

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

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**LOCAL GENERAL RULES**

**LGR 7  
RULEMAKING PROCEDURE**

**(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.

**(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.

**(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 Presiding Judge or the Chair of the Court's Rules Committee.

(2) The Presiding Judge or the Rules Committee shall present such proposed rule changes to the Judges at their next regular meeting.

**(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, the Association or committee submitting it will be notified in writing.

(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 posting on the [Court's website](#).

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

**(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 proposed rules by transmitting them to the President.

(3) June 1: Deadline for comments on proposed rule changes.

(4) June 25: Deadline for final action by Judges.

**(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 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.

**(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.]

**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 livestream access on its website to 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; Amended September 1, 2021.]

**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;
- (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\(e\) 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 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 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 MOTIONS

#### **(b) Motions**

(1) *Note for Motion Docket.* A Note for Motion Docket, using the form found on the court's [Current Local Rules website](#), shall accompany any motion that is not agreed by all parties.

(2) *Motion Day.* 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 because the case has been preassigned or because it relates to a previous ruling by the same judge.

(3) *Day and Time of Hearing.* 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 or the Court Administrator. The Court may limit the number of motions to be heard on any particular day. The Court Administrator will post a schedule of special calendars, such as unlawful detainer and probate motion calendars, on its [website](#).

(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.

(5) *Confirming Hearings.* Non-criminal hearings must be confirmed by the moving party or person, or by the opposing party if asking for affirmative relief. Hearings not confirmed as required will be stricken. Confirmation is not required for protection order, paternity, guardianship, probate, unlawful detainer, supplemental proceedings, dependency, and adoption hearings.

(A) Contact the Court Administrator to confirm summary judgment motions. Either call (509) 574-2705 or email [superior.court@co.yakima.wa.us](mailto:superior.court@co.yakima.wa.us), before 4:00 p.m. at least five court days before the hearing.

- (B) Contact the Court Administrator to confirm all other special-set motions. Either call (509) 574-2705 or email [superior.court@co.yakima.wa.us](mailto:superior.court@co.yakima.wa.us), before 4:00 p.m. at least two court days before the hearing.
- (C) Contact the Clerk's Office to confirm all other family law (also known as domestic relations) motions. Either call (509) 574-2959 or email [domestic.motion@co.yakima.wa.us](mailto:domestic.motion@co.yakima.wa.us), before 10:00 a.m. at least two court days before the hearing.
- (D) Contact the Clerk's Office to confirm all other hearings. Either email [communitymotion.confirmation@co.yakima.wa.us](mailto:communitymotion.confirmation@co.yakima.wa.us) or call 574-2690 before 12:00 p.m. (noon) at least two court days before the hearing.
- (E) Persons confirming all hearings shall provide:
- (a) The caller's name, email address, and/or telephone number;
  - (b) The case name and cause number;
  - (c) The date and time of the hearing;
  - (d) The date and time of the call if confirmation is by telephone, and
  - (e) Whether the hearing is confirmed or stricken.
- (6) *Striking Hearings*. The moving party or person shall notify the Clerk's Office or the Court Administrator, following the confirmation process above in subsection (5), immediately after deciding that the motion need not be heard.
- (A) The court prefers notice that a hearing is stricken as soon as possible, and at least before 4:00 p.m. the court day before the hearing.
- (B) Hearings scheduled by court order may only be stricken or rescheduled by another court order. The moving party shall provide a copy of the order striking the hearing to the Court Administrator as soon as possible. If there is a delay in obtaining an order, the Court Administrator requests email or telephone notice as soon as possible.
- (7) *Continuances*. 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.
- (8) *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.
- (9) *Failure to Appear*. 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 received notice of the hearing and fails to appear, the court may grant the relief requested.
- (10) *Time for Argument*. Except as provided in LCR 56(k) and LFLR 1(b)(6), arguments on motions should not exceed 10 minutes per party unless the hearing judge allows more time.

[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; September 1, 2021.]



**LCR 16**  
**MANDATORY MEDIATION OF CIVIL CASES**

**(a) Applicable Cases.** Mediation is required for all cases except those in which a Case Scheduling Order is not required under LCR 40(a)(3)(B).

**(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 following the completion of discovery, and preferably not less than 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 are encouraged to agree upon a mediator, including a mediator who is not on the Court Administrator's list. 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 Local Civil Arbitration Rule (LCAR) 2.3.

