

# SETTLEMENT CONFERENCE INSTRUCTIONS FOR PARTIES REPRESENTING THEMSELVES IN KITSAP COUNTY

OFFICE OF THE KITSAP COUNTY CLERK  
Prepared by the Kitsap County Courthouse Facilitator

Efforts for Resolution and Certification of Settlement Attempt. Prior to the settlement conference, the parties shall make a good faith effort to resolve the case. It is not a violation of this provision for a party to refuse to settle a case.

## What is a settlement conference?

A settlement conference is a meeting of the parties and a judge in an attempt to settle the case so that a trial will not be necessary. In Kitsap County, the court requires that you have a settlement conference before you have a trial in family law matters (except child support modifications). A settlement conference is attended by the parties, their attorneys if they are represented, a judge (or a judge pro tem or court commissioner), and sometimes a guardian ad litem if one has been appointed and a prosecuting attorney if a party has received public assistance. The judge who conducts the settlement conference will not be the trial judge.

All settlement conferences are confidential. That means no court reporter is present, and offers of settlement are not allowed as evidence at trial. The judge may offer his or her opinion of what the outcome of the case would be if there was a trial. The judge may discuss strengths and weaknesses of your case, and do the same with the other party. If a settlement is reached, the agreement may be placed on the record and the judge may direct one party to prepare the necessary final paperwork to be signed at a later date. If the paperwork has been properly prepared ahead of time in anticipation of agreement, the judge may enter the paperwork at the settlement conference.

## When can I schedule a settlement conference?

Before a settlement conference can be scheduled, the case must be "at issue". That means you and the other party do not agree on issues in your case. The responding party must have filed a "response" to the petition. Once the response has been filed, either party can schedule a settlement conference. The party requesting a settlement conference should first contact the other party and attempt to reach a mutually satisfactory time frame for the settlement conference.

## How do I schedule a settlement conference?

Complete a form called NOTE FOR SETTLEMENT CONFERENCE OR SUPPORT MODIFICATION HEARING AND TRIAL SETTING--EXHIBIT C. In the upper left corner, fill in the names of the petitioner and the respondent. The case number is filled in to the right. In the first paragraph, the date that is filled in is the date of the appointment with the Court Scheduler. That date must be a Friday, at 9:00 a.m., at least 7 days after the other

party (or the party's attorney) has received a copy of the complete form, giving advance notice of the appointment. If you do not contact the other party prior to serving the EXHIBIT C form, the date must be at least 10 days after they will receive a copy of the form.

To schedule a Settlement Conference, check the box next to "1. Settlement Conference". Under Section A, check all applicable boxes for the contested issues in your case. In Section B, write the dates you prefer the conference be scheduled within the next 45 days. Under C, write any dates you will be unavailable to come to court for a settlement conference. Be sure to read Sections D and E.

Check the box next to "3. Check Appropriate Square", and then choose which of the three boxes is most appropriate in your situation.

On the back, date and sign the form, and print your name in the space that says "Lawyer for", your address, and your telephone number where you can be reached during court hours. In the spaces at the bottom, write the names, addresses and telephone numbers for the other party or the other party's attorney, the guardian ad litem, if one has been appointed in your case, and the Prosecuting Attorney (if either party is receiving or has received public assistance).

## **What do I do with the "Exhibit C" form?**

Make enough photocopies of the signed original for yourself and to serve to each of other parties listed on the original form.

The copies can be mailed or personally delivered to all of the other parties, but someone else must do the mailing or delivering for you.

If you contacted all of the other parties in advance (and marked the 1<sup>st</sup> or 2<sup>nd</sup> box in section 3 of the Exhibit C form), then a copy must be personally delivered to each party listed on the form at least 7 days in advance, or mailed at least 10 days in advance of your appointment with the Court Scheduler. If you did not contact all of the other parties in advance (and marked the 3<sup>rd</sup> box in section 3 of the Exhibit C form), then a copy (and a blank response declaration, as a courtesy) must be personally delivered to each party listed on the form at least 10 days in advance, or mailed at least 13 days in advance of your appointment with the Court Scheduler.

If the copy is delivered in person, the person who delivered the copies should complete a DECLARATION OF SERVICE, indicating the details of delivery of the form. If the copy is mailed, the person mailing the copy should complete a DECLARATION OF MAILING, stating the details of the mailing.

Make a copy of each DECLARATION OF SERVICE and/or DECLARATION OF MAILING form to keep with your records.

File the original EXHIBIT C and original DECLARATION OF SERVICE/DECLARATION OF MAILING forms at the Clerk's Office no later than 7 days before your appointment with the Court Scheduler.

## **What do I do the day of the appointment with the Court Scheduler?**

Plan on arriving at the Courthouse by 8:50 a.m. the day of your appointment. Go to Room 210 and sign in on the form provided at the counter. When it's your turn, your name will be called. After the date for the settlement conference has been decided upon, you'll get a copy of the form setting that date.

It is not mandatory that you attend your appointment with the Court Scheduler. **However, if you do not attend, your settlement conference will be scheduled without your input. If you fail to keep your current address listed in your court file, you may not receive notice of the date of future court hearings including the settlement conference. Therefore, you are strongly urged to attend the appointment with the Court Scheduler.** If you do not attend, the Court Scheduler will set the date for the settlement conference and will mail notice to you at the address provided on Exhibit C.

