

**SKAGIT COUNTY SUPERIOR COURT
PROPOSED CHANGES TO LOCAL COURT RULES
2022**

**PART I. LOCAL ADMINISTRATIVE RULES
(Cite as SCLAR)**

RULE 0.1 SCOPE OF RULES

(a) These rules shall become effective, September 1, ~~2021~~ 2022.

[No other changes are proposed to the remainder of this rule.]

**PART II. LOCAL GENERAL RULES
(Cite as SCLGR)**

RULE 7 LOCAL COURT RULEMAKING

(h) Any person or group may submit to the Superior Court Administrator a request to adopt, amend, or repeal a local court rule. Requests shall comply with the standards set forth in GR 9. Proposals received by May 1 shall be published for comment for 30 days according to the procedures under GR 7 before the court's final review, decision, and adoption of that year's updates to the local rules.

RULE 11 COURT INTERPRETERS

(a) [No proposed changes]

(b) Interpreter Request.

(1) Initial Request. All parties with Limited English Proficiency or who are deaf, hard of hearing, or deafblind who need a spoken language and/or sign language interpreter to participate in court hearings proceedings shall complete ~~the Request for Interpreter form~~ Interpreter Request form located on the Superior Court webpage ~~under the Forms section or at Court Administration~~, and provide the form to Court Administration five (5) days before their court hearing.

(2) [No proposed changes]

RULE 31 PERSONAL IDENTIFIERS-CHILDREN

(a) – (d) [No proposed changes]

(e) Child who is charged with a crime. Unless otherwise restricted by GR 31, The the complete name of a child charged with a crime shall be included in any indictment or information filed with the court

pursuant to CrR 2.1 or JuCR 7.2, as part of an affidavit or declaration of probable cause or for any other purpose deemed necessary for the prosecution or defense of the criminal or juvenile offender matter.

(f) – (i) [No proposed changes]

RULE 38 OPEN ACCESS TO COURT

(d) Access and Inclusion

(1) Chosen Name, Pronouns, and Honorifics. Court proceedings often involve references to individuals by their legal name, his/her pronouns and Mr./Ms. honorifics that correspond with that legal name absent advance notice from a party. Individuals whose chosen name is different from their legal name, and/or who wish to have their pronouns and/or honorifics clarified with the Court have the option to provide that information to the Court Administrator with those identifiers in advance of Court. The form is available at Superior Court Administration, from court staff in all courtrooms, and on the Superior Court's website.

PART III. LOCAL CIVIL RULES (Cite as SCLCR)

RULE 7. PLEADINGS ALLOWED; FORM OF MOTIONS; MOTIONS PRACTICE

(b) Motions and Other Papers

(1)-(5) [No proposed changes]

(6) *Remote Testimony.* Remote testimony is allowed only with prior Court approval. Due to reliance on testimony, the following calendars are presumed to take place with parties appearing in person: fact findings, shelter cares, ~~protection orders~~, and trials. If remote testimony is permitted by the Court, such testimony shall take place with clear audio and video.

(i) Civil Protection Orders. Parties to a civil protection order case may provide remote testimony without prior Court permission as long as they have clear audio and video. If a party wishes to appear and provide testimony only by audio (either online or telephonically), they must request permission of the Court at least three days before the hearing. Appropriate virtual backgrounds that obscure the location of a participant are permitted.

(7) *Remote Appearances.* The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. This includes refraining from recording the proceedings without advance court permission, interrupting others, engaging in lewd or inappropriate behavior, or otherwise disrupting the proceedings. All parties are expected to wear courtroom attire when appearing remotely. A person appearing remotely may use an appropriate and non-distracting virtual or blurred background.

(c)-(d) [No proposed changes]

(e) Motions Practice

(1) *Setting of Motion.* No motion will be considered or ruled upon unless it reaches a hearing for which it has been properly noted, with the limited exception of motions for revision or reconsideration, which are guided by SLCR 59, Motions under CR 56 and CR 57, and other motions

that may be dispositive to the outcome of the matter, including but not limited to, motions made under CR 12(b)(1-7) at least in part and 12(c) shall be placed on the Dispositive Motion calendar and confirmed by 4:00 p.m. four (4) court days before the scheduled hearing pursuant to the procedure set forth in SCLCR 56/57. Any motion on the Dispositive Motion calendar that is not confirmed in accordance with this rule will be stricken. All other civil motions shall be placed on the Civil Motions calendar.

