

**SKAGIT COUNTY SUPERIOR COURT  
LOCAL COURT RULES  
2023-2024**

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

**RULE 0.1 SCOPE OF RULES**

- (a) These rules shall become effective, September 1, 2023.
- (b) All proceedings in Skagit County Superior Court shall be conducted in accordance with applicable statutes and Washington State Court Rules, except as modified by these Local Court Rules.
- (c) Compliance with Skagit County Local Court Rules shall be mandatory, unless waived by the Court for good cause.

**RULE 0.2 COURT ORGANIZATION**

**(a) Departments.**

Department	Created	Judge	Date of Qualification
No. 1	1891	Hon. Brian Stiles	June 2015
No. 2	1955	Hon. Laura R. Riquelme	July 2017
No. 3	1992	Hon. Elizabeth Yost Neidzowski	January 2021
No. 4	2006	Hon. Thomas Verge	January 2021

**(b) Selection of Presiding Judge.** The Presiding Judge shall be the Superior Court Judge selected by a majority vote of the Skagit County Superior Court Judges. An election shall be held during the second December of the term of the current Presiding Judge. The Presiding Judge shall serve for two calendar years.

**(c) Commissioners.** Except where otherwise required by law or court rules, the terms "judge" and "court" include commissioners. Court Commissioners authorized by Article 4, Section 23 of the Constitution of the State of Washington have the power, authority and jurisdiction established by RCW 2.24.040, including the specific authorization to accept pleas in adult criminal cases in accordance with CrR 4.2. [Adopted September 1, 2009, Amended September 1, 2021]

**RULE 0.3 SPECIAL SET HEARINGS AND COURT SCHEDULE**

**(a) Special Set Hearings.** All special set hearings shall be set through the Court Administrator's Office at (360) 416-1200 and, unless agreed upon by all parties and the Court, follow the nine (9) court day rule. [adopted September 1, 2008; amended September 1, 2009; amended September 1, 2011; amended September 1, 2016]

**(b) Court Schedule** – Rescinded [November 1, 2013] Refer to Court's website. [Effective September 1, 1997; amended effective September 1, 2003; amended September 1, 2006; amended January 30, 2007; amended September 1, 2008; amended September 1, 2009]

**RULE 0.4 RECORDS SUBMITTED FOR IN CAMERA REVIEW**

Upon completion of in camera review of documents in a case, the documents shall be sealed by the clerk and maintained as an exhibit. The order sealing shall indicate the documents were presented to the court for in camera review. [Adopted September 1, 2009]

<p style="text-align: center;"><b>PART II. LOCAL GENERAL RULES</b> <b>(Cite as SCLGR)</b></p>
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**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. [Adopted September 1, 2022]

**RULE 8 CORRECTING OBVIOUS ERRORS**

(a) The Clerk is authorized to correct obvious errors in cause numbers and captions when the error is of a clerical nature. [Adopted September 1, 2020]

**RULE 11 COURT INTERPRETERS**

**(a) Applicability & Purpose.** Skagit County Superior Court has adopted a Language Assistance Plan, the most current version of which can be found on the court's website: <https://www.skagitcounty.net/SuperiorCourt/> [Adopted September 1, 2021]

**(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 proceedings shall complete the Interpreter Request form located on the Superior Court webpage or at Court Administration, and provide the form to Court Administration, five (5) days before their court hearing. [Adopted September 1, 2021; amended September 1, 2022]

*(2) Change or Cancellation.* If someone requesting an interpreter is continuing or canceling the hearing after having made the request for an interpreter under (a) above must immediately notify Court Administration to cancel or change the date for the interpreter's appointment. [Adopted September 1, 2021]

**RULE 15 PRELIMINARY CONFIDENTIAL FILING OF REPORT.** [Rescinded November 1, 2013]

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

**(d) Media Personnel.** All media personnel requesting to use still or video cameras shall check in first with the Judicial Assistant of the particular court room who will direct them to an area in the courtroom conducive to the needs of the court personnel, parties to the action and the media.

**(e) Media and proof of liability insurance.** [Rescinded September 2, 2014]

## **RULE 30 ELECTRONIC FILING AND SERVICE**

### **(b) Electronic Filing Authorization, exception, service and technology equipment.**

(4) *Electronic Filing and Service.* Attorneys and self-represented litigants may electronically file (e-file) all documents using the Clerk's online e-filing system unless this rule provides otherwise. [Adopted September 1, 2021]

- (A) Documents That Shall Not Be E-Filed. The following documents must be filed in paper form and not e-filed:
- (1) Certified records of proceedings for purposes of appeal;
  - (2) Documents of foreign governments under official seal including foreign and out of state adoption documents and judgments;
  - (3) Administrative Law Review (ALR) Petitions;
  - (4) Interpleader or Surplus Funds Petitions;
  - (5) Documents presented for filing during a court hearing or trial including documents submitted for in-camera review;
  - (6) New cases or fee-based documents filed with an Order to Waive Fees or in accordance with GR 34.
  - (7) Comments: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

## **RULE 31 PERSONAL IDENTIFIERS-CHILDREN**

**(a) Complete names of children, sealed case types.** The complete names of children shall be used in cases that are deemed confidential pursuant to state or federal statutes, including cases filed pursuant to Title 13 RCW (excluding offender cases); Chapter 4.24 RCW, Chapter 26.33 (Adoption) and Chapter 71.34 (Mental Health Services for Minors).

**(b) Confidential Information Form.** The complete names of children and other identifiers shall be included in the Confidential Information Form or similar document for cases filed under Title 26.

**(c) Domestic Relations Orders.** Court orders concerning the financial support or the custody or residential schedule of a child (including temporary and permanent parenting plans and similar documents) and orders establishing or disestablishing paternity shall include the full name of the child. The date of birth of a child shall be included in court records only as authorized by GR 22.

**(d) Child who is alleged to be a victim of a crime.** The complete name of a child who is alleged to be a victim of a crime may be included on subpoenas and in jury instructions. Nothing in this rule requires that subpoenas be routinely filed in the court file.

