

# YAKIMA COUNTY SUPERIOR COURT

## LOCAL COURT RULES

### Effective September 1, 2020

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## LOCAL GENERAL RULES

### LGR 7 RULEMAKING PROCEDURE

~~((e))~~ **(g) Definitions.** As used in this rule, the following terms have these meanings:

- (1) “Judges” means the Superior Court Judges of Yakima County.
- (2) “President” means the President of the Yakima County Bar Association.
- (3) “Association” means the Yakima County Bar Association.

~~((f))~~ **(h) Initiation of Rules Changes.**

- (1) Any person may recommend to the Judges the adoption of any changes in the Local Rules of the Superior Court.
- (2) The text of all proposed rules shall be typed and the purpose and the necessity for the proposed rule shall be stated.
- (3) If the proposed rule affects an existing rule, this should be so stated and the effects on the existing rule shall be clearly set forth.

~~((g))~~ **(i) Receipt of Proposed Rules by Superior Court.**

- (1) Proposed rule changes may be submitted to any Judge who shall immediately transmit them to the ~~((Administrative))~~ Presiding Judge or the Chair of the Court’s Rules Committee.
- (2) The ~~((Administrative))~~ Presiding Judge or the Rules Committee shall present such proposed rule changes to the Judges at their next regular meeting.

~~((h))~~ **(j) Action by Superior Court.**

- (1) All action taken with respect to any proposed rule shall be by a majority of the Judges.
- (2) If a proposed rule is amended or rejected by the Judges, the individual, ~~((association))~~ the Association or committee submitting it will be notified in writing.
- ~~((2))~~ (3) If a proposed rule is approved pending adoption, a copy of said rule shall be published by transmitting to the President for dissemination to the Association and by ~~((filing with the County Clerk))~~ posting on the Court’s website.

~~((i))~~ **(k) Comment on Proposed Rule.** Any person may comment on any proposed rule change. Such comment shall be in writing and directed to the ~~((Administrative))~~ Presiding Judge or the Chair of the Court’s Rules Committee.

~~((j))~~ **(l) Schedule for Proposed Rules.** Except as otherwise provided, the following schedule shall be used for adopting local rules:

- (1) April 1: Deadline for submitting proposed rule changes to the Judges for adoption effective the subsequent September 1.
- (2) April 15: Judges to publish ~~((pending))~~ proposed rules by transmitting them to the President.

- (3) June 1: Deadline for comments on proposed rule (~~(published by the Judges)~~) changes.  
(4) (~~(July 1)~~) June 25: Deadline for final action by Judges.

~~((k))~~ **(m) Final Adoption, Distribution and Effective Dates.**

- (1) The Judges will adopt, amend or reject a proposed rule or take such other action as they deem appropriate.  
(2) All adopted rules shall be filed with the (~~County Clerk~~) State Administrative Office of the Courts and shall be posted on the Court's website. Copies may be made available to the members of the Association and the public at cost.  
(3) All proposed rules shall become effective September 1 following their adoption, unless an emergency determined by the Judges necessitates a different effective date.

~~((4))~~ **(n) Miscellaneous Provisions.** The Judges, in their discretion, may adopt, amend or rescind a rule without following the procedures set forth in this rule.

[Adopted effective January 14, 1991; Amended effective July 16, 1992; September 1, 2020.]

~~((LCR-15~~  
~~SEALED REPORTS; ADULT CRIMINAL AND JUVENILE OFFENDER~~  
~~PROCEEDINGS; PSYCHOLOGICAL, CHEMICAL DEPENDENCY, AND MENTAL~~  
~~EVALUATIONS AND REPORTS~~

**NOTICE**

Effective January 23, 2015, the Yakima County Superior Court hereby **SUSPENDS** LGR 15 which provides:

~~In all adult criminal and juvenile offender proceedings the Clerk of the Court shall seal and not permit examination of the following: medical evaluations, chemical dependency evaluations and reports, mental evaluations and reports containing medical history or medical background, and pre-sentence investigation/ disposition reports. Sealed reports may be opened by petitioning the Court with a motion and notice to involved parties in conformity with GR 15. The parties to the action or their attorneys may view sealed reports without a court order.~~

~~Suspension and permanent repeal of LCR 15 will place the burden upon the parties to justify sealing a court record hereafter.~~

~~This local rule is suspended to comply with the Supreme Court's ruling in *State of Washington v Chao Chen*, 178 Wn.2d 350, 309 P. 3rd 410 (2013) and recent appellate court decisions.~~

~~The Yakima Bar Association is invited to submit written comments to Presiding Judge David Eloffson within the next 30 days concerning the suspension and proposed permanent repeal of LCR 15.))~~

[Adopted effective September 1, 2012; Suspended effective January 23, 2015; Repealed effective September 1, 2020.]

**LGR 16**  
**COURTROOM PHOTOGRAPHY AND RECORDING BY THE NEWS MEDIA**

Yakima County has expanded the number of case types it will hear remotely to ensure the safety and well-being of Court staff, counsel, parties and members of the public, due to the COVID-19 virus outbreak. In order to comply with State Constitutional requirements of open courts, the Superior Court has established a YouTube page to stream hearings conducted via videoconference software. It is intended the streamed video feed shall not be considered an official record of the hearing. Expanding upon the prohibitions contained in GR 16, the Court adopts the following:

(a) The prohibition on recording proceedings of the Superior Court without prior permission extends to recording the audio or video of remote proceedings streamed to the internet.

(b) All lawyers, litigants, participants or observing members of the press or public are prohibited from taking photographs or recordings or recording video or audio during remote proceedings, except with the written authorization by the Presiding Judge or by the judge conducting the hearing.

(c) No person participating in or listening to such a proceeding may rebroadcast, live-stream, or otherwise disseminate any live or recorded audio or video of the court proceeding, except with written authorization by the Presiding Judge or of the judge conducting the hearing.

(d) Violation of this Local Rule may subject the offender to removal, contempt of court, and such other penalties as are provided by law.

[Adopted as an emergency rule effective June 18, 2020; adopted as a permanent rule effective September 1, 2020.]

**LGR 29**  
**PRESIDING JUDGE AND COURT GOVERNANCE**

**(a) Election, Term, Vacancies, Removal and Selection Criteria.**

(1) *Election.* In the last quarter of each calendar year, the judges of the court shall meet for elections for court governance positions. Election shall be by a majority of judges present. The positions are and shall be elected in this order:

- (A) The Presiding Judge;
- (B) The Assistant Presiding Judge; (~~and~~)

- (C) The Executive Committee Judge; and
- (D) The Juvenile Presiding Judge.

(2) *Term of Office.* The Presiding Judge and the Assistant Presiding Judge shall each be elected to terms of two calendar years. The Executive Committee Judge and the Juvenile Presiding Judge shall be elected to terms of one calendar year. All may serve consecutive terms.

(3) *Vacancy.* If a vacancy occurs during the term of any of the above positions, the judges shall immediately elect another judge to fill the vacancy and fill the term.

**(f) Duties and Authority of the Presiding Judge.**

(1) *Delegation.* The Presiding Judge may delegate any of the duties and responsibilities listed in GR 29(e) and (f) to the Assistant Presiding Judge, the Executive Committee, and/or the Director of Court Services.

(2) *Quarterly Meetings.* The Presiding Judge shall convene all judges quarterly, or as needed, to advise the judges of developments concerning the court. The Director of Court Services will distribute an agenda to all judges before each meeting. The Presiding Judge may exclude the Director of Court Services and court commissioners from any part of the meeting.

(3) *Vote by the Judges.* The Presiding Judge may determine that a matter should be brought to the vote of all judges; otherwise, the opinions of the judges not on the Executive Committee are advisory only. If a matter is brought to all the judges for a vote, a quorum of the judges shall resolve such issues by majority vote. Prior notice of the issue to be determined must be given before a quorum exists. Court commissioners may not vote.

**(g) Executive Committee.**

(1) *Members.* The Executive Committee shall consist of the Presiding Judge, Assistant Presiding Judge, the Juvenile Presiding Judge, and the Executive Committee Judge.

(2) *Duties.* The Executive Committee shall share in all the responsibilities of the Presiding Judge, including any responsibilities and duties established by state court rule. The Executive Committee shall assist the Presiding Judge with responsibilities and duties established by GR 29(~~(c-a)~~) (e) and (f).

(3) *Voting.* Each member of the Executive Committee shall have one vote and shall resolve issues by majority vote. If there is a tie vote, the Presiding Judge shall decide the issue.

[Adopted effective November 1, 2002; Amended effective September 1, 2018; September 1, 2019; September 1, 2020.]

**LGR 31  
ACCESS TO COURT RECORDS**

**(d)** This local rule is made (~~(pursuant to GR 31(d)(2) in order)~~) to eliminate conflicts regarding the authority to grant access to court files and to improve the efficiency of the business of the courts.

Access to all court files and documents by employees of Yakima County Superior Court and Yakima County Juvenile Court shall be determined by any of the following: Director of Court ~~((Administration))~~ Services, Presiding Judge of Yakima County Superior Court, and/or the Executive Committee for Yakima County Superior Court, who all possess the necessary knowledge and understanding of the business of the court. Allowing individuals or other departments to control access without an understanding of local court business practices would unduly burden the administration of the court.

[Adopted effective December 12, 2016; Amended effective September 1, 2017; September 1, 2020.]

## LOCAL CIVIL RULES

### LCR 7

#### PLEADINGS ALLOWED; FORM OF MOTIONS

##### **(b) Motions and Other Papers**

###### (1) How made.

###### (A) Note for Motion Docket

(1) Any party may bring any issue of law on for hearing. The moving party shall file contemporaneously the motion, note for motion docket and any necessary supporting affidavit, and shall serve these upon the opposing party. The moving party shall abide by the following procedure:

(a) File and serve a motion with the clerk and serve on the opposing party not later than five ~~((5))~~ days prior to the day the moving party desires it to be heard. The motion shall briefly state the legal basis for relief requested.

(b) File and serve a Note for Motion Docket ~~((which shall conform to Exemplar No. 1))~~ using the form found on the court's Current Local Rules website.

(c) File and serve an affidavit or verified statement supporting the motion. The affidavit or verified statement shall briefly and concisely state the facts known to the affiant which form the basis of the motion.

(2) The time for notice of summary judgments, motions for reconsideration, revisions and motions to dismiss for failure to state a claim and motions on the pleadings is designated by LCR 56, LCR 59 and LCR 87.

(3) Motions on a judge's personal motion calendar shall be scheduled through the Court Administrator's Office. A copy of the motion shall be filed with the Court Administrator's Office. Personal motions are those motions required to be heard by a particular judge ~~((, wither))~~ because the case has been preassigned or because it relates to a previous ruling by the same judge.

(4) Arguments on motions should not exceed ten ~~((10))~~ minutes per party. ~~((7(b)(1)(B)))~~



(B) Confirmation Process.

(1) All civil motions, except motions for summary judgment, motions on a judge's personal motion calendar, reconsideration, revisions, domestic relations, probate, guardianship, paternity and adoption matters, must be confirmed by noon two ~~((2))~~ court days prior to the hearing or they will be stricken. To confirm a motion as required by this rule the moving party shall call (509) 574-2690 and leave the following information: the caller's name, the case name, cause number, date and time the motion is scheduled to be heard, and the date and time of the call.

Confirmation shall not be effective unless this telephone procedure is used.

(2) Once confirmed, a motion can be stricken by the moving party who shall place a call to the same telephone number listed above and who shall leave the appropriate message. For a motion to be effectively stricken, the call must be made no later than 4:00 p.m. on the afternoon before the motion is scheduled.

(3) The phone number listed above shall be on a dedicated phone line in the Clerk's Office equipped to record messages.

(4) Motions on a judge's personal motion calendar shall be confirmed with the Court Administrator's Office at (509) 574-2705.

(5) If the moving party fails to appear after confirming the motion, the court may strike the motion, deny the motion, impose terms, and may order any other relief the court deems appropriate. If the responding party fails to appear, the court may grant the relief requested.

[Adopted effective January 14, 1991; Amended effective January 1, 1994; Permanently effective September 30, 1994; Amended effective April 19, 1996; September 1, 2003; September 1, 2020.]

~~((LCR 10  
FORM OF PLEADINGS OR OTHER PAPERS~~

~~(e) Format Recommendations~~

~~(3) Bottom Notation~~

~~(A) Endorsement of Orders by Attorneys. Every order presented to a judge for signature shall bear the signature of the person presenting it on the lower left hand corner of the page to be signed by the judge.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**LCR 16  
MANDATORY MEDIATION OF CIVIL CASES**

**(a) Applicable Cases.** Mediation is required for all cases in which a Case Scheduling Order is required under LCR 40(a).

**(b) Procedure and Standard for Opt-out.** Parties may not opt-out of mandatory mediation by stipulation. If *all* parties wish to opt-out, they shall note a joint motion for argument

to the court. The court will grant the motion only if firmly convinced that the benefits of mediation, i.e., settlement or resolution of contested issues, are outweighed by the costs of mediation.

**(c) Timing.** Mediation shall be concluded at least 30 days prior to the date set for trial. If the parties fail to timely mediate, the Court Administrator shall strike the trial.

**(d) Qualified Mediators.** The Court Administrator shall maintain a list of qualified mediators under this rule, which shall include the following information: Each mediator's name, organization, if any, address, telephone number, and fee schedule. A qualified mediator is an attorney with 10 or more years of civil practice, who has completed mediation training, and who is approved by the judges of this Court.

**(e) Selection of Mediator.** The parties shall use the services of a Court-approved mediator. The parties are encouraged to agree upon a mediator. If the parties agree upon a mediator, they shall notify the Court Administrator in writing of the agreed upon mediator. If the parties are unable to agree upon a mediator, they shall request that the Court Administrator send out a short list of potential mediators. The process for determining the number of potential mediators on the short list and selecting the mediator shall be the same process as is used to select an arbitrator under the ((MAR)) Superior Court Civil Arbitration Rules (SCCAR) and the Local Civil Arbitration Rules (LCAR).

**(f) Appointment of Mediator.** The Court Administrator shall notify the mediator of his or her appointment, with a copy of the notification to all parties.

**(g) Mediation Date and Materials.** The mediator shall determine the mediation date, and whether and when the parties are to exchange mediation statements. If mediation statements are to be exchanged, a party may send a separate statement directed to the mediator only.

**(h) Procedure of Mediation.**

- (1) The mediator shall determine the procedure of the mediation.
- (2) Unless excused by the mediator, the parties and their attorneys shall personally attend all mediation sessions. In every case there must be a person present at the mediation who has authority to negotiate for a settlement on behalf of each party. All insurance companies that may be liable for any portion of a settlement must have a representative with full settlement authority at the mediation or readily available by telephone.
- (3) Parties shall provide their own interpreters, as they deem necessary. Interpreters need not be court certified.
- (4) If a settlement is reached in mediation, the mediator shall prepare a Settlement Agreement, which must be signed by the parties, their attorneys, and their insurers, if any. Promptly after execution of a Settlement Agreement, Plaintiff shall provide written notice to the Court Administrator that the case has settled.

**(i) Notice of Compliance.** If no settlement results from the mediation, the mediator shall promptly file with the Clerk, with copies to the Court Administrator and all parties, a certificate that there has been compliance with the mediation requirements of this rule but that no settlement has been reached.

**(j) Payment of Mediator.** The mediator shall be paid by the parties. Payment responsibilities and arrangements are to be determined between the mediator and the parties.

**(k) Incorporation of RCW 7.07.** The Uniform Mediation Act, ~~((RCW))~~ chapter 7.07 RCW, applies to mediations conducted under this rule.

[Adopted effective September 1, 2011; Amended effective September 1, 2020.]

## **LCR 26 GENERAL PROVISIONS GOVERNING DISCOVERY**

**(h) Use of Discovery Materials.** ~~((Only those portions of discovery materials relied upon shall be filed.))~~ The portions of the discovery filed shall include the cover sheet or first page of the material necessary to identify the document, or shall otherwise be identified in writing.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

## ~~((LCR 33 INTERROGATORIES TO PARTIES~~

~~**((a) Procedure.**~~

~~(1) Form of Written Interrogatories.~~

~~(A) The party proposing interrogatories shall include a verification form at the end.~~

~~(B) The proposing party shall serve at least two sets on the responding party, and shall serve a set on all other parties in the case. The responding party shall insert answers in the space provided.~~

~~(2) Service of Answers. The responding party may retain one set of answered interrogatories and shall serve a set on the proponent and on all other parties.))~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

## **LCR 38 JURY TRIAL OF RIGHT**

**(b) Demand for Jury.** If a case is subject to arbitration, any party may file a Statement of Arbitrability, using the form found on the court's Current Local Rules website. After arbitration, if any party files a request for a trial de novo pursuant to RCW 7.06.050(1), then any party may file a demand for jury as set forth in CR 38 and LCAR 7.1.

[Adopted effective September 1, 2020.]

**LCR 40  
PRE-TRIAL PROCEDURES**

**(a) Notice of Trial and Civil Case Scheduling Order.**

(1) Any party may note a case for trial by completing and filing either (~~Exemplar 2 or Exemplar 3. Exemplar 2 is required for cases which require~~) a Case Scheduling Order(~~(- Exemplar 3 is required)~~) (see subsection (3) below) or a Note for Trial Docket (for cases which do not require a Case Scheduling Order) using the forms found on the court's Current Local Rules website. The form shall be filed with the Clerk, with a copy to the Court Administrator and to all parties.

(2) Unless exempted by LCR 40(a)(3), a party noting a case for trial shall consult with all counsel toward filing a (~~Civil~~) Case Scheduling Order (~~for Trial substantially in the form provided in Exemplar 2~~). Upon the order being entered, it shall be filed with the Clerk, with a copy to the Court Administrator and to all parties. If the parties cannot agree on how or if (~~Exemplar 2~~) the Case Scheduling Order is to be completed, any party may note the issue for a hearing.

(3) A Case Scheduling Order is not required:

(A) When all counsel of record enter and file a stipulation opting out of a case scheduling order; (~~or~~)

(B) If so ordered by the court; or

(C) In the following case(~~s~~) types:

(1) Proceedings under (~~RCW~~) chapter 7.06 RCW (~~(MAR)) (Arbitration of Civil Actions)~~ and appeals thereof;

(2) Proceedings under (~~RCW~~) Title 26 RCW (Domestic Relations);

(3) Paternity;

(4) Proceedings under (~~RCW~~) chapter 10.14 RCW (Harassment);

(5) Proceedings under (~~RCW~~) Title 13 RCW (Juvenile Courts and Juvenile Offenders);

(6) Unlawful detainer;

(7) Foreign judgment;

(8) Abstract or transcript of judgment;

(9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;

(10) Civil (~~C~~) commitment under chapter 71 RCW (Mental Illness);

(11) Proceedings under (~~RCW~~) chapter 10.77 RCW (Criminally Insane);

(12) (~~Proceedings under RCW Chapter 70.96A;~~

~~(13))~~ Proceedings for isolation and quarantine;

~~((14))~~ (13) Guardianship;

~~((15))~~ (14) Probate;

~~((16))~~ (15) Proceedings under (~~RCW~~) chapter 36.70C RCW;

~~((17))~~ (16) Tax Warrants;

~~((18))~~ (17) Lower Court Appeals;

~~((19))~~ (18) Administrative Law Reviews;

~~((20))~~ (19) Appeals of Department of Licensing driver's license revocations;

~~(and)~~

~~((21))~~ (20) Emancipation of minor; and  
~~((22))~~ (21) Name Changes.

**(b) Methods.**

(1) *Notice of trial by jury.* ~~((If to be tried by a jury and no party serves or files a demand that the case be tried by a jury of twelve (12), it shall be tried by a jury of six (6) members, with concurrence of five (5) being required to reach a verdict.))~~ To comply with CR 38(b), which refers to a case being “called to be set for trial,” a procedure not used in Yakima County, a case shall be deemed “called to be set for trial” ten ~~((10))~~ days after filing and service of the Note for Trial Docket as above provided. If the Note for Trial Docket indicates a nonjury trial, any party desiring a jury trial shall file a “Demand for Jury,” with the required deposit, before the case is “called to be set for trial” or a jury shall be deemed to have been waived by all parties. A copy of such demand for jury shall also be filed with the Court Administrator.

(2) ~~((Assignment of trial dates. The Court Administrator shall assign trial dates under the supervision of the administrative judge who shall be in direct charge of the trial calendar. Cases shall be set chronologically according to noting dates, except for cases given statutory preference.~~

~~((3))~~ *Objections to jury trial/Objections to trial date.* An objection to the case being determined by a jury or an objection to the trial date must be made within 15 days of assignment by the Court Administrator of the trial date. An objection is made, for purposes of this rule, by noting a motion objecting thereto.

~~((4))~~ (3) *Confirmation of Trial Date (Civil & Domestic Relations).* Even though scheduled for trial, no case will be heard unless a party confirms the trial with the Court Administrator **five ~~((5))~~ judicial days** before the trial. Confirmation shall be made by telephone or via ~~((E-mail))~~ email. The Administrator shall have the authority to strike the trial date of any case that is not confirmed.

**Telephone Confirmation: (509) 574-2705**

**Email Address: Superior.Court@co.yakima.wa.us**

~~((5))~~ (4) *Calendar Management; Conflict Notification.* The Court Administrator shall not release the attorneys from responsibility for appearing at a trial on the date it is set any earlier than noon the date before it is set, or 3:00 p.m. on the preceding Friday when set for a Monday, when it appears that the trial cannot proceed due to unavailability of judges or courtrooms, unless the attorneys agree to a rescheduled trial date before that time.