(2) – (4) [No proposed changes]

(5) *Failure to Appear for Motion.* If the noting party fails to appear for a hearing on a motion, and the opposing party appears, the motion will be denied. If the moving party appears and the opposing party fails to appear, the relief requested will be granted, if warranted. If neither appear, the motion will be ~~passed~~ stricken. In this event, the moving party may later apply, ex parte, for the relief requested, upon satisfying the Court by clerk's notes, or any other satisfactory evidence, of lack of opposition to the motion.

(f) Ex Parte Practice. Ex- Parte matters shall be delivered to the Clerk's Office, with the appropriate ex parte fee per the clerk's procedures. ~~Ex-Parte matters requiring personal presentation may be presented at the beginning of any Motion Calendar or at 1:15 p.m. each day, provided the appropriate court file is available or made available to the court by the attorney presenting the motion.~~ This is NOT an argument calendar. A paralegal working in an attorney's office, or employee working in an attorney's office may present orders on the ex parte calendar, if signed by the supervising attorney. See SCLSPR 94.04.2(k) and SCLSPR 98.16.2 for dissolution and probate matters that may be presented ex parte.

(g) [No proposed changes]

RULE 10 FORM OF PLEADINGS AND OTHER PAPERS

(a)-(c) [Reserved]

(d) Format Requirements

(1) – (4) [No proposed changes]

(5) *Translation of Documents.* Any documents filed in the court file in Spanish, or any other foreign language, must be accompanied by a translated version in English with a sworn declaration identifying the name of the person who conducted the translation, as well as information about their experience and any credentials with translating and/or interpreting.

(6) [No proposed changes]

RULE 40 ASSIGNMENT OF CASES

(a) [Reserved]

(b) Methods

(1) *Form of Request.* The trial assignment calendar shall be held on each Monday at 9:30 a.m. Notes for this calendar shall be filed and served on all parties at least nine (9) court days before the trial assignment calendar. Counsel should not be present for this calendar but should proceed according to the remainder of this rule. Trial dates shall be assigned by the Court Administrator pursuant to requests made in accordance with CR 40, using the applicable Note for Trial Assignment form ~~using the form for unrepresented litigants under the Forms tab~~ on the Superior Court website.

(2) [No proposed changes]

(3) *Conflict Dates.* Counsel shall file with the clerk of the court, and a copy to Court Administration, a notice of conflict dates at least four (4) business court days before the date set for the trial assignment. Conflict dates shall be limited to previously scheduled vacations, trial dates, arbitrations and mediations. Counsel is to include the name of the trial, arbitration or mediation in conflict and the location of the conflict. The form Notice of Conflict Dates may be found under the Forms tab on the Superior Court website.

(4) *Objections to Trial Assignment.* The Court Administrator shall set the trial date from the trial assignment calendar. ~~Objections to having a trial date assigned shall be made by motion and noted for hearing within~~ Motions objecting to trial assignment must be noted for a hearing date no later than 14 calendar days of the filing of the Note for Trial Assignment. If the Court finds the objection has merit, the trial date will be stricken

(5) [No proposed changes]

(c) Pre-Trial Conference.

(1) – (2) [No proposed changes]

(3) Purpose of Hearing. A pre-trial conference is a last opportunity before trial for the parties to confirm their understanding of the proceedings, particularly if components of the trial will be happening remotely. Conferences with attorneys representing all parties are expected to be brief, given their prior experience with handling trials. Conferences involving self-represented individuals may involve an explanation of the proceedings and expectations at trial. A pre-trial conference is not an opportunity to address substantive motions, contested motions to continue the trial date, or motions in limine. Parties wishing to address such matters must note them onto a regular motions calendar.

(d) Confirmation of Civil Trials

(1) All civil jury trials shall be confirmed by noon Thursday the week before the scheduled trial date. All other bench trials, EXCEPT unlawful detainers, shall be confirmed by noon ~~two~~ five (5) court days before the scheduled trial date. Counsel shall confirm trials by calling the Superior Court Administrator's Office, (360) 416-1200. If a trial is not confirmed in accordance with this rule, the trial will be stricken.