**(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.

[Adopted effective September 1, 2011; Amended effective September 1, 2020; September 1, 2021.]

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

**(h) Use of Discovery Materials.** The portions of the discovery filed shall include:

- (1) The cover sheet or first page of the material necessary to identify the document, or shall otherwise be identified in writing.
- (2) Any signature or verification page.

[Adopted effective January 14, 1991; Amended effective September 1, 2020; September 1, 2021.]

## **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 39 TRIAL BY JURY OR BY THE COURT**

**(a) Presence for Jury Trial.** Attorneys and parties shall be present at 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.

**(b) 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 days prior to hearing on the motion. The responding party shall serve and file any brief in opposition to the motion at least two 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.

[Adopted effective September 1, 2021.]

## **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 a Case Scheduling Order (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 Case Scheduling Order. 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 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) In the following case types:

- (1) Proceedings under [Title 26 RCW \(Domestic Relations\)](#);
- (2) Paternity;
- (3) Proceedings under [chapter 10.14 RCW \(Harassment\)](#);
- (4) Proceedings under [Title 13 RCW \(Juvenile Courts and Juvenile Offenders\)](#);
- (5) Unlawful detainer;
- (6) Foreign judgment;
- (7) Abstract or transcript of judgment;
- (8) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
- (9) Civil commitment under [chapter 71 RCW \(Mental Illness\)](#);
- (10) Proceedings under [chapter 10.77 RCW \(Criminally Insane\)](#);
- (11) Proceedings for isolation and quarantine;
- (12) Guardianship;
- (13) Probate;
- (14) Proceedings under [chapter 36.70C RCW](#);
- (15) Tax Warrants;
- (16) Lower Court Appeals;
- (17) Administrative Law Reviews;
- (18) Appeals of Department of Licensing driver's license revocations;

- (19) Emancipation of minor; and
- (20) Name Changes.

(4) Parties in cases subject to arbitration need not file the Case Scheduling Order before the arbitration hearing. If there is a later demand for trial de novo, the Case Scheduling Order shall be filed before trial unless otherwise exempted in subsection (3) above.

**(b) Noting Cases for Trial.**

(1) *Notice of trial by jury.* 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” 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) *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.

(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 court days** before the trial. Confirmation shall be made by telephone or via 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](mailto:Superior.Court@co.yakima.wa.us)**

(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.

(5) *Notice of Settlement.* It shall be the obligation of counsel to notify the Court Administrator by telephone or by email (see (b)(3) above) when a case is settled or otherwise will not come on for trial as scheduled.

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

(1) This subsection applies only to those cases in which a court has entered a 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 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 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 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.

**(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.

**(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.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2021.]

**LCR 47  
JURORS**

**(a) Examination of Jurors.** Questions are to be asked collectively of the entire panel whenever possible.

**(e) 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.

[Adopted effective January 14, 1991; Amended effective September 1, 2020; September 1, 2021.]

**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) 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.

**(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.** Hearings on summary judgment motions shall be confirmed or stricken pursuant to LCR 7(b)(5).

**(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 20 minutes per party.

**(l) Disqualification of Judge.** The rescheduling of the hearing on a motion for summary judgment because of a party filing 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; September 1, 2021.]

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

**(e) Hearing on Motion.**

(3) *Nature of Hearing.* Any motion for reconsideration not heard within 30 days of the date the motion was filed 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.

(4) *Confirmation of Hearing*. If set for a hearing, the moving party shall confirm the hearing pursuant to LCR 7(b)(5).

[Adopted effective January 14, 1991; Amended September 1, 2020; September 1, 2021.]

## **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.

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

(1) *Disposition of Exhibits*. Within 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**

**(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. If requested by the reviewing judge, 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.



**(b) Transcript Required.** Ten 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.

**(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. If set for a hearing, the moving party shall confirm the hearing pursuant to LCR 7(b)(5).

**(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.

**(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; September 1, 2021.]

## **LCR 90 PRODUCTION OF WILL**

**Order for Production of a Will.** Upon filing a petition showing jurisdictional facts as to the estate of a deceased person and alleging that it is believed that a will exists and is in a safe deposit box to which the deceased had access, any person having control of the safe deposit box may be directed by court order to open the box in the presence of the petitioner. If a document purporting to be a will of the deceased is found, the safety deposit box custodian shall deliver the will to counsel for the petitioner or to the Clerk's Office for immediate filing.

[Adopted effective September 1, 2021.]