~~((6))~~ (5) *Notice of Settlement.* It shall be the obligation of counsel in all civil and criminal jury and nonjury cases to notify the Court Administrator in writing or by email when a case is settled or otherwise will not come on for trial as scheduled. ~~((Telephone calls may be made to the Court Administrator’s office Monday through Friday from 8:30 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.))~~

~~((e))~~ **(g) Pre-trial disclosures.**

(1) ~~((Rule LCR 40(e)))~~ This subsection applies only to those cases in which a court has entered a ~~((Civil))~~ Case Scheduling Order.

(2) *Enforcement; Sanctions; Dismissal; Terms.*

(A) Disclosure of Possible Lay and Expert Witnesses.

- (1) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the order, disclose all persons with ~~((relevant))~~ factual or expert knowledge whom the party reserves the option to call as witnesses at trial.
- (2) Disclosure of Rebuttal Witnesses. Each party shall, no later than the date for disclosure designated in the order, disclose all persons ~~((with relevant factual or expert knowledge))~~ who did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.
- (3) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:
  - (a) All witnesses. Name, address, and telephone number.
  - (b) Lay witnesses. A brief description of the anticipated subject matter of the witness' testimony.
  - (c) Experts. A summary of the expert's opinions and the basis thereof and a brief description of the expert's qualifications. If the expert has prepared a report, the report shall be produced with these disclosures.
- (4) Exclusion of Testimony. Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.
- (5) Discovery Not Limited. This rule does not modify a party's responsibility under court rules to reasonably supplement responses to discovery or otherwise to comply with discovery before the deadlines set by this rule.
- (6) Failure to Comply. If the Court finds that an attorney or party has failed to comply with the Case Scheduling Order and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both~~((; in))~~. In addition, the Court may impose such other sanctions as justice requires.
- (7) Definitions. For purpose of the above rule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; "monetary sanctions" means a financial penalty payable to the Court; "other sanctions" includes but is not limited to the exclusion of evidence.

~~((d))~~ **(h) Sanctions for Cases Not Completed in Time Allotted.** The parties have an obligation to confer and cooperate in determining the length of trial and in trying the case so that all evidence is presented within the time allotted. Should a case go beyond the time allotted, the trial judge may fine the responsible attorney, attorneys, party, or parties. The fine may be as much as \$500 per half day that the trial goes beyond the time allotted.

~~((e))~~ **(i) Pre-trial Organization of Exhibits and Admissibility Without Authentication.**

- (1) The week prior to trial, counsel for all parties shall provide a copy of their likely exhibits to all counsel. Counsel shall endeavor to agree on which exhibits are admissible.
- (2) The parties shall prepare original separate exhibit books, copies and an index of proposed exhibits. Sufficient copies should be made for each attorney, the court, and the testifying witness.

- (3) The parties shall arrive at least 30 minutes prior to trial to assist the clerk in numbering all exhibits.
- (4) The parties shall notify the court at the commencement of trial which exhibits are agreed to. Those exhibits will be admitted without need for authentication.

~~(((f)))~~ **(j) Pre-assignment of Cases.** Either party may request, or the court may itself suggest, that a particular case be pre-assigned. Without limiting the court's discretion, the following factors should be considered prior to ordering pre-assignment of a case: (1) The extent that one judge has become familiar with the facts and law of the case; (2) The extent that one judge has made rulings that disposed of one or more claims; (3) The likelihood that the case might require multiple motions which will require familiarity with the case history; (4) The number of experts, especially experts from outside Yakima County; and (5) The complexity of the case.

~~(((g)) **Affidavit of Prejudice.** Should any party elect to file an Affidavit of Prejudice against the judge to whom such case is preassigned, such affidavit shall be filed not later than ten (10) days after notification of the preassigned judge. Should additional parties thereafter be added, it shall be the duty of the party adding such additional party to notify additional party's attorney, as soon as known, in writing, the name of the judge to whom such case is preassigned and such additional party shall file any such affidavit within ten (10 days) thereafter.))~~

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

## LCR 47 JURORS

### **(a) Examination of Jurors.**

(1) *Voir Dire.* The voir dire examination of prospective jurors shall, as nearly as possible, be limited to those matters having a reasonably direct bearing on prejudice, and shall not be used by counsel:

- ~~(((1-as)))~~ (A) As a means of arguing or trying their cases, or
- ~~(((2-as)))~~ (B) As an effort to indoctrinate, visit with or establish "rapport" with jurors, or
- ~~(((3-for)))~~ (C) For the purpose of questioning concerning anticipated instructions of the court or theories of law, or
- ~~(((4-for)))~~ (D) For the purpose of asking the jurors what kind of verdict they might return under any circumstances.

Questions are to be asked collectively of the entire panel whenever possible.

### **(e) Challenge.**

(1) *Peremptory Challenges.* All peremptory challenges allowed by law shall be exercised in writing. Each party shall in turn indicate the juror challenged by name and seat number or shall indicate whether a peremptory challenge for the existing panel is waived. The purpose of this rule is to preserve the secrecy of the peremptory challenge process and all parties and their counsel shall conduct themselves to that.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCR 51**  
**INSTRUCTIONS TO JURY AND DELIBERATION**

**(a) Proposed.**

(1) *Introductory Instruction.* Prior to jury selection, the parties shall submit in writing an agreed instruction to the court briefly outlining the essential factual issues in the case, or if unable to agree, shall submit separate instructions.

**(b) Submission.**

(1) *Distribution.* All instructions, including Washington Pattern Instructions, shall be submitted in writing. Numbered and assembled sets, with citations, shall be distributed as follows:

(A) ~~((One (1) copy))~~ The original shall be filed with the Clerk; one ~~((1))~~ copy shall be served on each other party; one ~~((1))~~ copy shall be retained by the party proposing them; and one ~~((1))~~ copy shall be delivered to the judge.

(B) In addition, one ~~((1))~~ unassembled set, without citations or numbers, shall be delivered to the judge. Counsel should also be prepared to email to the judge a set of the instructions without citations or numbers.

**(d) Published Instructions.**

(1) *Request.*

(A) Request for Pattern Instructions. If a proposed Washington Pattern Instruction is modified, it must so indicate with the citation.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCR 56**  
**SUMMARY JUDGMENTS**

**(e) Statement of Points and Authorities and Supporting Affidavits.** A statement of points and authorities and supporting affidavits shall be filed and served contemporaneously with the filing of any motion for summary judgment.

**(i) Noting Summary Judgment Hearings.**

(1) The Court Administrator will assign a specific date and time for all summary judgment motions. The specific date and time for hearing any summary judgment shall be obtained from the Court Administrator prior to noting any such motion. This may be done telephonically. The moving party shall then immediately file and serve the Note for Motion and send a copy to the Court Administrator.

(2) The Court Administrator will schedule summary judgment hearings and designate judges to hear those motions as soon as possible based on the availability of judges. Information regarding the judge scheduled to hear summary judgments will be available



and can be obtained from the Court Administrator's office within five days of the scheduled hearing.

(3) In those cases where a judge has prepared for a summary judgment motion that is continued or stricken, or if after hearing the summary judgment motion there remain issues in the case, the Court Administrator will endeavor, but is not required, to assign that judge to hear any subsequent matters in that case, including the trial.

**(j) Confirmation of Hearing.**

(1) All summary judgment motions must be confirmed. Summary judgment motions will not be heard even though previously noted unless the hearing is confirmed with the Court Administrator. The confirmation is a representation that all pleadings and documents necessary for the motion have been timely filed by that party and the moving party is prepared to have the motion heard at the date and time noted.

(2) Motions must be confirmed with the Court Administrator not later than 4:00 ((PM)) p.m. the Thursday preceding the week in which the motion is scheduled. Once the hearing is confirmed, the motion may not be stricken or continued without approval of the judge assigned to hear the matter.

**(k) Summary Judgment Hearing.** The judge hearing the motion will determine the amount of time allowed each party for oral argument at the summary judgment hearing. Unless otherwise indicated by the judge, oral argument may not exceed ((twenty)) 20 minutes per party.

**(l) ((Affidavits of Prejudice)) Disqualification of Judge.** The rescheduling of the hearing on a motion for summary judgment because of a party filing ((an affidavit of prejudice against)) a notice of disqualification of the assigned judge does not expand the time provided in CR 56(c) for filing any pleadings or documents with reference to the motion.

[Adopted effective January 14, 1991; Amended as an emergency rule effective June 1, 1995; Amended effective September 1, 1998; September 1, 2001; September 1, 2002; September 1, 2006; September 1, 2020.]

**LCR 59**  
**MOTIONS FOR RECONSIDERATION**

**(e) Hearing on Motion.**

(3) *Nature of Hearing.* Any motion for reconsideration not heard within ((thirty)) 30 days of the written decision shall be deemed denied unless otherwise ordered by the court. The judge to whom the motion for reconsideration is made shall determine whether the motion shall be heard on oral argument or submitted on the briefs. It will be presumed that there will be no oral argument unless requested by the judge.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

~~(LCR 71  
WITHDRAWAL BY ATTORNEYS~~

~~((e) Notice to Court Administrator. An attorney filing any Notice of Intent to Withdraw, Order Authorizing Withdrawal, Notice of Withdrawal and Substitution, or Notice of Appearance by any subsequent attorney shall give a copy of the notice or order to the Administrator.))~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**LCR 77  
SUPERIOR COURTS AND JUDICIAL OFFICERS**

~~**((e) Powers of Judicial Officers.**~~

~~(1) *Criminal Presiding Department.* One department shall be designated the Presiding Department. The daily calendar shall indicate which judge or commissioner is sitting in this department. The criminal docket shall be heard each judicial day at such times and courtroom as designated on the daily calendar or otherwise ordered by the court.))~~

**(f) Sessions.**

~~((1) *Court Hours.* Court hours for all departments in session on all judicial days shall be designated on the daily court calendar or as ordered by the Court. The daily calendar shall indicate the time and courtroom for all criminal, civil and domestic relations matters.))~~

~~(2) *Presence for Jury Trial.* Attorneys and parties shall be present at ((9:00)) 9:30 a.m. on the first day of trial unless otherwise ordered by the court or designated by the Court Administrator on the Trial Notice or court calendar.~~

**(j) Trials and Hearings; Orders in Chambers.**

(1) *Post-Trial Briefs.* Any party submitting a brief in support of a post-trial motion shall deliver a copy to the trial judge at the time the original is filed with the clerk, which shall be at least five ~~((5))~~ days prior to hearing on the motion. The responding party shall serve and file any brief in opposition to the motion at least two ~~((2))~~ days prior to the hearing and provide a copy to the trial judge on the date of filing. A reply brief may be filed prior to the hearing.

**(k) Motion Practice.**

(1) *Law and Motion Day.* Motions in civil cases, except family law matters, are heard Fridays at 1:30 p.m. unless otherwise ordered by the Court or designated by the Court Administrator. Any motion which must be heard by a particular judge shall be set for 1:30 p.m. on Friday before that judge, unless otherwise directed by that judge. The Court may limit the number of motions to be heard on any particular day.

(2) *Call of the Calendar.* All matters on the motion and show cause docket that have been confirmed or set pursuant to court order shall be called. If no one appears when the matter is called, the Court may grant or deny the motion or may strike the motion. Any matter stricken by the Court must be re-noted.

(3) *Continuances.* At the call of the calendar, and upon the request of any party, any motion and/or show cause matter may be continued by the Court to a particular day and time. Hearings on motions continued by order of the Court must be confirmed unless the order specifically states otherwise.

~~((7))~~ (4) *Telephonic Hearings.*

(A) Telephonic arguments are allowed by approval of the judge hearing the motion, which approval is obtained through the Court Administrator or by order of the court on its own motion.

(B) The party requesting telephonic argument shall be responsible for initiating and paying for the conference call. If the Court orders telephonic argument, the judge shall designate which party is responsible for initiating and paying for the conference call.

(C) For all telephonic hearings, the moving party shall provide a proposed order granting or denying the motion prior to such hearing. The Court may waive the requirement of a written order if all parties stipulate to the request.

[Adopted effective January 14, 1991; Amended effective September 1, 2002; September 1, 2020.]

## LCR 79 BOOKS AND RECORDS KEPT BY THE CLERK

### (d) **Other Books and Records of Clerk.**

(1) *Removal of Files.* No file, or portion thereof, may be removed from the office of the clerk except upon a receipt thereof as prescribed by the clerk. No bond, estate or receivership claim, will, property settlement agreement, instrument of conveyance, or other document that the clerk may designate, may be removed from the office of the clerk except upon order of the court first entered. In any event, no documents removed from the clerk's office shall be taken outside of Yakima County without court order except by members of the Washington State Bar Association.

~~((2) *Removal of Files in Certain Proceedings.* Except for matters noted for hearing, counsel shall procure the original file from the clerk and present it to the court at the time of hearing any of the following matters:~~

~~All guardianship and decedent's estate matters involving the approval of periodic report, final accounts or the expenditure of funds.~~

~~Petitions for orders of solvency.~~

~~Interim accounts in estate matters.~~

~~Uncontested marriage dissolutions.~~

~~Any other matter in which the court is requested to find that certain procedural steps have been taken.)~~

### (e) **Destruction of Records.**

(1) *Disposition of Exhibits.* Within ~~((ninety (90)))~~ 90 days after the final disposition of any cause, including all appellate processes, each party shall withdraw all exhibits offered by such party, giving the clerk a receipt therefor, which receipt shall constitute a sufficient discharge of the duties of the clerk. In the event a party shall fail to withdraw the exhibits within such time, the clerk is authorized to destroy the same.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCR 87**  
**MOTION FOR REVISION**

**~~((4))~~ (a) Motion Content and Service Deadlines.** A party seeking revision of a Court Commissioner's ruling shall, within ten days of entry of the written order, file and serve a Motion for Revision. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision is sought, along with a designation of all pleadings which were before the Commissioner in support, or in opposition in the original proceedings. A copy of the motion and all supporting documents shall be provided to all other parties to the proceedings and to the Court Administrator who shall refer the motion to the appropriate Judge for consideration. The responding party shall have five court days from the receipt of the motion to file a written response with the Clerk and provide copies to all other parties and to the Court Administrator.

**~~((2))~~ (b) Transcript Required.** Five court days after the responding party files their written response, the moving party shall file a transcript of the hearing before the commissioner, serve a copy on all opposing parties, and provide a copy to the Court Administrator who shall forward it to the judge deciding the motion. The person preparing the transcript shall certify, under penalty of perjury, that it is an accurate transcription of the record.

**~~((3))~~ (c) Review is De Novo.** Review of the Commissioner's order shall be de novo based on the pleadings and transcript submitted and without oral argument unless requested by the reviewing Judge.

**~~((4))~~ (d) Scope of Motion.** The Judge may deny the motion, revise any order or judgment which is related to the issue raised by the motion for revision or remand to the Commissioner for further proceedings. The Judge may not consider evidence or issues which were not before the Commissioner or not raised by the motion for revision. The Judge may consider a request for attorney fees by either party for the revision proceedings.

**~~((5))~~ (e) Effect of Commissioner's Order.** The Court Commissioner's written order shall remain effective unless and until revised by the Judge or unless stayed by the Judge pending proceedings related to the motion for revision.

[Adopted effective September 1, 2003; Amended effective September 1, 2004; September 1, 2005; September 1, 2010; September 1, 2012; September 1, 2018; September 1, 2020.]

**LOCAL ~~((RULES FOR MANDATORY SUPERIOR COURT))~~ CIVIL ARBITRATION  
RULES**

**~~((LMAR))~~ LCAR 1.1  
SCOPE AND PURPOSE OF RULES**

**(a) Purpose.** The purpose of mandatory arbitration of civil actions under ~~((RCW))~~ chapter 7.06 RCW as implemented by the ~~((Mandatory Arbitration Rules))~~ Superior Court Civil Arbitration Rules (SCCAR) is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of monetary disputes. The ~~((Mandatory Arbitration Rules))~~ Superior Court Civil Arbitration Rules, as supplemented by these local rules, are not designed to address every question which may arise during the arbitration process. The rules give considerable discretion to the arbitrator, which the arbitrator should not hesitate to exercise. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

**(b) "Director" Defined.** In these rules, "Director" means the Court Administrator's Office for the Yakima County Superior Court.

[Adopted effective January 14, 1991; Amended effective September 1, 2006; September 1, 2020.]

**~~((LMAR))~~ LCAR 1.2  
MATTERS SUBJECT TO ARBITRATION**

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules ~~((if the action is at issue,))~~ if the sole relief sought is a money judgment and if no party asserts a claim in excess of ~~(((\$50,000))~~ \$100,000, exclusive of attorney's fees, interest and costs, or if the parties stipulate to arbitration.

[Adopted effective January 14, 1991; Amended on an emergency basis effective August 12, 2005; Amended on a permanent basis effective September 1, 2006; September 1, 2020.]

**~~((LMAR))~~ LCAR 2.1  
TRANSFER TO ARBITRATION**

**(a) Statement of Arbitrability.** In every civil case ~~((the party filing the Note for Trial Docket provided by LMAR-40 shall))~~ subject to arbitration pursuant to chapter 7.06 RCW, any party may complete a Statement of Arbitrability, using the form ~~((in Exemplan No. 3))~~ found on the court's Current Local Rules website. ~~((With fourteen (14))~~ Within 14 days after the ~~((Note for Trial Docket and))~~ Statement of Arbitrability ~~((have))~~ has been served and filed, any party disagreeing with the Statement of Arbitrability or unwilling to stipulate to arbitration shall serve and file a response to the Statement of Arbitrability ~~((on the form prescribed by the court))~~. In the absence of such response, the Statement of Arbitrability shall be deemed correct, and the case shall

be designated an arbitration case. If a party asserts that its claim exceeds \$100,000.00, or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.

**(b) Failure to File – Amendments.** A party failing to serve and file an original response within the time prescribed may later do so only upon leave of the court. A party may amend the Statement of Arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date and thereafter only upon leave of the court for good cause shown.

[Adopted effective January 14, 1991; Amended effective April 14, 1994; September 1, 2006; September 1, 2018; September 1, 2020.]

**~~((LMAR))~~ LCAR 2.3  
ASSIGNMENT TO ARBITRATOR**

**(a) Generally; Stipulations.** When a case is set for arbitration, a list of five ~~((5))~~ proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five ~~((5))~~ proposed arbitrators in the manner defined by this rule.

**(b) Response by Parties.** Each party may, within ~~((fourteen-(14)))~~ 14 days after a list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Director will randomly appoint an arbitrator from among those not stricken by either party.

**(c) Response by Only One Party.** If only one party responds within ~~((fourteen-(14)))~~ 14 days, the Director will appoint an arbitrator nominated by that party.

**(d) No response.** If neither party responds within ~~((fourteen-(14)))~~ 14 days, the Director will randomly appoint one of the five ~~((5))~~ proposed arbitrators.

**(e) Additional Arbitrators for Additional Parties.** If there are more than two adverse parties, all represented by different counsel, two additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the Director, subject to review by the Presiding Judge.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~(LMAR)~~ LCAR 3.1**  
**QUALIFICATIONS**

**(a) Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the Superior Court judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Director's office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

**(b) Refusal/Disqualification.** The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in ~~((CJC))~~ Code of Judicial Conduct Canon ((3(e))) 2, Rule 2.11 governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Director.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~(LMAR)~~ LCAR 3.2**  
**AUTHORITY OF ARBITRATORS**

An arbitrator has the authority to:

- (a)** Determine the time, place and procedure to present a motion before the arbitrator.
- (b)** Award attorney's fees as authorized by these rules, by contract, or by law.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~(LMAR)~~ LCAR 4.2**  
**DISCOVERY**

In determining when additional discovery beyond that directly authorized by ~~((MAR))~~ SCCAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~((LMAR))~~ LCAR 5.1  
NOTICE OF HEARING  
~~((TIME AND PLACE—CONTINUANCE))~~**

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Director.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~((LMAR))~~ LCAR 5.2  
PREHEARING STATEMENT OF PROOF  
~~((DOCUMENTS FILED WITH COURT))~~**

In addition to the requirements of ~~((MAR))~~ SCCAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. ~~((The court file shall remain with the County Clerk.))~~

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~((LMAR))~~ LCAR 5.3  
CONDUCT OF HEARING – WITNESSES – RULES OF EVIDENCE**

**(b) Recording.** The hearing may be recorded electronically or otherwise by any party at his or her expense.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~((LMAR))~~ LCAR 6.1  
FORM AND CONTENT OF AWARD**

**(a) Form.** The award shall be prepared on the form prescribed by the court.

**(b) Exhibits.** The arbitrator shall return all exhibits to the parties.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]



**~~((LMAR))~~ LCAR 6.2  
**FILING OF AWARD****

A request by an arbitrator for an extension of time for the filing of an award under ~~((MAR))~~ SCCAR 6.2 may be presented to the ~~((Presiding Judge))~~ court ex parte. The arbitrator shall give the parties notice of any extension granted.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~((LMAR 6.3~~  
**JUDGMENT ON AWARD****

~~**(a) Presentation.** A judgment on an award shall be presented to the Presiding Judge, by any party, on notice in accordance with ~~MAR 6.3.~~)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**~~((LMAR))~~ LCAR 7.1  
**REQUEST FOR TRIAL DE NOVO ~~((--CALENDAR))~~****

**(a) Service and Filing.** A copy of the request for a trial de novo shall be served upon the Yakima County Superior Court Administrator. However, failure to do so shall not affect the validity of the request for the trial de novo.

