# KITSAP COUNTY SUPERIOR COURT STATE OF WASHINGTON



## LOCAL COURT RULES

Amended June 29, 2021; effective September 1, 2022

**JUDGE TINA ROBINSON** 

Department No. 1

JUDGE MICHELLE ADAMS

Department No. 2

JUDGE MELISSA A. HEMSTREET

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Department No. 3

JUDGE WILLIAM C. HOUSER

Department No. 4

JUDGE JEFFREY P. BASSETT

Department No. 5

JUDGE KEVIN D. HULL

Department No. 6

JUDGE JENNIFER A. FORBES

Department No. 7

JUDGE SALLY F.

**OLSEN** 

Department No. 8

COMM. MATTHEW L.

**CLUCAS** 

**Court Commissioner** 

FRANK A. MAIOCCO,

JR.

Court Administrator

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#### KITSAP COUNTY LOCAL FAMILY LAW RULES [KCLFLR]

#### I. GENERAL

**Personal Identifiers – Children.** [See KCLGR 31(e)(1)-(4)]

**Terms:** "Domestic Relations" and "Family Law" are interchangeable.

#### KCLFLR 1 AUTOMATIC RESTRAINING ORDERS

Personal appearance of a party is required if a party requests an ex parte order seeking to restrain one party from the family home or contact with the other party or children.

#### KCLFLR 2 COURT INTERPRETER

If a party needs an interpreter, the party, or their attorney if represented, shall notify the Court Scheduler by email at <a href="jkluver@kitsap.gov">jkluver@kitsap.gov</a>, of the need for an interpreter with the following information: name, case number, trial date and time, and the language for the interpreter needed.

#### KCLFLR 3 VISITING JUDGE REQUIRED

The Court shall be notified at the time of motion setting if an attorney practicing in Kitsap County is a party or a witness in the matter before the Court.

#### II. HEARINGS

#### KCLFLR 4 EX PARTE MATTERS

#### (a) Financial Support Matters

Mandatory form "Financial Declaration," shall be filed and served whenever financial matters, including spousal or child support, are at issue.

Child Support Worksheets, as required by RCW 26.19.035, shall be filed and served whenever child support is at issue.

Income verification, as required by RCW 26.19.071(2), shall be filed with the Clerk under seal and served on the other attorney, or party if unrepresented.

#### (b) Action Documents

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall have the box marked for CLERK'S ACTION REQUIRED and identify the applicable paragraph numbers, in the caption beneath the pleadings title on the first page of the document.

#### (c) Matters Requesting Attorney Fees

<u>Temporary Attorney Fees.</u> The following temporary attorney fees are guidelines in Family Law cases: \$1,500.00 to the Petitioner, and \$1,250.00 to the Respondent if a parenting plan is required; \$1,000.00 to the Petitioner and \$500.00 to the Respondent if no parenting plan is required. The Court also has the discretion to award taxable costs.

<u>Itemization</u>. An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) Hearing Day/Time/Calendar name

- (1) <u>Emergency matters</u>:
  - (A) On the Ex Parte calendar

#### (e) Scheduling/Notice/Service Requirements

Notice to Opposing Attorney/Party. Unless notice is specifically excluded by statute, or on an articulated emergency, no ex parte order shall be presented without notice to the opposing attorney, or party if unrepresented. If an attorney, or party if unrepresented, has appeared either formally or informally, notice is required. If necessary, notice may be by telephone. This rule applies regardless of whether service is required on the attorney or a party pursuant to CR 5(b)(4).

#### (f) Personal Appearance for Restraining Orders.

Personal appearance of a party is required if a party requests an ex parte order seeking to restrain one party from the family home or contact with the other party or children.

#### KCLFLR 5 MOTIONS - GENERALLY

Includes, but is not limited to:

Motions for Temporary Family Law Orders Appointment of GAL or Custody Investigator Default Move with Children (temporary)

#### But Excludes:

Ex Parte (KCLFLR 4) Adoption (KCLFLR 6)

Child support

- stand-alone adjustment (KCLFLR 7)
- modification (KCLFLR 8)

Civil Contempt (KCLFLR 9)

Civil Protection Orders (KCLFLR 10)

Continuance of Settlement Conference Trial (KCLFLR 11)

Presentation of Orders

- Temporary (KCLFLR 12)
- Final (KCLFLR 13)

Reconsideration (KCLFLR 14)

Revision (KCLFLR 15)

#### (a) Financial Support Matters

Mandatory form "Financial Declaration," shall be filed and served whenever financial matters, including spousal or child support, are at issue.

Child Support Worksheets, as required by RCW 26.19.035, shall be filed and served whenever child support is at issue.

Income verification, as required by RCW 26.19.071(2), shall be filed with the Clerk under seal and served on the other attorney, or party if unrepresented.

#### (b) Action Documents - Child Support Orders

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall have the box marked for CLERK'S ACTION REQUIRED and identify the applicable paragraph numbers, in the caption beneath the pleadings title on the first page of the document.

#### (c) Matters Requesting Attorney Fees

<u>Temporary Attorney Fees.</u> The following temporary attorney fees are guidelines in Family Law cases: \$1,500.00 to the Petitioner, and \$1,250.00 to the Respondent if a parenting plan is required; \$1,000.00 to the Petitioner and \$500.00 to the Respondent if no parenting plan is required. The Court also has the discretion to award taxable costs.

<u>Itemization</u>. An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) Hearing Day/Time/Calendar name

- (1) For parties who have never been married to each other and the case was not filed under Committed Intimate Relationship
  - (A) Tuesdays at 9:00 am on the Parentage Calendar
- (2) State of Washington-initiated actions
  - (A) Tuesdays at 9:00 am on the Parentage Calendar
  - (B) As appropriate, Fridays at 9:00 am on the Dissolution Calendar
- (3) For parties who are currently or were previously married to or in a Committed Intimate Relationship with each other
  - (A) Fridays at 9:00 am on the Dissolution Calendar

#### (e) Scheduling/Notice/Service Requirements

- (1) <u>Scheduling.</u> Hearings shall be set by filing a Note for Hearing at least fourteen (14) calendar days before the hearing substantially in the form of Exhibit E. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
- (2) <u>Motions.</u> Motions, together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court shall be filed and served at least fourteen (14) calendar days before the hearing.
- (3) <u>Counter Motions</u>. In the event there is an existing motion or adequate cause hearing, and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by filing a Note for Hearing, Motion and any supporting pleadings, as long as the counter motion and all supporting pleadings are filed and served at least fourteen (14) calendar days before the hearing.
- (4) Responsive Affidavits. Responsive affidavits, including briefs or memoranda together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, if any, shall be filed and served no later than 5:00 p.m. three (3) court days before the hearing.
- (5) Reply Affidavits. Reply affidavits shall be served and benched no later than 5:00 p.m. one (1) court day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit. Only the oath and signature block may be on the 4<sup>th</sup> page. Attorneys, or parties if unrepresented, may submit bench copies of strict reply affidavits by emailing them to: SuperiorCourt@kitsap.gov.

#### (f) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented, may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- Continuance of Motion. Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that

- once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony</u>. The hearing shall be heard on the basis of affidavit and/or declaration.
- (5) <u>Time Allowed for Argument.</u> Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### KCLFLR 6 ADOPTION

#### (d) Hearing Day/Time/Calendar name

- (1) Any adoptions requiring notice, including pro se adoptions,
  - (A) Tuesday at 11:00 a.m. on the Adoption Calendar
- (2) All other adoptions
  - (A) Monday through Thursday at 8:30 a.m. on the Ex Parte calendar
  - (B) Monday and Thursday at 3:30 p.m. on the Ex Parte calendar

[See KCLSPR 93.04.]

#### KCLFLR 7 CHILD SUPPORT - ADJUSTMENT OF FINAL ORDER

#### (a) Financial Support Matters

Mandatory form "Financial Declaration," shall be filed and served whenever financial matters, including spousal or child support, is at issue.

Child Support Worksheets, as required by RCW 26.19.035, shall be filed and served whenever child support is at issue.

Income verification shall be filed and served as required by RCW 26.19.071(2).

#### (b) Action Documents – Child Support Orders

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall have the box marked for CLERK'S ACTION REQUIRED and identify

the applicable paragraph numbers, in the caption beneath the pleadings title on the first page of the document.