**(e) Child who is charged with a crime.** Unless otherwise ordered under GR 31, 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) Orders issued for the protection of a child.** If a child is a person protected by a criminal no contact order issued pursuant to 10.99 RCW, an anti-harassment order issued pursuant to 10.14 RCW, an order of protection issued pursuant to 26.50 RCW or a restraining order or order of protection issued pursuant to 26.09 RCW, 26.10 RCW, 26.26 RCW, RCW 26.52.020, or any other court order entered for the protection of the child, the child's full name and other identifiers shall be included on petitions and orders as necessary for entry of the order into the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).



**(g) Restricted access to a child.** If access to a child is restricted pursuant to CrR 3.2(d) (1), the court may include the full name of the child on the order, if deemed necessary for effective enforcement of the order.

**(h) Orders restraining child from contacting or harassing others.** Whenever a child is named as a respondent in an order listed in (3) above, the child's full name and other personal identifiers shall be included on the petition and order as necessary for entry of the order in the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).

**(i) General authority.** Nothing in this rule shall prohibit a court from authorizing the use of a child's full name or date of birth when necessary for the orderly administration of justice, consistent with the requirements of GR 22. [Effective September 1, 2005; amended September 1, 2022]

### **RULE 33      REQUESTS FOR ACCOMODATION BY PERSONS WITH DISABILITIES**

#### **(b) Process for Requesting Accommodation**

(1) *Requests.* Individuals who have a disability and need assistance in order to fully and equally participate in Court hearings should promptly contact Superior Court Administration at (360) 416-1200 and follow the instructions provided by that office. 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. [Adopted September 1, 2021]

### **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. [Adopted September 1, 2022]

<p style="text-align: center;"><b>PART III. LOCAL CIVIL RULES</b> <b>(Cite as SCLCR)</b></p>
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#### **1. INTRODUCTORY**

##### **(Rules 1-2A)**

[Reserved]

#### **2. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS**

##### **(Rules 3-6)**

### **RULE 3            PETITION TO RESTORE FIREARMS**

(a) Petitions to restore firearm rights shall be brought:

- (1) in the underlying criminal or juvenile offender case that resulted in loss of firearm rights; or
- (2) under a civil cause number pursuant to the civil rules.

(b) Petitions for restoration of firearm rights based upon a mental health proceeding shall bear the burdens provided by statute, RCW 9.41.047, and shall constitute a waiver of privilege to mental health information to the extent necessary for the Court to address the petition. Any information received pursuant to such waiver shall not be disclosed to others, except to the extent necessary to address the petition.

(c) A party filing a petition to restore firearms rights must serve the Skagit County Prosecutor, or his or her designee, at least 14 days before the scheduled hearing date. A petition that is not filed within the requirements of this rule will not be heard on the date noted for hearing.

(d) Service on the county prosecutor or his or her designee shall be made by

- (1) hand delivering a copy to the office of the prosecuting attorney and leaving it with the prosecutor, a deputy prosecutor, or staff employed by the prosecutor's office or
- (2) by mail. If service is by mail the provisions of CR5 (b)(2)(A)&(B) shall apply.

(e) The prosecutor may file a response to the petition to restore firearms rights. Any response in opposition to the petition must be filed and served at least three days before the scheduled hearing date.

[Adopted September 1, 2021]

### **RULE 6            TIME**

#### **(d) For Motions**

(1) *Notes for Motion Calendar.* Notes for the Motion Calendar shall be filed with the clerk of the court and served on all parties at least nine (9) court days before the hearing. All Notes for the Motion Calendar must comply with SCLCR 84.

(2) *Timing for Service of Motions, Responses, Replies and Proposed Orders.* Other than as indicated in SCLCRs 56 and 57, the below timing rules apply.

(i) *Motions.* Motions shall be filed and served upon all parties at least nine (9) court days before the hearing. When a motion is supported by affidavit or other documents, the affidavit and other documents shall be served with the motion.

(ii) *Responses.* Responses shall be filed and served on all parties at least four (4) court days before hearing. Affidavits and other supporting documents shall be served with the Response.

(iii) *Replies.* Replies shall be filed and served on all parties at least two (2) court days before hearing. Affidavits and other supporting documents shall be served with the Reply.

(iv) *Proposed Orders.* A proposed order, which the Court may adopt, modify, or reject consistent with the decision of the Court, shall be provided pursuant to SCLCR 7(e)(3). [Amended March 1, 2013; amended June 1, 2013; amended September 1, 2021]

(A) *Originals of Proposed Orders.* [Rescinded September 1, 2021]

### 3. PLEADINGS AND MOTIONS (Rules 7-16)

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

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

(1)-(4) [Reserved]

5) *Remote Argument*. Oral argument on civil motions, including family law motions, may be heard remotely provided that the attorney or unrepresented party has clear audio and video. 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)

(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, 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.

[Amended September 1, 2011; amended March 1, 2012; amended March 1, 2013; amended June 1, 2013; amended September 2, 2014; amended September 1, 2021; amended September 1, 2022]

(c)-(d) [Reserved]

##### (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. [Amended March 1, 2013; amended June 1, 2013; amended January 1, 2014; amended September 1, 2015; amended September 1, 2021; amended September 1, 2022]

(2) *Length of Argument*. Each party is confined to ten (10) minutes of argument on all motions other than dispositive motions. In the case that the parties anticipate argument longer than ten (10) minutes for each party, parties should inform the Judicial Assistant at the earliest convenience as the court may decide to move the motion to be heard at the end of the given calendar or prior to the

scheduled hearing or request that it be special set pursuant to SCLAR 0.3(b). [Amended September 1, 2009]

(3) *Proposed Orders*. Proposed orders, except for the ex parte calendar, shall be submitted to Court Administration at least two (2) court days prior to the scheduled hearing either by delivering a hard copy or email.

(i) *Hard Copies*. When delivering in person or by mail. The submitting party shall attach a cover sheet to the order including the date and time of the scheduled hearing and the name of the party proposing the order.

(ii) *Email*. Emailed submission of proposed orders must be sent to [proposedorders@co.skagit.wa.us](mailto:proposedorders@co.skagit.wa.us) The attached proposed order shall bear the name of the case and the cause number. The subject line of the email shall include the case name, cause number, and date and time of the hearing. The email shall also indicate the name of the party submitting the proposed order.