~~**((b))**~~ **(e) Trial date; Jury Demand.** Every case transferred to the arbitration calendar shall maintain its position on the trial calendar as if the case had not been transferred to arbitration. A case that has been given a trial date will not lose that date by reason of being transferred to arbitration. The case shall be stricken from the trial calendar after the ~~((twenty))~~ 20-day period within which a party may request a trial de novo has elapsed. A jury demand can be filed and the fee paid at the time the trial de novo is requested. The non-appealing party shall have ~~((fourteen))~~ 14 days from the date of filing of the request for trial de novo to file a jury demand. If no jury demand is timely filed, it is deemed waived.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**~~((LMAR))~~ LCAR 8.1  
**STIPULATIONS ~~((--EFFECT ON RELIEF GRANTED))~~****

**(b)** If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**~~((LMAR))~~ LCAR 8.4  
TITLE AND CITATION**

These rules are known and cited as the Yakima County Superior Court (~~((Mandatory))~~) Local Civil Arbitration Rules. (~~((LMAR))~~) LCAR is the official abbreviation.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**~~((LMAR 8.5))~~ LCAR 8.6  
COMPENSATION OF ARBITRATOR**

**(a) Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court; except that said compensation shall not exceed \$1,000.00 for any case unless prior approval is granted by the Presiding Judge. Hearing time and reasonable preparation time are compensable.

**(b) Form.** When the award is filed, the arbitrator shall submit to the Director a request for payment on a form prescribed by the court. The Director shall determine the amount of compensation to be paid. The decision of the Director will be reviewed by the Presiding Judge at the request of the arbitrator.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**~~((LMAR 8.6))~~ LCAR 8.7  
ADMINISTRATION**

The Director, under the supervision of the Superior Court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**LOCAL FAMILY LAW RULES**

NOTE: The eight new Local Family Law Rules are a restatement and restructuring of the eight major sections of LSPR 94.04W, which is repealed effective the same date. The additions and deletions in the new rules, thus, are references for those familiar with the rule being replaced.

**LFLR 1**  
**PROCEEDINGS PENDING TRIAL**

**(a) Court's Automatic Order.** Upon the filing of a Summons and Petition for ~~((dissolution, legal separation or declaration of invalidity))~~ a family law action, the Court on its own motion shall automatically issue a ~~((Temporary Order consistent with Exemplar 11))~~ Scheduling Order. The petitioner is subject to this order from the date of filing. The petitioner shall serve a copy of this order on respondent and file proof of service. The respondent is subject to this order from the time it is served. The order shall remain in effect until further order or entry of final documents. This order shall not be entered in any law enforcement database and shall not preclude any party from seeking any other restraining order as may be permitted by statute. If the order is violated, either party may seek a finding of contempt and/or request fees.

**(b) Motions.** Any party may file a motion pending trial, including motions for temporary orders, to compel discovery, to appoint a ~~((GAL/FCI))~~ guardian ad litem or family court investigator, or presentation of final or temporary orders.

(1) *Form of pleadings, basis and limitations.*

(A) Form. Mandatory forms shall be used. All documents and copies provided shall be legible and conform to ~~((GR))~~ General Rule 14. There is a strong preference they be typed. The format required, if typed, is: 12 point or larger, 1.5 line spacing or greater.

(B) Basis. Evidence, including written evidence in affidavits and declarations by the parties and witnesses, must comply with the rules of evidence.

(C) Children's Statements. Declarations by minors are disfavored.

(D) Page Limitations.

(1) Absent prior authorization of the presiding family court commissioner or a different judicial officer if the commissioner is not available, the entirety of all declarations and affidavits from the parties and non-expert witnesses in support of motions (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of ~~((twenty))~~ 20 pages.

(2) The entirety of all declarations and affidavits submitted in response to motions shall not exceed ~~((twenty))~~ 20 pages.

(3) The entirety of all declarations and affidavits submitted in reply to the response shall not exceed ~~((ten))~~ 10 pages.

(4) Exhibits to any declarations shall count toward the above page limits.

(5) Declarations, affidavits and reports from the Family Court Investigator, ~~((GAL))~~ guardian ad litem, Child Protective Services (CPS), or law enforcement shall not count toward the page limit. Declarations in support of Parenting Plans shall not count toward the page limit but shall not exceed three pages.

(E) Violations of this rule. If the Court finds that one or more of the parties violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.

(2) *Filing and Service.* The moving party shall, no later than 14 calendar days prior to the hearing date, file with the clerk and properly serve the motion, note for motion, and all supporting documents. Unless previously filed and still current, the moving party's supporting documents shall include these mandatory forms, fully completed and signed by the moving party:

- (A) Residential Placement. A motion concerning temporary residential placement of children must be accompanied by a Proposed Parenting Plan and a Declaration in Support of Parenting Plan.
- (B) Temporary Child Support. A motion concerning temporary child support must be accompanied by a Child Support Worksheet, together with proof of income including the party's most recent paystub and tax return with all attachments.
- (C) Temporary Spousal Maintenance or Attorney Fees. A motion for temporary maintenance or attorney fees must be accompanied by a Financial Declaration.
- (3) *Response to Temporary Motions.* The opposing party's response must be filed and served no later than noon three ~~((3))~~ court days prior to the date scheduled for hearing; provided, however, if the response requests affirmative relief, it must be filed and served no later than five ~~((5))~~ court days prior to the hearing. Documents filed in strict reply to issues raised in the response must be filed and served the day prior to the hearing by noon. Responses filed and/or served later will not be considered. If the disputed issues include residential placement, temporary child support or spousal maintenance, or attorney fees, the appropriate mandatory forms shall be completed and signed by the responding party (unless previously filed and still current). ~~((Working copies should be provided to the court.))~~
- (4) *Confirmation/Strike Process.* All domestic motions must be confirmed by the moving party by 10:00 a.m., two ~~((2))~~ court days prior to the court hearing or the motion will be stricken. The moving party shall confirm the motion by notifying the clerk (at the specific confirmation telephone number or e-mail address designated by the clerk) and any other party. The confirmation shall include the caller's name and telephone number, the case name and cause number, the date and time of the motion, and the date and time of the confirmation. Confirmation will not be effective unless this procedure is used. If the moving party fails to appear after confirming the motion, the court may strike the motion, deny the motion, impose terms, and order any other relief the court deems appropriate. If the responding party fails to appear, the court may grant the relief requested. A moving party voluntarily striking a hearing shall notify the Clerk and other party no later than 4:00 ~~((PM))~~ p.m. the court day prior to the hearing.
- (5) ~~((Renotes))~~ *Renoted Hearings.* Matters which have been previously noted in conformance with this rule may be renoted upon five ~~((5))~~ court ~~((days))~~ days' notice. The motion shall be confirmed as provided above or it will be stricken.
- (6) *Hearings on Temporary Motions.* All motions shall be determined on sworn declarations unless the court determines that testimony is necessary. Argument on temporary motions shall be limited to five minutes per side, except that the court may in its discretion increase or reduce the time for argument. Argument shall be limited to matters contained in the record. By agreement of the parties or order of the court, the matter may be submitted solely on the record.
- (7) *Orders Shortening Time.* Motions may be heard on shortened time only in the event of an emergency and where an Order Shortening Time has been signed by the court.

**(c) Orders to Show Cause.** Where required by statute or court rule, a party may obtain an Order to Show Cause requiring the other party to appear and show cause why certain relief should not be granted. The return date on the show cause order shall not be sooner than ~~((fourteen))~~

14 days after filing and service. In all other respects, the requirements of ~~((LR 94.04W (A)(1)))~~ section (a) above shall apply.

**(d) Mediation by Court Order.** In addition to mandatory mediation set forth below, in all contested Title 26 RCW matters, a party may request, or the Court may order, the parties to engage in mediation. Mediation shall take place as specified in the order of mediation. Failure to mediate in good faith may result in sanctions. The ~~((assigned))~~ mediator shall advise the Court of the date of the mediation, the parties participating and the outcome. If the matter is not resolved, the substance of the mediation shall remain confidential and the mediator may not be called as a witness in any proceeding.

**(e) Status Hearings.** ~~((At any time pending trial, the Court may order that a status hearing be held.))~~ Compliance with the Scheduling Order will be confirmed at a status hearing. The purpose of the status hearing shall be to set deadlines for the completion of discovery, set deadlines for the completion of the guardian ad litem's report, or address other matters necessary to the timely resolution of the case. ~~((A party may set a status hearing by following the procedures set forth in 94.04(A)(1). Status hearings shall be heard on the motions calendar.))~~ Parties may present agreed status hearing reports prior to the status hearing, and the agreed deadlines are enforceable as if ordered by the court.

[Adopted effective September 1, 2020.]

## **LFLR 2 UNCONTESTED DISSOLUTIONS**

**(a)** No testimony or declaration will be required in cases in which the parties have stipulated to entry of the decree or in cases in which the relief requested is the same as the relief requested in the petition and the other party is in default.

**(b)** In cases in which the relief requested is different or more specific than the original petition and the respondent has defaulted, the party requesting relief must appear and present testimony in support of the request.

[Adopted effective September 1, 2020.]

## **LFLR 3 CONTESTED DOMESTIC MATTERS**

### **(a) Mandatory Mediation**

(1) *Applicable Cases.* This rule shall apply to all pending and newly filed contested cases under ~~((chapter))~~ chapters 26.09, 26.10, and 26.26A RCW except support modifications and parentage cases initiated by the State of Washington.

(2) *Note for Trial.* Except as provided in ~~((e))~~ (3) below, a party may not ~~((note))~~ confirm a matter for trial until the parties have attempted mediation in good faith with a court-

approved mediator. The matter shall be noted for trial in the Status Hearing Order, or by using ((Exemplar 3A, which shall include a certificate of compliance with this rule)) the Note for Settlement Conference/Trial form found on the court's Current Local Rules website.

(3) *When Mediation is not Required.* Mediation shall not be required in the following cases:

(A) For good cause shown upon motion and approval by the court; ~~((e))~~

(B) Where a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties is currently in effect;

(C) Where a domestic violence no contact order exists pursuant to ~~((RCW))~~ chapter 10.99 RCW; or

(D) Where the court upon motion finds that domestic violence abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation.

Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not be required as set forth in ~~((e)(2), (e)(3), or (e)(4))~~ (3)(B), (3)(C), or (3)(D) above if the moving party believes that the parties would be able to mediate their dispute at arm's-length under the particular circumstances of the case.

(4) *Settlement Conference.* Where mediation is not required or the parties have not mediated in good faith, the parties shall participate in a settlement conference as provided in ~~((2))~~ section (b). If the settlement conference does not result in an agreement, the matter shall be set for trial.

(5) *Effect on Court Proceedings.* Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process.

~~(6) ((Qualified Mediators. The Yakima Superior Court shall maintain a list of qualified mediators which shall include the following information: each mediator's name and organization, if any, address, telephone number and fee schedule. A qualified mediator shall be either an attorney with at least five years domestic relations experience and mediation training or a non-attorney with at least five years of domestic relations experience and mediation training. Mediators must be approved by the Superior Court. The Dispute Resolution Center of Yakima and Kittitas Counties shall be considered a qualified mediator. The Court may approve upon motion by a party or parties the services provided by a mediator that is not on the Court's list, but is otherwise qualified.~~

~~(7) Selection of Mediators. The parties may either agree to a mediator from the court approved list or the mediator will be determined by use of a strike list. If the parties are unable to afford a private mediator, the Dispute Resolution Center of Yakima and Kittitas Counties shall be utilized. The parties shall notify the court and the mediator of the mediator selected. A mediator may decline an appointment, in which case the parties shall select a new mediator utilizing the same procedure.~~

~~(8))~~ *Mediation date and materials.* The mediator shall determine the mediation time and dates and whether or not mediation statements are required.

~~((9))~~ *(7) Mediation Procedure.* The mediator shall determine how the mediation is conducted. The parties and their lawyers shall personally attend the mediation unless there is a written agreement between the lawyer and the client that the lawyer will not attend. In the event of such agreement, the mediator and the other party/lawyer will be notified in

advance of the mediation. The mediator may approve telephonic appearances ~~((for parties who reside out of state))~~.

~~((10))~~ (8) Cost of Mediation. The mediator shall be paid by the parties. Payment responsibilities and arrangements shall be determined by the mediator and the parties, or by court order.

~~((11))~~ (9) Failure to Comply. Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt or imposition of sanctions.

~~((12))~~ (10) Notice of Compliance/Agreement. If no settlement is reached, the mediator shall, within ~~((7))~~ seven days, file with the Clerk with copies to the parties, a certificate showing that there has been compliance with this rule. If an agreement is reached in mediation, that agreement shall be reduced to writing and signed by the parties and their lawyers.

~~((13))~~ (11) Incorporation of ((RCW Title)) Chapter 7.07 RCW. The Uniform Mediation Act, ~~((RCW Title))~~ chapter 7.07 RCW, is incorporated herein by reference ~~((, including but limited to the confidentiality of documents and mediator privilege protections of that Act))~~.

~~((14))~~ Effective Date: September 1, 2014 \_\_\_\_\_.

**(b) Settlement/Status Conference and Trial.** In the event that mediation is not required, a settlement/status conference shall be held in all contested domestic relations cases, including custody modifications, paternity actions, other than those initiated by the State of Washington, non-parental custody cases, committed intimate relationships (CIR) and civil union matters. The purpose of the settlement/status conference is to set timelines for the completion of discovery and guardian ad litem reports, identify disputed issues and pursue settlement of the case. Domestic relations cases shall not be set for trial unless ordered and after a full settlement conference has been held. Parties and assigned guardians ad litem shall attend the settlement conference.

(1) Note for Settlement Conference. Once a response to a petition has been filed, and, if applicable, the Children Cope With Divorce class has been completed by the noting party, a party may request a settlement conference date by filing a Note For Settlement Conference ~~((Exemplar 3A))~~, together with a fully completed Position Statement ~~((Exemplar 5))~~, using the forms found on the court's Current Local Rules website. If there is a guardian ad litem or family court investigator assigned to the case, his/her name shall be listed on the Note for Settlement Conference. A settlement conference may also be set by a Status Hearing Order.

(2) ~~((Filing))~~ Position Statements.

(A) The party who notes the matter for settlement conference shall file and serve his or her Position Statement contemporaneously. The other party shall file and serve a Position Statement no later than ~~((fourteen))~~ 14 days prior to the settlement conference. If either party fails to timely file a Position Statement or files an incomplete Position Statement, the ~~((judge/court commissioner))~~ court may strike the settlement conference and impose terms.

(B) Position statements must be in the form ~~((of Exemplar No. 5))~~ found on the court's Current Local Rules website. The Position Statement shall be filed as a sealed source document and shall not be used for any other purpose or reviewed by the trial judge, unless specifically agreed by the parties. The Position statement shall indicate the proposed disposition of assets and liabilities, as well as proposed spousal maintenance, child support and residential placement of children, as applicable.

(C) Asset List. If distribution of assets is at issue, each party shall complete a list of assets, both community and separate. For each asset listed, the party shall provide a good faith opinion as to the fair market value of the asset as of the date of separation. With respect to real property assets, the party shall provide a copy of any appraisal or market analysis intended to be used at trial. With respect to retirements, pensions, investment or bank accounts, the party shall provide a copy of all statements referencing the value of such accounts as of the date of separation and the most recent statement. With respect to business assets, the party shall provide a copy of the most recent profit/loss statement available and a copy of the most recent tax return with all schedules attached.

(D) Liabilities List. If distribution of debts is at issue, each party will provide copies of statements from the creditors listed, both as of the date of separation and the most recent statement.

(E) Spousal Maintenance and Child Support. If spousal maintenance or child support is at issue, each party shall file a copy of his or her most recent paycheck, together with the most recent tax return if not already on file. Each party shall fill out a statement regarding monthly expenses.

(3) *Settlement Conference and Trial Dates.* Upon receiving the Note for Settlement Conference and completed Position Statement, the Court Administrator shall schedule a settlement conference and shall send notice to the parties and any assigned guardian ad litem or family court investigator. The settlement conference shall not be scheduled sooner than ~~((sixty))~~ 60 days after the Note for Settlement Conference is filed. At the conclusion of the settlement conference the ~~((Judge/Court Commissioner))~~ court may direct the Court Administrator to set the matter for trial or may schedule an additional settlement conference. At the conclusion of the conference, the court shall complete and the parties shall sign a Settlement/Status Conference order, using the form found on the court's Current Local Rules website. ~~((Exemplar 6))~~

[Adopted effective September 1, 2020.]

#### **LFLR 4 MODIFICATION OF DECREE OF DISSOLUTION**

**(a) Parenting Plans**

(1) *Ex Parte Requests for Change in Primary Residential Care.* An ex parte request to change custody shall be denied unless an emergency is clearly established by the sworn declaration and supporting evidence of the party seeking the change. A restraining order must be accompanied by a summons and petition for modification.

(2) *Petitions for Modification of Custody or Residential Placement.* A petition for a major modification of a parenting plan shall be commenced by filing a Summons, Petition, Proposed Parenting Plan and supporting declarations. The matter may be noted for adequate cause and temporary orders in conformance with ~~((LR 94.04(A)(1)))~~ LFLR 1(a). If adequate cause is found, the matter may be noted for settlement conference by either party. If adequate cause is not found, the matter shall be dismissed.



(3) *Petitions for Minor Modification of Parenting Plans.* In any case in which the parenting plan provides for alternative dispute resolution, the party seeking a minor modification shall state whether alternative dispute resolution has been exhausted prior to filing the Petition. The court shall not consider the petition unless the alternate dispute resolution shall have been exercised in good faith. Failure to participate in good faith may result in the imposition of terms.

**(b) Child Support Orders**

(1) A petition to modify a child support order shall be commenced by filing a Summons, Petition, Child Support Worksheet and proof of income, including a copy of the parties' most recent paystub and tax return with all attachments.

(2) The documents, above-described, shall be served on the opposing party as provided by statute.

(3) The matter shall be noted for hearing in conformance with the procedures described in ~~((LR 94.04(1)))~~ LFLR 1(b). The matter shall not be scheduled for hearing until at least 20 days have elapsed since service on the opposing party.

(4) The petition shall be determined on declarations unless the court determines that oral testimony is required.

**(c) Modification of Spousal Maintenance**

(1) A Petition to modify spousal maintenance shall be filed and served as provided by statute and civil rules.

(2) The Petition shall be noted for hearing and served as provided by ~~((LR 94.04(1)))~~ LFLR 1(b). If the court determines that there has been a sufficient change of circumstances since entry of the Decree, the matter shall be set for an evidentiary hearing. If the court finds there has not been a sufficient change of circumstances, the petition shall be dismissed.

[Adopted effective September 1, 2020.]

**LFLR 5  
CHILD SUPPORT**

**(a) Tax Exemption.** In determining how to award exemptions, the court should look to the percentage of the basic child support obligation paid by each parent, as well as each parent's obligation for day care expenses. In awarding the exemption, the court should also consider tax benefits available to either parent, for example, head of household status, child credits and day care credits.

**(b) Child support affidavit requirement regarding Public Assistance and notice to Office of Support Enforcement.** No temporary or permanent order for future or past due child support shall be entered by the court unless:

(1) One or both parties shall have filed an affidavit declaring that the affiant has no children or stepchildren, who are the subject of the present order, who currently receive public assistance or live in a state funded placement out of the family home, and that neither spouse owes any past debt to the Washington State Department of ~~((Social and Health Services))~~ Children, Youth, and Families (DCYF), ~~(((the affidavit shall be in the same form~~

as ~~Exemplar No. 7~~) use the Child Support Affidavit Regarding Public Assistance form found on the court's Current Local Rules website); or

(2) The (~~Office of Support Enforcement~~) DCYF Division of Child Support has been served with notice of the application for an order of support prior to hearing, (~~fifteen~~) 15 days for temporary orders and (~~twenty-one~~) 21 days for final orders.

[Adopted effective September 1, 2020.]

## LFLR 6 PARENTING PLANS

When implementing temporary or permanent parenting plans, and in addition to considering the criteria set forth in applicable statute and case law, the court may consider the following guidelines for alternative residential time.

### ~~((1) Alternate Residential Time Guidelines For Yakima County)~~

**(a) Alternate Residential Time:** The following schedule shall be used only as a guideline in setting alternate residential time, based on the child's age:

(1) *0 to 6 months*: Two hours, twice per week.

(2) *6 months to 1 year*: Two hours, twice per week and four hours, once per week.

(3) *1 year to 3 years*:

(A) Two hours, twice per week; and eight hours, once per week.

(B) These holidays alternate each year, for eight hours each: Easter, July 4th, Thanksgiving, Christmas Eve, and Christmas Day.

(C) Overnight residential time is not usually recommended.

(4) *3 years to 5 years*:

(A) Two hours, twice per week; and alternating weekends from Saturday at 9:00 a.m. until Sunday at 6:00 p.m.

(B) These holidays alternate each year: Easter, July 4th, Thanksgiving for ~~((2))~~ two days; Christmas Eve and ~~((2))~~ two days before and Christmas Day and ~~((2))~~ two days thereafter.

(C) Summer residential time: Two non-consecutive one-week periods.

(5) *5 years and older*:

(A) Every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. If Friday is a school holiday, the weekend begins Thursday at 6:00 p.m. If Monday is a school holiday, the weekend ends Monday at 6:00 p.m. (~~(; and)~~).

(B) One weekday from 5:30 p.m. until 7:30 p.m., once per week.

(C) These holidays alternate each year: Thanksgiving for ~~((4))~~ four days, the first half of Christmas school vacation the first year and the second half of Christmas school vacation the next year, and spring vacation.

(D) Summer residential time: 30 days, unless the parents agree to a shorter or longer period of time, or the Court finds that there are circumstances which would extend or shorten summer residential time. During this summer time, the primary residential parent shall have residential time with the child during one weekend (except during extended trips, etc.).

**(b) Father's/Mother's Day:** Regardless of the residential times suggested above, the mother shall have residential time of at least ((4)) four hours on Mother's Day, and the father shall have residential time of at least ((4)) four hours on Father's Day.

**(c) Birthdays:** Each parent shall be allowed to spend at least ((4)) four hours with the child to celebrate the child's birthday, and that parent's birthday, within two days of that birthday.

**(d) Telephone Contact:** Reasonable telephonic contact with the child is usually appropriate, and should not be less than once per week for each parent during that parent's nonresidential time.