## **LCR 95 ATTORNEY CERTIFICATION**

**(a)** Attorneys who anticipate being appointed to represent persons in civil commitment cases must comply with [MPR 2.1](#) by filing a certification of compliance with the Clerk's Office. The certification should be filed at least 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 effective September 1, 2021.]

## LOCAL CIVIL ARBITRATION RULES

### LCAR 1.1

#### SCOPE AND PURPOSE OF RULES

(a) **Purpose.** The purpose of mandatory arbitration of civil actions under [chapter 7.06 RCW](#) as implemented by the [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 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) **Court Administrator Defined.** In these rules, Court Administrator 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; September 1, 2021.]

### 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 sole relief sought is a money judgment and if no party asserts a claim in excess of \$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.]

**LCAR 2.1**  
**TRANSFER TO ARBITRATION**

**(a) Statement of Arbitrability.** In every civil case subject to arbitration pursuant to [chapter 7.06 RCW](#), any party may complete a Statement of Arbitrability, using the form found on the court's [Current Local Rules website](#). Within 14 days after the Statement of Arbitrability 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. 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.]

**LCAR 2.3**  
**ASSIGNMENT TO ARBITRATOR**

**(a) Generally; Stipulations.** When a case is set for arbitration, a list of five 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 proposed arbitrators in the manner defined by this rule.

**(b) Response by Parties.** Each party may, within 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 Court Administrator 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 14 days, the Director will appoint an arbitrator nominated by that party.

**(d) No response.** If neither party responds within 14 days, the Court Administrator will randomly appoint one of the five 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 Court Administrator, subject to review by the Presiding Judge.

[Adopted effective January 14, 1991; Amended effective September 1, 2020; September 1, 2021.]

### **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 made available for public inspection by the Court Administrator. 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 Court Administrator 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 [Code of Judicial Conduct Canon 2](#), Rule 2.11 governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Court Administrator.

[Adopted effective January 14, 1991; Amended effective September 1, 2020; September 1, 2021.]

### **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.]

### **LCAR 4.2 DISCOVERY**

In determining when additional discovery beyond that directly authorized by [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.]

### **LCAR 5.1 NOTICE OF HEARING**

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 Court Administrator.

[Adopted effective January 14, 1991; Amended effective September 1, 2020; September 1, 2021.]

### **LCAR 5.2 PREHEARING STATEMENT OF PROOF**

In addition to the requirements of [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.

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

### **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.]

### **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.]

**LCAR 6.2  
FILING OF AWARD**

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

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

**LCAR 7.1  
REQUEST FOR TRIAL DE NOVO**

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

**(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 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. A jury demand that is not accompanied by the jury fee will be deemed a nullity. The non-appealing party shall have 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; September 1, 2021.]

**LCAR 8.1  
STIPULATIONS**

**(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.]

**LCAR 8.4  
TITLE AND CITATION**

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

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

### **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 Court Administrator a request for payment on a form prescribed by the court. The Court Administrator shall determine the amount of compensation to be paid. The decision of the Court Administrator 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; September 1, 2021.]

### **LCAR 8.7 ADMINISTRATION**

The Court Administrator, 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; September 1, 2021.]

## **LOCAL FAMILY LAW RULES**

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

**(a) Court's Automatic Order.** Upon the filing of a Summons and Petition for a family law action, the Court on its own motion shall automatically issue a 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 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 [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 20 pages.

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

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

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

(5) Declarations, affidavits and reports from the Family Court Investigator, guardian ad litem, Child Protective Services, 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 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 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).

(4) *Confirmation/Strike Process*. All family law motions must be confirmed by the moving party by 10:00 a.m., two 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 (509) 574-2959 or [domestic.motion@co.yakima.wa.us](mailto:domestic.motion@co.yakima.wa.us)) and any other party. The confirmation shall include the caller's name, email address, and/or telephone number, the case name and cause number, the date and time of the hearing, 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 p.m. the court day prior to the hearing.

(5) *Renoted Hearings*. Matters which have been previously noted in conformance with this rule may be renoted upon five court 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 14 days after filing and service. In all other respects, the requirements of 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 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.** 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. 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; Amended effective September 1, 2021.]

## **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 chapters [26.09](#) and [26.26A](#) RCW except support modifications and parentage cases initiated by the State of Washington.

(2) *Note for Trial.* Except as provided in (3) below, a party may not 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 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;

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

(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.

(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.

(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.

(10) *Notice of Compliance/Agreement.* If no settlement is reached, the mediator shall, within 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.