(iii) *Ex Parte Orders*. Proposed orders for the ex parte calendar shall be filed with the Skagit County Clerk's Office according to their procedures and not sent to the proposed orders email address.

[Amended September 1, 2021]

(4) *Judge's Copies*. Judge's copies of pertinent filings are required for documents being filed within four (4) court days of the hearing addressed in said filings. Judge's copies of all affidavits, declarations, briefs, and legal memoranda meeting these criteria shall be delivered to Court Administration. The date and time of the scheduled hearing shall be listed on the upper right corner of the first page. Other than filings related to motions on the Dispositive Motion calendar, pre-assigned cases or special set hearings, Court Administration will not accept judge's copies for documents filed more than four court days before the motion in question. [Amended, September 1, 2020; Amended September 1, 2021]

(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 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. [Amended September 1, 2022]

**(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. 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. [Amended September 1, 2019; amended September 1, 2022]

**(g) Motions in Limine**. All motions in limine shall be heard by the trial judge prior to trial. If a lengthy hearing is anticipated, a special set shall be requested from court administration pursuant to SCLAR 0.3(a).

[Adopted September 1, 2009]

## **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) A copy of the rental agreement or lease upon which the tenancy is based, if any, shall be filed with the complaint. A complaint that involves a month-to-month tenancy that is the result of a conversion from a lease shall include a copy of the underlying lease.
  - (ii) Plaintiff owners of the real property must state ownership in the complaint and if the tenants participate in federal housing assistance programs or if the real property has a federally backed mortgage.
  - (iii) Plaintiff lessors and sublessors must state their status as lessor or sublessor in their complaint.
  - (iv) Duly appointed attorneys-in-fact of the property owners must state their status in the complaint and must file with the complaint a copy of the power of attorney so designating them.
  - (v) If the action is brought under the Residential Landlord Tenant Act and is based upon any reason other than exclusively nonpayment of rent, the plaintiff shall specifically plead the just cause exception under RCW 59.18 et. seq. to ending a residential tenancy and shall state with specificity the facts supporting such exception.
  - (vi) If the action is based upon a facility rules violation, a copy of the rules shall be attached.
  - (vii) If the property or housing unit is federally, state or tribally subsidized in any manner (including but not limited to Section 8 housing, Public Housing, Rural Development housing, or Low-Income Tax Credit Program) the name of the program and nature of the subsidy shall be included in the complaint.
  - (viii) A certification that the plaintiff notified Skagit Legal Aid and the approved dispute resolution center prior to the filing of this action in the form of Attachment B which is attached to this rule.
  - (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. [Amended September 1, 2023]
- (2) A plaintiff seeking a writ of restitution must either schedule the matter for trial or schedule a Show Cause Hearing on the issuance of the writ, with proper notice to the defendant of the hearing and notice that failure to attend may result in a default judgment and writ of restitution.

Notice of the hearing must be by an Order to Show Cause which may be served with the Summons and Complaint or at any time thereafter. The Order to Show Cause must include information about how tenants can access remote proceedings in accordance with Local Rule 7(b).

The Plaintiff shall attach to all Orders to Show Cause issued in all residential, post-foreclosure and manufactured and mobile home unlawful detainer actions the following in English and Spanish:

(i) IMPORTANT NOTICE TO TENANTS CONCERNING SCHEDULED COURT HEARING TO SHOW CAUSE AND HOW TO ACCESS LEGAL ASSISTANCE AND VIRTUAL PROCEEDINGS, which is attached to this rule and incorporated herein as Attachment A, and

(ii) Request for Interpreter Services form as maintained and updated by the Court Administrator's office.

The Court will not issue an order of default or an order for writ of restitution until the hearing has occurred. A properly served defendant's failure to appear at the show cause hearing will be treated as a default.

- (3) A plaintiff seeking the entry of a writ of restitution in any residential post-foreclosure, manufactured or mobile home unlawful detainer action shall cause to be served with the Order to Show Cause a copy of Attachment A which is attached to this rule.

(b) The following procedure shall be followed during the Unlawful Detainer calendar:

- (1) At the commencement of each unlawful detainer court calendar a representative of a Qualified Legal Services Provider shall be permitted to announce to the parties present either in person or virtually the availability of free legal services for those who desire legal assistance and who financially qualify.
- (2) The Court will, at the commencement of the hearing, advise the parties that the defendant may seek a continuance of the hearing to a later date if the defendant wishes to seek an attorney to represent them or if they need more time for some other valid reason. The defendant must exercise this option at the very start of the hearing.
- (3) The Court will continue the hearing for any defendant who indicates to the court the desire to consult with an attorney associated with the Qualified Legal Services Provider. Plaintiff's counsel is encouraged to meet with and negotiate resolution of matters.
- (4) The court shall consider the tenant's circumstances, including decreased income or increased expenses, and the best repayment plan terms offered during any unlawful detainer proceeding.

#### **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 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.
- 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,

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:

Eviction Defense Screening Line

Phone: 855-657-8387

Online <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.

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 Skagit Legal Aid.

[Adopted September 1, 2020; Amended September 1, 2021; Amended September 1, 2023]

## **RULE 9      LAND AND REGISTRATION ACT PETITIONS (RCW 65.12)**

(a) Any application for Land Registration under RCW 65.12 shall contain the following notice in the heading:

LAND REGISTRATION ACT APPLICATION. CLERK'S ACTION REQUIRED

(b) On the occasion of a Land Registration Act under RCW 65.12 being filed with the clerk, the clerk will forward said application and accompanying documents to the Presiding Judge. The Presiding Judge will review said documents to ensure that they are complete and in compliance with RCW 65.12. If they are complete and in compliance, the court shall so note on the application and return them to the Clerk for further processing.

(c) No bond shall be required of the county auditor with respect to his or her performance of duties as registrar of titles provided that said auditor is insured against errors and omissions in connection with performance of his or her duties as auditor/registrar of titles in a sum no less than one hundred thousand dollars. In the event the county auditor is not so insured, then, in that event, the county auditor must



obtain a bond in a sum no less than one hundred thousand dollars conditioned for the faithful discharge of those duties identified in RCW 65.12.055.