(e) – (f) [No proposed changes]

RULE 43 TAKING OF TESTIMONY

(a) Testimony

(1)-(3) [No proposed changes]

(4) *Remote Testimony.* Witnesses may only testify remotely with prior permission of the Court and with clear audio and video connections. They must label themselves by their legal name when connecting remotely and remain in the virtual waiting room until it is their turn to provide testimony.

(i) Civil Protection Orders. Parties to a civil protection order case may provide remote testimony without prior Court permission as long as they have clear audio and video. If a party wishes to appear and provide testimony only by audio (either online or telephonically), they must request permission of the court at least three days before the hearing. Appropriate virtual backgrounds that obscure the location of a participant are permitted.

(5) *No proposed changes*

RULE 56 SUMMARY JUDGMENT

(c) Motion, Proceedings and Confirmation of Motion

(1) - (5) [No proposed changes]

(6) Notice to Non-Moving Pro Se Litigants. Any party moving for summary judgment against a party proceeding without an attorney of record at the time when the summary judgment motion was filed shall serve and file a notice entitled "What is a Summary Judgment Motion? Notice for Parties Who Do Not Have a Lawyer" with the papers in support of the motion. This form shall be on a form approved by the court and available on the Superior Court's website. Along with this notice, the moving party shall also serve a current copy of CR 56 and this local rule (SCLCR 56).

RULE 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(b) Time for Motion; Contents of Motion

(1) – (4) [No proposed changes]

(5) Motions for reconsideration and revision shall be by brief only and shall not be noted for hearing on any motion calendar, unless oral argument has been requested by the Judge. Either party, after expiration of ten (10) days following filing and service of the motion, *may* file and serve on opposing counsel and the Court Administrator, a notice containing the case heading, a designation of the Judge making the original ruling, and certifying that the matter is ready for a ruling on the motion for reconsideration. The matter will not be brought before a judge until a Notice of Readiness is filed by any party and a copy is provided to the Court Administrator.

<p>PART IV. LOCAL CIVIL ARBITRATION RULES (Cite as SCLCAR)</p>
--

2.1 TRANSFER TO ARBITRATION

(a) Time of Transfer

In every civil case, when any party has determined that the case is ready for trial and that the case is subject to arbitration, either mandatory or by stipulation, such party shall file ~~with the Clerk a Note for Motion Docket, pay associated filing fee, and file~~ a Demand for Arbitration setting the matter on the Motion Calendar not earlier than nine court days from the date such demand is filed.

(b) [No proposed changes]

(c) Response to Demand for Arbitration. Any party disagreeing with a Demand for Arbitration shall serve and file a response to demand for arbitration not less than two (2) ~~working court~~ working court days prior to the date the demand is noted for hearing. In the absence of such response, the Demand for Arbitration shall be granted, and an order presented transferring the cause to arbitration. Responses asserting that the cause is not subject to arbitration shall be heard on the date noted for hearing of the Demand for

Arbitration.

2.3 ASSIGNMENT OF ARBITRATOR

(a) Generally; Stipulations

Parties may stipulate to appointment of any person, including non-attorneys, as arbitrator. Such stipulation shall be filed at or before the hearing on the demand for arbitration, or, in case of a stipulated order for arbitration, with said stipulated order. In the absence of a stipulated choice of arbitrator, a list of five arbitrators shall be submitted to the parties by the Director of Arbitration in cases involving two parties. In cases involving more than two parties, two additional names shall be submitted for each additional party involved in the cause.

Within seven (7) calendar days thereafter each party shall nominate one or two arbitrators, and shall strike one or two arbitrators on the list. The Director of Arbitration shall appoint an arbitrator from among those nominated by all parties, or, if no one has been nominated by all parties, from among those not stricken by any party. Any party unwilling to submit their cause to the arbitrator so designated must file, within five (5) days of the appointment by the Director, a request for an appointment by the Court. Said request shall be filed with the Director and acted upon by the Court without further hearing.