(11) *Incorporation of Chapter 7.07 RCW.* The [Uniform Mediation Act, chapter 7.07 RCW](#), is incorporated herein by reference.

**(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, together with a fully completed Position Statement, 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) *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 14 days prior to the settlement conference. If either party fails to timely file a Position Statement or files an incomplete Position Statement, the court may strike the settlement conference and impose terms.

(B) Position statements must be in the form 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 60 days after the Note for Settlement Conference is filed. At the conclusion of the settlement conference the 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](#).

[Adopted effective September 1, 2020; Amended effective September 1, 2021.]

#### **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 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 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 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 Children, Youth, and Families (DCYF), (use FL All Family 132 Declaration about Public Assistance on the [Washington Courts Forms](#) website); or

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

[Adopted effective September 1, 2020; Amended effective September 1, 2021.]

## **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.

**(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 two days; Christmas Eve and two days before and Christmas Day and 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.

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

(C) These holidays alternate each year: Thanksgiving for 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 four hours on Mother's Day, and the father shall have residential time of at least four hours on Father's Day.

**(c) Birthdays:** Each parent shall be allowed to spend at least 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 [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 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;
- (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 AND COURT VISITORS**

**(a) Registry Administration**

- (1) The court shall maintain and administer guardian ad litem registries for Family Law and Guardianship/Probate/Trusts and two separate court visitor registries for Minor Guardianships/Conservatorships/Protective Arrangements and Adult Guardianships/Conservatorships/Protective Arrangements. 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 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 and court visitors 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) Guardian ad litem Guardianship, Probate Registry, and court visitor Guardianship/Conservatorship/Protective Arrangement 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 guardian ad litem and court visitor Registries: 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 [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 or court visitor;

(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 and level of formal education;

(D) Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last 10 years;

(E) Certificate of Qualification for guardians ad litem seeking appointment under [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.

(I) If the applicant has previously been admitted to a registry in this or any other county, the applicant shall provide:

(1) The number of appointments as a guardian ad litem and the county or counties of appointment.

(2) The number of years' experience as a guardian ad litem or court visitor.

(3) The names of any counties in which the person was removed from a guardian ad litem or court visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court removed the person for cause.

(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; or

(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 or court visitor 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 or court visitor. 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 and court visitors 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 and court visitors shall periodically notify the court of their current caseload, and shall promptly notify the court of any temporary unavailability to serve.

(5) Guardians ad litem and court visitors may temporarily decline appointments due to their workloads. However, each guardian ad litem and court visitor must accept a minimum of one appointment annually. Any guardian ad litem or court visitor suspended for failure to accept a minimum of one annual appointment may be reinstated by the Presiding Judge.

**(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 or court visitor 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/court visitor or by contesting the information contained in the guardian ad litem's or court visitor'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 or court visitor to provide a written response within 10 business days. The guardian ad litem or court visitor shall be provided with a copy of the complaint. The guardian ad litem's or court visitor'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/court visitor and complainant. If a complaint is found to have merit, the guardian ad litem or court visitor 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 or court visitor 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 or court visitor'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 or court visitor 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 and Court Visitor.**

(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 court shall set the hourly rate and maximum amount in the order appointing the guardian ad litem or court visitor. The fee shall be charged to the individual subject to conservatorship or individual subject to guardianship 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 or conservator is appointed, the fee may be charged to the petitioner, the individual subject to conservatorship/guardianship

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 and court visitors paid at public expense shall accept compensation provided under the court's administrative order regarding such payment.

**(f) Application of Washington's Superior Court Guardian ad Litem Rules to Court Visitors.**

(1) Unless otherwise provided by statute, this court's local court rules, or orders entered in individual cases, Rules 2, 3, and 4(a) through 4(g) of the [Superior Court Guardian ad Litem Rules \(GALR\)](#) shall apply to court visitors.

[Adopted effective September 1, 2020; Amended effective September 1, 2021.]

## LOCAL CRIMINAL RULES

### LCrR 3.1

#### RIGHT TO AND ASSIGNMENT OF LAWYER

**(d) Assignment of Lawyer.**

(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 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.

**(f) Services Other Than Counsel.**

(1) Pursuant to the authority under [CrR 3.1\(f\)](#), 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 criminal 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 on an emergency basis effective December 3, 2012; Adopted on a permanent basis effective September 2, 2013; Amended effective September 1, 2020; September 1, 2021.]