(d) Upon determining that an application for Land Registration forwarded to the Presiding Judge is complete and in compliance with RCW 65.12, the Presiding Judge will appoint an Examiner of Titles as required by RCW 65.12.090. The Examiner of Titles shall be appointed with reference to the specific case for which the Presiding Judge has appointed the examiner. In appointing said examiner, the Presiding Judge shall take into consideration the apparent complexity of the condition of title as revealed by the abstract of title filed with the petition as required by RCW 65.12.085. No bond shall be required of the examiner appointee provided said examiner is insured against malpractice in connection with the performance of duties required as examiner of titles in a sum no less than five hundred thousand dollars. In the event the examiner appointee is not so insured, he or she must obtain a bond in a sum no less than five hundred thousand dollars conditioned on faithful performance of his or her duties as Examiner of Titles. The examiner appointee shall provide proof of such insurance or a copy of said bond prior to commencing his or her duties under the appointment provided for herein.

(e) The costs and compensation of the Examiner of Titles shall be borne by the applicant for land registration. Upon appointment, the examiner appointee shall estimate the anticipated costs and compensation in connection with his or her duties herein based upon an estimate of hours to complete the Examination and the hourly compensation of attorneys of the examiner appointee's level of experience commonly charged in Skagit County. After review and approval by the Presiding Judge, the Court Administrator shall advise the applicant to deposit the estimated amount of anticipated costs and compensation into the registry of the court. The Examiner shall not be required to commence his or her duties as examiner until he or she is notified by the administrator that said funds have been so deposited. The disbursement of said funds to the Examiner shall be made from time to time upon request of the Examiner of Titles, provided that the applicant shall receive notice of the requested disbursement no less than ten days prior to approval by the Presiding Judge. In the event the applicant makes timely objection to the requested disbursement, the Presiding Judge shall promptly convene a hearing with notice to both the applicant and the Examiner to determine whether a disbursement in a sum determined by the court should be ordered.

(f) Entry of Judgments by default may be granted in the manner specified in RCW 65.12.155. If any named defendant responds to the summons, then any party may bring a motion before the civil motions judge for hearing pursuant to RCW 65.12.160. Said motions shall be scheduled on the Court's summary judgment calendar. If, in the determination of the civil motions judge, the matter should be set for a trial or evidentiary hearing, the civil motions judge shall set the matter to an available date on the Court's trial calendar.

(g) The Examiner of Title shall not serve as a referee as permitted under RCW 65.12.160. The Examiner's duties shall be complete and his or her automatic discharge shall occur upon the happening of any one of the following events: 1.) Applicant's failure to deposit the Examiner's anticipated costs and compensation into the registry of the court within thirty days of notice to deposit same; 2) Applicant's failure to notify the court of applicant's decision to proceed further or withdraw his or her application within thirty days of notice of the filing of the Examiner's report as provided in RCW 65.12.110; 3.) *The court's entry of a decree of registration.*

(h) The Examiner of Titles shall submit his or her final request for reimbursement of costs or compensation within sixty days of his or her discharge. If the funds deposited in the registry of court are inadequate to fully pay the Examiner's approved costs and compensation, the applicant shall deposit enough funds to make up the shortfall into the registry of the court. If any of the funds deposited into the registry of the court to pay the Examiner of Title's costs and compensation remain in the court registry

after satisfying the Examiner's final request for reimbursement, said funds shall be refunded to the applicant.

[Adopted September 1, 2020]

## **RULE 10 FORM OF PLEADINGS AND OTHER PAPERS**

**(a)-(c) [Reserved]**

### **(d) Format Requirements**

(1) *GR 14 Compliance.* All pleadings and other papers presented for filing with the Clerk shall conform to GR 14.

(2) *Length of Briefs and Legal Memoranda.* Briefs and legal memoranda on non-dispositive pretrial matters may not exceed five (5) pages double-spaced. In trial matters the limit for a party's main filing is ten (10) pages double-spaced; supplemental briefs or legal memoranda on subsidiary matters may not exceed three (3) pages double-spaced. Declarations and affidavits in such matters may not exceed five (5) pages double-spaced. There is no page limit on summary judgment motions, motions for declaratory judgment and any potentially dispositive motions as described in SCLCR 7(e)(1). The Court may strike pleadings that are longer than the page limit described in this rule upon its own motion.

(3) *Filing: Case Numbers.* No documents shall be submitted for filing with more than one case number. Where documents require filing under multiple case numbers, attorneys shall submit duplicate originals for each case number cited. Case numbers for each file shall be highlighted by circling the appropriate cause number. Where there are multiple case numbers and no duplicate originals provided, the Clerk shall place the document only in the first case number designated.

(4) *Filing: Physical Issues.* Single documents with multiple pages shall be stapled together. Multiple documents shall not be stapled together; e.g., do not staple your calendar note to the motion.

(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 discs, 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, 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 all parties agree that an exhibit may be reviewed in advance of the hearing, they may provide such notice in submissions to the court.

[Adopted September 1, 2009, amended September 1, 2018, amended September 1, 2022]

**RULES 11-16 [Reserved]**

**4. PARTIES  
(Rules 17-25)**  
[Reserved]

**5. DEPOSITIONS AND DISCOVERY  
(Rules 26-37)**  
[Reserved]

**6. TRIALS  
(Rules 38-53.4)**

**RULE 38 [Reserved]**

**RULE 39**

*(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.

[Adopted September 1, 2023]

**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 on the Superior Court website. [Amended September 1, 2019; amended September 1, 2021; amended September 1, 2022.]

*(2) Joinder and Default.* Before filing a request for trial assignment, counsel must determine that all joinder issues under CRs 18-20 are resolved. Motions for default under CR 55 must have been heard and resolved before requesting a trial date.