5.1 NOTICE OF HEARING

An arbitration hearing may be scheduled at any reasonable time and place chosen by the Arbitrator, after giving due consideration to the time preferences and conflicts indicated by the parties. Reasonable notice of the hearing and of any continuances shall be given to all parties and to the Director. Hearings should be scheduled not sooner than 21 days nor later than ~~63~~ 75 days from the time of appointment and assignment of the cause to the Arbitrator. The arbitrator may grant a continuance without court order and for good cause shown.

PART V. LOCAL SPECIAL PROCEEDINGS RULES (Cite as SCLSPR)

94.04.1 PARENTING SEMINARS

(a) Applicable Cases. This rule shall apply to all cases filed after September 1, 2001 under Chapter 26.09, Ch. 26.10, or Ch. 26.26 RCW which require a parenting plan for minor children; including dissolutions, legal separations, major modifications, and paternity actions in which paternity has been established, ~~and non-parental custody actions.~~

(b) – (f) [No proposed changes]

94.04.3 JUDICIAL INFORMATION SYSTEM BACKGROUND CHECKS

Prior to presenting a ~~permanent or final~~ parenting plan to the court, the party or parties presenting the final parenting plan shall submit a completed judicial information service (JIS) background check form to Skagit County Superior Court Administration. This form is located on the Superior Court webpage under the Forms section. Such request must be submitted no less than three days prior to the date of presentation of the final parenting plan and shall include the hearing date of the order presentation.

94.04.4 FAMILY LAW TRIAL REQUEST AND CONFIRMATION, AND PRE-TRIAL PROCEDURES

(d) Family Law Trial Request.

(1) – (3) [No proposed changes]

(4) *Objections to Trial Assignment.* The Court Administrator shall set the trial date from the trial assignment calendar. ~~Objections to having a trial date assigned shall be made by motion and noted for hearing within~~ Motions objecting to trial assignment must be noted for a hearing date no later than 14 calendar days of after the filing of the Note for Trial Assignment. If the Court finds the objection has merit, the trial date will be stricken.

(5) [No proposed changes]

(e) Pre-Trial Conference

(1) – (3) [No proposed changes]

~~(3) *Mandatory Mediation on Domestic Matters.* Prior to the pre-trial conference, mediation must be completed according to SCLSPR 94.04.2(c)-(g) or waived by Court order. Failure to complete mediation prior to the pre-trial conference will result in the trial being stricken. A certificate of mediation shall be filed with the Clerk. Certification of completed mediation must be filed prior to the pre-trial conference or the matter is subject to being stricken by the Court.~~

(f) – (g) [No proposed changes]

<p style="text-align: center;">PART VI. LOCAL RULES FOR GUARDIAN AD LITEM REGISTRY (TITLES 11 AND 26) (Cite as SCLGALR)</p>
--

1. SCOPE AND PURPOSE

1.1 This local rule covers the administration of the Guardian ad Litem and Court Visitor Registries Registry maintained by the Skagit County Superior Court under RCW Chapters 11 and 26. The use of the term “Guardian ad Litem” under these rules also applies to Court Visitors.

3.1 ATTORNEYS

Attorneys must be a member of the Washington State Bar Association in good standing, and provide proof of successful completion of guardian ad litem training as required by Title 11 and/or 26. Proof of re-certification is required for Title 26 guardians ad litem every three (3) years.

3.2 NON-ATTORNEYS

(a) Family Law Registry (Title 26)

- (1) Bachelor level degree in any of the following fields: social work, psychology, counseling, nursing, medicine or equivalent field; or
- (2) Certified by the State of Washington as a social worker, mental health therapist or marriage and family counselor, or licensed as a psychologist, nurse or physician, in good standing; or
- (3) Proof of successful completion of guardian ad litem training as required by Title 26 within 3 years of application and re-certification every 3 years, and proof of four completed guardian ad litem assignments for any Washington State superior court within the past five years

and

Proof of successful completion of guardian ad litem training as required by Title 26 and proof of successful completion of two supervised guardian ad litem assignments as follows:

- (i) One guardian ad litem assignment done in conjunction with a mentor guardian ad litem which shall include accompanying the mentor on all visits, attendance at all interviews, participation in preparation of a report, and attendance at all court hearings. The mentor is the guardian ad litem of record and this assignment is without compensation to the applicant.
- (ii) One guardian ad litem assignment done under the supervision of the same mentor guardian ad litem which shall include more active participation on the part of the applicant, i.e., requesting documents, conducting interviews, preparing reports under the supervision of the mentor. The mentor is the guardian ad litem of record and this assignment is without compensation to the applicant.