### **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).

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

**LCrR 3.4**  
**PRESENCE OF THE DEFENDANT**

**(b) When Necessary.**

(1) In addition to the hearings listed in [CrR 3.4\(b\)](#), as now or hereafter amended, there is good cause to require the defendant to be present physically or remotely (in the manner of CrR 3.4(e)), at the court's discretion, at the following hearings:

- (A) The defendant's motion to waive jury trial;
- (B) A motion for continuance of trial date and waiver of speedy trial rights;
- (C) Any hearing where the court is required to conduct a colloquy with the defendant;
- (D) Evidentiary hearings conducted pursuant to [CrR 3.5](#) or [CrR 3.6](#);
- (E) Weapon-surrender hearings;
- (F) Therapeutic Court review hearings;
- (G) Triage hearings; and
- (H) Other hearings as ordered by the court.

(2) Good Cause is found and based upon the need for cases to proceed and effective administration of justice, including efficient management of jury and court resources.

(3) The defendant's appearance at triage hearings is waived if the attorneys leave signed, agreed orders, approved by the defendant, in the agreed order box. However, if a pretrial violation hearing is also scheduled for the same time and date as the triage hearing, the defendant's presence is mandatory.

(4) Nothing prevents parties from moving the court to waive the defendant's physical or remote presence for those hearings listed in (1)(A)-(G).

[Adopted effective September 1, 2021.]

**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 court 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; Amended effective September 1, 2021.]

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

**(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 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 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 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.]

## **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.]

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

### **LRALJ 2.4 HOW TO INITIATE AN APPEAL**

**(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 Court Administrator.

[Adopted effective January 14, 1991; Amended effective September 1, 2020; September 1, 2021.]

**LRALJ 3.1**  
**ASSIGNMENT AND SCHEDULING OF CASE**

When a notice of appeal is filed, the Court Administrator shall set the matter for oral argument. The case shall be set to be heard no less than 90 days, and no more than 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; September 1, 2021.]

**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 weeks of the hearing, the prevailing party shall present a proposed order consistent with the judge's oral ruling, with at least three days' notice to the opposing party.

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

## **LRALJ 10.2 DISMISSAL OF APPEAL**

**(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 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 12**  
**ADOPTION OF ODYSSEY**

The Yakima County Superior Court hereby adopts the Odyssey case management system, which includes the document imaging and management system.

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

**LAR 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) 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.
- (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.
- (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.

(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.

(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 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 Mental Health Court Dockets 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 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 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.]



**LAR 13  
ATTACHMENT D  
EXAMPLE LOG**

Description		
Date	Location	
Time	Speaker	Note

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

**LAR 14  
ELECTED JUDGES PRO TEMPORE**

**(g) Procedure for Designation of Elected Judges Pro Tempore.** At least 30 days prior to the deadline for submitting the names of pro tem superior court judges to the Administrative Office of the Courts, the Presiding Judge or his or her designee shall inquire of all eligible judges to determine whether they would like to be considered for appointment. The designation of pro tem judges for purposes of the portability rule shall be submitted to all the judges and shall be determined by majority vote. If there is a tie vote, the Presiding Judge shall make the determination.

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

**LAR 15  
SUPERIOR COURT CLERK’S REVENUE BILLING DUTIES**

The Yakima County Superior Court Clerk is a fiduciary to the Court, County Departments and the public. The Clerk’s Office handles money belonging to all three stakeholders on a daily basis. The Clerk has a responsibility to collect and handle money pursuant to court orders and the law. Transparency and accuracy are paramount. The Clerk is an Officer of the Court. The Clerk must, in the performance of his or her duties, conform to the direction of the Court. The Court directs the Clerk as follows:

(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.

(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.

(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; September 1, 2021.]

**LAR 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:

- (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 offender account setup and diversion fees, fines and restitution setup into the Odyssey system shall occur the day the 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 offender payments and 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 AOC within 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 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 17 SUPERIOR COURT CLERK'S FILING DUTIES**

The Yakima County Superior Court Clerk and his/her deputies shall promptly file stamp all documents presented to 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 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.
- (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 guardians ad litem or family court investigators;
  - (D) Dates of 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 [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 guardian ad litem or 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 parties present, as well as noting if the appointed 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 guardian ad litem or 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 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 hearing shall be recorded in Odyssey's Events tab as either "ex parte with order" (Event code: EXWACT) or "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 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;

(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 and dates of birth 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 Restraining Order/Order to Show Cause, the In-Court Clerk shall, at the time of the entry of

the order, offer the 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.

