

**YAKIMA COUNTY SUPERIOR COURT
LOCAL JUVENILE COURT RULES
Effective September 1, 2021**

LOCAL JUVENILE COURT RULES	1
LJuCR 1.7 DEPENDENCY COURT CALENDAR	1
LJuCR 1.9 DISCOVERY	2
LJuCR 2.5 MODIFICATION OF SHELTER CARE ORDER	2
LJuCR 3.4 NOTICE AND SUMMONS – SCHEDULING OF FACT-FINDING HEARING.....	3
LJuCR 3.12 DEPENDENCY COURT MOTIONS.....	4
LJuCR 3.13 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME.....	7
LJuCR 9.3 RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE OFFENSE PROCEEDINGS AND ASSIGNMENT OF LAWYER	8

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 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 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 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) 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. 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.

[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.

(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 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 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 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 court days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon one 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 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 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 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 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 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 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 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 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 9.3
RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE
OFFENSE PROCEEDINGS AND ASSIGNMENT OF LAWYER

(c) Services Other Than Counsel.

(1) Pursuant to the authority under [CrR 3.1\(f\)](#) and [JuCR 9.3](#), all requests and payment for services other than counsel, including experts, investigators, interpreters, transcripts, and court reporting, are delegated and/or transferred to the Yakima County Department of Assigned Counsel (hereafter “Department”). The court delegates the exercise of authority and responsibility for this function to the Department except for the limited functions otherwise noted in this rule.

(2) The Department may adopt and enforce written policies and procedures to implement and administer this function. On finding that properly requested services are reasonable and necessary to an adequate defense and the defendant is financially unable to obtain them, the Department will approve the request.

(3) If indigency is not previously determined, the Department requires the defendant to obtain an order of indigency from the court prior to decision on any request. Such order must be supported by a financial declaration of the defendant and a declaration of the defendant’s attorney that no funds for such services are available under the retainer agreement, from funds in trust, or from third party guarantors of the retainer agreement. The court may require a review of the retainer agreement. Review may be held *ex parte* and *in camera*. The hearing on indigency may also be *ex parte* and *in camera*, and pleadings subject to seal at the request of the moving party.

(4) Requests and decisions must be in pleading format and may be filed with the court by the Department along with its decision on the request. If a defendant seeks to seal and/or protect any moving pleadings and/or associated records, the defendant must submit a motion and proposed order to the Department when submitting the request. The Department will submit the motion and proposed order to the court for consideration along with the moving documents and its decision.

(5) When services are denied in whole or in part by the Department, the defendant may move for review by written motion delivered to the Court Administrator who will direct it to the judge designated by the Juvenile Presiding Judge for such purpose. Such reviews will be on the written record to date submitted to Department unless the court, after initial review, schedules a hearing. The Department may refer a request directly to court if it involves a matter in which the Department determines that circumstances make it appropriate to do so. All reviews may be held *ex parte* and *in camera*.

[Adopted effective September 1, 2021.]