**(e) Different Age Groups:** When children of different age groups are involved, the preference shall be to follow the guideline for the oldest child, so that the children remain together.

**(f) Cancellation:** For weekend visits, the primary parent shall have the child available for one hour after the scheduled starting time. If the other parent does not pick up the child within that hour, then the weekend visit shall be deemed canceled.

**(g)** These provisions are designed to encourage each parent to maintain a loving, stable, and nurturing relationship with the child. Each parent shall encourage the parent/child relationship of the other parent, and shall make residential arrangement decisions which are in the best interest of the child.

[Adopted effective September 1, 2020.]

## LFLR 7 PARENTING SEMINARS

**(a) Definition of Applicable Cases.** In all domestic cases including dissolutions, legal separations, major modifications and non-state initiated paternity actions where the parties are parents of children under the age of 18, and where a parenting plan or residential schedule is required, the parties shall attend an approved Impact on Children Seminar.

**(b) Impact on Children Seminars; Mandatory Attendance.** Within 60 days after service of a petition or initiating motion on the respondent, both parties shall participate in, and successfully complete, an approved Impact on Children Seminar. Standards for a court-approved Impact on Children Seminar are set forth in sections (g), (h) and (i) below. Successful completion shall be evidence by a certificate of attendance filed by the provider agency with the court.

**(c) Permissive Application.** The court may require parties in domestic violence actions brought under ((RCW)) chapter 26.50 RCW, and non-parent parties in any domestic case, to attend an Impact on Children Seminar.

**(d) Special Considerations/Waiver.**

- (1) In no case shall opposing parties be required to attend a seminar together.
- (2) Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a party's attendance at a seminar is not in the children's best interest, the court shall either:
  - (A) waive the requirement of completion of the seminar; or
  - (B) provide an alternative voluntary parenting seminar for battered spouses or partners.
- (3) The court may waive the seminar requirement for one or both parties in any case for good cause shown, or may approve an alternative delivery system so the party affected can still receive the same or similar child impact information.

**(e) Fees.** Each party attending a seminar shall pay a fee charged by the approved provider agency. The fees charged shall not be cost-prohibitive to the parties. The seminars shall be conducted at no cost to the county's general revenue allocation to the court.

**(f) Failure to Comply.**

- (1) Non-participation, or default, by one party does not excuse participation by the other party. Respondent's refusal, delay or default will not delay the progress of the case to a final decree. Petitioner's refusal or delay will prevent the case from being set for trial or any final order affecting the parenting/residential plan being entered. Willful refusal or delay by either party may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings.
- (2) In post-decree actions in which attendance had previously been required but not completed or considered and waived, the moving party's motion or petition affecting a parenting plan shall not be entertained until that party has first completed a child impact seminar, unless approved by the court for good cause shown.

**(g) Provider Agencies.** Approved Child Impact Seminars shall be those offered by one or more individuals or counseling agencies approved by the court. "Approval by the court" means approval by ~~((a majority of the judges))~~ a family court judge or commissioner, the family court investigator, and the family court facilitator. Parties may use equivalent services offered by other courts, private agencies or religious organizations, upon approval by the judge in the individual case.

**(h) Seminar Content.** A court-approved child impact seminar shall include, at a minimum:

- (1) The developmental stages of childhood;
- (2) Stress indicators in children;
- (3) Age appropriate expectations of children;
- (4) The impact of divorce on children;
- (5) The grief process;
- (6) Reducing stress for children through an amicable divorce; mediation as alternative to litigation;
- (7) The long-term impact of parental conflict on children;
- (8) Importance of child's relationships with both parents; fostering those relationships;
- (9) Communication skills for divorced parents;
- (10) Practical skills for working together; ~~((and))~~

- (11) The impact on children when step-parents and blended families enter their lives;
- (12) Parenting children with limited time (alternate residential time limits); and
- (13) Involvement of extended family.

**(i) Qualifications of Instructors/Providers.** Child impact seminars should be conducted by a team of not less than two instructors/providers, including one male and one female. Instructors/providers should have the following minimum credentials and experience:

- (1) A master's degree in social work, psychology or other related behavioral science;
- (2) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;
- (3) 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;
- (4) Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- (5) An ability to work with other agencies as part of a collaborative program; and
- (6) Strong oral communication skills.

When parties choose to use agencies or religious organizations which have not received prior approval by the court, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

**(j) Referrals for other services.** During the seminar, referral resources may be made available to the parties, and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parties must seek their own funding resources.

[Adopted effective September 1, 2020.]

## **LFLR 8 GUARDIANS AD LITEM**

### **(a) Registry Administration**

- (1) The court shall maintain and administer guardian ad litem registries for Family Law and Guardianship/Probate/Trusts. These registries shall not include Juvenile Court volunteer guardians ad litem or Court Appointed Special Advocates (CASAs), which shall continue to be administered independently by their respective programs.
- (2) The court shall maintain the application form and background information records pertaining to each person listed on a registry. Persons listed on a registry or registries shall update information annually on a date specified for each registry.
- (3) The application forms as described in ((~~paragraph 2~~)) section (b), curriculum vitae, certificate of attendance at training, and guardianship certificates of qualification under Title 11 RCW shall be available for public review.
- (4) All guardians ad litem on the registry shall be required to complete mandatory training. The court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency.

- (5) Each registry shall be continuously open for new applications and persons applying shall be notified of their placement on the registry and the date thereof.
- (6) The court may impose an application processing fee and/or charge a fee for the training programs.

**(b) Requirements for Listing on Registries.**

(1) *Education and experience requirements.*

(A) Attorneys

- (1) Guardianship, Probate Registry: Member of the Washington State Bar Association in good standing and five years of relevant experience in the practice of law.
- (2) Family Law Registry: Member of the Washington State Bar Association in good standing and five years of experience in the practice of law, with at least 50 percent of that practice in family law or dependency cases.

(B) Non-attorneys

- (1) Guardianship Registry: Bachelor's degree in relevant subject area and five years' experience in the following: needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.
- (2) Family Law Registry: A minimum of a Bachelor's degree in a relevant field and a minimum of five years' experience working with families and children.
- (3) Parentage Cases: In ((RCW)) chapter 26.26A RCW actions, a relative of the minor mother or father may be appointed who has complied with the requirements of RCW 26.12.175 and who is otherwise suitable.

(2) *Application Process.* Each application shall be accompanied by the following:

- (A) Copy of the certificate evidencing successful completion of the current training required for the area of guardian ad litem practice;
- (B) Application and fee allowing the court to obtain a current Washington State Patrol Certificate regarding criminal history;
- (C) Curriculum vitae, showing work and professional or personal experience in or related to the field that would assist in the performance and completion of guardian ad litem duties;
- (D) Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years;
- (E) Certificate of Qualification for guardians ad litem seeking appointment under ((RCW)) Title 11 RCW;
- (F) Description of the nature, status and outcome of any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims, and any order for removal of the guardian ad litem prior to completion of the guardian ad litem's duties;
- (G) Description of any claims, or litigation that has been commenced, involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct.
- (H) Description of fees charged.

(3) The applicant shall be of high moral character, and shall not have any of the following:

- (A) Conviction of a felony or of a crime involving theft, dishonesty or moral turpitude;

- (B) A professional certification or license suspension or revocation;
- (C) Pending investigations or actions for any of the above.

**(c) Appointment of Guardian ad Litem**

- (1) When the need arises for the appointment of a guardian ad litem in a case involving a subject area for which there is a registry, the court shall appoint a person from the registry unless exceptional circumstances are found and findings are entered supporting appointment of a person not listed on the registry.
- (2) Appointments from the registries shall be made in the exercise of the court's sound discretion. The court may, but is not obligated to, appoint a person whom all the parties have stipulated to serve as guardian ad litem. Agreement of all parties will not suffice when one or more parties is alleged to be under a legal disability.
- (3) In making appointments from a registry, among other factors, the court will consider the facts of the case, and the skills, experience and knowledge of persons on the registry.
- (4) Guardians ad litem shall be appointed from the registry in a manner which, to the extent possible, equalizes the workload among persons on the registry. Guardians ad litem shall periodically notify the court of their current caseload, and shall promptly notify the court of any temporary unavailability to serve.

**(d) Retention on Registry/Grievance Procedures**

- (1) A person shall remain on the registry unless the person fails to maintain current application and training requirements, the person notifies the registry of his/her desire to be removed from the registry, or the person is removed or suspended as provided herein.
- (2) Complaints regarding a guardian ad litem shall be directed to the Court Administrator. All complaints shall be in writing on a form prescribed by the court and shall bear the name, signature and address of the complainant. A complaint must be filed within one year from the date of the acts complained of.
- (3) Complaints shall be forwarded to the presiding judge or his/her designee(s) and shall be processed as follows:
  - (A) If the complaint related to an on-going case, the complainant shall be advised that the complaint may be addressed only in the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information contained in the guardian ad litem's report or testimony. Such complaints shall be processed in a manner which assures that the trial judge remains uninformed of the complaint. This process shall be completed in 25 days.
  - (B) If the complaint relates to a case in which final orders have been entered, the presiding judge or his/her designee(s), shall review the complaint and either:
    - (1) make a finding that the complaint has no merit on its face and so inform the complainant in writing; or
    - (2) make a finding that the complaint may have merit and require the guardian ad litem to provide a written response within 10 business days. The guardian ad litem shall be provided with a copy of the complaint. The guardian ad litem's response to the complaint shall be reviewed and such additional investigation as deemed necessary shall be conducted. Findings shall be made as to whether and on what basis the complaint has merit, and such findings shall be forwarded to the guardian ad litem and complainant. If a complaint is found to have merit, the guardian ad

litem may be admonished, reprimanded, referred for additional training, or suspended or removed from the registry. This process shall be completed within 60 days. If the guardian ad litem is removed or suspended, an order shall be signed.

(4) Complaints shall be confidential unless they are deemed to have merit. Findings regarding complaints determined to have merit shall be made part of the guardian ad litem's file and shall be made available upon request, provided, however, confidential information regarding the parties shall not be made available.

(5) If a guardian ad litem is removed from the registry pursuant to disposition of a grievance under this rule, the registry manager shall send notice of such removal to the Administrative Office of the Courts (AOC).

**(e) Payment of Guardians ad Litem.**

(1) In Family Law cases, the order appointing a guardian ad litem shall provide for payment of the guardian ad litem's fees. The court may order either or both parents to pay for the guardian ad litem's fees based upon their ability to pay. The guardian ad litem shall provide a monthly accounting of his/her time and billing for services to the parties. The order appointing the guardian ad litem shall provide that the guardian ad litem may charge up to \$3,000.00 without further court approval. Additional fees may be charged only with court approval.

(2) In Title 11 RCW matters, the fee of the guardian ad litem shall be approved by the court. The fee shall be charged to the alleged incapacitated person unless the court finds such payment would result in financial hardship, in which case, the county shall be responsible for such costs. In matters where no guardian is appointed, the fee may be charged to the petitioner, the alleged incapacitated person or apportioned. If the petition is found to be brought in bad faith, the fee shall be charged to the petitioner.

(3) Guardians ad litem paid at public expense shall accept compensation provided under the court's administrative order regarding such payment.

[Adopted effective September 1, 2020.]

**~~((LSPR 94.04G~~**

**~~ALTERNATE RESIDENTIAL TIME GUIDELINES FOR YAKIMA COUNTY~~**

[Amended effective September 1, 2001; Repealed effective September 1, 2020.]

**~~((LSPR 94.04H~~**

**~~LOCAL RULE REQUIRING PARENTING CLASS~~**

[Amended effective September 21, 1995; September 1, 2001; Repealed effective September 1, 2020.]



**((LSPR 94.04W  
FAMILY LAW PROCEEDINGS**

**~~(A) PROCEEDINGS PENDING TRIAL~~**

~~**(1) Court's Automatic Order.** Upon the filing of a Summons and Petition for dissolution, legal separation or declaration of invalidity, the Court on its own motion shall automatically issue a Temporary Order consistent with Exemplar 11. The petitioner is subject to this order from the date of filing. The petitioner shall serve a copy of this order on respondent and file proof of service. The respondent is subject to this order from the time it is served. The order shall remain in effect until further order or entry of final documents. This order shall not be entered in any law enforcement data base and shall not preclude any party from seeking any other restraining order as may be permitted by statute. If the order is violated, either party may seek a finding of contempt and/or request fees.~~

~~**(2) Motions.** Any party may file a motion pending trial, including motions for temporary orders, to compel discovery, to appoint a GAL/FCI, or presentation of final or temporary orders.~~

~~**(a) Form of pleadings, basis and limitations.**~~

~~(i) **Form.** Mandatory forms shall be used. All documents and copies provided shall be legible and conform to GR14. There is a strong preference they be typed. The format required, if typed, is: 12 point or larger, 1.5 line spacing or greater.~~

~~(ii) **Basis.** Evidence, including written evidence in affidavits and declarations by the parties and witnesses, must comply with the rules of evidence.~~

~~(iii) **Children's Statements.** Declarations by minors are disfavored.~~

~~(iv) **Page Limitations.** Absent prior authorization of the presiding family court commissioner or a different judicial officer if the commissioner is not available, the entirety of all declarations and affidavits from the parties and non-expert witnesses in support of motions (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of twenty (20) pages.~~

~~The entirety of all declarations and affidavits submitted in response to motions shall not exceed twenty (20) pages.~~

~~The entirety of all declarations and affidavits submitted in reply to the response shall not exceed ten (10).~~

~~Exhibits to any declarations shall count toward the above page limits.~~

~~Declarations, affidavits and reports from the Family Court Investigator, GAL, CPS or law enforcement shall not count toward the page limit. Declarations in support of Parenting Plans shall not count toward the page limit but shall not exceed three (3) pages.~~

~~(v) **Violations of this rule.** If the Court finds that one or more of the parties violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.~~

~~**(b) Filing and Service.** The moving party shall, no later than 14 calendar days prior to the hearing date, file with the clerk and properly serve the motion, note for motion, and all supporting documents. Unless previously filed and still current, the moving party's supporting documents shall include these mandatory forms, fully completed and signed by the moving party.~~

**(i) Residential Placement.** A motion concerning temporary residential placement of children must be accompanied by a Proposed Parenting Plan and a Declaration in Support of Parenting Plan.

**(ii) Temporary Child Support.** A motion concerning temporary child support must be accompanied by a Child Support Worksheet, together with proof of income including the party's most recent paystub and tax return with all attachments.

**(iii) Temporary Spousal Maintenance or Attorney Fees.** A motion for temporary maintenance or attorney fees must be accompanied by a Financial Declaration.

**(e) Response to Temporary Motions.** The opposing party's response must be filed and served no later than noon three (3) court days prior to the date scheduled for hearing; provided, however, if the response requests affirmative relief, it must be filed and served no later than five (5) court days prior to the hearing. Documents filed in strict reply to issues raised in the response must be filed and served the day prior to the hearing by noon. Responses filed and/or served later will not be considered. If the disputed issues include residential placement, temporary child support or spousal maintenance, or attorney fees, the appropriate mandatory forms shall be completed and signed by the responding party (unless previously filed and still current). Working copies should be provided to the court.

**(d) Confirmation/Strike Process.** All domestic motions must be confirmed by the moving party by 10:00 a.m., two (2) court days prior to the court hearing or the motion will be stricken. The moving party shall confirm the motion by notifying the clerk (at the specific confirmation telephone number or e-mail address designated by the clerk) and any other party. The confirmation shall include the caller's name and telephone number, the case name and cause number, the date and time of the motion, and the date and time of the confirmation. Confirmation will not be effective unless this procedure is used. If the moving party fails to appear after confirming the motion, the court may strike the motion, deny the motion, impose terms, and order any other relief the court deems appropriate. If the responding party fails to appear, the court may grant the relief requested. A moving party voluntarily striking a hearing shall notify the Clerk and other party no later than 4:00 PM the court day prior to the hearing.

**(e) Renotes.** Matters which have been previously noted in conformance with this rule may be renoted upon five (5) court days notice. The motion shall be confirmed as provided above or it will be stricken.

**(f) Hearings on Temporary Motions.** All motions shall be determined on sworn declarations unless the court determines that testimony is necessary. Argument on temporary motions shall be limited to five minutes per side, except that the court may in its discretion increase or reduce the time for argument. Argument shall be limited to matters contained in the record. By agreement of the parties or order of the court, the matter may be submitted solely on the record.

**(g) Orders Shortening Time.** Motions may be heard on shortened time only in the event of an emergency and where an Order Shortening Time has been signed by the court.

**(3) Orders to Show Cause.** Where required by statute or court rule, a party may obtain an Order to Show Cause requiring the other party to appear and show cause why certain relief should not be granted. The return date on the show cause order shall not be sooner than

fourteen (14) days after filing and service. In all other respects, the requirements of LR 94.04W (A)(1) shall apply.

~~(4) Mediation by Court Order.~~ In addition to mandatory mediation set forth below, in all contested Title 26 matters, a party may request, or the Court may order the parties to engage in mediation. Mediation shall take place as specified in the order of mediation. Failure to mediate in good faith may result in sanctions. The assigned mediator shall advise the Court of the date of the mediation, the parties participating and the outcome. If the matter is not resolved, the substance of the mediation shall remain confidential and the mediator may not be called as a witness in any proceeding.

~~(5) Status Hearings.~~ At any time pending trial, the Court may order that a status hearing be held. The purpose of the status hearing shall be to set deadlines for the completion of discovery, set deadlines for the completion of the guardian ad litem's report, or address other matters necessary to the timely resolution of the case. A party may set a status hearing by following the procedures set forth in 94.04(A)(1). Status hearings shall be heard on the motions calendar.

### **~~(B) NONCONTESTED DISSOLUTIONS~~**

~~(1) No testimony or declaration will be required in cases in which the parties have stipulated to entry of the Decree or in cases in which the relief requested is the same as the relief requested in the petition and the other party is in default.~~

~~(2) In cases in which the relief requested is different or more specific than the original petition and the respondent has defaulted, the party requesting relief must appear and present testimony in support of the request.~~

### **~~(C) CONTESTED DOMESTIC MATTERS~~**

#### **~~(1) Mandatory Mediation~~**

~~(a) Applicable Cases:~~ This rule shall apply to all pending and newly filed contested cases under Chapter 26.09, 26.10, and 26.26 except support modifications and parentage cases initiated by the State of Washington.

~~(b) Note for Trial:~~ Except as provided in (c) below, a party may not note a matter for trial until the parties have attempted mediation in good faith with a court approved mediator. The matter shall be noted for trial using Exemplar 3A, which shall include a certificate of compliance with this rule.

~~(c) When Mediation is not Required.~~ Mediation shall not be required in the following cases:

- ~~(i) For good cause shown upon motion and approval by the court; or~~
- ~~(ii) Where a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties is currently in effect;~~
- ~~(iii) Where a domestic violence no contact order exists pursuant to RCW 10.99;~~
- ~~(iv) Where the court upon motion finds that domestic violence abuse has occurred between the parties and that such abuse would interfere with arm's length mediation.~~

~~Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not be required as set forth in (c)(2), (c)(3), or (c)(4) above if the moving party believes that the parties would be able to mediate their dispute at arm's length under the particular circumstances of the case.~~

- (d) Settlement Conference:** Where mediation is not required or the parties have not mediated in good faith, the parties shall participate in a settlement conference as provided in (2). If the settlement conference does not result in an agreement, the matter shall be set for trial.
- (e) Effect on Court Proceedings.** Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process.
- (f) Qualified Mediators:** The Yakima Superior Court shall maintain a list of qualified mediators which shall include the following information: each mediator's name and organization, if any, address, telephone number and fee schedule. A qualified mediator shall be either an attorney with at least five years domestic relations experience and mediation training or a non-attorney with at least five years of domestic relations experience and mediation training. Mediators must be approved by the Superior Court. The Dispute Resolution Center of Yakima and Kittitas Counties shall be considered a qualified mediator. The Court may approve upon motion by a party or parties the services provided by a mediator that is not on the Court's list, but is otherwise qualified.
- (g) Selection of Mediators:** The parties may either agree to a mediator from the court approved list or the mediator will be determined by use of a strike list. If the parties are unable to afford a private mediator, the Dispute Resolution Center of Yakima and Kittitas Counties shall be utilized. The parties shall notify the court and the mediator of the mediator selected. A mediator may decline an appointment, in which case the parties shall select a new mediator utilizing the same procedure.
- (h) Mediation date and materials:** The mediator shall determine the mediation time and dates and whether or not mediation statements are required.
- (i) Mediation Procedure:** The mediator shall determine how the mediation is conducted. The parties and their lawyers shall personally attend the mediation unless there is a written agreement between the lawyer and the client that the lawyer will not attend. In the event of such agreement, the mediator and the other party/lawyer will be notified in advance of the mediation. The mediator may approve telephonic appearances for parties who reside out of state.
- (j) Cost of Mediation:** The mediator shall be paid by the parties. Payment responsibilities and arrangements shall be determined by the mediator and the parties.
- (k) Failure to Comply:** Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt or imposition of sanctions.
- (l) Notice of Compliance/Agreement:** If no settlement is reached, the mediator shall, within 7 days, file with the Clerk with copies to the parties, a certificate showing that there has been compliance with this rule. If an agreement is reached in mediation, that agreement shall be reduced to writing and signed by the parties and their lawyers.
- (m) Incorporation of RCW 7.07:** The Uniform Mediation Act, RCW 7.07, is incorporated herein by reference, including but limited to the confidentiality of documents and mediator privilege protections of that Act.
- (n) Effective Date:** September 1, 2014\_\_\_\_\_.
- (2) Settlement/Status Conference and Trial.** In the event that mediation is not required a settlement/status conference shall be held in all contested domestic relations cases;

including custody modifications, paternity actions, other than those initiated by the State of Washington, non parental custody cases, committed intimate relationships (CIR) and civil union matters. The purpose of the settlement/status conference is to set timelines for the completion of discovery and guardian ad litem reports, identify disputed issues and pursue settlement of the case. Domestic relations cases shall not be set for trial unless ordered and after a full settlement conference has been held. Parties and assigned guardians ad litem shall attend the settlement conference.

