

The below represent proposed changes to local rules from Skagit County Superior Court. There are no other proposed changes to the local rules at this time.

The comment period for these changes expires on June 16, 2023 at 4:30 p.m.

### **PART III. LOCAL CIVIL RULES** (Cite as SCLCR)

**New Rule:**

**RULE 39. TRIAL BY JURY OR BY THE COURT**

(d) Remote Trials.

(1) Presumption. All trials are presumed to take place with the parties, including their attorneys, and all witnesses being physically present for court.

(2) Motion for Remote Trial. The Court may permit a trial to take place remotely after a hearing prior to the trial date. The parties' agreement for a remote trial shall be considered by the Court but does not require the Court to conduct the trial remotely. Remote witness testimony may be permitted upon motion of a party or written agreement of the parties.

(3) Procedure. Parties and witnesses engaged in a remote trial are responsible for ensuring stable and clear audio-video connections and strict compliance with the Court's protocols related to remote trials.

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

#### **94.04.2 FILINGS IN FAMILY LAW CASES**

(a)-(g) [No changes.]

**(h) Page Limitation.** Absent prior authorization from the Court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions shall be limited to a sum total of fifteen (15) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum of fifteen (15) pages. The entirety of all declarations and affidavits submitted in reply shall be limited to a sum total of five (5) pages.

~~No single declaration may exceed five (5) pages.~~ All declarations and affidavits must be legibly hand printed or typed in at least twelve (12) point type, and 1½ space format. All pages, including declarations and affidavits shall be sequentially numbered.

(1)-(10) [No changes.]

(i)-(l) [No changes.]

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

##### (d) Family Law Trial Request.

(1) *Trial Assignment*. [No changes.]

(i) – (ii) [No changes.]

(iii) Informal Family Law Trials. When all parties have agreed in writing to hold an Informal Family Law Trial (IFLT), they shall indicate this agreement and their request to conduct an IFLT on their note for trial assignment. If trial is set for a traditional trial and the parties later agree to hold the case as an IFLT, they shall promptly notify Court Administration of their agreement to conduct an IFLT in addition to filing required forms selecting the IFLT process.

(2)-(5) [No changes.]

(6) Informal Family Law Trials. The Informal Family Law Trial (IFLT) process detailed in GR 40 shall be followed by the court only upon agreement of the parties and as deemed appropriate by the Court.

(i) Signed Agreement of Both Parties. Each party agreeing to an IFLT shall submit their written agreement using the form provided with GR 40. Written notice of each party's agreement to proceed with an IFLT shall be submitted either a) prior to filing a note for trial assignment, b) along with the note for trial assignment, or c) at least 30 days prior to trial along with separate notice provided to Court Administration.

(ii) Verbal Agreement. The Court may also order the case to proceed as an IFLT if it determines at trial or other hearings after discussion on the record with one or more parties that they wish to proceed with an IFLT and the Court determines that all parties are in agreement with conducting an IFLT instead of a traditional trial.

(iii) Objection to IFLT. If any party withdraws their agreement or otherwise objects to an IFLT, the case shall instead proceed to a traditional trial. If a case is pending trial assignment or has already been assigned a trial date, the party wishing to withdraw agreement to an IFLT shall promptly notify Court Administration in addition to notifying other parties and filing documents with the Clerk indicating their position.

(iv) Exhibits. Each party is responsible for providing their own exhibits, including expert reports and declarations of witnesses.

(v) Guardians ad Litem (GALs). When agreeing to an IFLT on the standard form, a request for a guardian ad litem or other expert evaluator to testify does not create an entitlement for appointment of that expert or their testimony at trial. Motions to appoint a GAL must be addressed on the regular domestic motions dockets well before trial.

(e) [No changes.]

##### (f) Submission of Exhibits, Motions in Limine, Trial Briefs, Depositions, and Proposed Final Orders.

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

(4) Remote Parties or Witnesses. After a remote trial has been approved by the Court under SCLCR 39, it in cases where one or more parties will appear remotely for trial, the original set of exhibits shall be accompanied by a completed Exhibit Notebook Certification, located on the

Superior Court webpage under the Forms section. All copies of the certification shall be accompanied by a copy of the Exhibit Notebook Certification. Where one or more witnesses will appear remotely, exhibits that witness may be expected to refer to during questioning shall be provided by noon the day before each witness's testimony to that witness. Exceptions may be made for exhibits used in rebuttal or for impeachment of that witness, in which case screen sharing or other arrangements may be used to display the exhibits in question to the witness with leave of the Court.