(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) 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

FNFL	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
ORMDD	ORDER ON MODIFICATION	IF WSSR CASE & RELATES TO
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.]



## LOCAL GUARDIANSHIP RULES

### LGUR 1 MINOR GUARDIANSHIP PROCEEDINGS

#### **(a) Proceedings Pending Trial.**

(1) *Court's Automatic Order.* Upon the filing of a Summons ([Form GDN M 001](#)) and Petition ([Form GDN M 102](#)) filed under [RCW 11.130.190](#), the court shall automatically issue a Scheduling Order, Instructions and Temporary Restriction and shall schedule a hearing. The petitioner shall serve a copy of this order on all persons entitled to notice under [RCW 11.130.195](#).

(2) *Filing Fee Waiver.* A petitioner may request a waiver of filing fee and surcharges by filing a Motion and Declaration for Waiver of Civil Fees and Surcharges ([Form GR 34.0100](#)) along with a Financial Statement ([Form GR 34.0300](#)) and a proposed Order re Waiver of Civil Fees and Surcharges ([Form GR 34.0500](#)). No filing fee shall be charged by the court for the filing of a petition for minor guardianship where the potential guardian is a relative and not a professional guardian or conservator, per [RCW 11.130.170](#)(3).

(3) *Emergency Guardianship Order.* A petitioner may request an emergency guardianship order under [RCW 11.130.225](#) by filing a Summons ([Form GDN M 001](#)) and an Emergency Guardianship Petition ([Form GDN M 202](#)).

(A) When presented without notice under [RCW 11.130.195](#): The order on emergency minor guardianship petition shall be valid for no longer than 60 days and the order shall set a hearing within five days of the appointment of the emergency guardian for determination of the appropriateness of the appointment. The petitioner shall serve this order, with notice of the hearing, to all individuals entitled to notice listed in [RCW 11.130.225](#) within 48 hours of the emergency appointment.

(B) When presented with notice to all parties listed in [RCW 11.130.195](#): The order for emergency guardianship will be valid for 60 days. The petitioner shall set a hearing not sooner than 14 days and not longer than 60 days from the date of the order for further hearing on the petition for guardianship.

(4) *Hearing on Petition for Minor Guardianship.* Upon the filing of a petition for minor guardianship ([Form GDN M 102](#)) under [RCW 11.130.190](#), a hearing shall be set no sooner than 14 days from the date of notice to all required persons. All hearings regarding Minor Guardianship cases shall be set and heard on the Minor Guardianship Docket.

(A) On the motion of a party or by the court on its own, the hearing may be continued, and an order entered setting dates for disclosure of witnesses and exhibits, for discovery cut-off dates, setting a status or pre-trial hearing, and a new hearing date.

(B) Full Hearing. On the date set for a full hearing on this matter each party is entitled to present evidence.

(C) The rules of civil procedure and rules of evidence shall apply at the hearing.

(5) *Notice of Hearings under Chapter 11.130 RCW.*

(A) The notice of hearing ([Form GDN M 101](#)) shall be in 16-point font and in plain language inform the person being served of the date, time, location and other information necessary to attend the hearing if the hearing is to be held remotely. The notice shall also inform the minor and his or her parents of their right to request

appointment counsel under [RCW 11.130.200](#), to object to the appointment of a guardian, and shall contain a description of the nature, purpose, and consequences of appointment of a guardian.

(B) Notice for the minor must specifically state all rights retained by the minor including the right to request counsel, the right to attend, and the right to participate and communicate with the court, and information on how the minor can respond to the petition. Notice for the minor must also state whether the court has entered any prior order limiting information served upon the minor, and that the minor may ask the court to reconsider the court's order at any time.

(C) The hearing on petition for minor guardianship shall be held not sooner than fourteen days from the date of notice to all required persons.

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

(A) Form. All documents and copies provided shall be legible and conform to [GR14](#). There is a strong preference they be typed, 12-point or larger font with 1.5 line spacing or greater. Notices shall be in 16-point font.

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

(C) Page Limitations. Absent prior authorization of the presiding commissioner or 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 Court Visitor, GAL, CPS or law enforcement shall not count toward the page limit.