**(a) Note for Settlement Conference.** Once a response to a petition has been filed, and, if applicable, the Children Cope With Divorce class has been completed by the noting party, a party may request a settlement conference date by filing a Note For Settlement Conference (Exemplar 3A), together with a fully completed Position Statement (Exemplar 5). If there is a guardian ad litem or family court investigator assigned to the case, his/her name shall be listed on the Note for Settlement Conference.

**(b) Filing Position Statements.** The party who notes the matter for settlement conference shall file and serve his/her Position Statement contemporaneously. The other party shall file and serve a Position Statement no later than fourteen (14) days prior to the settlement conference. If either party fails to timely file a Position Statement or files an incomplete Position Statement, the judge/court commissioner may strike the settlement conference and impose terms.

**(c) Settlement Conference and Trial Dates.** Upon receiving the Note for Settlement Conference and completed Position Statement, the Court Administrator shall schedule a settlement conference and shall send notice to the parties and any assigned guardian ad litem or family court investigator. The settlement conference shall not be scheduled sooner than sixty days after the Note for Settlement Conference is filed. At the conclusion of the settlement conference the Judge/Court Commissioner may direct the Court Administrator to set the matter for trial or may schedule an additional settlement conference. At the conclusion of the conference, the Court shall complete and the parties shall sign a Settlement/Status Conference order. (Exemplar 6)

**(d) Position Statements**

**(i)** Position statements must be in the form of Exemplar No. 5. The Position Statement shall be filed as a sealed source document and shall not be used for any other purpose or reviewed by the trial judge, unless specifically agreed by the parties. The Position statement shall indicate the proposed disposition of assets and liabilities, as well as proposed spousal maintenance, child support and residential placement of children, as applicable.

**(ii) Asset List:** If distribution of assets is at issue, each party shall complete a list of assets, both community and separate. For each asset listed, the party shall provide a good faith opinion as to the fair market value of the asset as of the date of separation. With respect to real property assets, the party shall provide a copy of any appraisal or market analysis intended to be used at trial. With respect to retirements, pensions, investment or bank accounts, the party shall provide a copy of all statements referencing the value of such accounts as of the date of separation and the most recent statement. With respect business assets, the party shall provide a copy of the most recent profit/loss statement available and a copy of the most recent tax return with all schedules attached.

**(iii) Liabilities List:** If distribution of debts is at issue, each party will provide copies of statements from the creditors listed, both as of the date of separation and the most recent statement.

**(iv) Spousal Maintenance and Child Support:** If spousal maintenance or child support is at issue, each party shall file a copy of his/her most recent paycheck, together with the most recent tax return if not already on file. Each party shall fill out a statement regarding monthly expenses.

## **(D) MODIFICATION OF DECREE OF DISSOLUTION**

### **(1) Parenting Plans**

**(a) Ex Parte Requests for Change in Primary Residential Care.** An ex parte request to change custody shall be denied unless an emergency is clearly established by the sworn declaration of the party seeking the change.

**(b) Petitions for Modification of Custody or Residential Placement.**

A petition for a major modification of a parenting plan shall be commenced by filing a Summons, Petition, Proposed Parenting Plan and supporting declarations. The matter may be noted for adequate cause and temporary orders in conformance with LR 94.04(A)(1). If adequate cause is found, the matter may be noted for settlement conference by either party. If adequate cause is not found, the matter shall be dismissed.

**(c) Petitions for Minor Modification of Parenting Plans.**

In any case in which the parenting plan provides for alternative dispute resolution, the party seeking a minor modification shall state whether alternative dispute resolution has been exhausted prior to filing the Petition. The court shall not consider the petition unless the alternate dispute resolution shall have been exercised in good faith. Failure to participate in good faith may result in the imposition of terms.

### **(2) Child Support Orders**

**(a)** A petition to modify a child support order shall be commenced by filing a Summons, Petition, Child Support Worksheet and proof of income, including a copy of the parties' most recent paystub and tax return with all attachments.

**(b)** The documents, above described, shall be served on the opposing party as provided by statute.

**(c)** The matter shall be noted for hearing in conformance with the procedures described in LR 94.01(1). The matter shall not be scheduled for hearing until at least 20 days have elapsed since service on the opposing party.

**(d)** The petition shall be determined on declarations unless the court determines that oral testimony is required.

### **(3) Modification of Spousal Maintenance**

**(a)** A Petition to modify spousal maintenance shall be filed and served as provided by statute and civil rules.

**(b)** The Petition shall be noted for hearing and served as provided by LR 94.04(1). If the court determines that there has been a sufficient change of circumstances since entry of the Decree, the matter shall be set for an evidentiary hearing. If the court finds there has not been a sufficient change of circumstances, the petition shall be dismissed.

## **(E) CHILD SUPPORT**

### **(1) Tax Exemption**

In determining how to award exemptions, the court should look to the percentage of the basic child support obligation paid by each parent, as well as each parent's obligation for

day care expenses. In awarding the exemption, the court should also consider tax benefits available to either parent, for example, head of household status, child credits and day care credits.

~~(2) Child support affidavit requirement regarding Public Assistance and notice to Office of Support Enforcement.~~

~~No temporary or permanent order for future or past due child support shall be entered by the court unless:~~

~~(a) One or both parties shall have filed an affidavit declaring that the affiant has no children or stepchildren, who are the subject of the present order, who currently receive public assistance or live in a state funded placement out of the family home, and that neither spouse owes any past debt to the Washington State Department of Social and Health Services, (the affidavit shall be in the same form as Exemplar No. 7); or The Office of Support Enforcement has been served with notice of the application for an order of support prior to hearing, fifteen (15) days for temporary orders and twenty one (21) days for final orders.~~

#### **(F) TEMPORARY / PERMANENT PARENTING PLANS**

When implementing temporary or permanent parenting plans, and in addition to considering the criteria set forth in applicable statute and case law, the court may consider the following guidelines for alternative residential time.

##### **(1) Alternate Residential Time Guidelines For Yakima County**

**(a) Alternate Residential Time:** The following schedule shall be used only as a guideline in setting alternate residential time, based on the child's age:

**(i) 0 to 6 months:** Two hours, twice per week.

**(ii) 6 months to 1 year:** Two hours, twice per week; and  
a. four hours, once per week.

**(iii) 1 year to 3 years:** Two hours, twice per week; and  
a. eight hours, once per week.

b. These holidays alternated each year, for eight hours each: Easter, July 4th, Thanksgiving, Christmas Eve, and Christmas Day.  
c. Overnight residential time is not usually recommended.

**(iv) 3 years to 5 years:** Two hours, twice per week; and

a. Alternating weekends from Saturday at 9:00 a.m. until Sunday at 6:00 p.m.  
b. These holidays alternated each year: Easter, July 4th, Thanksgiving for 2 days; Christmas Eve and 2 days before and Christmas Day and 2 days thereafter.  
c. Summer residential time: Two non-consecutive one week periods.

**(v) 5 years and older:** Every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. If Friday is a school holiday, the weekend begins Thursday at 6:00 p.m. If Monday is a school holiday, the weekend ends Monday at 6:00 p.m.; and

a. One weekday from 5:30 p.m. until 7:30 p.m., once per week.

b. These holidays alternated each year: Thanksgiving for 4 days, the first half of Christmas school vacation the first year and the second half of Christmas school vacation the next year, and spring vacation.

c. Summer residential time: 30 days, unless the parents agree to a shorter or longer period of time, or the Court finds that there are circumstances which would extend or shorten summer residential time. During this summer time, the primary

residential parent shall have residential time with the child during one weekend (except during extended trips, etc.).

**(b) Father's/Mother's Day:** Regardless of the residential times suggested above, the mother shall have residential time of at least 4 hours on Mother's Day, and the father shall have residential time of at least 4 hours on Father's Day.

**(c) Birthdays:** Each parent shall be allowed to spend at least 4 hours with the child to celebrate the child's birthday, and that parent's birthday, within two days of that birthday.

**(d) Telephone Contact:** Reasonable telephonic contact with the child is usually appropriate, and should not be less than once per week for each parent during that parent's nonresidential time.

**(e) Different Age Groups:** When children of different age groups are involved, the preference shall be to follow the guideline for the oldest child, so that the children remain together.

**(f) Cancellation:** For weekend visits, the primary parent shall have the child available for one hour after the scheduled starting time. If the other parent does not pick up the child within that hour, then the weekend visit shall be deemed canceled.

**(g)** These provisions are designed to encourage each parent to maintain a loving, stable, and nurturing relationship with the child. Each parent shall encourage the parent/child relationship of the other parent, and shall make residential arrangement decisions which are in the best interest of the child.

#### **(G) PARENTING SEMINARS**

**(1) Definition of Applicable Cases.** All domestic cases including dissolutions, legal separations, major modifications and non-state initiated paternity actions where the parties are parents of children under the age of 18, and where a parenting plan or residential schedule is required, the parties shall attend an approved Impact on Children Seminar.

**(2) Impact on Children Seminars; Mandatory Attendance.** Within 60 days after service of a petition or initiating motion on the respondent, both parties shall participate in, and successfully complete, an approved Impact on Children Seminar. Standards for a court-approved Impact on Children Seminar are set forth in sections (7), (8) and (9) below. Successful completion shall be evidence by a certificate of attendance filed by the provider agency with the court.

**(3) Permissive Application.** The court may require parties in domestic violence actions brought under RCW 26.50, and non-parent parties in any domestic case, to attend an Impact on Children Seminar.

**(4) Special considerations/waiver.**

**(a)** In no case shall opposing parties be required to attend a seminar together.

**(b)** Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a party's attendance at a seminar is not in the children's best interest, the court shall either:

**(i)** waive the requirement of completion of the seminar; or

**(ii)** provide an alternative voluntary parenting seminar for battered spouses or partners.

**(c)** The court may waive the seminar requirement for one or both parties in any case for good cause shown, or may approve an alternative delivery system so the party affected can still receive the same or similar child impact information.



~~(5) Fees.~~ Each party attending a seminar shall pay a fee charged by the approved provider agency. The fees charged shall not be cost prohibitive to the parties. The seminars shall be conducted at no cost to the county's general revenue allocation to the court.

~~(6) Failure to comply.~~

~~(a) Non-participation, or default, by one party does not excuse participation by the other party. Respondent's refusal, delay or default will not delay the progress of the case to a final decree. Petitioner's refusal or delay will prevent the case from being set for trial or any final order affecting the parenting/residential plan being entered. Willful refusal or delay by either party may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings.~~

~~(b) In post-decree actions in which attendance had previously been required but not completed or considered and waived, the moving party's motion or petition affecting a parenting plan shall not be entertained until that party has first completed a child impact seminar, unless approved by the court for good cause shown.~~

~~(7) Provider Agencies.~~ Approved Child Impact Seminars shall be those offered by one or more individuals or counseling agencies approved by the court. "Approval by the court" means approval by a majority of the judges. Parties may use equivalent services offered by other courts, private agencies or religious organizations, upon approval by the judge in the individual case.

~~(8) Seminar content.~~ A court approved child impact seminar shall include, at a minimum:

~~(a) the developmental stages of childhood;~~

~~(b) stress indicators in children;~~

~~(c) age appropriate expectations of children;~~

~~(d) the impact of divorce on children;~~

~~(e) the grief process;~~

~~(f) reducing stress for children through an amicable divorce; mediation as alternative to litigation~~

~~(g) the long term impact of parental conflict on children;~~

~~(h) importance of child's relationships with both parents; fostering those relationships;~~

~~(i) communication skills for divorced parents;~~

~~(j) practical skills for working together; and~~

~~(k) the impact on children when step-parents and blended families enter their lives.~~

~~(l) parenting children with limited time (alternate residential time limits)~~

~~(m) involvement of extended family~~

~~(9) Qualifications of Instructors.~~ Child impact seminars should be conducted by a team of not less than two instructors, including one male and one female. Instructors should have the following minimum credentials and experience;

~~(a) a master's degree in social work, psychology or other related behavioral science;~~

~~(b) supervised experience in treatment of emotionally disturbed children, adolescents and their families;~~

~~(c) 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;~~

~~(d) extensive knowledge of child development, age appropriate expectations for children, and positive parenting;~~

- (e) an ability to work with other agencies as part of a collaborative program; and
- (f) strong oral communication skills.

When parties choose to use agencies or religious organizations which have not received prior approval by the court, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

**(10) Referrals for other services.** During the seminar, referral resources may be made available to the parties, and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parties must seek their own funding resources.

## **(H) GUARDIANS AD LITEM**

### **(1) Registry Administration**

(a) The court shall maintain and administer Guardian ad Litem registries for Family Law and Guardianship/Probate/Trusts. These registries shall not include Juvenile Court volunteer Guardians ad Litem or CASAs, which shall continue to be administered independently by their respective programs.

(b) The court shall maintain the application form and background information records pertaining to each person listed on a registry. Persons listed on a registry or registries shall update information annually on a date specified for each registry.

(c) The application forms as described in paragraph 2, curriculum vitae, certificate of attendance at training, and guardianship certificates of qualification under Title 11 shall be available for public review.

(d) All guardians ad litem on the registry shall be required to complete mandatory training. The court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency.

(e) Each registry shall continuously open for new applications and persons applying shall be notified of their placement on the registry and the date thereof.

(f) The court may impose an application processing fee and/or charge a fee for the training programs.

### **(2) Requirements for Listing on Registries**

#### **(a) Education and Experience Requirements**

##### **(i) Attorneys**

##### **(1) Guardianship, Probate Registry**

Member of the Washington State Bar Association in good standing and five years of relevant experience in the practice of law.

##### **(2) Family Law Registry**

Member of the Washington State Bar Association in good standing and five years of experience in the practice of law, with at least 50 percent of that practice in family law or dependency cases.

##### **(ii) Non-attorneys**

##### **(1) Guardianship Registry**

Bachelor's degree in relevant subject area and five years' experience in the following: needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.

##### **(2) Family Law Registry**

A minimum of a Bachelor's degree in a relevant field and a minimum of five years' experience working with families and children.

**(3) Parentage Cases**

In RCW 26.26 actions, a relative of the minor mother or father may be appointed who has complied with the requirements of RCW 26.12.175 and who is otherwise suitable.

**(b) Application Process**

Each application shall be accompanied by the following:

- ~~(i) Copy of the certificate evidencing successful completion of the current training required for the area of Guardian ad Litem practice;~~
  - ~~(ii) Application and fee allowing the court to obtain a current Washington State Patrol Certificate regarding criminal history;~~
  - ~~(iii) Curriculum vitae, showing work and professional or personal experience in or related to the field that would assist in the performance and completion of Guardian ad Litem duties;~~
  - ~~(iv) Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years;~~
  - ~~(v) Certificate of Qualification for Guardians ad Litem seeking appointment under RCW Title 11;~~
  - ~~(vi) Description of the nature, status and outcome of any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims, and any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties;~~
  - ~~(vii) Description of any claims, or litigation that has been commenced, involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct.~~
  - ~~(viii) Description of fees charged.~~
- ~~(c) The applicant shall be of high moral character, and shall not have any of the following:~~
- ~~(i) Conviction of a felony or of a crime involving theft, dishonesty or moral turpitude;~~
  - ~~(ii) A professional certification or license suspension or revocation;~~
  - ~~(iii) Pending investigations or actions for any of the above.~~

**(3) Appointment of Guardian ad Litem**

- ~~(a) When the need arises for the appointment of a Guardian ad Litem in a case involving a subject area for which there is a registry, the court shall appoint a person from the registry unless exceptional circumstances are found and findings are entered supporting appointment of a person not listed on the registry.~~
- ~~(b) Appointments from the registries shall be made in the exercise of the court's sound discretion. The court may, but is not obligated to, appoint a person whom all the parties have stipulated to serve as Guardian ad Litem. Agreement of all parties will not suffice when one or more parties is alleged to be under a legal disability.~~
- ~~(c) In making appointments from a registry, among other factors, the court will consider the facts of the case, and the skills, experience and knowledge of persons on the registry.~~

~~(d)~~ Guardians ad Litem shall be appointed from the registry in a manner which, to the extent possible, equalizes the workload among persons on the registry. Guardians ad Litem shall periodically notify the court of their current caseload, and shall promptly notify the court of any temporary unavailability to serve.

**~~(4) Retention on Registry/Grievance Procedures~~**

~~(a)~~ A person shall remain on the registry unless the person fails to maintain current application and training requirements, the person notifies the registry of his/her desire to be removed from the registry, or the person is removed or suspended as provided herein.

~~(b)~~ Complaints regarding a Guardian ad Litem shall be directed to the Court Administrator. All complaints shall be in writing on a form prescribed by the court and shall bear the name, signature and address of the complainant. A complaint must be filed within one year from the date of the acts complained of.

~~(c)~~ Complaints shall be forwarded to the presiding judge or his/her designee(s) and shall be processed as follows:

~~(i)~~ If the complaint related to an on-going case, the complainant shall be advised that the complaint may be addressed only in the case at bar, either by seeking the removal of the Guardian ad Litem or by contesting the information contained in the Guardian ad Litem's report or testimony. Such complaints shall be processed in a manner which assures that the trial judge remains uninformed of the complaint. This process shall be completed in 25 days.

~~(ii)~~ If the complaint relates to a case in which final orders have been entered, the presiding judge or his/her designee(s), shall review the complaint and either:

~~(1)~~ make a finding that the complaint has no merit on its face and so inform the complainant in writing; or

~~(2)~~ make a finding that the complaint may have merit and require the Guardian ad Litem to provide a written response within 10 business days. The Guardian ad Litem shall be provided with a copy of the complaint. The Guardian ad Litem's response to the complaint shall be reviewed and such additional investigation as deemed necessary shall be conducted. Findings shall be made as to whether and on what basis the complaint has merit, and such findings shall be forwarded to the Guardian ad Litem and complainant. If a complaint is found to have merit, the Guardian ad Litem may be admonished, reprimanded, referred for additional training, or suspended or removed from the registry. This process shall be completed within 60 days. If the Guardian ad Litem is removed or suspended, an order shall be signed.

~~(d)~~ Complaints shall be confidential unless they are deemed to have merit. Findings regarding complaints determined to have merit shall be made part of the Guardian ad Litem's file and shall be made available upon request, provided, however, confidential information regarding the parties shall not be made available.

~~(e)~~ If a Guardian ad Litem is removed from the registry pursuant to disposition of a grievance under this rule, the registry manager shall send notice of such removal to the Administrative Office of the Courts.

**~~(5) Payment of Guardians ad Litem:~~**

~~(a)~~ In Family Law cases, the order appointing a Guardian ad Litem shall provide for payment of the Guardian ad Litem's fees. The court may order either or both parents to

pay for the Guardian ad Litem's fees based upon their ability to pay. The Guardian ad Litem shall provide a monthly accounting of his/her time and billing for services to the parties. The order appointing the Guardian ad Litem shall provide that the Guardian ad Litem may charge up to \$3,000.00 without further court approval. Additional fees may be charged only with court approval.

~~(b) In Title 11 matters, the fee of the Guardian ad Litem shall be approved by the court. The fee shall be charged to the alleged incapacitated person unless the court finds such payment would result in financial hardship, in which case, the county shall be responsible for such costs. In matters where no guardian is appointed, the fee may be charged to the petitioner, the alleged incapacitated person or apportioned. If the petition is found to be brought in bad faith, the fee shall be charged to the petitioner.~~

~~(c) Guardians ad Litem paid at public expense shall accept compensation provided under the court's administrative order regarding such payment.)~~

[Adopted effective January 14, 1991; Amended effective February 1, 1991; September 1, 1991; July 16, 1992; May 1, 1996; September 1, 2001; September 1, 2004; September 1, 2009; September 8, 2009; September 1, 2010; September 1, 2012; September 2, 2014; September 1, 2017; September 1, 2018; Repealed effective September 1, 2020.]

~~**((LSPR-98.01  
LOCAL GUARDIANSHIP RULE FOR YAKIMA COUNTY**~~

[Adopted on an emergency basis effective June 12, 2007; Adopted on a permanent basis effective September 1, 2007; Repealed effective September 1, 2020.]

**LOCAL CRIMINAL RULES**

~~**((LCrR-1.1  
SCOPE**~~

~~These rules govern the procedure of all criminal matters in the Superior Courts of Yakima County, Washington.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

~~**((LCrR-1.2  
PURPOSE AND CONSTRUCTION**~~

~~These rules are intended to supplement the Criminal Rules for Superior Court (CrR) and shall be interpreted and construed to facilitate the Criminal Rules for Superior Court in the administration of justice.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

~~(LCrR 1.3)~~  
**EFFECT**

~~These rules shall apply to any proceeding in court then pending, except to the extent that time limits provided or required by these rules may be impossible or infeasible to meet, in which case the court shall extend such time limits or make other appropriate provisions.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**LCrR 3.1**  
**ATTORNEY CERTIFICATION**

**(d)(4)**

(A) Attorneys who anticipate being appointed to represent adult indigents in criminal cases must comply with CrR 3.1(d)(4) by filing a certification of compliance with the Clerk of the Superior Court. The certification should be filed at least ~~((fourteen))~~ 14 days prior to each calendar quarter.

(B) The Clerk will maintain an administrative file for such certifications. The administrative files will be open for public inspection.

(C) At the time of filing a certification, the attorney shall serve a copy of the certification on the Yakima County Department of Assigned Counsel and file proof of service with the original filed with the Clerk.

(D) The Yakima County Department of Assigned Counsel will, at the beginning of each calendar quarter, compile a list of attorneys who have filed the certification required. A copy of the list will be distributed to each judge of the Superior Court. The list will be updated from time to time during each quarter to reflect changes in certification.