(g) [No changes.]

## 98.16.2 MINOR GUARDIANSHIP

**(a) Filing Fee.** Payment of filing fees shall be governed by RCW 11.130.170. "Relative" shall be defined pursuant to RCW 13.34.030(22).

**(b) Modifications of Final RCW 26.10 Orders.** ~~Effective January 1, 2021, a~~Any party wishing to modify or change a final order under a Non-Parental Custody matter filed under RCW 26.10 who did not commence said modification prior to December 31, 2020, shall follow the procedures set forth in RCW 11.130.240 and pay any required filing fees as set by the Clerk.

~~**(c) Emergency Motions.** The return hearing for all emergency orders issued under RCW 11.130.225 shall be held on the next regular domestic motions, regardless of whether the parties are represented.~~

~~**(c) Forms.** Mandatory forms available from the Washington Courts' website shall be used unless Skagit County has adopted and posted an alternate form. If no mandatory form or Skagit County form exists for a necessary purpose, the parties may develop their own form. Until forms are developed for child support and relocation within minor guardianships, parties shall use the family law forms and worksheets and submit all documentation as required for family law cases related to those issues.~~

**(d) Hearings and Trial.** All minor guardianship matters filed under RCW 11.130 shall be noted for the guardianship calendar on the dates and times directed by the Court calendar and shall follow all filing rules set forth in SCLSPR 94.04.2 and SCLCR 6. The parties shall utilize the note for calendar set forth on the Skagit County Superior Court website. The court may set a minor guardianship case on a domestic motions calendar if statutory timelines require an earlier hearing.

~~(1) Lengthy Hearings to Extend Emergency Guardianships: Parties expecting a contested emergency guardianship hearing to take longer than 20 minutes may seek Court permission for a non-testimonial special set hearing. At the time of the request, the Court shall determine if a special set hearing is necessary. Parties with Court approval for a special set hearing shall schedule that hearing through Court Administration.~~

~~(2) Trial: Petitioners seeking full guardianship orders in a contested matter shall note the case for Trial Assignment pursuant to SCLCR 40(b) to finalize the case. Final orders will not be issued on the motions calendar for contested cases.~~

~~**(e) Judge's Copies & Proposed Orders.** Judge's copies shall be provided as set forth in SCLR 7(e)(4). The moving party must supply the Court with proposed orders for each hearing in conformance with SCLR 7(e)(3).~~

The proposed orders shall fill in the entire case caption and all names and contact information as denoted within each form but leave blank all findings and order sections, other than required names and contact information as denoted within each form. Parties may seek an appointment with a Family Law Facilitator for assistance with forms.

#### **(f) Proceedings**

- (1) Initiation. All minor guardianship actions shall be commenced by the filing of a summons, petition, confidential information form, declaration explaining reasons for minor guardianship, and coversheet for a JIS background check. This requirement does not apply to matters converted from RCW 26.10 matters.
- (2) Service. It is the responsibility of the Petitioner(s) to notify and serve all documents when commencing the case, to include those listed in RCW 11.130.195, RCW 11.130.065, and RCW 11.130.195.
- (3) Actions Involving Multiple Children. A minor guardianship may have multiple minors named as respondents so long as those minors have the same legal parents. If there are more than two legal parents, a separate action must be filed for each set of legal parents.
- (4) Requirements to Finalization. A minor guardianship matter will not be finalized without the following information provided to the Court and other parties entitled to notice:
  - (i) Child Abuse and Neglect Check. At the time of filing the action, the petitioner(s) shall submit a motion and order directing the Department of Children, Youth and Families (DCYF) to release information as provided under RCW 13.50.100 and RCW 11.130.210 for each petitioner, each proposed guardian, and each person 18 years of age or older who resides in the home of the proposed guardian or petitioner(s).
  - (ii) Washington State Patrol Criminal Identification Information. At the time of filing the action, the petitioner(s) shall file the results of a Washington State Patrol criminal history report as required by RCW 11.130.210 and then promptly serve the results on all persons entitled to notice under RCW 11.130.
  - (iii) JIS background check. The petitioner(s) shall file a JIS request form with the Clerk under seal, and provide a copy to Court Administration, providing the names and dates of birth of the following parties: (1) petitioner(s); (2) any others residing in the petitioner(s)'s home; (3) minor's parent(s); (4) any adult residing in the parent(s)'s homes; (5) proposed guardian(s); and (6) any adult residing in the proposed guardian(s)'s home. The form shall be submitted no less than three days prior to the date of presentation of final orders and shall include the hearing date of the order presentation or trial.
  - (iv) Disclosure of Guardian or Conservator. All proposed guardians must submit a Disclosure of Bankruptcy or Criminal History as provided under RCW 11.130.085. Form GDN ALL 002 shall be used.
- (5) Finalization for agreed or defaulted matters. Agreed final minor guardianship orders may be entered ex parte. Any party requesting entry of a final minor guardianship order shall ensure that there is a current JIS background check on file; the Court may decline to enter final orders in the event a JIS background check is more than 30 days old. Any petitioner(s) seeking an order of default against any respondent(s) shall set their motion on the Minor Guardianship motions calendar.