(b) Adult Guardianship and Probate and Minor Settlement Registry (Title 11.88)

- (1) Two (2) years of experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities/ and/or other areas relevant to the needs of incapacitated persons, and
- (5) Successful completion of mandatory Title 11 training.

(c) Minor Guardianship Registry (Title 11.130)

The court will maintain a registry for guardians ad litem for minor guardianships. The requirements include:

- (1) Being a current Guardian ad Litem in good standing on either a Title 26 Guardian ad Litem Registry or a Title 11 Guardian ad Litem Registry maintained by any Washington State Superior Court.
- (2) Successful completion of mandatory Minor Guardian ad Litem Training.

5. APPOINTMENT OF GUARDIAN AD LITEM

5.1 - 5.3 [No proposed changes]

5.4 Generally a guardian ad litem will be required to accept a minimum of two (2) appointments per year at public expense. ~~These two~~ All appointments from the previous year should be listed on the application.

5.5 – 5.8 [No proposed changes]

7. COMPLAINT PROCEDURE

7.1 – 7.3 [No proposed changes]

7.4 Upon receipt of a written complaint, the Court Administrator shall convene the Committee to review the complaint. Upon review of the complaint, the Committee shall either:

(a) – (b) [No proposed changes]

(c) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem within 10 ~~business~~ court days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the guardian ad litem with a copy of the original complaint. In considering whether the complaint has merit, the Committee shall consider whether the complaint alleges the guardian ad litem has:

(1) - (8) [No proposed changes]

7.5 - 7.10 [No proposed changes]

<p style="text-align: center;">PART VII. LOCAL CRIMINAL RULES (Cite as SCLCrR)</p>
--

RULE 4.1. APPEARANCES

(a) [No proposed changes]

(b) Remote Appearances.

(1) – (2) [No proposed changes]

(3) *Courtroom Decorum.* The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. This includes refraining from recording the proceedings without advance court permission, interrupting others, engaging in lewd or inappropriate behavior, or otherwise disrupting the proceedings. All parties are expected to wear courtroom attire when appearing remotely over video. A person appearing remotely may use an appropriate and non-distracting virtual or blurred background.

RULE 6.15 INSTRUCTIONS AND ARGUMENT

(a) Proposed Instructions.

(1) [No proposed changes]

(2) Juror questionnaires for trials. Juror questionnaires must be agreed to by both sides or approved by the Court on motion of either party. ~~Copies should~~ Sufficient copies for the jury pool must be provided to Court Administration by noon one court day prior to trial ~~Neen Friday.~~

**PART VIII. LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS
OF LIMITED JURISDICTION**
(Cite as SCLRALJ)

[No proposed changes for this section].

PART IX MENTAL PROCEEDINGS RULES
(Cite as SCMPR)

[No proposed changes for this section.]

PART X JUVENILE COURT RULES
(Cite as LJUCR)

LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Notice of Right to Shelter Care Hearing

(1) *Scheduling and Notice.* A shelter care hearing may be set by court order or by filing a notice of hearing with the Clerk. The party scheduling the hearing shall notify Court Administration, Clerk of Court, Attorney General's Office, Guardian ad Litem program, Public Defender's Office Juvenile Division, Office of Assigned Counsel, and all other parties, including parents or any attorneys assigned prior to scheduling. At the time of filing, the party scheduling the hearing shall provide each of the above entities and parties with a copy of the petition, summons, motion, and notice of hearing, and any orders of provisional appointment of attorney.