(7) At the time the Summons and Petition is filed, the Petitioner shall file:

(A) A Motion for DCYF Order ([Form GDN M 404](#)) and proposed Order to DCYF to Release CPS Information ([Form GDN 405](#)) listing the names and dates of birth for the petitioner and adult members of the petitioner's household, and for the proposed guardian if he or she is not a petitioner; and

(B) A proposed [Confirmation of Judicial Information System Review by Court](#) (Yakima County Form) listing the names and dates of birth for the petitioner, proposed guardian and adult members of their households.

(8) Within seven days of the filing of a Summons and Petition, the Petitioner shall provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system for the petitioner and adult members of the petitioner's household by filing the results using the Criminal History Coversheet ([Form GDN M 407](#)).

**(b) Order of appointment of guardian.**

(1) An order of appointment of guardian shall comply with [RCW 11.130.215](#).

**(c) Parent-child Contact.**

(1) Consistent with [RCW 11.130.215](#) if a petition for guardianship is granted, the order granting guardianship shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under [RCW 26.09.191](#); and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(2) *Form of order for parent-child relationship.* [Form GDN M 104](#), "Residential Schedule" shall be used.

**(d) Modification of order appointing guardian.**

(1) Consistent with [RCW 11.130.240](#) a minor subject to guardianship or a person interested in the welfare of the minor, including a parent, may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian, or remove a standby guardian and appoint a different standby guardian by filing a Summons ([Form GDN M 001](#)) and Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order ([Form GDN M 502](#)).

(2) Petitions for modification or termination of a guardianship must comply with these rules regarding notice, form, basis, and limitations. Such petition must be supported by affidavit or declaration and served in compliance with [RCW 11.130.240](#).

**(e) Child Support.**

(1) The petition for the appointment or modification of a minor guardianship may request child support pursuant to [chapter 26.19 RCW](#).

(2) Temporary support shall be in accordance with [RCW 11.130.257](#).

(3) Until such forms and worksheets are drafted specifically for the purpose of establishing and modifying child support for minor guardianships, current family law forms may be used and modified as needed.

**(f) Restraining orders, orders for protection and antiharassment.**

(1) A petition for the appointment or modification of a minor guardianship may request restraining orders consistent with [RCW 11.130.257](#).

(2) Domestic violence protection orders and antiharassment orders may be requested by filing a separate civil action in accordance with [chapter 26.50 RCW](#) or [chapter 10.14 RCW](#). Any petition for the appointment or modification of a minor guardianship shall clearly disclose any current domestic violence protection order, antiharassment order, or criminal no contact order, including the name of the court issuing the order and the cause number.

(3) All hearings set regarding a petition for a domestic violence protection order or antiharassment order shall be set before the department designated to hear minor guardianship cases.

**(g) Other cases involving the minors.**

(1) A petition for the appointment or modification of a minor guardianship shall disclose any case that involves the minors in a minor guardianship case, including family law cases, dependency cases, or criminal cases, and shall include the name of the court in which the action was filed and the cause number.

**(h) Relocation of Children.**

(1) *How Initiated.* An action for Relocation of Children is commenced by filing and serving a Notice of Intent to Move with Children (Relocation) ([Form FL Relocate 701](#)) or Summons: Notice of Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation) ([Form FL Relocate 720](#)) and Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation) ([Form FL Relocate 721](#)) under the existing Guardianship. Prior to the trial, any hearing regarding the Objection about Moving with Child or temporary relocation shall be heard on the Minor Guardianship motion docket.

(2) *Case Schedule.* The Clerk's Office shall issue a Scheduling Order, Instructions and Temporary Restriction and shall set a hearing date on the Minor Guardianship docket not less than six days from filing.

**(i) Mandatory Forms.** Mandatory forms available from the [Washington Court's website](#) shall be used unless [Yakima County](#) has adopted an alternate form.

**(j) Attorneys at Public Expense.** Any minor age 12 or older may request the court to appoint an attorney at public expense. Any parent wishing to have an attorney appointed to represent him or her due to indigency must file a request for Appointment of Counsel at Public Expense and present a proposed Order Appointing Counsel at Public Expense. Both forms are available at the Clerk's Office or on the [Yakima County Superior Court website local court rules](#) page.

**(k) Nonparental Custody Actions ([Chapter 26.10 RCW](#)).**

(1) The court will no longer accept Petitions for Nonparental Custody pursuant to [chapter 26.10 RCW](#) after December 31, 2020.

(2) After December 31, 2020, the court will not consider any motion or petition to establish, change, or terminate any temporary order (including, but not limited to, restraining orders, orders of protection, custody/visitation or child support) issued in an open Nonparental Custody case.