(6) Cases involving minor children who are subject to a dependency action under RCW 13.34. Any petitioner seeking guardianship over a minor child who is currently the subject of a dependency action under RCW 13.34 may not seek a guardianship under RCW 11.130 unless the Juvenile Court authorizes concurrent jurisdiction under RCW 13.34.155. Any such guardianship petitions filed under RCW 11.130 shall be served by the petitioner upon the Department of Children Youth and Families and the Washington State Attorney General's Office.

**(g) Objections.** Any person entitled to notice under RCW 11.130 who objects to the appointment of a guardian shall promptly file and serve on all other persons entitled to notice a completed "Objection to Minor Guardianship", GDN M 301.

**(h) Guardian's Acceptance of Appointment.** The name(s) of the guardian(s) must be typed or printed on the acceptance of appointment exactly as it appears in the order. If a guardian changes their name, they must obtain an order for new letters and file an acceptance of appointment under the new name to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

**(i)(e) Attorney Appointments for Parent(s) under RCW 11.130.200.** Any party seeking appointment of an attorney under RCW 11.130.200 shall file a motion for appointment of an attorney (GDN ALL 021). Such motion may be made on the ex parte calendar. Upon Court approval, the party must then contact the Office of Assigned Counsel to be screened for eligibility for assigned counsel. The Office of Assigned Counsel shall maintain a list of qualified attorneys. The appointment shall be by rotation and assigned by the Office of Assigned Counsel.

**(j) Appointment of Attorney for Minor.** Any minor age 12 or older may request the Court to appoint an attorney at public expense. If the Court determines that an attorney should be appointed for a minor, the Court will enter an order appointing an attorney. The Office of Assigned Counsel will identify an available qualified attorney from their list of attorneys accepting RCW 11.130 appointments. The appointment shall be by rotation and assigned by the Office of Assigned Counsel.

**(k)(f) Background/JIS Checks under RCW 11.130.210.** Prior to any request for a temporary order, including emergency orders under RCW 11.130.215, the Petitioner shall file a JIS request form with the Clerk under seal, ~~and provide a copy to Court Administration,~~ providing the names and dates of birth of the following parties: (1) Petitioner(s); (2) any adult residing the Petitioner's home; (3) Minor's Parent(s); (4) Any adult residing in the Parents' homes; (5) proposed guardian(s); (6) any adult residing in the proposed guardian's home. Any additional party requesting intervention or who has a right to notice in the proceeding shall ensure a JIS request is provided to the Clerk and Court Administration for all adults in their home.

[Adopted September 1, 2021]

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

All applicants to the guardian ad litem registry must provide proof of successful completion of guardian ad litem trainings as required by Title 11 and/or Title 26. Proof of re-certification is required for Title 26 guardians ad litem every three (3) years.

### 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.~~

[Amended September 1, 2022]

### 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.

[Amended November 1, 2008, amended September 1, 2022]

#### (b) Adult Guardianship and Probate Registry (Title ~~11.88~~ 11.130)

- (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~~

~~(1) Successful completion of mandatory Title 11 training.~~

[Amended September 1, 2022]

#### (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 A guardian ad Litem in good standing on either a Title 26 Guardian ad Litem Registry or a Title 11 Guardian ad Litem Registry maintained Washington State Superior Court.~~
- ~~(2) Successful completion of mandatory Minor Guardian ad Litem Trainings.~~

[Adopted September 1, 2022]