#### (c) Attorney Fees

<u>Itemization.</u> An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) **Hearing Day/Time/Calendar name**

- (1) When 10 minutes a side is sufficient
  - (A) For parties who have never been married to each other and the case was not filed under Committed Intimate Relationship
    - (i) Tuesdays at 9:00 am on the Parentage Calendar
  - (B) State of Washington-initiated actions
    - (i) Tuesdays at 9:00 am on the Parentage Calendar
    - (ii) As appropriate, Fridays at 9:00 am on the Dissolution Calendar
  - (C) For parties who are currently or were previously married to or in a Committed Intimate Relationship with each other.
    - (i) Fridays at 9:00 am on the Dissolution Calendar
- (2) When additional time may be needed
  - (A) For parties who have never been married to each other and the case was not filed under Committed Intimate Relationship
    - (i) Tuesdays at 3:00 pm on the Child Support Modification Calendar
  - (B) State of Washington-initiated actions
    - (i) Tuesdays at 9:00 am on the Parentage Calendar
    - (ii) As appropriate, Fridays at 9:00 am on the Dissolution Calendar
  - (C) For parties who are currently or were previously married to or in a Committed Intimate Relationship with each other
    - (i) Tuesdays at 3:00 pm on the Child Support Modification Calendar

#### (e) Scheduling/Notice/Service Requirements

- (1) <u>Scheduling.</u>
  - (A) When 10 minutes per side is sufficient
    - (i) <u>Scheduling.</u> Hearings shall be set by filing a Note for Hearing at least fourteen (14) calendar days before the hearing substantially in the form of Exhibit E. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
  - (B) When additional time may be needed
    - (i) Hearings shall be set by the Court Scheduler upon application of the attorney, or party if unrepresented, in the form of Exhibit C.
- (2) <u>Motion.</u> Copies of the motion, together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, shall be filed and served on all attorneys, or parties if unrepresented, no later than fourteen (14) calendar days before the hearing.
- (3) Responsive Affidavits. Responsive affidavits, including briefs or memoranda together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, if any, shall be filed and served no later than 5:00 p.m. three (3) court days before the hearing.
- (4) Reply Affidavits. Reply affidavits shall be served and benched no later than 5:00 p.m. one (1) court day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit. Only the oath and signature block may be on the 4th page. Attorneys, or parties if unrepresented, may submit bench copies of strict reply affidavits by emailing them to: SuperiorCourt@kitsap.gov.

#### (f) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the

new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear</u>. If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion</u>. Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony.</u> The hearing shall be heard on the basis of affidavit and/or declaration.
- (5) <u>Time Allowed for Argument</u>. Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### KCLFLR 8 CHILD SUPPORT - MODIFICATAION OF FINAL ORDER

#### (a) Financial Support Matters

Mandatory form "Financial Declaration," shall be filed and served whenever financial matters, including spousal or child support, is at issue.

Child Support Worksheets, as required by RCW 26.19.035, shall be filed and served whenever child support is at issue.

Income verification shall be filed and served as required by RCW 26.19.071(2).

#### (b) Action Documents – Child Support Orders

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall have the box marked for CLERK'S ACTION REQUIRED and identify the applicable paragraph numbers, in the caption beneath the pleadings title on the first page of the document.

#### (c) Attorney Fees

<u>Itemization.</u> An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) Hearing Day/Time/Calendar name

- (1) For parties who have never been married to each other and the case was not filed under Committed Intimate Relationship
  - (A) Tuesdays at 3:00 pm on the Child Support Modification Calendar
- (2) State of Washington-initiated actions
  - (A) Tuesdays at 9:00 am on the Parentage Calendar
  - (B) As appropriate, Fridays at 9:00 am on the Dissolution Calendar
- (3) For parties who are currently or were previously married to or in a Committed Intimate Relationship with each other
  - (A) Tuesdays at 3:00 pm on the Child Support Modification Calendar

#### (e) Scheduling/Notice/Service Requirements

(1) <u>Scheduling.</u> Hearings shall be set by the Court Scheduler upon application of an attorney, or party if unrepresented, in the form of Exhibit C.

- (2) <u>Motion.</u> Copies of the motion, together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, shall be filed and served on all attorneys, or parties if unrepresented, no later than fourteen (14) calendar days before the hearing.
- (3) Responsive Affidavits. Responsive affidavits, including briefs or memoranda together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, if any, shall be filed and served no later than 5:00 p.m. seven (7) court days before the hearing.
- (4) Reply Affidavits. Reply affidavits shall be served and benched no later than 12:00 noon one (1) court day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit. Only the oath and signature block may be on the 4th page. Attorneys, or parties if unrepresented, may submit bench copies of strict reply affidavits by emailing them to: SuperiorCourt@kitsap.gov.

#### (f) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear</u>. If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion</u>. Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony.</u> The hearing shall be heard on the basis of affidavit and/or declaration.
- (5) <u>Time Allowed for Argument</u>. Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### KCLFLR 9 CIVIL CONTEMPT - MOTION FOR SHOW CAUSE ORDER

#### (b) Action Documents

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall contain the language CLERK'S ACTION REQUIRED and the applicable paragraph number, in the caption beneath the pleadings title on the first page of the document.

#### (c) Attorney Fees

<u>Itemization.</u> An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) Hearing Day/Time/Calendar name

- (1) For parties who have never been married to each other and the case was not filed under Committed Intimate Relationship
  - (A) Tuesdays at 9:00 am on the Parentage Calendar
- (2) State of Washington-initiated actions
  - (A) Thursdays at 1:30 p.m. on the State Civil Contempt Calendar
- (3) For parties who are currently or were previously married to or in a Committed Intimate Relationship with each other
  - (A) Fridays at 9:00 am on the Dissolution Calendar

#### (e) Scheduling/Notice/Service Requirements

- (1) <u>Scheduling</u>. Hearings shall be set by filing a Note for Hearing at least fourteen (14) calendar days before the hearing substantially in the form of Exhibit E. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
- (2) <u>Motions.</u> Motions, together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court shall be filed and served at least fourteen (14) calendar days before the hearing.
- (3) <u>Counter Motions.</u> In the event there is an existing motion or adequate cause hearing, and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by filing a Note for Hearing, Motion and any supporting pleadings, as long as the counter motion and all supporting pleadings are filed and served at least fourteen (14) calendar days before the hearing.
- (4) Responsive Affidavits. Responsive affidavits, including briefs or memoranda together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, if any, shall be filed and served no later than 5:00 p.m. three (3) court days before the hearing.
- (5) Reply Affidavits. Reply affidavits shall be served and benched no later than 5:00 p.m. one (1) court day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of

three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit. Only the oath and signature block may be on the 4th page. Attorneys, or parties if unrepresented, may submit bench copies of strict reply affidavits by emailing them to: <a href="mailto:SuperiorCourt@kitsap.gov">SuperiorCourt@kitsap.gov</a>.

(6) <u>Show Cause Order.</u> If the court enters a Show Cause Order (Order to Go to Court), the court shall set the Show Cause hearing date. The Show Cause Order shall be served on the other PARTY no later than 14 days before the hearing.

#### (f) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.

- (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion.</u> Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorneys, or parties if unrepresented.
- (4) <u>No Oral Testimony.</u> The hearing shall be heard on the basis of affidavit and/or declaration.
- (5) <u>Time Allowed for Argument.</u> Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### KCLFLR 10 CIVIL PROTECTION ORDER

- (d) Hearing Day/Time/Calendar name
  - (1) Emergency matters
    - (A) on the Ex Parte calendar
  - (2) Non-emergency matters
    - (A) Thursday at 8:30 a.m. on the Civil Protection Order calendar

#### KCLFLR 11 CONTINUE SETTLEMENT CONFERENCE, TRIAL, OR SPECIAL SET

- (d) Hearing Day/Time/Calendar name
  - (1) All matters
    - (A) Friday at 2:30 on the Domestic Relations Presiding Judge's Departmental Calendar

#### (e) Scheduling/Notice/Services Requirements

- (1) <u>Scheduling.</u> Hearings shall be set by filing a Note for Hearing at least five (5) court days before the hearing substantially in the form of Exhibit E. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
- (2) <u>Motions.</u> Motions, legal brief, memorandum of authorities, and any supporting affidavits or other documents to be considered by the court shall, unless otherwise particularized under a specific State or local rule, be filed and served at least five (5) court days before the hearing.
- (3) <u>Counter Motions.</u> In the event there is an existing motion, and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by filing a Note for Hearing, Motion and any supporting pleadings, as long as the counter motion and all supporting pleadings are filed and served in a timely manner.
- (4) Responsive Affidavits. Responsive affidavits, including briefs or memoranda together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, if any, shall be filed and served no later than 12:00 noon two (2) court days before the hearing.
- (5) Reply Affidavits. Reply affidavits shall be served and benched no later than 12:00 noon one (1) court day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit. Only the oath and signature block may be on the 4th page. Attorneys, or parties if unrepresented, may submit bench copies of strict reply affidavits by emailing them to: SuperiorCourt@kitsap.gov.

#### (f) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court

Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion.</u> Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony.</u> The hearing shall be heard on the basis of affidavit and/or declaration.

#### KCLFLR 12 PRESENTATION OF TEMPORARY ORDERS

#### (b) Action Documents

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall contain the language CLERK'S ACTION REQUIRED and the applicable paragraph number, in the caption beneath the pleadings title on the first page of the document.

#### (c) Attorney Fees

<u>Itemization.</u> An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) Hearing Day/Time/Calendar name

#### (1) All matters

(A) Friday at 1:30 on the ruling Judge's Departmental Calendar

#### (e) Scheduling/Notice/Services Requirements

- (1) <u>Scheduling.</u> Unless set by the court, hearings for presentation of temporary orders shall be set by filing a Note for Hearing at least five (5) court days before the hearing substantially in the form of Exhibit E. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
- (2) Draft temporary orders following a Court ruling shall be delivered to the Court and to the opposing attorney, or party if unrepresented, no later than 12:00 noon five (5) court days prior to the scheduled hearing on presentation.
- (3) Opposing attorneys, or parties if unrepresented, who object to any provision of the draft documents as being inconsistent with the Court's ruling must file written objections by 12:00 noon two (2) court days prior to the hearing.
  - (A) Objections must include the proposed orders as an attachment, specifically identify the objectionable provisions, and shall offer alternative language.