(E) The certification list will be available for inspection at the office of the Yakima County Department of Assigned Counsel and may be otherwise published by that agency.

[Adopted on an emergency basis effective December 3, 2012; Adopted on a permanent basis effective September 2, 2013; Amended effective September 1, 2020.]

**LCrR 3.2**  
**PRETRIAL**

In addition to the release factors set forth in CrR 3.2, the court shall consider the results of a public safety assessment (PSA) conducted for each person incarcerated and appearing before the court on preliminary appearance. If the court decides the person is eligible for release on their

personal recognizance, the court shall determine the level of pretrial monitoring, if any, in addition to conditions of release set forth in CrR 3.2 (~~((b-d))~~) (b) - (d).

[Adopted effective September 1, 2018; Amended effective September 1, 2020.]

~~((LCrR 3.3  
TIME FOR TRIAL~~

~~(f) **Setting of Trial Date.** At the arraignment of any defendant in a criminal action, the Administrator shall set the case for trial. The defendant shall be given a copy of the trial setting notice at the time of arraignment.~~

~~(h) **Continuances.** Continuances or other delays of criminal trials shall be granted only upon written motion, and for reasons provided in CrR 3.3. Orders granting continuances or other delays of criminal trials must be in writing. These motions shall be heard by the Presiding Department unless the matter has been assigned to another department.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

~~((LCrR 4.1.1  
HEARINGS FOLLOWING ARRAIGNMENT~~

~~(a) **Omnibus Hearing.** At the time of arraignment, the court shall set a time for an omnibus hearing in addition to a time for trial. This is a mandatory appearance hearing for the defendant.~~

~~(1) *Time of Omnibus Hearing.* The omnibus hearing shall be set on the Superior Court morning criminal docket approximately 11 days before the assigned trial date.~~

~~(2) *Content.* The defendant shall comply with CrR 4.5 if the defendant indicates an intention to go to trial. If the court grants a motion for continuance, a new omnibus hearing date shall be assigned.~~

~~(i) The parties must exchange witness lists pursuant to CrR 4.5 within three court days of the day of the omnibus hearing.~~

~~(ii) If a defendant indicates he or she intends to plead guilty, the court will set a date certain prior to the trial date for entry of the plea(s).~~

~~(b) **Pre-Trial Hearing.** (Reserved for further consideration by the court and no longer in effect until further amendment is issued.)~~

~~(k) The setting of a status hearing consistent with (j) above; and~~

~~(l) The determination of the necessity for and setting of an Omnibus Hearing consistent with (j) above.~~

~~(c) **Triage Hearing.** If at the time of the omnibus hearing the parties wish to proceed to trial on the assigned trial date the matter shall be set for a triage hearing at 9:00 AM on the daily criminal motion docket on the Friday immediately preceding the trial. This is a mandatory~~

appearance hearing for the defendant. Counsel shall submit a completed Status Order to the court at the triage hearing. If a case is resolved or continued before the triage hearing the parties need not appear.

~~(d) Failure to Appear.~~ A defendant's failure to appear for a mandatory appearance hearing will result in a pending trial date being stricken. Absent an acceptable explanation and acquiescence by the prosecution, an order for a Bench Warrant will be entered. Time for trial shall recommence pursuant to CrR 3.3.)

[Adopted effective October 1, 2003; Amended effective September 1, 2004; September 1, 2007; Repealed effective September 1, 2020.]

### ~~((LCrR 4.1.2 SPECIAL SET MOTION HEARINGS~~

~~Definition: Special Set Motion Hearing:~~

~~A hearing set through the Court Administrator's Office which may require extensive time or court resources.~~

~~Process:~~

~~1. Counsel will contact the Court Administrator's Office to obtain a date and time for the hearing. Counsel will disclose to the Court Administrator's Office Information regarding the hearing; names of parties, case number, length of the hearing, and resource requirements (i.e., interpreter needs, custody status, or special accommodations).~~

~~2. The party requesting the hearing will file the original noting document and motion with the County Clerk's Office and a copy with the Court Administrator's Office.~~

~~3. The noting party must provide the opposing party at least 7 court days written notice of the hearing unless the parties agree to a shorter setting and the Court Administrator can accommodate the request.~~

~~4. When a brief is required, the moving party shall file it with the original noting document and deliver a copy to the Court Administrator's Office and opposing counsel. The responding party shall file the original response with the Clerk and a copy to the Court Administrator's Office and opposing counsel no later than 4 court days prior to the hearing.~~

~~5. Special set hearings can only be stricken by the noting counsel and this must be done by court order. The order can be presented *ex parte*. If the noting party wishes to reset the hearing, it must be re-noted as outlined above.))~~

[Adopted effective March 19, 2007; Amended effective September 1, 2007; December 15, 2016; Repealed effective September 1, 2020.]



**LCrR 4.2**  
**PLEAS**

**(a) Types.**

(1) A defendant may enter a plea of not guilty in writing. Such plea shall be signed by the defendant and his or her counsel, filed with the court and a copy served on the prosecuting attorney and the Administrator.

(2) The failure to enter any plea prior to trial shall be construed as a plea of not guilty.

**(h) Scheduling.**

(1) The prosecuting attorneys and defense attorneys, acting through the prosecutor's office, shall advise the Administrator each day of all matters pertaining to criminal cases to come before the court the following day.

(2) Neither party shall, except in emergent situations, set any guilty plea or sentencing hearing on any day that the presence of counsel for either party is required in another department for trial or other proceedings. Any counsel whose presence in another department is required shall notify the Presiding Department and such counsel shall be given time preference in the Presiding Department. In no event shall any attorney set a matter in the Presiding Department when his or her presence is required in another department on the first day of any jury trial.

**(i)** Court Commissioners qualified under Article 4, Section 23 of the Washington State Constitution may accept pleas of adult criminal defendants in accordance with CrR 4.2 unless otherwise restricted by administrative order of the Superior Court.

[Adopted effective January 14, 1991; Amended effective September 1, 2000; September 1, 2020.]

**LCrR 4.5**  
**OMNIBUS HEARING AND SUBSEQUENT HEARINGS**

**(a)** At the arraignment, the court shall schedule an omnibus hearing approximately 30 days after the arraignment.

**(c)** At the omnibus hearing, the court shall set a readiness hearing and the trial date, unless the parties believe the case will be otherwise resolved. The parties shall complete and present one Omnibus Order, using the form found on the court's Current Local Rules website.

**(i) Readiness Hearing.** The court shall schedule a readiness hearing approximately 30 days before the trial date. The parties shall address any pretrial issues remaining, and the court shall schedule a triage hearing. The parties shall complete and present one Trial Status Order, using the form found on the court's Current Local Rules website. If the case is not ready to

proceed to trial, the court may schedule another readiness hearing or a hearing to resolve the case.

**(j) Triage Hearing.** The triage hearing shall be set on the Friday (or nearest preceding judicial day if Friday is a holiday) two weeks preceding the trial. The parties shall confirm that the case is ready for trial, or schedule a hearing to resolve the case.

**(k) Special Set Motion Hearings.** Hearings which may require extensive time or court resources shall be specially set by the Court Administrator not later than 30 calendar days before trial (unless the opposing party and the court agree to a shorter time).

(1) The moving party shall file any special set motion and any supporting documents (including briefs, affidavits, or declarations).

(2) The Court Administrator will set the motion for hearing after receiving a copy of the filed motion, supporting documents, and information useful to scheduling (such as the anticipated length of hearing, interpreter needs, custody status, or special accommodations).

(3) The moving party shall serve a copy of all documents on all other parties at least ten court days before the hearing date (unless the opposing parties agree to a shorter time). Other parties may file and serve opposing documents not later than three court days before the hearing date.

(4) Special set hearings can only be stricken by the noting counsel. This may be done either by ex parte court order, or by an email to the assigned judge or Court Administrator, and to the attorneys for all parties, as soon as possible.

**(l) Mandatory Appearance Hearings.** Unless otherwise required by the court, the defendant must appear at preliminary appearance, arraignment, triage, and special set motion hearings, as well as trial, unless the case is resolved.

[Adopted effective September 1, 2020.]

#### ~~((LCrR 4.7 DISCOVERY~~

~~**(h) Regulation of Discovery**~~

~~(9) Unless otherwise ordered, in cases where no omnibus hearing is held and no discovery request is made, the material so required by court rule shall be furnished no less than fifteen (15) days before trial, if known and available.~~

~~(10) Unless otherwise ordered, a party has five (5) days from the entry of a discovery order to comply with the order.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**LCrR 6.1**  
**TRIAL BY JURY OR BY THE COURT**

~~(((e) Trial Notification Requirements. All parties shall contact the Administrator's office two (2) days prior to the date set for trial and notify the Administrator whether~~

- ~~(a) the case will proceed to trial;~~
- ~~(b) the anticipated length of trial;~~
- ~~(c) existence of a jury trial waiver, if any; and~~
- ~~(d) if pretrial matters remain for hearing.~~

~~(f)) (d) Order on Hearings or Trial. Unless otherwise ordered, the prevailing party shall file and serve proposed findings of fact, conclusions of law and/or order and a Notice of Hearing within five ((5)) days of the conclusion of any trial or hearing requiring findings, conclusions, or order.~~

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCrR 6.15**  
**INSTRUCTIONS ((TO JURY AND DELIBERATION)) AND ARGUMENT**

**(a) Proposed Instructions.**

(1) *Distribution.* All instructions, including Washington Pattern Instructions, shall be submitted in writing. Numbered and assembled sets, with citations, shall be distributed as follows:

(A) The original shall be filed with the Clerk; one copy shall be served on each other party; one copy shall be retained by the party proposing them; and one copy shall be delivered to the judge.

(B) In addition, one unassembled set, without citations or numbers, shall be delivered to the judge. Counsel should also be prepared to email to the judge a set of the instructions without citations or numbers.

(2) *Published Instructions.* If a proposed Washington Pattern Instruction is modified, it must so indicate with the citation.

[Adopted on an emergency basis effective August 16, 2006; Adopted on a permanent basis effective September 1, 2007; Amended effective September 1, 2020.]

~~**(LCrR 7.4**~~  
~~**POST-TRIAL MOTIONS**~~

~~**(b) Time for Motion; Memoranda.** Post-trial motions pursuant to CrR 7.4 or CrR 7.6 shall be accompanied with a note for setting. A memorandum of points and authorities may accompany such motion and shall be served and filed with the motion. Such statement shall be concise and state with specificity the grounds for relief. The opposing party may serve and file a statement of points and authorities not less than two (2) days prior to the hearing on such motion.-))~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**LCrR 8.2  
MOTIONS**

Motions in criminal cases shall be set for hearing by the Court Administrator only after the moving party files the motion, an affidavit or declaration, a memorandum of authorities supporting the motion, and a note for hearing, and provides a copy of each to the Court Administrator. The opposing party may serve and file a statement of points and authorities no fewer than three days prior to the scheduled hearing.

[Adopted effective September 1, 2020.]

~~**(LCrR 8.9  
SANCTIONS**~~

~~Any violation of these rules, in addition to the court's inherent right to enter or deny such orders as it deems proper, shall subject the offending attorney to such terms as the court may order.~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

**LOCAL JUVENILE COURT RULES**

**LJuCR 1.7  
DEPENDENCY COURT CALENDAR**

(a) The Judicial Officer assigned to hear dependency, termination, adoption and guardianship cases shall set a calendar which indicates on what days of the week the court will hear fact-finding and termination hearings, review and permanency planning hearings, status conferences, motions, adoption hearings, detention hearings, and other relevant hearings. The calendar shall be known as the dependency court calendar.

(b) If the Judicial Officer assigned to the dependency court calendar is also assigned to at risk youth (ARY), child in need of services (CHINS), or truancy dockets, hearings for those hearing types will be added to the dependency court calendar.

(c) The calendar shall be distributed to the local bar in a manner which will best ensure notice of the dependency calendar and any changes made to the dependency calendar.

(d) Attorneys practicing in dependency court shall comply with the dependency court calendar.

[Adopted effective September 1, 2019.]

### **LJuCR 1.9 DISCOVERY**

(a) **Discovery.** All parties have an on-going duty to promptly provide discovery.

(b) **Discovery Cut-Off Date.** The discovery cutoff date is an event listed on the case schedule, order on status conference, or a status order for dependency fact-finding: it is the last date by which formal discovery shall occur, absent agreement of the parties or court order. Formal discovery includes the discovery mechanisms set forth in CR 26-37 and shall be conducted in compliance with those rules.

(c) **On-Going Discovery.** Because of the nature of these cases, parents, children and caregivers are often in treatment or engaging in visits or services until shortly before (or sometimes during) trial. The trial court will address any issues that arise because of late-provided documents on a case-by-case basis.

(d) **Discovery Following the Entry of an Order of Dependency.** The parties may resume engaging in formal discovery throughout the pendency of the dependency case. The pretrial discovery cutoff is not intended to prevent parties from engaging in such discovery posttrial.

(e) **Motions to Compel, Motions for Protective Orders, and Motions for Production of Records Held by Third Parties.** Motions to compel, motions for a protective orders and motions for production of records held by third parties shall be noted on five court days' notice. A discovery conference, pursuant to CR 26(i), shall be held before a motion to compel or motion for protective order is filed.

[Adopted effective September 1, 2019.]

### **LJuCR 2.5 MODIFICATION OF SHELTER CARE ORDER**

(a) **30-Day Hearing and New Issues.**

(1) *Time.* A status hearing shall be set within 30 days of the first shelter care hearing, unless by the agreement on the record or in writing of all parties or the order of the Court.

(2) *Procedure.* Unless a party has filed and served written notice of new issues as outlined below, an order authorizing continued shelter care will be entered.

(3) *New Issues.* Reasonable advance written notice shall be given to the court and other parties of the new issues any party seeks to raise at the 30-day status hearing. The party

seeking to modify terms or enforce compliance with the terms of a shelter care order shall give written notice to the Court and other parties not later than noon three ~~((3))~~ court days prior to the hearing. Responses will be provided by noon the day before the hearing. Working copies shall be submitted no later than noon the day before the hearing.

**(b) Modification of Shelter Care Order After 30-Day Hearing.** An additional shelter care hearing can be set on the dependency motion calendar upon the filing of a note for motion and a written motion and affidavit of change of circumstances with five ~~((5))~~ court days' notice to all parties. The motion shall specify the change in circumstances, relief requested, statement of facts and the evidence relied upon, and shall be properly served on all parties. All responsive pleadings shall be submitted to the Court and parties by noon one ~~((1))~~ day prior to the hearing. The hearing date shall be obtained from the Juvenile Court Clerk. Working copies shall be submitted no later than noon the day before the hearing.

**(c) Working Copies.** Working copies may be submitted to the Juvenile Court Clerk's office or by email to the assigned Judicial Officer with all other parties copied on the email.

[Adopted effective September 1, 2019; Amended effective September 1, 2020.]

### LJuCR 3.4

#### NOTICE AND SUMMONS – SCHEDULING OF FACT-FINDING HEARING

**(c) Scheduling Fact-finding Hearing.**

(1) At the shelter care hearing, the court shall schedule a fact-finding hearing to be held within 75 days of the filing of the petition alleging dependency, giving preference to those cases where the juvenile is held in shelter care. The court may, for exceptional circumstances shown, continue the hearing to a later time at the request of a party. Any request for continuance of the fact-finding hearing shall identify the 75th day from the filing of the petition. A motion to continue the fact-finding hearing beyond the 75th day shall be supported by a declaration of exceptional circumstances. The order continuing the fact-finding hearing beyond the 75th day shall identify the exceptional circumstances found by the court.

**~~((e))~~ (e) Settlement Conference for Child Dependency Proceedings.**

(1) At the time the case is set for fact finding, the court will also schedule a settlement conference for the parties. Notice of both the settlement conference and fact finding shall be provided in the notice and summons issued by the clerk and served by the petitioner as required by statute. All parties and their attorney, if any, must attend the settlement conference unless excused by the court. Failure of a party to attend will, at the request of any appearing party, be grounds for continuance of the scheduled fact finding. Incarcerated parties are excused from attending but may attend telephonically if feasible and requested in advance.

(2) At the settlement conference, all parties will meet to discuss in good faith their positions on the issues in the dependency petition and confer on settlement of the case. If settlement is not reached, the parties will make an effort to narrow the issues for trial ~~((and select a~~

~~date and time for contested trial)). Any agreement reached shall be reduced to writing, signed by all parties, and presented to the court at a date and time agreed upon by the parties. ((If the written agreement specifies the date and time for a contested fact finding, then the signing parties are excused from attending the originally scheduled fact finding and the written agreement shall constitute notice to them of the new date for the contested hearing.))~~

[Adopted effective September 1, 2001; Amended effective September 1, 2020.]

### **LJuCR 3.12 DEPENDENCY COURT MOTIONS**

**(a) Scope of the Rule.** This rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington, except for Motions for reconsideration and revision which shall conform to LCR 59 and LCR 87.

**(b) Motions Format and Procedures.**

(1) *Motions to Be in Writing.* Motions must be in writing dated and signed by the attorney or party.

(2) *Scheduling Motions.* All dependency and termination motions shall be heard on the dependency court calendar as set by the juvenile court, on a day designated for motions.

(3) *Motion – Contents of.* A motion for a contested hearing must conform to the following format:

(A) Relief Requested. The specific relief the Court is requested to grant.

(B) Statement of Facts. A succinct statement of the facts contended to be material.

(C) Statement of Issues. A concise statement of the issue(s) on which the Court is requested to rule.

(D) Evidence Relied Upon. The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include declarations, affidavits, law enforcement reports, written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. ~~((Hearsay evidence must be provided by sworn statements or declarations and must be admissible as a hearsay exception as defined in Washington's Rules of Evidence or the Revised Code of Washington.))~~

(E) Authority. Any legal authority relied upon must be cited.

**(c) Time of Hearing**

(1) *Unopposed Matters.* The Court will, on request, enter the order moved for if no one appears in opposition 15 minutes after the time set for hearing unless the Court deems it inappropriate. The opposing party may move to strike a matter if the moving party fails to appear 15 minutes after the time set for hearing. If the Court deems it appropriate the motion shall be stricken.

(2) *Hearing Order.* Motions will be heard in the order designated by the Court.

(3) *Time for Argument.* No more than (~~ten~~) 10 minutes per party will be allowed for argument unless otherwise authorized by the judicial officer hearing the matter.

**(d) Procedural Motions.** Procedural motions, whether they are contested or not, may be heard on five (~~(5))~~) court days' notice. The following motions are considered procedural:

- (1) Motions to continue a fact-finding hearing or a termination trial, motions for withdrawal of counsel, travel motions, motions for medical and dental procedures and haircuts, motions for telephonic testimony, motions to dismiss pursuant to CR 41, agreed motions, motions to compel discovery or for a protective order.
- (2) Motions to withdraw as court appointed counsel shall be made in compliance with CR 71.
- (3) Motions for Summary Judgment shall comply with LCR 56.
- (4) Any response to the motion shall be filed and served on the moving party no later than noon one day prior to the hearing.
- (5) All working copies shall be delivered to the Juvenile Court Clerk by noon the day prior to the hearing. Alternatively, working copies may be submitted to the assigned Judicial Officer by email with all other parties copied on the email.

**(e) Non-Procedural Motions.** Motions that are not listed as procedural by this rule may be set by a party or by the Court on its own motion.

(1) *Motion by a Party.*

(A) Filing and Scheduling of Motion. Any party desiring to bring a non-procedural motion for a hearing shall file with the Juvenile Court Clerk and serve upon all parties at least seven (~~(7))~~) court days before the date fixed for such hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. This note shall be signed by the attorney or party filing the same, with the designation of party represented.

(B) Working copies of the note and motion together with all supporting documents, including affidavits, shall be submitted by noon three court days prior to the hearing.

(C) Responsive documents and briefs shall be filed with the Juvenile Court Clerk and served upon all parties no later than noon two (~~(2))~~) court days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon one (~~(1))~~) court day prior to the hearing. All responsive documents shall have the name of the judicial officer expected to hear the matter or the assigned courtroom, and the hearing date and time noted on the upper right corner. Working copies of the response shall be submitted by noon two (~~(2))~~) court days prior to the hearing.

(D) Any documents in strict reply shall be submitted to the Juvenile Court Clerk's Office by noon one (~~(1))~~) court day prior to the hearing. Working copies shall be submitted contemporaneously.

(E) Working copies may be submitted to the Juvenile Court Clerk's office or by email to the assigned Judicial Officer with all other parties copied on the email.

(2) *Motion by the Court.* When the Court has set a matter on for a motion hearing, the parties will be notified by the Court of the issue(s) to be addressed, in writing at least (~~(7))~~) seven court days prior to the Court-scheduled motion hearing, and the parties must respond with written materials which support their respective positions on the issue(s) set



for hearing by the Court in the same manner as a party responding to a motion as set out in this rule.

(3) *Striking Hearing or Changing Hearing Date.* A motion hearing may be stricken, or the hearing date changed in the following manner:

(A) Striking Hearing. A hearing on a motion may be stricken at any time by the moving party. Notice that the motion hearing is being stricken shall be given to all parties as soon as it is stricken, and not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed with the Clerk by noon the day before the date of the hearing, by filing a written notice that the hearing is to be stricken. A party striking his or her own motion may notify the Clerk by email followed by filing of the written notice.

(B) Changing Hearing. The hearing date on a motion may be changed by agreement of the parties and approval of the Court. An agreed order continuing or changing a hearing date may be presented ex parte before the contested hearing, or at the time set for the hearing.

**(f) Motions for an Interim Review.**

(1) Any party may make a motion for an interim review. The motion may be presented ex parte or set on five (~~(5)~~) court days' notice to the other parties. A motion for an interim review shall comply with section (b) of this rule, except that interim reviews may be heard on motion days or on the weekly review calendar.