## 6. RETENTION ON REGISTRY

- 6.1 Persons on the registry shall promptly inform the court of any temporary unavailability to serve, or of their intent to resign from the registry.
- 6.2 A person shall remain on the registry unless the person fails to maintain a current application with attachments, or the person is removed or suspended as set forth in Section VI.
- 6.3 A person may be denied listing on, or may be temporarily suspended from, the registry for any reason that places the suitability of the person to act as guardian ad litem in question.
- 6.4 A guardian ad litem who ceases to be on the registry and who still has active or incomplete cases shall immediately report his circumstance to the Court Administrator, and the court shall reassign such cases, unless the Court makes a good cause finding for the Guardian Ad Litem to remain on the case.
- 6.5 A person's retention on the registry shall be reviewed upon the court's receipt of a complaint regarding performance in office or the court's receipt of adverse information regarding the suitability of a person to serve as a guardian ad litem. Complaints shall be reviewed in accordance with Section VI.
- 6.6 A GAL may be immediately suspended by the Superior Court Administrator in case of emergency, and subject to timely review by the Guardian Ad Litem review Committee. [Adopted September 1, 2016]

## PART VII. LOCAL CRIMINAL RULES (Cite as SCLCrR)

### RULE 4.10 TRIAL CONFIRMATION

**(a) Pre-Trial Confirmation Form.** By ~~Tuesday the week before trial~~ the Trial Confirmation hearing, any party wishing to confirm the case for trial must send a completed Pre-Trial Confirmation Form, located on the Superior Court webpage under the Forms section, to Court Administration. Failure to properly advise Court Administration about special needs during the trial, including witness scheduling and the need for interpreters, may result in sanctions, including payment of jury costs.

**(b) Confirmation Hearing.** Absent special circumstances, the Court will stack all trials that confirm for trial. The parties will receive the final stacking order by 9:00 a.m. one court day before the scheduled trial. ~~—or at the confirmation calendar if that Friday is a court holiday.~~

(c) [No changes.]

**New Rule:**  
**RULE 3.3 TIME FOR TRIAL**

**(d) Trial Settings and Notice**

(5) Competency Proceedings. When proposing an order for a second competency restoration period, the parties shall also propose an order setting a trial date within the required timeframe should competency restoration still be an issue at the conclusion that restoration period.

<p style="text-align: center;"><b>PART X JUVENILE COURT RULES</b> <b>(Cite as LJuCR)</b></p>
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**LJuCr 3.12     DEPENDENCY COURT MOTIONS**

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

- (1) *Timing.* All motions shall be filed under the timing rules set forth in SCLCR 6(d)(2).
- (2) *Scheduling.* All dependency and termination motions shall be heard on the dependency calendar unless special set by the Court.
- (3) *Filing Format.* Motions must be in writing and dated and signed by the attorney or self-represented party. All declarations and affidavits must be legibly hand printed or typed in at least twelve (12)-point type, 1½ space format with 1-inch margins on all sides. All pages, including declarations and affidavits shall be sequentially numbered.
- (4) *Oral Argument.* Oral argument shall be limited to five (5) minutes per side for all motions. The Court may in its own discretion increase or reduce the time for oral argument. All oral argument shall be limited to matters noted for that day's motion and contained in the record.
- (5) *Testimony.* Motions shall be heard on written declaration testimony only. All supporting declarations shall be filed and served with the motion and note for calendar. Motions shall be heard without oral testimony of the parties, including the social worker, social worker supervisor or parents, unless prior authorization from the court is received, in writing, with notice to all legal parties.
- (6) *Remote appearances.* Remote appearances for all dependency motions and review calendars shall be governed by SCLR 7(b)(7) and SCLR 7(b)(8).

**(b)-(c)** [No changes.]

[Adopted September 1, 2021.]



Additional Skagit County Superior Court Local Rule proposed for comment based upon a proposal for local rule change from Andy Dugan, Director of Skagit Legal Aid. Please submit all comments by 4:30 p.m. June 23.

## **PART III. LOCAL CIVIL RULES** **(Cite as SCLCR)**

### **RULE 8 UNLAWFUL DETAINER ACTIONS**

(a) Complaints for writs of restitution, money judgments, and other orders in residential, post-foreclosure, and manufactured and mobile home unlawful detainer actions will be granted only under the following conditions:

(1) Owners or lessors of real property, or any duly appointed attorney in fact, may properly be a plaintiff in an unlawful detainer action. All complaints must include the following:

(i)-(viii) [no changes]

(ix) A copy of the notices required under RCW 59.12, et seq. and any notice required pursuant to any standing order of this Court and proof of service or mailing of the aforementioned notices. Where the plaintiff reasonably knows the defendant(s) to speak or read a language other than English, the plaintiff shall serve copies of the required notices in English and in the defendant's preferred language upon the defendant if those notices are available in that language on the website of the Washington State Office of the Attorney General.