#### (f) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court

Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion.</u> Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony</u>. The hearing shall be heard on the basis of affidavit and/or declaration.
- (5) <u>Time Allowed for Argument.</u> Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### KCLFLR 13 PRESENTATION OF FINAL PLEADINGS

#### (b) Action Documents

All pleadings requiring action by the Clerk of Court, other than file stamping and docketing, shall contain the language CLERK'S ACTION REQUIRED and the applicable paragraph number, in the caption beneath the pleadings title on the first page of the document.

#### (c) Attorney Fees

<u>Itemization.</u> An attorney requesting that the Court fix or determine the reasonableness of fees, or order payment of fees in any case, shall itemize the time expended, services rendered, or other detailed bases for the fees requested and attach a copy thereof to the request.

#### (d) Hearing Day/Time/Calendar name

- (1) For cases in which at least one party is represented by an attorney and all final orders have been signed by both parties, and attorney(s)
  - (A) Monday through Friday at 8:30 am on the Ex Parte Calendar
  - (B) Monday, Thursday and Friday at 3:30 p.m. on the Ex Parte calendar
- (2) For cases in which at least one party is represented by an attorney and at least one party has <u>not</u> signed the final orders
  - (A) Friday at 1:30 p.m. on the ruling (or settlement conference) Judge's Departmental Calendar
- (3) For cases in which neither party is represented by an attorney
  - (A) Tuesday at 1:30 on the Pro Se Dissolution calendar

#### (e) Scheduling/Notice/Services Requirements

- (1) <u>Scheduling.</u> Unless set by the court, hearings for presentation of final orders shall be set by filing a Note for Hearing at least five (5) court days before the hearing substantially in the form of Exhibit E. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
- (2) Draft final orders following a Court ruling shall be delivered to the Court and to the opposing attorney, or party if unrepresented, no later than 12:00 noon five (5) court days prior to the scheduled hearing on presentation.
  - (A) Final orders include the Findings and Conclusions, Final Order, and may include Child Support Order, Child Support Worksheets, Residential Time Summary, and Parenting Plan/Residential Schedule, if applicable.

- (3) Opposing attorneys, or parties if unrepresented, who object to any provision of the draft documents as being inconsistent with the Court's ruling must file written objections by 12:00 noon two (2) court days prior to the hearing.
  - (A) Objections must include the proposed orders as an attachment, specifically identify the objectionable provisions, and shall offer alternative language.

#### (4) Formal Proof.

- (A) Formal proof by a pro se litigant personally appearing in Court shall be required in the finalization of all dissolution and legal separation proceedings, including when a Decree of Legal Separation is converted to a Decree of dissolution, modification of a prior Parenting Plan, and in all other matters in which a Final Parenting Plan or Residential Schedule is being presented. Upon good cause, the Court may authorize formal proof to be taken by Skype or telephone, or submitted via Exhibit P.
- (B) At the time of hearing, if the final orders are signed under penalty of perjury by the Petitioner substantially in the form of Exhibit P and there has been no appearance by the Respondent, no personal appearance by the Petitioner is required.
- (C) In the event there has been an appearance by the Respondent, but the Respondent agrees to the entry of the final papers as proposed, neither party need personally appear except through his/her attorney, provided that both the Petitioner and Respondent have signed the Findings and Conclusions or Final Order and Findings under penalty of perjury in the form set forth below.
- (D) If Respondent has previously signed a Joinder, only the verification of Petitioner is required as set forth below.
- Review of Pro Se Documents. Unless presented by an attorney, no final orders in Family Law cases shall be presented to the Court without written verification that all such pleadings have been reviewed as to form by an attorney, the Kitsap County Courthouse Facilitator, or Kitsap Legal Services, substantially in the form of Exhibit Q or a short form letter identifying the relevant information. This requirement may be waived by the Court for good cause shown.

#### (g) Bench Copies

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion.</u> Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony</u>. The hearing shall be heard on the basis of affidavit and/or declaration.

- (5) <u>Time Allowed for Argument.</u> Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.
- (i) **Entry of Final Orders by Default.** In default dissolution cases, at the time of entry of the decree, the moving attorney, or party if unrepresented, shall immediately deliver to or mail to the other attorney, or party if unrepresented, at their address if known, a conformed copy of the decree, with the date of filing indicated on each copy so delivered or mailed.

#### KCLFLR 14 RECONSIDERATION

- (d) Hearing Day/Time/Calendar name
  - (1) All matters
    - (A) Friday at 1:30 on the ruling Judge's Departmental Calendar
- (e) Scheduling/Notice/Service Requirements
  - (1) <u>Scheduling</u>. Hearings on motions for reconsideration shall be set by filing a Note for Hearing substantially in the form of Exhibit E no later than ten (10) calendar days after entry of the written judgment, decree, or order. The hearing shall be set no sooner than thirty (30) calendar days but not later than forty (40) calendar days after entry of the judgment, decree, or order, unless the Court directs otherwise. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
  - (2) <u>Motions</u>. Motions, briefs and affidavits of the moving attorney, or party if unrepresented, shall be filed and served no later than ten (10) calendar days after entry of the written judgment, decree, or order.
    - (A) The documents shall be clearly identified as a motion for reconsideration, and shall clearly state the date the judgment, decree, or order was entered, and the names and addresses of opposing attorney, or party if unrepresented.
  - Responsive Affidavits. No response shall be submitted by the opposing attorney, or party if unrepresented, unless the Court so directs. The Court shall notify the attorneys, or parties if unrepresented, not later than ten (10) calendar days before the hearing, whether: (1) the motion has been denied and the hearing stricken; or (2) responsive pleadings will be allowed. The court shall set the deadline for Responsive pleadings.

(4) Reply Affidavits. If the court determines that Reply pleadings may be submitted, the court shall set the deadline and page limit for Reply pleadings. If a Reply may be submitted, attorneys, or parties if unrepresented, may submit bench copies of strict reply affidavits by emailing them to: SuperiorCourt@kitsap.gov.

#### (f) Bench Copies

The judge/commissioner shall be served by hand delivery of a copy of the motion and all supporting pleadings to the staff attorney of the ruling judge/commissioner at the Superior Court office.

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Hearing Stricken.</u> The Court shall notify the attorneys, or parties if unrepresented, not later than ten (10) calendar days before the hearing, whether the motion has been denied and the hearing stricken.
  - (A) If the hearing is not stricken, the Court shall notify the attorneys, or parties if unrepresented, not later than 10 days before the hearing, whether oral argument and/or responsive pleadings will be allowed.

- (2) <u>Calling of Calendar.</u> The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (3) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (4) <u>Continuance of Motion.</u> Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.
  - (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (5) <u>No Oral Testimony.</u> The hearing shall be heard on the basis of affidavit and/or declaration.
- (6) <u>Time Allowed for Argument.</u> Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### **KCLFLR 15 REVISION**

#### **Commissioners Orders Remain Valid**

All orders, both oral and written, granted by the court commissioner shall remain valid and in effect pending the outcome of the motion for revision unless stayed pending the outcome of a motion for revision by the court commissioner granting the order or by the Domestic Relations Presiding Judge.

#### (d) Hearing Day/Time/Calendar name

#### (1) All matters

(A) Friday at 2:30 on the Domestic Relations Presiding Judge's Departmental Calendar

#### (e) Scheduling/Notice/Service Requirements

- (1) <u>Scheduling.</u> Hearings on motions for revision shall be set by filing a Note for Hearing substantially in the form of Exhibit E not later than ten (10) calendar days after entry of the written judgment, decree, or order of the court commissioner and at least fourteen (14) calendar days before the hearing. The Note for Hearing shall include the applicable Zoom or telephonic appearance information.
- (2) <u>Motions.</u> Motions for revision of a commissioner's order shall be based on the written materials and evidence originally submitted to the commissioner, including documents and pleadings in the court file. No new, additional, or supplemental materials shall be received. Materials shall be filed and served at least fourteen (14) calendar days before the hearing.
  - (A) The moving attorney, or party if unrepresented, shall include the specific issue(s) for revision.
  - (B) The moving attorney, or party if unrepresented, may
    - (i) identify the legal basis for a different decision. include the specific issues for revision.
    - (ii) Identify their requested decision:
    - (iii) provide additional legal arguments, or
    - (iv) provide legal briefing to support their position.
  - (C) The moving attorney, or party if unrepresented, must or may:
    - (i) provide a transcript of the previous hearing to the court and the other party.
- (3) Responsive Briefing. The non-moving party may provide legal briefing in opposition of the moving parties' position, which shall be filed and served no later than 5:00 p.m. three (3) court days before the hearing.
- (4) Reply. The moving party may provide legal briefing in strict reply to the responsive briefing. The Reply briefing shall be limited to a maximum of three double spaced pages. Replies shall be served and benched no later than 5:00 p.m. one (1) court day before the hearing. Reply affidavits may be filed no later than the day of the hearing. Attorneys, or parties if unrepresented, may submit bench copies of reply briefs by emailing them to: <a href="mailto:SuperiorCourt@kitsap.gov.">SuperiorCourt@kitsap.gov.</a>

#### (f) Bench Copies

Bench copies shall include copies of all materials submitted to the commissioner in support of and in opposition to the motion.