(2) The moving party shall provide an order setting interim review to be signed by the court. No interim review may be set on the court calendar without an order setting interim review signed by a judicial officer.

(3) The order setting interim review shall clearly state the date, time and location of the interim review hearing, and the hearing shall be heard at least five (~~(5)~~) court days from the signing of the order setting interim review. The judicial officer signing the order may set the hearing for any date and time at his or her own discretion. A party may move to have the interim review set on shortened time by following the procedures set forth in LJuCR 3.13(c).

(4) Responsive pleadings shall be filed, and a bench copy provided to the judicial officer, by noon two court days prior to the hearing, unless the hearing is held on shortened time, in such case responsive pleadings shall be filed and a bench copy provided to the judicial officer, by noon one court day prior to the hearing.

(5) Pleadings filed in strict reply shall be filed, and a bench copy provided to the judicial officer, by noon one court day prior to the hearing.

**(g) Motions for Oral Testimony.** Any party seeking authority to present oral testimony at any hearing, other than at a shelter care hearing, must file a motion requesting oral testimony together with declarations setting forth the reason testimony is necessary to a just adjudication of the issues, and an identification of the witnesses sought to be called.

(1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies of these materials must also be submitted contemporaneously to the judicial officer assigned to the calendar on which the motion is set, and that judicial officer will

determine whether oral testimony will be allowed and/or set out any limitations without oral argument.

(2) The declarations must demonstrate a compelling need for oral testimony and explain why the expected testimony cannot be adequately presented through declaration.

(3) A motion for oral testimony may be joined by the other party, but an order providing for oral testimony cannot be entered by stipulation. The assigned judicial officer's decision will be communicated by writing, email or by telephone before the hearing, and an order entered. If granted, such a motion may require the hearing to be re-set as determined by the assigned judicial officer.

**(h) Imposition of Sanctions or Terms.** A party's failure to fully comply with this rule may result in the imposition of sanctions or terms.

[Adopted effective September 1, 2019; Amended effective September 1, 2020.]

### **LJuCR 3.13**

#### **EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME**

**(a) Removal Hearings for Currently Adjudicated Dependent Children.** If a dependent child is removed from a parent, guardian, or custodian pursuant to RCW 13.34.138(3)(b), an agreed order authorizing the removal shall be entered, or the supervising agency removing the child shall note an emergency hearing to be heard within 72 hours (~~(seventy-two hours)~~) of removal (excluding Saturdays, Sundays, and holidays). Such hearing may be continued by agreement or order of the court if necessary to allow full briefing of the issue.

**(b) Motion Shortening Time.**

(1) The time for notice and hearing of a motion may otherwise be shortened only for good cause upon written application to the court in conformance with this rule. For purposes of this rule, good cause requires the moving party to demonstrate that the matter is sufficiently time sensitive and of a nature that it needs to be addressed by the court in less time than would otherwise be required by the rules, and the party bringing the motion could not have reasonably anticipated the matter with sufficient time to set the motion with the normally required notice.

(2) A motion for order shortening time may not be incorporated into any other pleading.

(3) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing (~~(party)~~) parties to give notice in the form most likely to result in actual notice of the pending motion to shorten time, as well as the time and place that the motion to shorten time will be presented. The declaration in support of the motion to shorten time must indicate what efforts have been made to notify the other (~~(side)~~) parties of the motion to shorten time, whether efforts to notify were successful, and whether the other side opposes the order shortening time.

(4) *Proposed Agreed Orders to Shorten Time.* Parties may agree to have a motion heard on shortened time. If the parties agree to a motion on shortened time, they shall set a

briefing schedule in their proposed order, which may be granted, denied or modified at the discretion of the court.

(5) The court may deny or grant the motion and impose such conditions as the court deems reasonable. If the court grants the motion shortening time, the order shall specify deadlines for responsive pleadings or otherwise direct the manner in which the hearing will proceed.

[Adopted effective September 1, 2019; Amended effective September 1, 2020.]

~~(LJuCR 7.3~~  
**DETENTION AND RELEASE**

~~(1) Subject to space availability within the Detention Center's policies for capacity, the Detention Center shall accept juveniles for detention who are suspected of the misdemeanors or gross misdemeanors listed within section I(3) of this rule, upon referral by law enforcement. A suspect information report must be provided to detention before detention shall admit a juvenile.~~

~~(2) For suspected misdemeanants held in detention, cash bail shall presumptively be set in the amount shown in subsection I(3), to be posted by a parent or guardian. A juvenile detained for a misdemeanor or gross misdemeanor listed in this rule shall be released only to a parent or guardian when bail is posted, and shall be required to appear in court the next judicial day. At that appearance, the court may reconsider the amount of bail, and may impose other conditions of release. If the juvenile does not appear in court, bail may be forfeited. Forfeiture of bail shall not constitute a final disposition. The presumptive amount shall be used absent other order of the court. Nothing in this rule shall prohibit the court from setting bail for any crime not listed in subsection I(3). Nothing in this rule shall prohibit the court from changing the presumptive amount of bail for crimes listed in subsection I(3).~~

~~At the time of release from detention, both the parent or guardian and the juvenile shall be provided with a notice of hearing substantially in the form set forth below, and shall be required to sign it before the juvenile can be released from detention:~~

~~Superior Court of the State of Washington, Yakima County  
Juvenile Division~~

~~State of Washington, Petitioner \_\_\_\_\_ )  
\_\_\_\_\_ ) Notice of Hearing  
vs. \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ Respondent \_\_\_\_\_ )  
DOB: \_\_\_\_\_ )~~

Respondent and respondent's parent or guardian must appear in court at the Yakima County Juvenile Justice Center, 1728 Jerome Avenue, Yakima, Washington at the following date and time:

\_\_\_\_\_ at 1:30 PM.

Juvenile Detention releases the respondent to the parent or guardian undersigned, who has posted cash bail in the amount of \$\_\_\_\_\_. At the scheduled court hearing, the court may increase or decrease the amount of bail, or choose to maintain the same amount.

**If the respondent fails to appear in court when scheduled, the bail may be forfeited and a warrant may issue for the respondent's arrest, and the separate felony criminal charge of bail jumping may be filed against the respondent.**

Forfeiture of bail for failing to appear in court when scheduled does not constitute a final disposition of this case.

The name and address of the parent or guardian posting the bail:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Relationship: \_\_\_\_\_ Parent \_\_\_\_\_ Guardian

Date: \_\_\_\_\_

I have read this form or have had it read to me.

\_\_\_\_\_  
Parent or Guardian \_\_\_\_\_ Juvenile

(3) The presumptive bail schedule for this rule is as follows:

Crime	Presumptive cash bail To be posted by parent or guardian
Assault Fourth Degree (non-DV)	\$100.00
Malicious Mischief Third Degree (includes graffiti)	\$50.00
Domestic violence crimes, over 16, all misdemeanors except Assault Fourth Degree	\$100.00
Domestic Violence Assault Fourth Degree	\$150.00
Communicating with a Minor for Immoral Purposes	\$250.00
Vehicle Prowling	\$50.00

DUI	\$50.00
Student carrying a firearm at school (mandatory admission regardless of space availability)	No bail until mandatory MH evaluation is completed. Then set by a judge.
All other misdemeanor or gross misdemeanor firearms crimes	\$100.00
Resisting Arrest	\$50.00
Escape Third Degree	No bail

))

[Adopted effective September 1, 2001; Repealed effective September 1, 2020.]

## LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION

### ~~((L)RALJ 1.2 INTERPRETATION AND APPLICATION OF RULES~~

~~**(b) Application of Rules.** These rules shall apply to the appeal of cases tried in the courts of limited jurisdiction, as defined in Rule 1.1(a) after January 14, 1991.)~~

[Adopted effective January 14, 1991; Repealed effective September 1, 2020.]

### LRALJ 2.4 HOW TO INITIATE AN APPEAL

~~**((e)) (d) Designation of Nature of Case.** The party appealing to Superior Court shall designate in the notice of appeal the nature of the case appealed; namely, criminal, civil or infraction. At the time that a notice of appeal is filed, a copy of the notice of appeal shall be provided to the Administrator.~~

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

### LRALJ 3.1 ASSIGNMENT AND SCHEDULING OF CASE

When a notice of appeal is filed, the Administrator shall set the matter for oral argument. The case shall be set to be heard no less than ~~((ninety (90)))~~ 90 days, and no more than ~~((one hundred twenty (120)))~~ 120 days from the date the notice of appeal was filed. The Administrator shall designate on the notice of hearing the judge who will hear the case. The case shall be heard as scheduled unless otherwise ordered by the judge assigned to hear it. If a party does not appear at

the time set for argument, the court will decide the case on the briefs submitted or dismiss the appeal.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

### **LRALJ 4.3 STAY OF ENFORCEMENT OF JUDGMENT**

**(a) Civil Case.**

(1) The Superior Court, upon the application of a party, may stay the enforcement of any civil judgment upon the filing or posting by the applicant of a bond or other security approved by the court; provided, however, the stay in a case involving an infraction shall be automatic and no bond shall be required in such cases. The application for stay of judgment must be filed with the notice of appeal and noted for hearing at the next timely date for hearing motions before the Superior Court according to its existing rules. If the application for stay of judgment is not filed with the notice of appeal, the appellant's right to obtain a stay of judgment is waived.

(2) The bond must be conditioned on the satisfaction of the judgment in full together with interest and costs and the satisfaction in full of any probable modification of the judgment by the Superior Court. If the stay applied for is for only part of a decision, the amount of the bond may be accordingly adjusted.

(3) If the judgment is for the recovery of money not wholly secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied and unsecured unless the Superior Court for good cause shown fixes a different amount.

[Adopted effective January 14, 1991.]

### **LRALJ 7.2 TIME FOR FILING BRIEFS**

**(a) Brief of Appellant.** At the time the appellant's brief is filed, a copy shall be provided to the judge assigned to hear the matter.

**(b) Brief of Respondent.** At the time the respondent's brief is filed, a copy shall be provided to the judge assigned to hear the matter.

**(c) Violation of Time Requirements.** Upon the failure of either party to comply with the time requirements herein, the opposing party, or the court on its own initiative, may direct the defaulting party to show cause why the appeal should not be dismissed, the relief requested granted, or terms imposed.

**(d) Computation of Time.** Any computation of time mentioned herein, or the enlargement thereof, shall be made in accordance with CR 6(a) and (b).

[Adopted effective January 14, 1991.]

**LRALJ 9.2**  
**ENTRY OF DECISION AND JUDGMENT**

(a) Within two ~~((2))~~ weeks of the hearing, the prevailing party shall present a proposed order consistent with the judge's oral ruling, with at least three ~~((3))~~ days' notice to the opposing party.

~~((In the event the court orders a remand or removal of the case to the Limited Jurisdiction Court, the prevailing party shall deliver a copy of the court's order to the lower court within one (1) week of its entry.))~~

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LRALJ 10.2**  
**DISMISSAL OF APPEAL**

~~((e))~~ (d) **Effect of Dismissal.** Any dismissal of an appeal under any of these rules by the Superior Court shall result in an automatic removal of the matter to the appropriate court of limited jurisdiction for enforcement of judgment or imposition of sentence.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LOCAL ADMINISTRATIVE RULES**

**LAR ~~((4))~~ 11**  
**SERVICES OTHER THAN A LAWYER**

Yakima County Superior Court designates the Yakima County Board of County Commissioners, or its appointed designee, as the agency responsible for the administration of services for indigent defendants.

[Adopted effective September 1, 2011; Amended effective September 1, 2020.]

**LAR ~~((2))~~ 12**  
**ADOPTION ~~((AND IMPLEMENTATION))~~ OF ODYSSEY**

~~((1. Introduction. The current state-wide Superior Court Case Management System (SCOMIS), developed in 1977, is outdated and lacks modern capabilities necessary for efficient court function, such as calendaring, document imaging, and document management. SCOMIS has~~

become so antiquated it is in danger of complete failure. The Washington Administrative Office of the Courts (AOC), the Superior Courts of the State of Washington, and the Washington Association of County Clerks formed the Judicial Information System Committee (JISC) in a joint effort to search for software to replace SCOMIS. The JISC has overall responsibility for the scope, schedule and budget of the project. A request for proposals was issued and, after extensive negotiations, the JISC determined that the Odyssey software offered by Tyler Technologies was the best product available to meet the needs of the Washington Superior Courts and County Clerks. Odyssey is expected to enhance the ability of Superior Courts and County Clerks to efficiently direct and monitor court case progress, schedule case events, enforce court business rules, and view and communicate case schedules and orders.

In 2013 AOC entered into a contract with Tyler Technologies and developed a plan for installing the Odyssey software at the state and county level. Neither Tyler Technologies nor AOC has the capacity to install Odyssey in all Washington counties at the same time. Lewis County was selected as the pilot county for the initial implementation of Odyssey (case management, calendaring and document management) and is currently scheduled to “go live” in June, 2015. Yakima, Franklin, and Thurston Counties will follow in November, 2015 as early adopters. The remaining counties will implement Odyssey through 2018.

On December 13, 2013 Yakima County was approved as an early adopter site for the Superior Court Case Management System (SC CMS), which replaces SCOMIS. This early adopter status is particularly crucial for Yakima County Superior Court because it uses a calendaring system called CAPS. The CAPS program uses an obsolete computer software language, will not be supported by AOC in the event of failure, and is inefficient and prone to disruptive outages. Calendaring is an essential core function of both the Yakima County Superior Court and the Yakima County Court Clerk. Accurate judicial calendaring is critical to access to justice through effective administration and to ensure the timely scheduling of trials, both civil and criminal, and supplemental hearings as needed to allow litigants’ matters to be resolved. Reliance on the CAPS calendaring software is a threat to the Court’s continuing ability to operate. In the event of a CAPS failure before Odyssey is fully implemented the Superior Court and Clerk of the Court would have a limited and unreliable ability to identify cases previously scheduled for hearing. Calendaring would have to be performed manually for cases previously scheduled and for all new cases entering the system. This manual calendaring system has an estimated extra cost of \$50,000 or more per year. Early adopter status gives Yakima County a valuable opportunity to avoid the threat to the effective administration of justice and the extra calendaring costs.

The Yakima County Superior Court, having conducted a hearing in which the Yakima County Superior Court Clerk announced her decision to implement the Odyssey case management and Odyssey document imaging and management service as an early adopter, and with the support of the Yakima County Board of County Commissioners, the Yakima County Superior Court now resolves as follows:

**2. Order for Adoption and Implementation of Odyssey.)** The Yakima County Superior Court hereby adopts the Odyssey case management system ((as recommended by AOC)), which includes the document imaging and management system((, and orders its full implementation with all possible speed. The Yakima County Superior Court and the Yakima County Superior Court



Clerk shall immediately participate in the early adopter program with AOC for the adoption and implementation of Odyssey. Each shall allocate sufficient resources to ensure compliance with the Odyssey Early Adopter Implementation Schedule provided by AOC and ultimately the successful implementation of Odyssey scheduled for November of 2015.

**3. Implementation.** Superior Court Judges, Superior Court Administration, the Board of County Commissioners, the County Clerk, Office of Technology Services, all of Yakima County, the Administrative Office of the Courts, and Tyler Technologies must all work diligently, collaboratively, and harmoniously to support the successful implementation of the Odyssey case management system in Yakima County by November 2015. This includes, but is not limited to:

- ~~Resolving issues in a timely manner, utilizing open, honest and respectful communication;~~
- ~~Ensuring the availability of appropriate resources as required for project related activities, e.g. conversion data review, end user training and business process reviews.~~
- ~~Acknowledging and working within the decisions of the JISC Project Steering Committee, Court User Work Group (CUWG) and AOC project team regarding the implementation, configuration, and release schedule.~~
- ~~Fulfilling all expectations and deadlines described in the Odyssey Early Adopter Implementation Planning Checklist, Odyssey Early Adopter Implementation Schedule, and the Early Adopter Work Plans provided by the AOC SC CMS Project team as currently drafted and as may be amended from time to time, including but not limited to the following:~~
  - ~~Ensure that Power Users are identified and registered for Tyler University Training By March 27, 2015.~~
  - ~~Identify and notify AOC of the Power Users who will attend Odyssey Pilot Site End User Training sessions in the AOC Computer Lab during the weeks of May 18-22, 2015 or June 1-5, 2015~~
  - ~~Ensure that the Power User(s) who are registered for training attend the training.~~
  - ~~Actively participate in project stakeholder executive meetings involving the presiding judge, county clerk, court administrator, county information technology staff, and AOC that will occur at least monthly until November 2015.~~
  - ~~Cooperate with the AOC project team to review local business processes.~~
  - ~~Complete business process documentation when requested and return in a timely manner to the SC CMS project team.~~
  - ~~Encourage and enable staff to be open to changing business processes and look for opportunities to improve processes and efficiencies.~~
  - ~~Actively participate in reviews of the county's converted data and provide timely feedback regarding configuring Odyssey to meet specific county business needs.~~
  - ~~Arrange for all staff to attend one week of Odyssey End User Training in September or October 2015.~~
  - ~~Arrange for staff to work on the weekend before the actual "Go Live" date so they will be prepared for turning Odyssey "on".~~
  - ~~Enable staff to actively participate in the "ride along" strategy to assist with training and implementation in other counties.~~
- ~~Collaborating with the Office of Technology Services, Administrator of the Courts, and Tyler to ensure that document images are successfully converted for use in Odyssey prior to November, 2015.))~~

[Adopted effective September 1, 2015; Amended effective September 1, 2020.]

**LAR ((3)) 13**  
**COURTROOM RESPONSIBILITIES AND**  
**PROCEDURES ASSIGNED TO CLERK**

**(a) Purpose.** This rule describes actual current courtroom procedures and the responsibilities of the Clerk of the Court while in court. The purpose of the rule is to maintain and continue current practice without interruption. The Clerk of the Court does not have the authority to modify or regulate these procedures without the express, written permission of the Presiding Judge.

**(b) Clerk's Courtroom Duties.**

(1) The Clerk of the Court or her/his deputy shall be responsible for the following courtroom duties: opening and closing the courtroom before or after each court session, ensuring the courtroom is provided with supplies and such other customary requirements as directed by the judicial officer, and announcing the opening and closing of each session of court.

(2) The Clerk of the Court or her/his deputy shall continue to assist in efficiently carrying out the court process and assist in court as directed by the judicial officer. Such assistance shall include, but is not limited to, providing the judicial officer any forms necessary for the administration of the docket, calling the CourtCall operator to connect attorneys and/or parties on line, calling for security, paging interpreters, etc.

~~(3) ((The Clerk of the Court or her/his deputy shall ensure the scanned files for all cases and/or hearings assigned to the individual judicial officers shall be loaded into said judicial officers' Liberty/Odyssey folders as soon as possible but no later than 4:30 PM the day before the matters are scheduled. This requirement does not apply to last minute re-assignments of judicial officers.~~

~~(4))~~ (4) During those court sessions in which the proceedings are digitally recorded, the Clerk of the Court or her/his deputy shall before each session of court ensure the digital recording system is working correctly by performing a systems test. The Clerk of the Court or her/his deputy shall activate the recording for each session and ensure the integrity of the recordings by periodic checks.

~~((5))~~ (4) Contemporaneous with the recording of each court session, the Clerk of the Court or her/his deputy shall maintain a log which describes the events which occur in the courtroom and are the subject of the recording. For high volume court sessions which do not involve testimony, the log may be limited to the items described in LAR 13 Attachment A, unless otherwise directed by the court. For hearings or trials in which evidence is presented, the log shall be more specific and detailed and shall capture the events described in LAR 13 Attachment B and C. LAR 13 Attachment D is an exemplar of the log which shall be used and completed by the Clerk of the Court or her/his deputy for each session.

~~((6))~~ (5) The Clerk of the Court or her/his deputy, as custodian, shall save, maintain and catalog each recorded session in a manner allowing ease of access.

~~((7))~~ (6) On request of the court, a lawyer, or the public, the Clerk of the Court or her/his deputy shall make available copies of such digital recordings. The Clerk of the Court may charge a reasonable fee of the public and lawyers for the copying of the requested recordings. The Clerk of the Court shall have the authority to certify such recordings as authentic.

~~((8))~~ (7) During all court proceedings the Clerk of the Court or her/his deputy shall comply with all statutory requirements and otherwise conform to the order and direction of the court.

[Adopted effective September 1, 2015; Amended effective September 1, 2020.]

**LAR((3)) 13**  
**ATTACHMENT A**  
**MULTIPLE CASE SESSIONS**

Personal Motions Community Motions Protection Order Docket Domestic Relations Docket Unlawful Detainer Docket Summary Judgments Preliminary Injunctions Ex Parte	Criminal Docket Supplemental Proceeding Docket Dependency Docket Juvenile Offender Docket Family, Gang, Drug, and <del>((MHT))</del> <u>Mental Health Court Dockets</u> Adoption Docket Ceremonial Sessions
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- Convened
- Introduction of case
- Case number – Complete 10-digit number
- Case name
- Attorneys
- Exhibits
  - Marked
  - Identified
  - Introduced
  - Admitted or Objection – not admitted
- Witness name/Witness Sworn
- Sworn Testimony
- On the record/Off the record
  - On Record – Waiting
  - Court Recessed
  - Court Reconvened
  - Adjournment
- Playback
  
- Capture any time the Court “notes for the record” and attorney requests a situation being noted for the record

[Adopted on an emergency basis effective April 20, 2015; Adopted on a permanent basis effective September 1, 2015; Amended effective September 1, 2020.]