*(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) 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. [Amended September 1, 2020; amended September 1, 2022]

(4) *Objections to Trial Assignment.* The Court Administrator shall set the trial date from the trial assignment calendar. 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. [Amended September 1, 2022]

(5) *Pre-assignment of Judge.* Parties may move the court for pre-assignment of a judge. The original should be filed and a copy should be delivered to the Court Administrator. The presiding Judge will then select a Judge for pre-assignment. A letter will then notify counsel that all pretrial motions should be heard by the assigned judge and should be scheduled through Court Administration. This is to assure that the assigned judge is on the appropriate calendar, or if a special set is necessary. If both sides do not agree to a pre-assignment, the matter can be brought on the regular Civil Motions calendar. [Amended March 1, 2013; amended June 1, 2013]

### **(c) Pre-Trial Conference.**

(1) *In General.* At the time of trial assignment, a pre-trial conference will also be scheduled by Court Administration. Failure to appear at the pre-trial conference will result in the trial date being stricken. Failure of one party to appear at the pre-trial conference may result in imposition of sanctions or any other relief deemed appropriate by the Court. The parties may appear in-person or remotely for the pre-trial conference.

(2) *Pre-Trial Conference Summary.* At least one court day before the pre-trial conference, the parties must complete and submit the Pretrial Conference Summary form located in the Forms section on the Superior Court webpage. If a party had previously submitted a witness list, it is only required to list any supplemental witnesses and their contact information in this form. [Adopted September 1, 2021]

(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. [Adopted September 1, 2022]

### **(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 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. [Amended September 1, 2015; amended September 1, 2016; amended September 1, 2022]

**(e) Continuances and Settlement.** Attorneys shall immediately notify the Court Administrator if a trial has settled or has been continued and submit an agreed proposed order to ex parte striking both the pre-trial conference and trial date.

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

- (1) *Deadline.* The parties shall provide their exhibits, as detailed in (2), motions in limine, trial briefs, original sealed depositions, and proposed final orders to Court Administration by 12:00 p.m. on the court day before trial.
- (2) *Exhibits.* The parties shall provide two sets of all exhibits (one set of originals and one set of bench copies) in two separate notebooks, packets, or binders. The Court recognizes that exhibits used in rebuttal or for impeachment purposes may be supplemented during trial. In such event, working copies for the Court and the opposing parties shall be made available as practicable.
- (3) *Numbering.* The exhibits should be numbered by either tabs or in the upper right hand corner and organized in numerical order. Plaintiff or petitioner's exhibits shall be numbered 1-100. Defendant or respondent's exhibits shall be numbered 101 - 199. In cases with more than two parties or with more voluminous exhibits, the parties shall either work together on numbering of their proposed exhibits or receive such direction from the Court at the Pre-Trial Conference.
- (4) *Remote Parties or Witnesses.* 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 form located in the Forms section on the Superior Court website. All copies of the exhibits 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.

## **RULES 41-42            [Reserved]**

### **RULE 43            TAKING OF TESTIMONY**

#### **(a) Testimony**

(1)-(2) [Reserved]

(3) *Exhibits.* When a documentary exhibit is used at trial during witness examination counsel shall provide extra copies of the exhibit to opposing counsel and the court in accordance with SCLCR 40(f).

(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. [Adopted September 1, 2022]

(5) *Presence at Trial Prior to Testimony.* Absent pre-approval of the Court, any non-party witnesses, regardless of whether appearing remotely or in-person, may not observe the trial until their testimony is complete and they are released from subpoena.

[Adopted September 1, 2009, Amended September 1, 2021]

## **RULES 44-50            [Reserved]**

## **RULE 51      INSTRUCTIONS TO JURY AND DELIBERATION**

**(a) Proposed.** Trial counsel shall provide two copies of their proposed jury instructions to the judge when trial begins. One copy shall be cited and the other uncited, with the plaintiff's proposed instructions numbered in pencil in the lower left corner and the defendant's proposed instructions numbered in pencil in the lower right corner. Proposed instructions shall be in 12-point Arial, with one-and-a-half (1.5) line spacing and one-inch margins.

[Adopted September 1, 2009; Amended September 1, 2019]

## **RULES 52-53      [Reserved]**

## **7. JUDGMENT (Rules 54-63)**

## **RULES 54-55      [Reserved]**

## **RULE 56      SUMMARY JUDGMENT**

### **(c) Motion, Proceedings and Confirmation of Motion**

- (1) All parties must conform to the motion and proceeding requirements of CR 56(c).
- (2) It shall be the responsibility of the moving party to confirm all motions for Summary Judgment on the Dispositive Motion calendar by 4:00 p.m. four (4) court days before the scheduled hearing. [Amended March 1, 2012; amended January 1, 2014; Amended September 1, 2021]
- (3) Confirmation shall be made by telephone to the Court Administrator's Office at (360) 416-1200 between 8:30 a.m. Monday and 4:00 p.m. Friday the week before said motion is scheduled for hearing. [Amended September 2, 2014]
- (4) Motions not confirmed in accordance with this rule will be stricken.
- (5) SCLCR (10)(d)(2) does not apply to SCLCR 56.
- (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). [Adopted September 1, 2022]

[Adopted September 1, 2009]

## **RULE 57      DECLARATORY JUDGMENTS**

### **(a) Confirmation of Motion**

- (1) All parties must conform to the motion and proceeding requirements of CR 57.
- (2) It shall be the responsibility of the moving party to confirm all motions for Declaratory Judgment on the Dispositive Motion calendar by 4:00 p.m. (4) court days before the scheduled hearing. [Amended March 1, 2012; amended January 1, 2014; Amended September 1, 2021]

(3) Confirmation shall be made by telephone to the Court Administrator's Office at (360) 416-1200 between 8:30 a.m. Monday and 4:00 p.m. Friday the week before said motion is scheduled for hearing. [September 2, 2014]

(4) Motions not confirmed in accordance with this rule will be stricken.

(5) SCLCR (10)(d)(2) does not apply to SCLCR 57.

[Adopted September 1, 2009; amended September 1, 2016; amended September 1, 2021]

## **RULE 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS**

### **(b) Time for Motion; Contents of Motion**

(1) Motions for reconsideration of judges' rulings and for reconsideration or revision of commissioner's rulings, and all pleadings and documents in support thereof, must be filed and served on opposing counsel, or on the opposing party if unrepresented, and on the Court Administrator, within ten (10) days after entry of the judgment or order. The motion must set forth specific grounds for the reconsideration, and the arguments and authorities in support thereof, and designation of the judge making the ruling.

(2) The opposing party may, within ten (10) days after receipt of the motion, file, and serve on the moving party and the Court Administrator, pleadings and documents in opposition.