Bench copies may be provided at the time of filing but no later than deadline for confirmation. Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration. Bench copies shall include a notation of the hearing date, time, and calendar.

All materials benched to be considered by the court shall be served on the other attorney, or party if unrepresented.

If a hearing is not confirmed and a bench copy has been filed, the attorney, or party if unrepresented may retrieve it from the Superior Court office on, or before, the date originally set for hearing, re-date it, and refile it. If bench copies have not been retrieved and refiled for a new hearing date, another set of bench copies must be provided for the new hearing unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the hearing and makes arrangements to move the bench copies to the next hearing date.

#### (g) Confirmation

All hearings must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before hearings, but no earlier than two court days before hearings.

#### (h) Hearing of Calendar

- (1) <u>Calling of Calendar</u>. The hearings for Family Law causes will be called in order, oldest causes first. The Judicial Officer may alter the order in which cases are called at their discretion.
- (2) <u>Failure of Attorney/Party to Appear.</u> If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
  - (A) If the moving attorney, or party if unrepresented, intends to not appear, they must notify the other attorney, or party if unrepresented, if already confirmed.
- (3) <u>Continuance of Motion</u>. Attorneys, or parties if unrepresented, by agreement, may continue a motion by filing a notice of continuance, in the form of Exhibit F, signed by at least one attorney, or party if unrepresented.

- (A) An attorney, or party if unrepresented, who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other attorney, or party if unrepresented.
- (4) <u>No Oral Testimony.</u> The hearing shall be heard on the basis of affidavit and/or declaration.
- (5) <u>Time Allowed for Argument.</u> Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner in order at the end of the calendar.
  - (A) If the Court desires to hear further arguments after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

#### III. OTHER

#### KCLFLR 16 DISCOVERY SCOPE AND LIMITS

In family law matters interrogatories shall be limited to 100 in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. Additional interrogatories may be permitted by stipulation of the attorneys, or parties if unrepresented, or by order of the Court. There shall be no limit on requests for production or requests for admission.

# KCLFLR 17 APPOINTMENT OF OPTIONAL GUARDIAN AD LITEM, ATTORNEY FOR CHILD, AND CUSTODY INVESTIGATOR IN CHILD CUSTODY MATTERS.

- (a) Guardian Ad Litem (Title 26).
  - Optional Guardian Ad Litem. In any Family Law matter the Court may, upon its own motion, or motion of either attorney, or party if unrepresented, appoint guardian ad litem to represent the interests of any child, or children, of the parties. If any decree illegitimizes a child or may result in a child becoming illegitimate, the Court may require that guardian ad litem be appointed for the child.
  - Appointment. The guardian ad litem shall be appointed from the court-approved registry for Title 26. Said person shall have such powers, as granted by the Court, to ascertain what is in the best interests of the child or children, and to take whatever steps the Court deems appropriate to effectuate a result consistent with the best interests of the child or children.

- (3) <u>Duties of Guardian Ad Litem.</u> The Court may direct the guardian ad litem to report to the court, either orally or in writing. The guardian ad litem has the right to attend and participate at trial or any other proceeding and shall be given all other rights accorded a party, including notice. The guardian ad litem may be called as a witness at trial by either attorney, or party if unrepresented, or the Court.
- **(b) Attorney for Child.** In any Family Law matter the Court may, upon its own motion, or motion of either attorney, or party if unrepresented, appoint an attorney for any children of the parties. The attorney shall be an advocate for the children and shall represent the position of the children in the action. The attorney shall have the rights of any other attorney in the action. The attorney shall not be expected to submit a report to the court, nor normally be called as a witness at trial. [See RCW 26.09.110.]
- **Custody Investigator.** The Court may, upon its own motion, or motion of either attorney, or party if unrepresented, appoint a custody investigator in matters involving a dispute over custody of a child. [See RCW 26.09.220.]

A custody investigator shall make appropriate investigation and report to the court. Upon motion of any attorney, or party if unrepresented, or the court, the custody investigator shall appear at trial and be subject to examination by the attorneys, or parties if unrepresented, and the Court.

#### (d) Selection.

- (1) Appointment by stipulation. If the attorneys, or parties if unrepresented, stipulate to the appointment of a particular registered guardian ad litem, the attorneys, or parties if unrepresented, must present, prior to appointment, a written stipulation and order signed by both parties and their attorneys which specifies the amount of the retainer charged, the agreement between the parties, or order, regarding payment of the retainer and the fees, and the hourly rate charged by the recommended individual. The Order, once signed, shall be presented to the Superior Court office for registry data. The individual appointed guardian ad litem pursuant to this section shall have his or her name placed at the end of the rotational list.
- (2) <u>Court List.</u> The moving attorney, or party if unrepresented, or the person assigned by the Judge, shall contact the Court Administrator, or designee, for the three names that are next on the rotational list. The moving/assigned attorney, or party if unrepresented, shall contact those three guardians ad litem to confirm whether they are available to accept the case. If none of those three are available, the attorney, or party if unrepresented, shall contact the Court Administrator, or designee, notifying them of the unavailability, unless the GAL is unavailable due to a conflict of interest, and ask for the next three on the rotation list. Once the attorney, or party if unrepresented, has a list of three available GALs, each party may, within three judicial days, strike one name from the list.

If more than one name remains on the list, the Court shall appoint a guardian ad litem from the names on that list. The attorneys, or parties if unrepresented, may make a joint recommendation for appointment of a guardian ad litem from the registry.

The Order shall then be submitted to a judge or commissioner for signature, or such other action as may be appropriate, and a copy delivered to the Superior Court office. The individual appointed guardian ad litem pursuant to this section shall have his or her named placed on the end of the rotational list.

- (3) <u>Deviation from list.</u> Any judge or commissioner who does not appoint the individual next on the rotational list, as supplied by the Court Administrator, shall comply with RCW 26.09.220, RCW 26.12.175, and RCW 26.12.177, as appropriate, for the purposes of making an appropriate record of the reasons for the deviation. The Order, once signed, shall be presented to the Superior Court office for registry data. In the event a judge or commissioner approves an individual who is not next on the rotational list, the appointed individual's name shall go to the bottom of the rotational list.
- (e) **Declining Appointment.** In the event the individual nominated as guardian ad litem chooses not to serve, regardless of the reason, his or her name shall go to the end of the rotational list just as if he or she had served.

#### KCLFLR 18 MANDATORY SETTLEMENT CONFERENCES

Child Support Modification cases are not required to have a Settlement conferences.

#### (a) Dates and Time

- (1) Scheduling the Settlement Conference
  - (A) Fridays at 9:00 am on Settlement Conference Setting docket
- (2) Holding the Settlement Conference
  - (A) Mondays, Tuesdays, and Wednesdays at 1:30 pm
  - (B) Thursdays at 9:00 am
  - (C) Fridays at 2:30 pm (reserved for 2<sup>nd</sup> settlement conferences)

#### (b) Scheduling/Notice/Service Requirements

(1) <u>Scheduling.</u> After Respondent's Response to Petition has been filed and served, attorneys, or parties if unrepresented, desiring to schedule a settlement conference shall serve and file a Note for Settlement Conference & Trial Setting - Domestic Relations in the form of Exhibit C with the Clerk of Court no later than seven (7)

calendar days before the date the attorney, or party if unrepresented, wishes the court to select the settlement conference date.

- (A) The court shall select a date within in forty-five (45) days of the date noted for settlement conference setting, whenever possible.
- (2) <u>Settlement Conference Materials.</u> Settlement Conference Memorandum and a completed "Domestic Relations Information Form" in the form of Exhibit G, or an equivalent, shall be served no later than 12:00 noon the day before the settlement conference.
  - (A) Failure to serve complete settlement conference materials upon the other attorney, or party if unrepresented, may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference on the Court's next available date.
- (3) <u>Change of Settlement Conference Date.</u> Upon written stipulation of the attorneys, or parties if unrepresented, or upon motion of an attorney, or party if unrepresented, the Court may order a change or continuance of the settlement conference date.

#### (c) Bench Copies.

Bench copies shall be provided no later than 12:00 noon one (1) court day before the settlement conference.

All materials benched to the court shall be served on the other attorney, or party if unrepresented.

Bench copies must be provided to the court as hard copies and should be mailed or delivered to Court Administration.

If a settlement conference is not confirmed and a bench copy has been provided, the attorney, or party if unrepresented, may retrieve it from the Superior Court office on, or before, the date originally set for the settlement conference, re-date it, and return it. If bench copies have not been retrieved and returned for a new settlement conference date, another set of bench copies must be provided for the new settlement conference unless the submitting attorney, or party if unrepresented, contacts the Court Administration office prior to the settlement conference and makes arrangements to move the bench copies to the next settlement conference date.

