Court.

4 g. If possible, please send an electronic exhibit list to Lindy Mense at
5 lmense@kitsap.gov.
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7 7. **Formal Proof.** Formal proof to finalize a domestic relations case is permitted
8 by declaration.

9 8. **Court Interpreter.** If a party needs an interpreter, please notify the Court
10 Scheduler at by email at jkluver@kitsap.gov with the following information:
11 name, case number, hearing date and time, and the language for the interpreter
12 needed.
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14 9. **Conflicts in rules.** In case of a conflict in rules, this Order supersedes any
15 previously published rule.
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17 10. **Expiration.** This Order expires at midnight on September 30, 2022, unless
18 rescinded, modified, or renewed before then.
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20 DATED – JUNE 28, 2022

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22 KEVIN D. HULL, Presiding Judge
23 Kitsap County Superior Court
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