(3) Each party shall prepare and include in the materials submitted, a proposed order sustaining their position on the motion.

(4) Oral arguments will be scheduled only if the Judge involved requests the same.

(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.

[Adopted September 1, 2009; amended March 1, 2013; amended June 1, 2013; amended September 1, 2022]

**RULES 60-63 [Reserved]**

## **8. PROVISIONAL AND FINAL REMEDIES**

**(Rules 64-71)**

[Reserved]

## **9. APPEALS**

**(Rules 72-76)**

[Reserved]

## **10. SUPERIOR COURTS AND CLERKS**

**(Rules 77-80)**

[Reserved]

**11. GENERAL PROVISIONS  
(Rules 81-86)**

**RULES 81-83 [Reserved]**

**RULE 84 FORMS**

**(a) Action documents.** Pleadings or other documents requiring action on the part of the Clerk/Court (other than file stamping, docketing and entry in the court file) shall be considered action documents. Action documents must contain special caption and specify the action required on the first page.

[Adopted September 1, 2009]

**RULES 85-86 [Reserved]**

<b>PART IV. LOCAL CIVIL ARBITRATION RULES (Cite as SCLCAR)</b>
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**1. SCOPE AND PURPOSE OF RULES**

**1.1 PURPOSE AND APPLICATION**

These local rules, to be cited as Local Civil Arbitration Rules (SCLCAR) are for the purpose of implementing RCW 7.06 and supplementing Superior Court Civil Arbitration Rules adopted by the Supreme Court. The Local Civil Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration proceedings should be informal and expeditious, consistent with the purpose of relevant statutes and rules. [Amended September 1, 2020]

**1.2 MATTERS SUBJECT TO ARBITRATION**

Any civil action filed in the Skagit County Superior Court, other than an appeal from a Court of Limited Jurisdiction, is subject to mandatory arbitration if the sole relief sought is a money judgment in which no party asserts a claim in excess of \$100,000, exclusive of attorney fees, interest and costs, or in which all parties for purposes of arbitration waive claims in excess of \$100,000, exclusive of attorneys' fees, interests and costs. Additionally, parties may stipulate to the arbitration of any matter in controversy not subject to mandatory arbitration.

[Adopted December 12, 1990, Amended September 1, 2018]

**2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR**

**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 pay the associated 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.

[Amended September 1, 2007; amended September 1, 2022]



**(b) Order Transferring Cause to Arbitration.** Cases shall be transferred to arbitration only by Court Order. Such order may be secured:

- (1) At the hearing scheduled pursuant to 2.1(a) above.
- (2) By stipulation and order agreed to by all parties.

**(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) 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.

[Amended September 10, 1991; amended September 1, 2022]

## **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.

[Adopted December 12, 1990; amended September 1, 2022]

## **3. ARBITRATORS**

### **3.1 QUALIFICATIONS** [Adopted July 1, 1996; rescinded September 1, 2010]

## **4. PROCEDURES AFTER ASSIGNMENT [Reserved]**

## **5. 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 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.

[Adopted December 12, 1990; amended effective September 1, 2004; amended 9/1/2008; amended September 1, 2009; amended September 1, 2022]

6.     **AWARD**            [Reserved]

7.     **TRIAL DE NOVO**

7.1    **REFER TO RULE 40, ASSIGNMENT OF CASES** [Adopted September 1, 2019]

8.     **GENERAL PROVISIONS**

8.2    **LOCAL RULES**

**(a) Director of Arbitration**

The Arbitration Department of this Court shall be administered by the Director of Arbitration. The Director of Arbitration shall be the presently designated Court Administrator. The Director of Arbitration shall develop and make available to parties and arbitrators appropriate forms for the implementation of arbitration proceedings. Arbitration forms may be found on the Superior Court Webpage under the Forms tab.

**(b) Administrative Committee** [Rescinded September 2, 2014]

**(c) Compensation.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, the compensation shall not exceed \$1,000.00 for any case without approval of a Superior Court Judge.

[Effective September 1, 2005; amended 9/1/2008]

(d) These rules shall take effect on January 1, 1991 with respect to transfer of causes to arbitration. They shall take effect forthwith with respect to duties of the Director of Arbitration and the Administrative Committee.

[Adopted December 1, 1990]

<p style="text-align: center;"><b>PART V. LOCAL SPECIAL PROCEEDINGS RULES</b> <b>(Cite as SCLSPR)</b></p>
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**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. [Amended September 1, 2022]

**(b) Mandatory Attendance.** In all cases governed by this rule, all parties shall complete an approved parenting seminar. Standards for parenting seminars shall be established by the Court and providers shall be approved by the Court. An approved list of providers will be available through Court Administration. [Amended September 1, 2011]

**(c) Timing.** Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within 90 days after service of the petition or motion initiating the action which is subject to this rule. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

**(d) Fees.** Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the court. The court may waive the fee for indigent parties.

**(e) Special Consideration/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 parent's attendance at a seminar is not in the children's best interest, pursuant to Ch. 26.12 RCW, the Court shall either:
  - (A) waive the requirement of completion of the seminar; or
  - (B) allow participation in an alternative voluntary parenting seminar for battered spouses.
- (3) The Court may waive the seminar requirement for good cause shown.

**(f) Failure to Comply.** Willful refusal to participate in a parenting seminar or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule. Non-participation, or default, by one party does not excuse participation by the other party. Agreement of the parties to enter agreed final orders does not excuse participation by either party.

[Effective September 1, 2001; amended September 1, 2009; Amended September 1, 2021]

**94.04.2 FILINGS IN FAMILY LAW CASES**

(a) **Application of Rule.** This rule shall apply to all cases filed after September 1, 2003:

- (1) All family law petitions seeking dissolution of marriage, legal separation, or declaration of invalidity;
- (2) Actions brought by parties to non-marital personal relationships involving parenting or distribution of assets/liabilities; and
- (3) Actions to modify previously entered parenting plan or child support final orders.