Failure to provide complete settlement conference materials for the settlement conference judge may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference on the Court's next available date.

#### (d) Confirmation.

- (1) All Settlement Conferences must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), by email at supcourtconfirm@kitsap.gov, or online at <a href="https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation">https://www.cognitoforms.com/KitsapCounty1/superiorcourtconfirmation</a> no later than 12:00 noon one court day before the settlement conference, but no earlier than two court days before the settlement conference.
- (2) Failure to confirm may result in the imposition of terms and/or sanctions as the Court may deem appropriate.

#### (e) Attendance and Preparation Required.

The parties and attorneys shall come prepared to discuss in detail and in good faith all unresolved issues in the case and, in addition, all pretrial matters if the case is not settled.

#### (f) Judge Disqualified at Trial.

A judge presiding over a settlement conference shall be disqualified from acting as the trial judge or exercising discretion on any matters left unresolved after the settlement conference.

#### (g) Assignment of Trial Date.

If the case is not settled at settlement conference, the Court will assign a trial date, not more than 120 days from the date of the settlement conference. Exceptions shall be addressed to the settlement conference judge.

#### KCLFLR 19 TRIAL

# (a) Attendance. Attorneys, or parties if unrepresented, may agree to proceed to a bench trial in the following manner:

- (1) The attorneys, or parties if unrepresented, may agree to conduct the trial via Zoom.
- (2) The attorneys, or parties if unrepresented, may agree to appear in person.
- (3) The attorneys, or parties if unrepresented, may agree that one party appear by Zoom and the other appear in person.
- (4) In the event that an attorney, or party if unrepresented, does not wish to conduct a trial by Zoom and does not wish to appear in the courthouse during the COVID-

19 pandemic, the trial may be continued. An attorney, or party if unrepresented, seeking a continuance must file a Motion for Continuance of Trial.

#### (b) Trial Exhibits and Exhibit List.

- (1) Hard copies of your exhibits and Exhibit List must be provided to opposing attorneys, or parties if unrepresented, no later than noon three (3) court days before trial. Electronic delivery is acceptable only by agreement.
- (2) Exhibits should be dropped off to the Clerk's Office or physically mailed to the Clerk's Office to be received no later than noon three (3) court days before trial. Please use the following address:

Kitsap County Clerk's Office Attn: Trial Clerk 614 Division St, MS-34 Port Orchard, WA 98366

- (A) If bench copies of exhibits are included, the Clerk's Office will ensure that they are delivered to Superior Court.
- (3) A list of the exhibits in electronic format is due to the clerk no later noon three (3) court days before trial. The electronic Exhibit List is to be sent to Lindy Mense at LMense@Kitsap.gov.
- (4) The attorneys, or parties if unrepresented, are encouraged to ascertain that each has full and complete copies of any document to be presented at trial and to avoid unnecessary duplication of exhibits.
- (c) **Exhibit G.** Each attorney, or party if unrepresented, shall file and serve on the opposing attorney, or party if unrepresented, and the court no later than noon three (3) court days before trial, a written Domestic Relations Information Form in the form of Exhibit G.
- (d) **Financial Declaration and Child Support Worksheets.** Mandatory form "Financial Declaration," shall be included in the trial exhibits whenever financial matters, including spousal or child support, are at issue.

Child Support Worksheets, as required by RCW 26.19.035, shall be included in the trial exhibits whenever child support is at issue.

Income verification, as required by RCW 26.19.071(2), shall be included in the trial exhibits whenever spousal or child support are at issue.

(e) **Witness Lists.** The attorneys, or parties if unrepresented, are encouraged to exchange witness lists by noon three (3) court days before the trial.

- (f) **Standby Calendar.** In the event that a case cannot be heard on the date set for trial it will be held on a standby calendar and the attorneys, or parties if unrepresented, will be given a minimum of two hours' notice for trial.
  - (1) <u>Notification.</u> The Court Scheduler shall contact the attorneys, or parties if unrepresented, to advise them of the standby status of their case.
  - (2) <u>Standby Calendar at Attorney/Parties' Request.</u> A standby calendar at the attorneys', or parties if unrepresented, request may be created with the following conditions and addressed to the Court Scheduler.
    - (A) *Trial Kitsap County Superior Court.* If an attorney is in another trial in Kitsap County Superior Court.
    - (B) *Trial Other Courts*. If an attorney has a conflict with another Superior Court, Appellate Court, or Federal Court, with the approval of the Domestic Relations Presiding Judge.
    - (C) *Emergency*. If an illness or other emergency situation arises involving the litigants, witnesses, or attorneys, with the approval of the Domestic Relations Presiding Judge.
    - (D) *Other Requests*. Any other request must be made to the Domestic Relations Presiding Judge.
    - (E) *Pending Settlement.* Cases pending settlement will not be placed on standby at the attorneys, or parties if unrepresented, request but may be reset.
- (g) **Notice to Court of Calendar Changes.** Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, notice shall immediately be given to the Court Scheduler.
- (h) **Change of Trial Date.** Upon written stipulation of the attorneys, or parties if unrepresented, or upon motion of an attorney, or party if unrepresented, the Court may order a change or continuance of the trial date.

#### KCLFLR 20 MANDATORY PARENTING SEMINAR

(a) **Scope.** This rule applies to all cases filed under Ch. 26.09, or Ch. 26.26 of the RCW (except those cases brought on behalf of the State of Washington by the Prosecuting Attorney's Child Support Office) filed after January 1, 2005, which require a parenting plan for minor children, including dissolutions, legal separations, and parentage actions. This rule does not apply to petitions to modify custody. In the case of parentage actions involving the Prosecuting Attorney's Child Support Office, the seminar shall be required

only in cases that the Court has made a finding that the Parenting Seminar would benefit the parents.

- (b) **Definitions**. As used in these rules, the following terms have these meanings.
  - (1) <u>Parenting Seminar</u>. Parenting seminar or seminar shall mean a seminar presented by an authorized provider as set forth in section (h) below, with content that meets the requirements specified in section (i) below.
  - (2) <u>Parent Education Committee.</u> The Parent Education Committee or Committee shall mean the standing committee of the Kitsap County Superior Court as provided in LCR 1(c)(5).
- (c) **Parenting Seminars; Mandatory Attendance.** In all cases referred to in Section (a) above, and in those additional cases arising under Title 26 RCW where the Court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such other parties as the Court may direct, shall participate in, and successfully complete, an approved parenting seminar within 90 days after service of a petition on the responding parent. Successful completion shall be evidenced by a certificate of attendance filed with the Court by the provider agency.
- (d) Special Considerations, Waiver.
  - (1) <u>Joint Participation Not Required.</u> In no case shall parents be required to attend a seminar together.
  - (2) <u>Grounds for Waiver or Alternative.</u> Upon a showing of any of the following, the Court shall either waive the requirement of completion of the seminar or provide an alternative to the seminar:
    - (A) Domestic violence, abuse, or safety concerns;
    - (B) Allegations of any conduct set fort at RCW 26.09.191; or
    - (C) Any other reason why a parent's attendance at a seminar is not in the children's best interest.
  - (3) <u>Waiver.</u> The Court may waive the seminar requirement for one or both parents in any case for good cause shown, including but not limited to default situations.
- (e) **Failure to Comply.** Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 90 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan in this action, until the seminar has been successfully completed.

The Court may also refuse to allow the non-complying parent to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed.

- (f) **Finalizing Parenting Plans.** All parents are required to attach to their proposed final parenting plan a true and accurate signed and dated copy of the certificate of completion of the seminar. No final parenting plan shall be entered without said certificate, except in those cases that the Court has waived attendance.
- (g) **Fee.** Each parent attending a seminar shall pay a fee charged by the provider and sanctioned by the Court. The Court may waive the fee for indigent parents.

#### (h) Authorized Providers.

(1) <u>Certified Providers.</u> The Kitsap County Court Administrator shall maintain a list of seminar providers who have filed a statement of compliance with the Parent Education Committee. The statement of compliance shall certify that the content of seminars offered by the provider meet the requirements set forth in section (i) below.

If a provider's qualifications are challenged, the provider shall be notified by the Committee of the process to resolve any questions regarding the provider's future approval. The provider will then have an opportunity to respond to any challenges to its qualifications.

(2) <u>Equivalent Providers May be Used.</u> Parents may use equivalent services offered by private agencies or religious organizations, upon approval of the judge or commissioner in the individual case.

When the Court authorized the use of providers or religious organizations which have not previously been accepted by the Committee as a certified provider of parenting seminars, the Court may modify or waive the qualifications for the instructors, as listed as section (j) below, upon a showing of functional equivalency.