**LAR((3)) 13**  
**ATTACHMENT B**  
**REQUIRED LOG NOTE ENTRIES**  
**PRE-TRIAL / BENCH TRIAL**

- Convened
- Introduction of case
- Case number – Complete 10-digit number
- Case name
- Attorneys
- Type of hearing
- Preliminary remarks
- Opening Statement (plaintiff/ defendant/ waived opening)
- Recess
- Court reconvened
- Objections (nature of objection)
  - Response
  - Court’s ruling on objection
- Motions – indicate type of motion
- Ruling on motion
- Exhibits
  - Marked
  - Identified
  - Introduced
  - Admitted or Objection – not admitted
- Witness name
- Witness called/ sworn
- Witness excused
- Witness Examination
  - Direct Examination
  - Cross Examination
  - Redirect Examination
  - Recross Examination
  - Rebuttal
  - Surrebuttal
- Return to Examination
- Stipulations
- Judge’s ruling
  - Findings/ Ruling
- Colloquy

- Playback
- Closing argument (plaintiff/ defendant/ plaintiff rebuttal)
- On the record/Off the record
  - On Record – Waiting
  - Court Recessed
  - Court Reconvened
- Plaintiff Rests
- Defendant Rests
- Adjournment
  
- Capture any time the Court “notes for the record” and attorney requests a situation being noted for the record

[Adopted on an emergency basis effective April 20, 2015; Adopted on a permanent basis effective September 1, 2015; Amended effective September 1, 2020.]

**LAR ((3)) 13**  
**ATTACHMENT C**  
**REQUIRED LOG NOTE ENTRIES**  
**JURY TRIAL**

- Convened
- Introduction of case
  - Case number – Complete 10-digit number
  - Case name
  - Attorneys
  - Bailiff
- Type of hearing
- Preliminary remarks
- Voir dire
  - Juror excused
  - Challenges during voir dire
  - Change of juror (optional)
  - Change of attorney
  - Peremptory challenges
- Opening Statement (plaintiff/ defendant/ waived opening)
- Recess
- Court reconvened
- Objections (nature of objection)
  - Response
  - Court’s ruling on objection
- Motions – indicate type of motion
- Ruling on motion
- Jury entering/ jury exiting

- Exhibits
  - Marked
  - Identified
  - Introduced
  - Admitted or Objection – not admitted
- Witness name
- Witness called/ sworn
- Witness excused
- Witness Examination
  - Direct Examination
  - Cross Examination
  - Redirect Examination
  - Recross Examination
  - Rebuttal
  - Surrebuttal
- Return to Examination
- Stipulations
- Judge’s ruling
  - Findings/ Ruling
- Colloquy
- Playback
- Bench Conference (sidebar)
- Closing argument (plaintiff/ defendant/ plaintiff rebuttal)
- Jury Instructions
- Verdict
- On the record/Off the record
- Plaintiff Rests
- Defendant Rests
- Adjournment
  
- Capture any time the Court “notes for the record” and attorney requests a situation being noted for the record

[Adopted on an emergency basis effective April 20, 2015; Adopted on a permanent basis effective September 1, 2015; Amended effective September 1, 2020.]



**(a)** The Yakima County Superior Court Clerk shall timely, accurately and on a monthly basis bill any entity owing funds for Yakima County Superior Court services.

~~((Any presently outstanding services shall be billed immediately.))~~

**(b)** The Yakima County Superior Court Clerk receives revenue on behalf of the court for the following services: (1) Involuntary Treatment Act (ITA) Proceedings; (2) Jury Services; and (3) Department of Social and Health Services Child Support Division. The Clerk shall bill each agency associated with each service every month ~~((beginning immediately)).~~

~~((Upon completion each month))~~ **(c)** When requested, the Clerk shall forward a copy of the billings to the Superior Court Presiding Judge, to include all formulas, spreadsheets and/or accounting methods used to determine amount due.

[Adopted effective August 9, 2016; Amended effective September 1, 2017; September 1, 2020.]

**LAR ((8)) 16**  
**JUVENILE RESPONSIBILITIES AND PROCEDURES**  
**ASSIGNED TO COUNTY CLERK**

**(a) Purpose.** This rule describes best practice processes and procedures and the financial responsibilities of the Yakima County Superior Court Clerk regarding Juvenile Offender and Juvenile Diversion cases in Yakima County. The purpose of the rule is to ensure best practices are used consistently and without interruption. The Clerk of the Court does not have the authority to modify or regulate these procedures without express, written permission of the Presiding Judge.

**(b) Clerk's Duties.** The Clerk of the Court shall be responsible for the following duties:

- ~~• ((Continue to accept and receipt for Juvenile Offender Fines, Fees and Restitution payments~~
- ~~• Continue to accept and receipt for Juvenile Diversion Fines, Fees and Restitution payments~~
- ~~• Use of the prescribed transaction codes provided by the Administrative Office of the Courts (AOC) for processing Diversion Fees, Fines and Restitution payments~~
- ~~• Use of the prescribed transaction codes provided by AOC for processing Juvenile Offender payments~~
- Create and maintain accurate financial records of all Juvenile Fines, Fees and Restitution payments, to include Joint and Several.))

(1) For all Juvenile offender and diversion payments of fines, fees, and restitution, including joint and several payments, the Clerk shall:

(A) Accept and receipt for them;

(B) Process them using the prescribed transaction codes provided by the Administrative Office of the Courts (AOC); and

(C) Create and maintain accurate financial records.

(2) The Clerk of the Court shall provide, upon request from the judiciary, a financial report for the Juvenile Offender and the Diversion cases that indicates:



- (A) The case number;
  - (B) The date of payment;
  - (C) The offender name;
  - (D) The transaction code used;
  - (E) The transaction amount and method of payment; and
  - (F) The transaction receipt number.
- (3) Juvenile ~~((Θ))~~ offender account setup and ~~((Ð))~~ diversion ~~((F))~~ fees, ~~((F))~~ fines and ~~((R))~~ restitution setup into the Odyssey system shall occur the day the ~~((Θ))~~ order is received by the Clerk's Office.
- (4) The Clerk shall ensure his/her financial staff has all the necessary permissions and access to run reports, set up fines and fees, and process payments.
- (5) Disbursement of all Juvenile ~~((Θ))~~ offender payments and ~~((Ð))~~ diversion payments shall be disseminated every Friday by 5:00 p.m.
- (6) The Clerk, as custodian, shall save and maintain all financial reports and case information pursuant to the Secretary of State Records Retention Schedule.
- (7) The Clerk shall complete all changes from the replication report sent from the ~~((Administrative Office of the Courts (AOC)))~~ AOC within ~~((5))~~ five business days of receipt, in an effort to keep Yakima County case files accurate and up to date.
- (8) Upon notification of Juvenile case closure, the County Clerk will use the information provided by Juvenile Probation to create a letter notifying the Juvenile Offender that they are to report to the County Clerk's office to make arrangements to pay their fine.
- (9) The Clerk shall also use the tools provided by the ~~((Administrative Office of the Courts (AOC)))~~ AOC to follow best practices. The Clerk shall refer to the AOC online JIS Juvenile manual and the County Clerk's manual for further guidance.

[Adopted effective August 9, 2016; Amended effective September 1, 2017; September 1, 2020.]

**LAR ~~((9))~~ 17**  
**SUPERIOR COURT CLERK'S FILING DUTIES**

The Yakima County Superior Court Clerk and his/her ~~((deputy))~~ deputies shall promptly file stamp all documents presented to ~~((his/her))~~ the Clerk's office the same day the document is received. The file stamp shall show the time and date.

[Adopted effective August 9, 2016; Amended effective September 1, 2017; September 1, 2020.]

**LAR ~~((10))~~ 18**  
**SUPERIOR COURT CLERK'S DOCKET AND CONFIRMATION DUTIES**  
**FOR DOMESTIC RELATIONS, PATERNITY, FAMILY COURT,**  
**COMMUNITY MOTIONS AND DOMESTIC VIOLENCE**

**(a) Purpose.** This rule describes the best practice processes and procedures and the daily responsibilities of the Clerk with regard to courtroom conduct and court duties. The purpose of this rule is to ensure best processes and procedures are used consistently and without interruption.

**(b) Court Sessions.** The Clerk and his/her deputy assigned to the courtroom shall be prepared for the court session as assigned. They shall provide the judicial officer with an accurate docket no later than by noon two business days prior to the court session.

**(c) Dockets.**

(1) “Docket” shall mean the list, in numerical cause number order, of all cases to be heard on a given day scheduled on the Clerk’s Calendar in the Odyssey system.

(2) By noon two business days before the court session, the Superior Court Clerk shall prepare and distribute both the final “Confidential Docket” and the “Public Docket”.

(3) The “Confidential Docket” and “Public Docket” shall contain:

(A) The date and time of the session

(B) A list in numerical order by case number of all confirmed cases; to include all cases in which confirmation has previously been waived by the court;

(B) The case caption;

(D) The case hearing type; and

(E) Each Docket shall include page numbers; i.e.; page 1 of 20.

*((See an example of the required dockets attached to this rule.))*

(4) The Public Docket shall not provide any information which is prohibited by law. The Public Docket shall simply list the:

(A) Case Number;

(B) Case Name (if allowed by law);

(C) Identity of parties (if allowed by law); and

(D) Identity of the attorneys.

(5) The Public Docket shall be available to the public and posted on the courthouse bulletin boards and published to the Clerk’s website no later than 4:00 p.m. one business day prior to the session.

(6) The Public Docket must contain the same cases in the same order as the Confidential Docket.

(7) The Confidential Docket shall also contain:

(A) Names of the parties;

(B) Names of the attorneys;

(C) Names of any ~~((guardian))~~ guardians ad litem ~~((GAL))~~ or family court

~~((investigator (FCI)))~~ investigators;

(D) Dates of ~~((B))~~ birth of all parties;

(E) The identity of the party confirming the hearing;

(F) The identity of the Clerk and his/her deputy preparing the Confidential Docket~~((:))~~ ;

and

(G) Any and all flags, descriptions and comments, to include any ~~((ADA))~~ Americans with Disabilities Act of 1990 (ADA) accommodation and/or interpreter request.

(8) Once the final Docket is completed by noon two court days before the session, there will be no additional cases added to the Docket except by the entry of an Order Shortening Time.

(9) If a case is added, a new Docket is not prepared. The added case is manually added at the end of the previously prepared final Docket by the Clerk’s preparation of an “add-on

sheet” which is available to the public and transmitted to the hearing officer as soon as possible but no later than 4:00 p.m. the day before the session.

(10) If a case previously confirmed and on a Docket is subsequently stricken by the moving party, a new Docket is not prepared. The Clerk shall note the case is stricken on the previously furnished Public Docket and shall inform the judicial officer, the In-Court Clerk assigned to that Docket, and Court Administration staff.

**(d) Transmission of Family Court dockets and case information.**

(1) The Confidential Docket shall be transmitted to the judicial officer assigned to hear the Docket. If no judicial officer has been assigned, the Clerk shall submit the Confidential Docket to the Court Administrator’s office.

(2) The Clerk shall also transmit the Confidential Docket to all Superior Court Interpreters and the In-court Clerk scheduled to appear in court for the session by noon two business days before the scheduled court session.

**(e) Transmission of Family Court Records/Update of Records.**

(1) The Superior Court Clerk shall, pursuant to RCW 26.23.033(2), within five days of entry, forward to the Washington State Support Registry a true and correct copy of all Superior Court orders establishing or modifying a support obligation.

(2) The Superior Court Clerk shall, within two court days of entry, forward to the Yakima County Superior Court Family Court Facilitator a true and correct copy of all Superior Court Orders appointing the Yakima County Superior Court Family Court Investigator.

(3) The Superior Court Clerk shall, within two court days of entry, forward to the Yakima County Superior Court Family Court Facilitator a true and correct copy of all Superior Court “Order to DSHS to Release CPS Information” (e.g. FL Non-Parent form 407).

(4) The Superior Court Clerk shall, within two court days of entry of an Order Appointing Guardian ad Litem for a Child” (e.g. FL All Family form 146) or entry of an Order Appointing the Family Court Investigator in Odyssey, add the ((~~GAL~~)) guardian ad litem or ((~~FCI~~)) family court investigator as a “guardian ad litem party connection” in the Parties Tab.

**(f) Court Hearing Minutes.**

(1) For each domestic relations hearing conducted, the In-Court Clerk shall, simultaneously with the proceeding, prepare Clerk’s minutes which shall be entered in Odyssey.

(2) In addition to the information required by law, court rule or other local court rule, the minutes shall contain the identity of the attorneys and ((~~pro se~~)) pro se parties present, as well as noting if the appointed ((~~GAL~~)) guardian ad litem is present or if the services of an interpreter were used.

(3) The minutes shall briefly, accurately and completely describe the nature of the parties’ motions and the Court’s ruling. This shall indicate whether:

(A) Adequate cause is found or not found;

(B) If there is a finding of contempt and imposition of purge conditions;

(C) The appointment of a ((~~GAL~~)) guardian ad litem or ((~~FCI~~)) family court investigator;

(D) The authorization of a bench warrant and the amount of bail set;

- (E) The primary residential parent and the other parent’s visitation, as well as the amount of child support, spousal maintenance and attorneys’ fees;
  - (F) The name of the order entered or “no order entered;”
  - (G) The In-Court Clerk’s initials, the date and time (either a.m. or p.m.) of the hearing, the courtroom and indicate if the hearing was recorded; and
  - (H) Whether the Court called for an appearance by the party and there was no appearance.
- (4) Hearing minutes shall be kept for all ((*ex parte*)) ex parte matters including, but not limited to:
- (A) Orders to show cause (orders to go to court);
  - (B) Orders of dismissal;
  - (C) Orders in supplemental proceedings;
  - (D) Orders of default;
  - (E) Default judgments;
  - (F) Agreed settings;
  - (G) Orders of continuance;
  - (H) Orders shortening time;
  - (I) Restraining orders;
  - (J) Agreed orders.
- (5) The ((*ex parte*)) ex parte hearing shall be recorded in Odyssey’s Events tab as either “((*ex parte*)) ex parte with order” (Event code: EXWACT) or “((*ex parte*)) ex parte without order” (EXOACT) with a proper explanation.
- (6) The In-Court Clerk shall indicate the outcome of the hearing in Odyssey when entering minutes so that the outcome is appropriately indicated as “held,” “stricken,” etc.

**(g) Superior Court Clerk’s Community Motions Docket Duties.**

- (1) The Clerk and his/her deputy shall create a “confirmed” Community Motions Docket no later than Wednesday at 3:00 p.m. and provide it to the Court Administrator’s Office immediately.
- (2) For each community motions hearing conducted the In-Court Clerk shall, simultaneously with the proceeding, prepare Clerk’s minutes which shall be entered in Odyssey.
- (3) In addition to the information required by law, court rule or other local court rule, the minutes shall contain the identity of the attorneys and ((*pro se*)) pro se parties present, as well as noting if the services of an interpreter were used. The minutes shall briefly, accurately and completely describe the nature of the parties’ motions and the Court’s ruling.

**(h) Superior Court Clerk’s Domestic Violence Docket Duties.**

- (1) The Clerk shall prepare the Domestic Violence Docket that indicates the following:
- (A) The correct, last known, appropriate law enforcement agency for service;
  - (B) Whether the required documents were served ((~~and when service occurred~~));
  - (C) The type of order; e.g., Domestic Violence, Sexual Assault, Anti-Harassment, OBO (on behalf of) Minor, Vulnerable Adult;
  - (D) Related cases; and

- (E) Full names((s)) and dates of birth ((and current addresses)) of the parties and protected persons.
- (2) The Clerk shall ensure a copy of every document presented in court for the Temporary Order is submitted to Law Enforcement before the close of business on the same day the Temporary Order is signed.
- (3) The Clerk shall provide proof of submission to Law Enforcement by having the Clerk or his/her Deputy Clerk initial the first page of each document and the initials of the law enforcement agencies to which it was sent.

**(i) Dissemination of Information.**

- (1) Upon request, the Court Clerk shall provide, in writing, the web address at which Yakima County Local Court Rules may be viewed.
- (2) Upon request, the Court Clerk shall provide a business card with the contact information for the Yakima County Family Court Facilitator. The Court Administrator shall provide a supply of business cards to the Court Clerk for this purpose.
- (3) Upon the entry of an Order Appointing the Family Court Investigator, the In-Court Clerk, at the time of the entry of the Order, shall provide in either English or Spanish, a Family Court Intake form and Family Court Investigator Procedure sheet to each party or to each party's attorney. Failure by the In-Court Clerk to provide this information is not a ground to extend any deadlines imposed.
- (4) Upon the entry of an Order to Show Cause (or Order to Go to Court) or ((*Ex Parte*)) Ex Parte Restraining Order/Order to Show Cause, the In-Court Clerk shall, at the time of the entry of the order, offer the ((*pro se*)) pro se moving party a copy of the Domestic Relations Confirmation Procedure handout which is in both English and Spanish. Failure by the In-Court Clerk to provide this information is not a ground to waive confirmation.
- (5) Upon the entry of any rescheduling order, subsequent order indicating a new date for hearing or noting document in a civil case, the Clerk shall, at the time of the entry of the order, offer the pro se moving party a copy of the Civil Confirmation Procedure handout, which is in both English and Spanish. Failure by the Clerk to provide this information is not a ground to waive confirmation.
- (6) Upon the entry of an Order Requiring Mediation in which the Dispute Resolution Center (DRC) of Yakima and Kittitas Counties is appointed as the mediator, the In-Court Clerk shall, at the time of the entry of the order, provide to all parties or their attorneys a DRC brochure (in either English or Spanish) supplied by the DRC. Failure by the In-Court Clerk to provide this information is not grounds to waive mediation or grounds to extend any imposed deadlines.
- ~~((The Superior Court Clerk shall, pursuant to RCW 26.23.033(2), forward to the Washington State Support Registry a true and correct copy of all Superior Court Orders establishing or modifying a support obligation.))~~
- (7) The Superior Court Clerk shall also send these supporting documents and any others that contain Child Support information to the Washington State Support Registry (WSSR):
- (A) Child Support Worksheet
  - (B) Decree of Dissolution
  - (C) Judgment and Order Determining Parentage
  - (D) Order on Contempt
  - (E) Order Setting Review Hearing

(F) Decree of Custody  
 (8) (\*\* Please refer to attached) Below is a list of common documents sent to WSSR.

<b>WSSR DOCUMENTS</b>		
<b>*SEND CIF WITH ANY DOCUMENTS IF IT HAS NOT PREVIOUSLY BEEN SENT*</b>		
<b>CODE</b>	<b>DESCRIPTION</b>	<b>WSSR EXCEPTIONS</b>
AD	ADDENDUM	IF ORS FILED
	DCS ADMINISTRATIVE SUPPRT ORD	SEND ALL ORDERS: FNFCL; DCD; PP; ORS
AGOR	AGREED ORDER	IF SUPPORT LANGUAGE STATED
CSW	CHILD SUPPORT WORKSHEETS	IF ORS FILED
DCC	DECREE OF CUSTODY	IF WSSR CASE & ORS FILED
DCD	DECREE OF DISSOLUTION	IF WSSR CASE & ORS FILED; SEND IF ORS FILED & NAME CHANGE EVEN IF NOT WSSR CASE
DCINMG	DECREE OF INVALIDITY	IF WSSR CASE & ORS FILED; SEND IF ORS FILED AND NAME CHANGE EVEN IF NOT WSSR CASE
DCLGSP	DECREE OF LEGAL SEP	IF WSSR CASE & ORS FILED; SEND IF ORS FILED AND NAME CHANGE EVEN IF NOT WSSR CASE
DFJG	DEFAULT JUDGMENT	IF SUPPORT LANGUAGE STATED
FNFCL	FINDINGS OF FACT	IF WSSR CASE & DECREE IS FILED
JD	ORDER AND JUDGMENT	IF SUPPORT LANGUAGE STATED
JOA	JUDGMENT ON ARBITRATION	IF SUPPORT LANGUAGE STATED
OR	ORDER	IF SUPPORT LANGUAGE STATED
ORCN	ORDER ON CONTEMPT	IF SUPPORT LANGUAGE STATED
ORCNT	ORDER OF CONTINUANCE	IF SUPPORT LANGUAGE STATED
ORDP	ORDER DETERMINING PARENTAGE	IF ORS FILED
ORDSL	ORDER DISMISSING LITIGANT	IF ORDP or ORS FILED; DON'T SEND IF NON-WSSR
ORFB	ORDER FORFEITING BAIL	IF SUPPORT LANGUAGE STATED
ORRR	ORDER REVISING RULING	IF SUPPORT LANGUAGE STATED
ORGSJ	ORDER GRANTING SUMMARY JDGMT	IF WSSR CASE & ORS FILED
ORMD	ORDER MODIFYING	IF WSSR CASE & RELATES TO SUPPORT
ORMDD	ORDER ON MODIFICATION	IF WSSR CASE & RELATES TO SUPPORT
ORRVH	ORDER ON REVIEW HEARING	IF WSSR CASE & RELATES TO SUPPORT

ORS	ORDER OF SUPPORT	SEND ALL SUPPORT ORDERS
ORSC	ORDER ON SHOW CAUSE	IF SUPPORT LANGUAGE STATED
PP	PARENT PLAN - FINAL	IF WSSR CASE & ORS FILED
RS	RESIDENTIAL SCHEDULE	IF WSSR CASE & ORS FILED
RTSR	RESIDENTIAL TIME SUMMARY RPT	ALWAYS
STFJG PRTSJG	SATISFACTION OF JDGMT PARTIAL SATISFACTION	IF JDGMT WAS SUPPT ISSUES AND SATISFACTION NOT FILED BY STATE
TMO	TEMPORARY ORDER (also see notes)	IF WSSR CASE & ORS FILED, OR HAS SUPPORT LANGUAGE
TMORS	TEMP ORDER OF SUPPORT	SEND ALL SUPPORT ORDERS
TSCCYO	OUT OF STATE SUPPORT ORDER	SEND ALL SUPPORT ORDERS

[Adopted effective August 9, 2016; Amended effective September 1, 2017; September 1, 2020.]