(b) **Court's Automatic Temporary Order.** Upon the filing of a Summons and Petition in any of the actions specified in Sections (a)(1) and (2) above, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

- (1) The parties shall be restrained from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued.
- (2) The parties shall be restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance, except as agreed in writing by the parties.
- (3) Each party shall be immediately responsible for his or her own future debts whether incurred by credit card or loan, security interest or mortgage, except as agreed in writing by the parties.
- (4) Both parties shall have access to all tax, financial, legal and household records. Reasonable access to records shall not be denied.
- (5) For those actions in which children are involved:

- (i) Each parent shall be restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supercede previously issued orders to the extent the orders may be inconsistent.
- (ii) Each parent shall insure that the child(ren) not be exposed to negative comments about the other parent in the presence of the child(ren).

**(c) Mediation in Contested Cases.** Mediation shall apply to all cases filed after January 1, 2004. Except as provided in Section (d) below, in all cases specified in Section (a) having unresolved issues (except child support issues), both parties shall in good faith engage in mediation with a court-approved mediator in an effort to resolve the case. The parties may either agree to a mediator from the court approved list or the mediator will be determined by use of a strike list. Either party may seek a court apportionment of the cost of mediation. In cases where parenting issues exist, the mediation shall not occur until both parties have completed the parenting seminar described in SCLSPR 94.04.1. A certificate of completion signed by the mediator shall be filed with the clerk of the court prior to trial.

[Amended September 1, 2005]

**(d) When Mediation is not Required.** Mediation shall be required as provided in Section (c) except in the following cases:

- (1) For good cause shown upon motion and approval by the court;
- (2) Where a domestic violence restraining order or protection order (excluding ex-parte orders) involving the parties has been entered by a court at any time within the previous 12 months;
- (3) Where a domestic violence no contact order exists pursuant to RCW 10.99;
- (4) Where the court upon motion finds that domestic 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 (d)(2), (d)(3) or (d)(4) above if the moving party believes that the parties would be able to mediate their dispute at arm's-length under the particular circumstances of the case.

**(e) Failure to Comply.** A party's compliance with the provisions of this rule may be enforced upon Motion and Order to Show Cause. Unless compliance is waived by the court for good cause shown, the court may order appropriate sanctions including costs, attorney's fees, and adoption of the complying party's proposal.

**(f) Registry Administration.** The Court Administrator shall maintain and administer the family law mediator registry. The application form and requirements may be obtained from the Court Administrator's office.

**(g) Certificate of Completion.** Prior to a final dissolution hearing or the trial date, mediation must be completed. Failure to complete mediation, prior to the trial date, will result in the trial being stricken. A certification of completion signed by the mediator shall be filed with the clerk. [Effective September 1, 2005; amended April 2, 2006]

**(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.

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) *Exhibits.* Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavits shall not be counted toward the page limit.
- (2) *Electronic Exchanges.* If the declarations or affidavits quote or reference electronic exchanges (e-mails, text messages, etc...), the source and date of the exchange shall be included. The full version of the electronic communication may be attached as an exhibit for context only and will not count against the page limit if labeled as such for that limited purpose. If the text or email exchange is not quoted or referenced in the declarations, the messages will not be read and will be stricken.
- (3) *Financial Declarations.* Financial declarations and financial documents do not count toward the page limit.
- (4) *Expert Reports and Evaluations.* Declarations, affidavits, and reports from Family Court Investigation, guardians ad litem, police reports, substance use evaluations, psychological evaluations and other expert witnesses do not count toward the page limitation.
- (5) *Children's Statements.* Declarations by minors or children of the parties are strongly disfavored.
- (6) *Parenting Plans.* All motions requesting entry of a parenting plan, residential schedule or other order regarding child placement, shall be accompanied by a proposed parenting plan and declaration in support of parenting plan. The proposed parenting plan or other proposed orders shall not count toward the page limit.
- (7) *Financial Requests.* Motions requesting child support must be accompanied by child support worksheets. Motions requesting child support or maintenance shall be accompanied by a financial declaration, proof of income of the parties including the party's most recent pay or income information and tax returns with all attachments. Financial records required in this section shall not count toward the page limits.
- (8) *Prior Authorization.* Parties requesting expansion of the page limits set forth above must have prior Court approval before exceeding those limits. This shall be accomplished by filing a written request that explains with specificity the reason why the page limitations need to be exceeded and how many additional pages are requested to be submitted. This request may be made on a regularly scheduled domestic motions calendar or ex parte, with at least one court day's advance notice to all legal parties, prior to presentation of the request.
- (9) *Judge's Copies.* Judge's copies of pertinent filings are required for documents filed within four (4) court days of the hearing addressed in said filings. Judge's copies of all affidavits, declarations, briefs, and legal memoranda meeting these criteria shall be delivered to Court Administration. The date and time of the scheduled hearing shall be listed on the upper right corner of the first page. Other than filings related to pre-assigned cases or special set hearings, Court Administration will not accept judge's copies for documents filed more than four court days before the motion or trial in question

(10) *Sanctions*. Failure to comply with this rule likely will result in sanctions that may include, but are not limited to, striking over limit pleadings, refusal to consider the over-length materials, continuing the hearing, award of attorney's fees or imposition of financial sanctions.

[Amended September 1, 2021]

**(i) Oral Argument in Domestic Motions.** Oral argument shall be limited to five (5) minutes per side for all domestic 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. Any party addressing the court shall either appear in person or remotely with clear audio and video enabled. Testimony, if authorized, shall take place in-person absent pre-approval from the Court. [Amended September 1, 2021]

**(j) Final Dissolution Hearings.** Prior to scheduling the final dissolution hearing or trial, pro se litigants shall meet with the Courthouse Facilitator. [Amended September 1, 2012; amended November 1, 2013]

**(k) Final Papers in Uncontested Dissolution Matters.** Final papers in uncontested dissolution matters may be presented ex parte if accompanied by an affidavit of one of the parties setting forth jurisdictional facts and signed by at least one attorney or party. Final papers in pro se dissolution matters must be set on the designated agreed dissolution calendar with nine (9) court days' notice after being reviewed the Courthouse Facilitator and may be presented without appearance required if accompanied by an affidavit of one of the parties setting forth jurisdictional facts and signed by the family law facilitator and one or both parties before a Notary Public. The courthouse facilitator's fee may be waived if the litigant qualifies under GR 34. Any noted agreed dissolution that is missing orders or signatures on orders at the time of hearing shall be stricken and may be re-noted upon receipt of the necessary items.