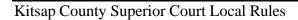
- (i) **Seminar Content.** The seminar content shall include, at a minimum:
  - The developmental stages of childhood;
  - Stress indicators in children;
  - Age appropriate expectations of children;
  - The impact of divorce on children;
  - The grief process;
  - Reducing stress for children through an amicable divorce;
  - The long term impact of parental conflict on children;
  - The importance of child's relationships with both parents; fostering those relationships;
  - Communication skills for divorced parents;

- Minimization of conflict;
- Practical skills for working together;
- The impact on children when stepparents and blended families enter their lives:
- Parenting children with limited time; and Involvement of extended family.
- (j) **Qualifications of Instructors.** Parenting seminars shall be taught by a team of not less than two instructors, including one male and one female. Arrangements may be made for classes limited to one or two attendees, in which case two instructors are not required. Instructors should have the following minimum credentials and experience:
  - A Master's Degree in social work, psychology or other related behavioral science suggested, with a Bachelor's Degree minimum with two years social work experience;
  - Supervisory experience in treatment of emotionally disturbed children, adolescents and their families;
  - Experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;
  - Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
  - An ability to work with others (both groups and individuals) as part of a collaborative program; and
  - Strong oral communication skills.
- (k) **Referrals for Other Services.** During the seminar, referral resources will be made available to the parents and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parents must seek their own funding resources.

#### KCLFLR 21 UCCJEA CONFERENCES

- (a) **Requesting a conference.** Whenever an attorney, or party if unrepresented, is requesting the Kitsap County Superior Court hold a UCCJEA conference with another state's court, all attorneys, or parties if unrepresented, shall comply with the following:
  - (1) The attorney, or party if unrepresented, seeking the UCCJEA conference shall file a motion on the appropriate motions calendar. The motion shall clearly state if the moving attorney, or party if unrepresented, is asking Washington State to relinquish jurisdiction to another state, or to assume jurisdiction from another state. The motion shall state with particularity the grounds therefore and shall set forth the relief or order sought.
    - (A) In addition, the motion shall clearly specify the following:

- (i) The state and venue, including the full Court's name, for the other state's action.
- (ii) Any initial pleadings, including the summons and petition for the other state's action.
- (iii) Any pleadings from the other state's action that reference any UCCJEA issues.
- (iv) The name, mailing address, e-mail address, and direct phone number of the contact person for the other court who is responsible for arranging the UCCJEA hearing with the appropriate judicial officer.
- (B) Failure to comply with the above requirements will result in the UCCJEA motion not being heard and the conference will not be scheduled.
- (b) **Out-of-State Contact.** The Kitsap County Superior Court shall post on its webpage the contact information for out-of-state seeking to arrange a UCCJEA conference with this Court.



# (move to and incorporate into KCLGALR 7) KCLFLR 14 CUSTODY INVESTIGATOR GRIEVANCES

#### (f) Submitting a Grievance

#### (4) Grievances in Ongoing Cases.

- (A) *Scope*. This rule pertains to any grievance which relates to the investigation and content of custody investigator reports which are filed in cases currently pending before the Court.
- (B) Format. A grievance under this rule must be brought to the attention of the Court in the form of a motion. For the motion to be heard by the Court it must be properly noted for hearing in compliance with local rules. In a case assigned to a particular judge, the motion must be noted for hearing before that judge. In all other cases the matter should be noted as follows: for Title 26 cases, on the domestic relations (Dissolution) calendar (both calendars are held Fridays at 9:00 a.m.). The grievance will be entertained only if raised by or on behalf of a party named in the case.
- (C) Response by Custody Investigator. The custody investigator may respond as provided by local rules governing motion practice.
- (D) Sanctions. If the Court determines that the grievance has merit, the Court may remove the custody investigator from the case. Grievances determined to have merit may also be forwarded to the Juvenile Director for review in the context of the Kitsap County Personnel Manual and other governing employment regulations.

#### (5) Grievances Not Concerning Ongoing Cases.

(A) *Scope*. This rule pertains to any grievance which relates to the conduct of custody investigators in cases which are no longer pending before the Court. Such grievances will be directed to the Juvenile Court Director and handled as a personnel matter.

# KITSAP COUNTY LOCAL GUARDIAN AD LITEM AND COURT VISITOR RULES [KCLGALR]

#### KCLGALR 5 APPOINTMENTS OF GUARDIAN AD LITEM/COURT VISITOR

- (a) Title 11 Appointments.
- **Title 26 Appointments.** Application to the Court for appointment of a guardian ad litem in all Title 26 family law proceedings shall be made by submitting an Order Appointing Guardian ad Litem to the Superior Court office. The Court Administrator, or designee, shall provide three names that are next on the rotational list. Each attorney, or party if unrepresented, may, within three judicial days, strike one name from the list. The Order shall then be submitted to a judge or commissioner for signature or such other action as may be appropriate, and a copy delivered to the Superior Court office. The individual appointed guardian ad litem pursuant to this section shall have his or her named placed on the end of the rotational list.

If more than one name remains on the list, the Court shall appoint a guardian ad litem from the names on that list. The attorneys, or parties if unrepresented, may make a joint recommendation for appointment of a guardian ad litem from the registry.

In the event none of the three names provided according to the rotational registry are acceptable to the attorneys, or parties if unrepresented, for good cause, the Court shall appoint the next individual on the random rotation list of approved registered guardians ad litem.

- (c) Deviation from list. Any judge or commissioner who does not appoint the individual next on the rotational list, as supplied by the Court Administrator, shall comply with RCW 11.130.155 or RCW 26.09.220, RCW 26.12.175, and RCW 26.12.177, as appropriate, for the purposes of making an appropriate record of the reasons for the deviation. The Order, once signed, shall be presented to the Superior Court office for registry data. In the event a judge or commissioner approves an individual who is not next on the rotational list, the appointed individual's name shall go to the bottom of the rotational list.
- (d) Appointment by stipulation. If the attorneys, or parties if unrepresented, stipulate to recommend the appointment of a particular registered guardian ad litem or court visitor, the attorneys, or parties if unrepresented, must present, prior to appointment, a written stipulation and Order signed by both attorneys, or parties if unrepresented, which specifies the amount of the retainer charged, the agreement between the attorneys, or parties if unrepresented, regarding payment of the retainer and the fees, and the hourly rate charged by the recommended individual. The Order, once signed, shall be presented to the Superior Court office for registry data. The individual appointed guardian ad litem or court visitor pursuant to this section shall have his or her name placed at the end of the rotational list.
- **Declining Appointment.** In the event the individual nominated as guardian ad litem or court visitor chooses not to serve, regardless of the reason, his or her name shall go to the end of the rotational list just as if he or she had served.

#### (f) Fees.

- (1) <u>Limitations.</u> Fees paid by Kitsap County shall be at the hourly rate set by the Superior Court judges upon the recommendation of the Court Administrator and published in the Court's administrative policy.
- (i) Fees shall not exceed \$750 per case in Title 11 matters or \$1,875 per case in

Title 26 matters. If additional fees are requested, a motion must be made to the Court with proper notice to all attorneys, or parties if unrepresented.

- (ii) Reimbursement of travel costs shall only be approved for GAL or court visitor travel within Kitsap County boundaries.
- (2) <u>Authorization.</u> A copy of the Order authorizing County-paid fees and an affidavit of fees (Exhibit L) shall be submitted to the Court Administrator before payment will be made.
- (3) Private Pay Limitation for Title 11.130 GALs and Court Visitors. The hourly rate charged by Title 11 GALs in private pay matters shall not exceed \$275. Total private pay Title 11 GAL fees shall not exceed \$2,750 per case. If additional fees are requested, a motion must be made to the Court with proper notice to all attorneys, or parties if unrepresented.

Amended, effective September 1, 2011; September 1, 2012; amended September 1, 2019, effective

July 1, 2020; amended, effective September 1, 2022.

#### KCLGALR 7 GRIEVANCE PROCEDURES

#### (a) Submitting a Grievance

- (1) Grievances in an Ongoing Case.
  - (A) *Scope*. This rule pertains to any grievance pertaining to the conduct by a guardian ad litem, court visitor, or volunteer GAL (VGAL) in a case currently pending before the Court.
  - (B) Format. A grievance under this rule must be brought to the attention of the Court in the form of a motion. For the motion to be heard by the Court it must be properly noted for hearing in compliance with local rules. In a case assigned to a particular judge, the motion must be noted for hearing before that judge. In all other cases the matter should be noted as follows: for Title 11 cases and cases filed under RCW 11.130 on the guardianship calendar; for Title 26 cases, on the domestic relations (Dissolutions) calendar (both calendars are held Fridays at 9:00 a.m.); or, for Title 13 cases regarding VGALs on the dependency calendars on Mondays and Wednesdays at 9:00 a.m. The grievance will be entertained only if raised by or on behalf of a party named in the case.

- (E) Response by Guardian ad Litem/Court Visitor/VGAL. The guardian ad litem, court visitor, or VGAL may respond as provided by local rules governing motion practice.
- (F) Sanctions. If the Court determines that the grievance has merit, the Court may remove the guardian ad litem, court visitor, or VGAL from the case or impose other sanctions. Grievances determined to have merit may also be forwarded to the Guardian ad Litem/Court Visitor Committee.