(2) [no changes]

### **ATTACHMENT A**

#### **IMPORTANT NOTICE TO TENANTS CONCERNING SCHEDULED COURT HEARING TO SHOW CAUSE**

**This notice contains legal rights that you have under the law and Skagit County Superior Court Local Rules.**

- If you do not participate in your Show Cause hearing, the Sheriff could evict you.
- State law provides you the right to legal representation. The court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income ~~individual renter~~.
- You have the right to appear at the Show Cause hearing and present your side to the Court either in person or virtually in accordance with this Court's Local Rules.
- ~~Your landlord~~ The person who filed this case is required to give you this addendum if they give you an "Order to Show Cause."

#### **Remote Appearance**

You may appear remotely if you have a clear audio and video connection. Information about connecting remotely is posted on the Court's website in the Daily Court Schedule:

[www.skagitcounty.net/Departments/SuperiorCourt](http://www.skagitcounty.net/Departments/SuperiorCourt)

The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. All parties are expected to wear courtroom appropriate attire when appearing remotely.

#### **Legal Help**

**State law provides you the right to legal representation. If you qualify,**

**the court may be able to appoint a lawyer to represent you at no cost to you.**  
If you believe you qualify and would like an attorney appointed to represent you, contact:

Skagit Legal Aid  
Phone: (360) 230-8100  
Online: [www.SkagitLegalAid.org](http://www.SkagitLegalAid.org)

If you cannot contact Skagit Legal Aid, you may contact the statewide Eviction Defense Screening Line operated by the Northwest Justice Project:

~~Contact the~~ Eviction Defense Screening Line  
~~by phone: at~~ 855-657-8387  
~~or apply online: at~~ <https://nwjustice.org/apply-online>

For additional resources, please call the CLEAR Advice and Referral line at **1-888-201-1014** weekdays between 9:15 a.m.-12:15 p.m. or the CLEAR Senior line at **1-888-381-7111** for seniors age 60 and up. You will be screened for eligibility. Legal representation is not guaranteed.

Any person should qualify who, at any stage of a court proceeding, either

(a) Receives one of the following types of public assistance:

- Temporary assistance for needy families,
- aged, blind, or disabled assistance benefits,
- medical care services under RCW 74.09.035,
- pregnant women assistance benefits,
- poverty-related veterans' benefits,
- food stamps or food stamp benefits transferred electronically,
- refugee resettlement benefits,
- medicaid, or
- supplemental security income;

or

(b) Receives an annual income, after taxes, of 200 percent or less of the current federally established poverty level.

~~If you are unable to contact CLEAR, you may contact Skagit Legal Aid's Housing Justice Project at (360) 230-8100. The clinic operates either in person or virtually during each court unlawful detainer calendars.~~

You may also visit [WashingtonLawHelp.org](http://WashingtonLawHelp.org) for information on landlord/tenant law.

#### **Individuals with Disabilities or Limited English Proficiency**

If you have a disability or do not primarily speak English and need assistance in order to fully participate in your Show Cause hearing, you should promptly contact the Superior Court Administrator's office and follow the provided instructions by calling **(360) 416-1200** or in-person at the Court Administrator's office (2nd floor courthouse), and then follow the provided instructions.

Applicants should request the accommodation that will allow them to best participate in court programs, services, or activities. A reasonable accommodation could be, but is not limited to:

- an interpreter,
- a sign language interpreter;
- large print or high contrast documents and forms;
- hearings held by teleconference;
- extended time for hearings and recesses; or
- assistive listening and seeing devices;
- personal assistance or someone who can help present the case or claim to the Court.

All parties with Limited English Proficiency who need an interpreter to participate in court hearings must submit the attached Request for Interpreter form to Superior Court Administration at the earliest opportunity.

**ATTACHMENT B**

**Certification of Property Owner, Landlord, or Counsel**

I certify and declare under penalty of perjury under the laws of the State of Washington that on \_\_\_\_\_ (the date prior to filing), I e-mailed/mailed notice of my intent to file a Complaint in Unlawful Detainer against Tenant \_\_\_\_\_ (insert Tenant's name) along with the Tenant's last known contact information (i.e. address(es), telephone number(s) and e-mail(s), and preferred communication language) to ~~the approved dispute resolution center and~~ Skagit Legal Aid.