(3) Any person wishing to modify or vacate an existing order in a non-parental custody case originally filed under [chapter 26.10 RCW](#) shall file a Petition for Minor Guardianship consistent with [chapter 11.130 RCW](#).

(4) Any Family Court Investigator or Guardian ad Litem appointed in a Nonparental Custody case is discharged effective January 1, 2021. The parties in a Minor Guardianship may move to reinstate a family court investigator or guardian ad litem if a Minor Guardianship is sought for a child subject to a Nonparental Custody action in which a family court investigator or guardian ad litem investigation is terminated by this rule.

**(l) Court Visitors and Guardians ad Litem.**

(1) The court shall maintain a list of qualified persons willing to be appointed as a court visitor or guardian ad litem for minor guardianship cases consistent with the statutory requirements of [chapter 11.130 RCW](#).

[Adopted December 3, 2020, as an emergency rule effective January 1, 2021; April 1, 2021; July 1, 2021; Amended and adopted as a permanent rule September 1, 2021.]

**LGUR 2**  
**GUARDIANS AD LITEM AND COURT VISITORS**

**(a) Registry Administration**

(1) The court shall maintain and administer guardian ad litem registries for Family Law and Guardianship/Probate/Trusts and two separate court visitor registries for Minor Guardianships/Conservatorships/Protective Arrangements and Adult Guardianships/Conservatorships/Protective Arrangements. 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 required by this rule annually on a date specified for each registry.

(3) The application forms as described in 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 and court visitors 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) Guardian ad litem Guardianship, Probate Registry and court visitor Guardianship/Conservatorship/Protective Arrangement 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 guardian ad litem and court visitor Registries: Bachelor's degree in relevant subject area and five years' experience in the following: working with families and children, 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 [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 or court visitor.

(B) Application and fee allowing the court to obtain a current Washington State Patrol Certificate regarding criminal history.

(C) Curriculum vitae, showing training, 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 and level of formal education.

(D) Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last 10 years.

(E) Certificate of Qualification for guardians ad litem and court visitors seeking appointment under [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 or court visitor prior to completion of the guardian ad litem's or court visitor'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.

(I) If the applicant has previously been admitted to a registry in this or any other county, the applicant shall provide:

(1) The number of appointments as a guardian ad litem or court visitor and the county or counties of appointment.

(2) The number of years' experience as a guardian ad litem or court visitor.

(3) The names of any counties in which the person was removed from a guardian ad litem or court visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court removed the person for cause.

(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; or

(C) Pending investigations or actions for any of the above.

**(c) Appointment of Guardian ad Litem or Court Visitor**

(1) When the need arises for the appointment of a guardian ad litem or court visitor 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 or court visitor. 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 and court visitors shall be appointed from the registry in a manner which, to the extent possible, equalizes the workload among persons on the registries.

Guardians ad litem and court visitors shall periodically notify the court of their current caseload, and shall promptly notify the court of any temporary unavailability to serve.

(5) Guardians ad litem and court visitors may temporarily decline appointments due to their workloads. However, each guardian ad litem and court visitor must accept a minimum of one appointment annually. Any guardian ad litem or court visitor suspended for failure to accept a minimum of one annual appointment may be reinstated by the Presiding Judge.

**(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 or court visitor 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/court visitor or by contesting the information contained in the guardian ad litem's or court visitor'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 or court visitor to provide a written response within 10 business days. The guardian ad litem or court visitor shall be provided with a copy of the complaint. The guardian ad litem's or court visitor'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/court visitor and complainant. If a complaint is found to have merit, the guardian ad litem or court visitor 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 or court visitor 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 or court visitor'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 or court visitor 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 and Court Visitor.**

(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 court shall set the hourly rate and maximum amount in the order appointing the guardian ad litem or court visitor. The fee shall be charged to the individual subject to conservatorship or individual subject to guardianship 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 or conservator is appointed, the fee may be charged to the petitioner, the individual subject to conservatorship/guardianship 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 and court visitors paid at public expense shall accept compensation provided under the court's administrative order regarding such payment.

**(f) Application of Washington's Superior Court Guardian ad Litem Rules to Court Visitors.**

(1) Unless otherwise provided by statute, this court's local court rules, or orders entered in individual cases, Rules 2, 3, and 4(a) through 4(g) of the [Superior Court Guardian ad Litem Rules \(GALR\)](#) shall apply to court visitors.

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