#### (2) <u>Grievances Not Concerning an Ongoing Case.</u>

- (A) *Scope*. This rule pertains to any grievance pertaining to a guardian ad litem, court visitor, or VGAL other than grievances concerning a case currently pending before the Court.
- (B) Format. Grievances shall be submitted in a written complaint, explaining in clear and concise language the grounds for the grievance. The complaint shall be directed to the Court Administrator for Title 11, RCW 11.130, and Title 26 grievances. The complaint shall be directed to the Director of Juvenile Court for complaints regarding VGALs. Grievances will be considered only if submitted in writing.
- (C) Action upon Receipt of Complaint. Upon receipt, the Court Administrator/
  Director of Juvenile Court shall forward the complaint and any
  supplemental materials to the Guardian ad Litem/Court Visitor Committee.
  The complaint and any supplemental materials shall also be forwarded to the
  guardian ad litem, court visitor, or VGAL named in the complaint, and the
  source of the complaint identified to the guardian ad litem, court visitor or
  VGAL.
- (D) Authority of Court and Court Administrator/Director of Juvenile Court.

  Nothing in these rules shall limit the authority of a judge, commissioner or the Court Administrator/Director of Juvenile Court to communicate to the Guardian ad Litem/Court Visitor Committee any concern about a guardian ad litem, court visitor or VGAL. Nor shall these rules limit the discretion of a judge or commissioner to remove, retain or sanction a guardian ad litem, court visitor, or VGAL, or party in a case before the Court.
- (E) Confidentiality. Any written complaint pending against a guardian ad litem, court visitor or VGAL under this rule, and any associated information or documentation, shall remain confidential until merit has been found by the Guardian ad Litem/Court Visitor Committee.

#### (b) Action by Guardian ad Litem/Court Visitor Committee.

(1) Scope. The following rules apply once a grievance is forwarded to the Committee pursuant to (1)(D) or (2)(C).

#### (2) Review Procedure.

- (A) Response to Grievance. A guardian ad litem, court visitor, or VGAL who has received notice that a complaint has been filed against him or her may respond in writing within 30 days of when such notice was sent by the Court Administrator/Director of Juvenile Court. For grievances in pending cases the Committee will consider any motion materials submitted to the Court by the guardian ad litem, court visitor, or VGAL pursuant to (a)(1)(c).
- (B) Action Pending Resolution. At the discretion of the Committee, a guardian ad litem's, court visitor's, or VGAL's further participation on the registry or program may be suspended or denied pending resolution of the grievance. The guardian ad litem, court visitor, or VGAL shall be notified of any decision to suspend or remove their name from the registry pending resolution of the grievance.
- (C) Basis of Decision. The Committee shall consider grievances on the strength of written materials only; no oral testimony or argument shall be allowed.
- (D) Time for Decision.
  - (i) Grievances in an Ongoing Case. For grievances pertaining to an ongoing case under section (a)(1), the Committee shall issue a decision no later than 25 days after the Court renders a decision on the aggrieved attorney's, or party's if unrepresented, motion.
  - (ii) Grievances not Concerning an Ongoing Case. For grievances under not concerning an ongoing case pursuant to section (a)(2), the Committee shall issue a decision no later than 60 days after the complaint is received by the Court Administrator/Director of Juvenile Court.
- (E) Notice of Decision. The guardian ad litem, court visitor, or VGAL, and the complaining attorney, or party if unrepresented, shall be notified of any action or decision on the complaint or grievance. A copy of the decision of the Committee shall be placed in the guardian ad litem, court visitor, or VGAL file maintained by the Superior Court Administrator/Director of Juvenile Court.

#### (3) Sanctions.

- (A) Action by Committee. In reaching its decision the Committee shall consider whether the guardian ad litem, court visitor, or VGAL failed to comply with the applicable statutes, court rules and/or the guardian ad litem Code of Conduct. The Committee, at its discretion, may then take any of the following actions:
  - (i) Take no action;

- (ii) Impose additional reasonable requirements on the guardian ad litem, court visitor, or VGAL to permit the individual to continue to serve; or
- (ii) Remove the guardian ad litem, court visitor, or VGAL from the registry/program.
- (B) Removal from registry. The Court Administrator shall immediately notify the Administrative Office of the Courts of the name of any guardian ad litem or court visitor removed from the Title 11, RCW 11.130, or Title 26 GAL

registry. Notification to the AOC may be delayed up to 15 days to permit the guardian ad litem or court visitor to seek reconsideration of the decision under these rules.

#### (c) Reconsideration of Decision

- (1) <u>Time for Request.</u> The guardian ad litem, court visitor, VGAL, or complaining attorney, or party if unrepresented, may seek reconsideration of a decision by the Committee by doing so in writing to the Court Administrator/Director of Juvenile Court within 15 days of the date of decision.
- (2) <u>Review of Request.</u> The Court Administrator/Director of Juvenile Court shall forward the request for reconsideration and any supporting documents to the Presiding Judge. The Presiding Judge shall present the same to the Superior Court judges at their next regular meeting.

#### Official Comment:

A grievance concerning the conduct of a guardian ad litem, court visitor, or VGAL in an ongoing case must be brought to the attention of the judge or commissioner hearing that case. In bringing the issue to the Court, the aggrieved party must comply with local and state rules governing court procedure. *See*, *e.g.*, KCLCR 7 (local rules on filing a motion), KCLCR 77(k) (local rules on noting a motion for hearing). Grievances in ongoing cases become part of the court record and are therefore not confidential.

The terms "volunteer GAL" and "VGAL" are used in this rule, effective January 1, 2022, to denote Juvenile roles formerly referred to as "Court Appointed Special Advocates" or "CASA," respectively.

Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2016; amended, effective September 1, 2017; amended, effective September 1, 2022.



### **Superior Court of Washington County of Kitsap**

VS.	Petitioner,	No  NOTE FOR SETTLEMENT CONFERENCE OR SUPPORT MODIFICATION HEARING AND TRIAL SETTING	
	Respondent.	DOMESTIC RELATIONS - TRACK III  (NTC)	
то со	OURT SCHEDULER AND OPPOSING COUNSEL:		
Please of	take notice this case will be placed on the set , 200at 9:00 a.m.	ting docket for assignment on the day	
<u> </u>	SETTLEMENT CONFERENCE:		
A.	Nature of Issues		
	☐ Property Division ☐ Debt Division	n Maintenance	
	☐ Custody ☐ Parenting Pla	an Visitation Other:	
В.	B. Preferred Settlement Conference dates within 45 days from this note:		
C.	C. Dates unavailable for settlement conference:		
D.	D. Settlement conferences are mandatory in all domestic relations cases except support modifications.		
E.	E. All parties must attend and be prepared to seriously negotiate settlement.		
□ 2.	2. SUPPORT MODIFICATIONS:		
A.	A. Preferred Support Modification hearing dates within 60 days from this note:		

B. Dates unavailable for Support Modification hearing:

Exhibit C

☐ 3. CHECK APPROPRIATE SQUAI	RE:
	mail opposing counsel/party/guardian ad litem who agrees the settlement may be set any time after(date).
	bunsel/party/guardian ad litem by telephone or mail and have received no to set the hearing/settlement conference date.
	nsel/party/guardian ad litem by telephone or mail and am unable to obtain Court will set the hearing/settlement conference date.
I hereby represent to the Court that this case requested to assign a trial date.	e is at issue. If the case is not settled at the pre-trial conference, the Court is
DATED:	Signed:
	Lawyer for:
	Address:
	Telephone:
Names, addresses and telephone numbers o	of other attorneys or pro se parties and guardian ad litem in this case:
Name:	Name:
Lawyer for:	
Address:	Address:
Telephone Number:	Telephone Number:
Name:	Name:
Lawyer for:	Lawyer for:
Address:	Address:
Telephone Number:	Telephone Number:
Name:	Name:
Lawyer for:	Lawyer for:
Address:	
Telephone Number:	



KIISAP	
	NO.:
Plaintiff/Petitioner	NOTE FOR MOTION DOCKET
Attorney for Plaintiff/Petitioner	(NTMTDK)
VS.	
	CLERK'S ACTION REQUIRED
Defendant/Respondent	
Attorney for Defendant/Respondent.	
TO THE CLERK OF COURT AND ALL PARTIES:	
Please take notice that the undersigned will bring on for	hearing:
NATURE OF MOTION:	
The hearing is to be held: DATE:	, 20TIME:a.m./p.m.
AT: Superior Court of Kitsap County, 614 Division	Street, Port Orchard, WA 98366
,,,,,	
(List Calendar/Docket/Ju	adge's Departmental/Special Set)
ALL DADWING AND GOLDIGER AND EVENT	
	TED TO APPEAR VIA ZOOM <u>UNLESS IMPOSSIBLE</u> <u>O DO SO</u> .
ZOOM MEETING ID:  You can confirm this Zoom Meeting information the day in th	MEETING PASSCODE: prior to the hearing by clicking the "Today's Calendar" link at the
Superior Court website: www.kitsap.gov/sc. Information	mation will be posted no later than 4:30 p.m. the day prior.
For more information regardi	ing remote appearances, please visit:
www.kitsap.gov/sc/P	ages/remoteappearance.aspx
COURT COMMISSIONER MAY HEAR THIS MOTIO	ON: □ YES □ NO
Dated: Si	igned:
Li	awyer for:
A	ddress:
_	
PI	hone:
Fi	mail:



### **Superior Court of Washington County of Kitsap**

	Pl	laintiff/Petitioner	No
	Attorn	ney for	REQUEST FOR CONTINUANCE (RQC)
	Plaint	iff/Petitioner	
vs.			
		Defendant/Respond	
		ent	
	Attorney f	or	
	Defendant	Respondent	
		· D	
	Please continue the hear	ing Re:	
to		, 200	
This heari	ing should be placed on the	he	
	Civil	Presiding Docket	
	Domestic	Probate	)
	Criminal	Judge	's Departmental Calendar
CON	П в	y Court Order Agreed	
ΓINU	□ Þ:	y Court Order Agreed	
ANC E:			
		Orally	
		By Written Approval	
		Due to Absence of Opposi	ng Counsel On Request of Opposing Party
		]	
d:			
		Attor	rney



DOMESTIC RELATIONS FORM-EXHIBIT G

The Exhibit G formatting was significantly damaged when I copied it to this document.