## **How do I prepare for the settlement conference?**

Kitsap County Local Rules require that you complete a Settlement Conference Memorandum outlining the major unresolved issues in your case and "Exhibit G" in preparation for your settlement conference. Additional documents will need to be attached to Exhibit G if there are parenting plan, child support, or financial issues in your case. Make two photocopies from the original (plus copies for the guardian ad litem and/or prosecuting attorney, if applicable).

You must give the copies of your Settlement Conference Memorandum, Exhibit G, and any supporting documents to the judge (by delivering one set of copies to Room 210) and to the other side (and, if applicable, to the guardian ad litem and/or prosecuting attorney) no later than noon the day before your settlement conference.

**You must confirm your settlement conference.** Do this by calling (360) 337-7140 or by emailing: [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) between noon two days before and noon one day before your settlement conference. If your settlement conference is not properly confirmed, it will not be held, and you will have to start the entire procedure again.

## **What do I do the day of the settlement conference?**

***Attendance is mandatory.*** *Settlement conferences are conducted via Zoom only and you should not appear at the courthouse for the settlement conference (unless specific authorization has been granted by the Court for in-person appearance).* The Zoom information will be posted to the Court's website no later than 4:30 p.m. the court day prior to the settlement conference. You should be in a quiet location and children

should not be present. Plan on signing into Zoom at least 15 minutes before your settlement conference. You will be in a Zoom Waiting Room until the Judge opens the Zoom Meeting and admits you. Listen carefully to everything that is said, and pay especially close attention to what the judge says. If you are not admitted into the Zoom meeting within five (5) minutes of your scheduled settlement conference, call Superior Court Administration at (360) 337-7140, option 3.

If an agreement is reached, the judge may request a clerk to join your Zoom Meeting and place the agreement on the record. The judge may also direct one party or the other to prepare the final documents and may set a date for presentation of those orders. If the final papers have been properly prepared ahead of time in anticipation of settlement, the judge may enter them at the settlement conference.

If an agreement is not reached, the judge will ask the Court Scheduler to set the date for the trial. You will be sent a copy of the trial setting form, either by email, or U.S. Mail. It is strongly recommended that you seek the advice of an attorney if a trial is necessary.



Superior Court of Washington  
County of Kitsap

\_\_\_\_\_,  
Petitioner,

vs.

\_\_\_\_\_,  
Respondent.

No. \_\_\_\_\_

**NOTE FOR SETTLEMENT CONFERENCE  
OR SUPPORT MODIFICATION HEARING  
AND TRIAL SETTING**

**DOMESTIC RELATIONS – TRACK III**

(NTC)

**TO COURT SCHEDULER AND OPPOSING COUNSEL:**

Please take notice this case will be placed on the setting docket for assignment on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 9:00 a.m.

**1 SETTLEMENT CONFERENCE:**

A. Nature of Issues

Property Division

Debt Division

Maintenance

Custody

Parenting Plan

Visitation

Other: \_\_\_\_\_

B. Preferred Settlement Conference dates within 45 days from this note:

C. Dates unavailable for settlement conference:

D. Settlement conferences are mandatory in all domestic relations cases except support modifications.

E. All parties must attend and be prepared to seriously negotiate settlement.

**2. SUPPORT MODIFICATIONS:**

A. Preferred Support Modification hearing dates within 60 days from this note:

B. Dates unavailable for Support Modification hearing:

**3. CHECK APPROPRIATE SQUARE:**

I have contacted by telephone or mail opposing counsel/party/guardian ad litem who agrees the settlement conference/support modification may be set anytime after \_\_\_\_\_ (date).

I have contacted the opposing counsel/party/guardian ad litem by telephone or mail and have received no response. The Court is requested to set the hearing/settlement conference date.

I have contacted the opposing counsel/party/guardian ad litem by telephone or mail and am unable to obtain agreement on hearing dates. The Court will set the hearing/settlement conference date.

4. Attestation Regarding Settlement Efforts (Required before a Settlement Conference is set per KCLFLR 6(b)):

Unless prohibited by the terms of a protective order, I have made a good faith effort to engage in settlement negotiations. Settlement discussions have been unsuccessful, requiring the need to proceed with the mandatory settlement conference.

I hereby represent to the Court that this case is at issue. If the case is not settled at the pre-trial conference, the Court is requested to assign a trial date.

DATED: \_\_\_\_\_

Signed: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Names, addresses and telephone numbers of other attorneys or pro se parties and guardian ad litem in this case:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_



Superior Court of Washington  
County of Kitsap

**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KITSAP COUNTY**

\_\_\_\_\_  
,  
Petitioner(s)/Plaintiff(s)  
v.  
,  
Respondent(s)/Defendant(s)

No. \_\_\_\_\_

**CERTIFICATION OF  
SETTLEMENT ATTEMPT**

COMES NOW the  Petitioner/Plaintiff  Respondent/Defendant who hereby certifies that s/he affirmatively contacted the opposing party/attorney on \_\_\_\_\_ at \_\_\_\_\_ am / pm to attempt good faith settlement discussions per KCLCR 16(a)(7) or KCLFLR 6(b).

Attorney for the  Petitioner/Plaintiff  Respondent/Defendant additionally certifies that s/he has properly prepared his/her client to engage in serious, good faith negotiations at the settlement conference, up to and including the development of a specific settlement position in advance of the settlement conference.

Settlement discussions have been unsuccessful, requiring the need to proceed with the mandatory settlement conference scheduled on \_\_\_\_\_.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 Petitioner/Plaintiff/Attorney of Record  
 Respondent/Defendant/Attorney of Record