(2) *Provisional Appointment of Attorney.* The Court shall afford each parent a provisional attorney to represent them at the shelter care hearing. ~~As such, the Office of Public Defense, via the Skagit County Public Defender, shall coordinate two (2) attorneys to appear on each shelter care calendar. Skagit County Public Defender shall ensure those attorneys have a copy of the petition. The parents' attorneys on local contract with the Office of Public Defense shall continue to coordinate a list and process with the Attorney General's Office of covering attorneys for purposes of designating a provisional attorney at the first shelter care hearing. Upon filing the petition and note for shelter care hearing, the Attorney General's Office shall also present an order of provisional appointment of attorney. Copies of provisional appointment orders and other documents listed above in (1) shall be left with the Court Administrator, who will provide those nonconformed copies to the provisionally appointed attorneys.~~ The provisional attorney shall appear at the same time the parents have been informed the hearing will begin. At the time calendared, the Court will permit a 30-minute period for the attorneys and parents to communicate prior to the hearing, if said communications have not already taken place. ~~If a provisional appointment order is not signed at the time the petition is filed, the Skagit County Public Defender shall notify the Attorney General's Office within one hour of provisional appointment of parent's counsel to ensure timely provision of discovery.~~

(3) – (4) [No proposed changes]

What is a Summary Judgment Motion?

Notice for Parties Who Do Not Have a Lawyer

A summary judgment motion was filed in your case. A summary judgment motion asks the court to decide this case without having a trial. Here are some important things to know:

What is summary judgment? Summary judgment is a way for one party to win their case without a trial. The party can ask for summary judgment for part of the case or for the whole case.

What happens if I ignore the motion? If you do not respond to the summary judgment motion, you can lose your case without the judge hearing from you. If you are the plaintiff or petitioner in the case, that means that your case can be dismissed. If you are the defendant, that means the plaintiff can get everything they asked for in the complaint.

How do I respond to a summary judgment motion? You can file a brief and tell the judge about the law and the facts that support your side of the case. A brief is not evidence, though, and the facts that you write about in your brief need to be supported by evidence. You can file sworn affidavits, declarations, and other paperwork to support your case. An affidavit or declaration is a sworn statement of fact that is based on personal knowledge and is admissible as evidence. You can get a blank declaration form at the Skagit County Clerk's Office.

If you are a plaintiff, you cannot win a summary judgment motion just by saying what is in your complaint. Instead, you need to give evidence, such as affidavits or declarations. You can write a declaration and so can other witnesses.

What rules do I need to know? The most important rules for summary judgment are Civil Rule 56 and Local Civil Rule 56. Those are attached to this notice. You also need to follow all the other rules that apply to courts, including Evidence Rules. You need to follow deadlines for filing your paperwork and give copies of your paperwork to the other party.

How do I file paperwork? The Skagit County Clerk's Office accepts paperwork for filing. You can go into their office during normal business hours and consult their website for information at skagitcounty.net/clerk

What happens at the summary judgment hearing? A summary judgment hearing is not a trial. The judge will not swear in witnesses or take evidence that day. The judge may let the parties or their attorneys speak and may ask questions. The entire hearing usually takes less than 30 minutes. The judge will read the paperwork in the file and will make a decision. The judge may make a decision that day or may make it later.

RULE 10 FORM OF PLEADINGS AND OTHER PAPERS

(a)-(c) [Reserved]

(d) Format Requirements

(1) - (4) [no proposed changes]

(5) *Translation of Documents.* Any documents filed in the court file in Spanish, or any other foreign language, must be accompanied by a translated version in English with a sworn declaration identifying the name of the person who conducted the translation, as well as information about their experience and any credentials with translating and/or interpreting. [Amended September 1, 2022]

(6) *Document Format.* Any item filed with the court clerk that is not a document shall be treated as an exhibit. Compact discs, digital video disks, audio tapes, thumb drives and similar devices containing recorded information shall not be attached to documents filed with the court clerk. In order to make such recorded information part of the court's permanent record, ~~they~~ it must be transcribed and then filed as a document in paper format. All exhibits filed with the court clerk are subject to the clerk's exhibit retention schedule. If a party wishes for its exhibit to be considered and admitted at a hearing, they shall submit a duplicate copy of the item to Court Administration and all legal parties. The judicial officer hearing the case will then address admission of the item as an exhibit at the hearing. If both parties agree that an exhibit may be reviewed in advance of the hearing, they may provide such notice in submissions to the court file.