#### **Superior Court of Washington County of Kitsap**

	ON/TRIBUNAL SUPERIOR DE WASHINGTON SAP/CONDADO DE KITSAP
[ ] In Re the Marriage of:/Respecto al matrimonio de: [ ] In Re the Parentage of:/Respecto a la filiación de:	NO.
Petitioner/ Demandante	COURT INITIATED AUTOMATIC
у	TEMPORARY RESTRAINING ORDER/ INICIADA POR EL TRIBUNAL AUTOMÁTICA ORDEN DE RESTRICCIÓN TEMPORAL
Respondent/ Demandado	(TMRO)

#### I. NOTICE TO PARTIES/AVISO A LAS PARTES

1.1 An action has been started in this court that affects your marriage. Both parties are now required to obey the following order unless the court changes it. Either of you may ask the court to change or clarify this order. The court has the authority to punish violations of this order and to require the violator to pay attorney fees to the other party for having to bring the violation before the court.

En este Tribunal se inició una acción que afecta su matrimonio. Ambas partes están ahora obligadas a obedecer la siguiente orden a menos que el Tribunal la cambie. Cualquiera de ustedes puede pedir al Tribunal que cambie o esclarezca esta orden. El Tribunal tiene la autoridad para penar las violaciones a esta orden y exigir al transgresor que pague los honorarios de los abogados de la otra parte por haber tenido que presentar la violación ante el Tribunal.

#### II. ORDER/ORDEN

#### IT IS ORDERED/ASÍ SE ORDENA:

### 1.1 TEMPORARY ORDERS FOR ALL PARTIES / ÓRDENES TEMPORALES PARA TODAS LAS PARTES

- (a) Both parties are restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other of any extraordinary expenditure made after this order is issued.
  - Se prohíbe a ambas partes transferir, quitar, gravar, ocultar, dañar o de otra forma disponer de cualquier propiedad excepto en el curso normal de la actividad comercial o las necesidades de vida, o según lo hayan acordado las partes por escrito. Cada parte deberá notificar a la otra sobre cualquier gasto excepcional realizado después de la emisión de esta orden.

- (b) Both parties are restrained from assigning, transferring, borrowing against, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent children, whether medical, health, life or auto insurance, except as agreed in writing by the parties.

  Se prohíbe a ambas partes asignar, transferir, tomar prestado contra, permitir que caduque, ceder o cambiar el derecho de acceso a los beneficios de cualquier póliza de seguro de alguna o de ambas partes o de cualquier hijo dependiente, ya sea de un seguro médico, de salud, de vida o del automóvil, excepto según lo hayan acordado las partes por escrito.
- (c) Unless the court orders otherwise, both parties are responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties. A menos que el Tribunal ordene lo contrario, ambas partes son responsables por sus propias deudas futuras, ya sean contraídas con la tarjeta de crédito, un préstamo, una hipoteca o derecho de garantía, excepto según lo hayan acordado las partes por escrito.
- (d) Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court. Ambas partes deben tener acceso a todos los documentos sobre impuestos, financieros, legales y del hogar. El acceso razonable a estos documentos no se denegará a menos que haya una orden judicial.

# 1.2 TEMPORARY ORDERS FOR PARTIES WITH MINOR CHILD(REN)/ ÓRDENES TEMPORALES PARA LAS PARTES CON HIJOS MENORES

- (a) Both parents are restrained from changing the residence of the child(ren) until further Court order, except as agreed in writing by the parties.
  - Se prohíbe a ambos padres cambiar la residencia de los hijos hasta nueva orden judicial, excepto según lo hayan acordado las partes por escrito.
- (b) Each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.
  - Cada padre deberá tener acceso total a los expedientes educativos y médicos de los hijos, a menos que el tribunal haya ordenado algo diferente.
- (c) Each parent shall ensure that the child(ren) are not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).
  - Cada padre deberá asegurar que los hijos no sean expuestos a comentarios negativos sobre el otro padre. Ningún padre podrá hacer comentarios negativos sobre el otro en presencia de los hijos.
- (d) Unless waived pursuant to KCLFLR 20(d), within ninety (90) days of filing an appearance, answer or other responsive pleading in this action, both parties shall attend a court-approved parent education seminar. Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider.
  - A menos que exista una exención conforme a la KCLRLR 10(d), dentro de los noventa (90) días de presentada una notificación de comparecencia, respuesta u otra contestación en esta causa, ambas partes deberán asistir a un seminario educativo aprobado por el Tribunal. Luego de completarlo, cada parte deberá presentar ante el Tribunal un certificado de finalización del seminario proporcionado por la agencia patrocinadora o el proveedor.
- (e) At least sixty (60) days prior to trial, each parent shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

Al menos sesenta (60) días antes del juicio, cada padre deberá proporcionar al otro padre un Plan de Crianza Propuesto, si aún no lo han hecho.

#### 1.3 EFFECTIVE DATE OF ORDER/FECHA DE ENTRADA EN VIGOR DE LA ORDEN

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

El Demandante está sujeto a esta orden desde el momento en que presentó la Demanda. El Demandante deberá entregar una copia al Demandado y adjuntar una declaración del servicio de entrega al expediente judicial. El Demandado está sujeto a esta orden desde el momento de la entrega. Esta orden estará vigente hasta nueva orden judicial.

Dated/ <i>Fecha</i> :	
7	COURT COMMISSIONER/JUDGE/JUEZA

# SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

	No.		
Petitioner v.	Declaration/Verification for Entry of Final Order by Attorney		
Respondent			
I declare under penalty of perjury under the la	aws of the State of Washington that the following is		
true and correct:			
I am the Petitioner in this case and I have read	d the foregoing:		
[ ] Findings and Conclusions about a Marriage, [ ] Final Divorce Order (Dissolution Decree), [ ] Child Support Order,			
[] Child Support Worksheets, [] Parenting Plan,			
•	ange a Parenting Plan/Residential Schedule or		
The documents are true and accurate to the be	est of my knowledge.		
[ ] I am not seeking any relief beyond that sp	ecifically requested in the Petition.		
The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.			
[ ] Neither me or the other party is pregnant a the other party since the date of marriage that Conclusions about a Marriage and Final Pare			
[ ] The Parenting Plan is in the best interests of the child/ren.			

Signed at:				
		on		
City,	State	Date	·	
Petitioner's Signa	ture			
And if agreed by R	Respondent:			
I declare under petrue and correct:	nalty of perjury und	er the laws of the S	State of Washington t	hat the following is
I am the Responde	ent in this case and l	I have read the fore	egoing:	
[] Final Divorce ( [] Child Support ( [] Child Support ( [] Parenting Plan,	Worksheets,	Decree),	enting Plan/Residentia	al Schedule or
The documents are	e true and accurate t	to the best of my kr	nowledge.	
The child support	requested, if any:			
[] deviates from the	e with the Child Su he standard child su ary residential paren	pport schedule, but	t does/does not result	in insufficient
Signed at		on		
City,	State	Date		
Respondent's Sign	nature			

### Written verification of review as to form. KCLFLR 13. Original to be given to the court.

Date of Review:		
Kitsap County		_
Case #:		
Case Name:	In re Marriage:	In re Parentage:
Petitioner:		
Respondent:		
Child (if unmarried parents):		
List of Documents		
Reviewed:	<u> </u>	. 6/79
Person Performing		
Review:		
Party Presenting		
Paperwork:		
11(a) for review of family is written on the forms has	law forms. This reviews not been reviewed and on performing the review	ed by Kitsap County Local Family Law Rule w is as to FORM ONLY; the substance of what d no legal advice on that content is intended by ew may be an attorney or other volunteer ag to perform this review.
(a) Unless presented by an Parenting Plan, Order pleadings in Family La that all such pleadings	n attorney, no final Dec of Child Support and V aw cases shall be prese have been reviewed as or Kitsap Legal Service	NAL PLEADINGS IN FAMILY LAW CASES cree, Findings of Fact and Conclusions of Law, Worksheets, Order of Modification or other final need to the Court without written verification is to form by an attorney, the Kitsap County ces. This requirement may be waived by the
Court for good cause s	inown.	
Signed by:		
Reviewing Attorney nam Bar #	ne and	Presenting Party Name