[Adopted September 1, 2012; Amended September 1, 2019; Amended September 1, 2021]

**(l) Review of all Final Pleadings.** Pro se litigants, married or unmarried, are required to meet with the Courthouse Facilitator on all final decrees, final orders and accompanying findings of fact and conclusions of law, parenting plans, orders of child support, and child support worksheets for family law cases involving children. The Courthouse Facilitator must review the documents for form and completeness prior to presentation to a judicial officer at a hearing or trial. The courthouse facilitator's fee may be waived if the litigant qualifies under GR 34. [Adopted September 1, 2015; Amended September 1, 2021]

#### **94.04.3 JUDICIAL INFORMATION SYSTEM BACKGROUND CHECKS**

Prior to presenting a *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.

[Adopted March 2008; Amended September 1, 2009; Amended September 1, 2021; Amended September 1, 2022; [Amended September 1, 2023]

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

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

(1) *Trial Assignment*. 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, including the guardian ad litem if one has been appointed, at least nine (9) court days before the trial assignment calendar. Parties 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.

(i) *Certification.* Parties submitting a request for a family law trial shall certify that discovery has been completed by both parties and that no outstanding discovery remains; the guardian ad litem report, if applicable, has been completed and filed; expert evaluations, if applicable, have been completed and filed, and the parent noting the case for trial has completed the parenting seminar. A note for trial assignment that fails to include the required certifications will not be assigned a trial date.

(ii) *Parenting Seminar Required.* A parenting seminar under SCLSPR 94.04.1 must be completed in cases involving minor children before requesting a trial date.

(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. [Adopted September 1, 2023]

(2) *Mandatory Mediation on Domestic Matters.* Certification of completed mediation must be filed prior to trial or the matter is subject to being stricken by the Court. See SCLSPR 94.04.2(c)-(g).

(3) *Conflict Dates.* The parties shall file with the clerk of the court a notice of conflict dates at least four (4) court days before the date set for the trial assignment. A trial date will be assigned even if all parties have not submitted conflicts. Conflict dates shall be limited to previously scheduled vacations, trial dates, arbitrations and mediations. If counsel is involved, 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 is located on the Superior Court webpage under the Forms section.

(4) *Objections to Trial Assignment.* The Court Administrator shall set the trial date from the trial assignment calendar. Motions objecting to trial assignment must be noted for a hearing date no later than 14 calendar days after the filing of the Note for Trial Assignment. If the Court finds the objection has merit, the trial date will be stricken. [Amended September 1, 2022]

(5) *Continuances and Settlement.* Parties shall immediately notify the Court Administrator if a trial has settled or has been continued and submit an agreed order ex parte striking both the pre-trial conference and trial date.

(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.  
[Adopted September 1, 2023]

#### **(e) Pre-Trial Conference**

(1) *In General*. At the time of trial assignment, a pre-trial conference will also be scheduled by Court Administration. Failure to appear at the pre-trial conference will result in the trial date being stricken. Failure of one party to appear at the pre-trial conference may result in imposition of sanctions or any other relief deemed appropriate by the Court. The parties may appear in-person or remotely for the pre-trial conference.

(2) *Pre-Trial Conference Summary*. At least one court day before the pre-trial conference, the parties must complete and submit a Pre-Trial Conference Summary form which is located on the Superior Court webpage under the Forms section. If a party had previously submitted a witness list, it is only required to list any supplemental witnesses and their contact information in this form.

(3) [Rescinded September 1, 2022]

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

(1) *Deadline*. The parties shall provide their exhibits, as detailed in (2), motions in limine, trial briefs, original sealed depositions, and proposed final orders to Court Administration by 12:00 p.m. on the court day before trial.

(2) *Exhibits*. The parties shall provide two sets of all exhibits (one set of originals and one set of bench copies) in two separate notebooks, packets, or binders. The Court recognizes that exhibits used in rebuttal or for impeachment purposes may be supplemented during trial. In such event, working copies for the Court and the opposing parties and guardian ad litem, if one has been appointed, shall be made available as practicable.

(3) *Numbering*. The exhibits should be numbered by either tabs or in the upper right-hand corner and organized in numerical order. Plaintiff or petitioner's exhibits shall be numbered 1-100. Defendant or respondent's exhibits shall be numbered 101 - 199. In cases with more than two parties or with more voluminous exhibits, the parties shall either work together on numbering of their proposed exhibits or receive such direction from the Court at the Pre-Trial Conference.

(4) *Remote Parties or Witnesses*. After a remote trial has been approved by the Court under SCLCR 39, 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. [Amended September 1, 2023]

**(g) Confirmation of Family Law Trials.** All family law trials shall be confirmed by noon five (5) court days before the scheduled trial date. Parties shall confirm trials by calling the Superior Court Administrator's Office (360) 416-1200 and notify the other legal parties the trial has been confirmed. If a trial is not confirmed in accordance with this rule, the trial will be stricken.

[Adopted September 1, 2009; amended September 1, 2016; Amended September 1, 2021; amended September 1, 2022]

#### **94.04.5 EVIDENCE AND EXHIBITS IN FAMILY LAW: SPECIAL PROVISIONS**

**(a) Appraisals of Automobiles and Boats.** In addition to individual appraisals of automobiles, trucks, and boats, the Court will give judicial recognition to Kelly Blue Book, NADA, or other recognized internet appraisal services on all automobiles, trucks, and boats. The appraisal should be for fair market retail value in the local area and be consistent with the description of the item being appraised.

**(b) Exhibits.** When a documentary exhibit is used at trial during witness examination and reference to the contents of the exhibit is necessary to understand the issues, the party shall provide extra copies of the exhibit to opposing counsel and the court.

[Adopted September 1, 2009]

#### **98.16.1 GUARDIANSHIP MONITORING** [Rescinded September 1, 2011]

#### **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.** 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) 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. [Adopted September 1, 2023]

**(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. [Amended September 1, 2023]

**(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. [Adopted September 1, 2023]

#### **(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. [Adopted September 1, 2023]

(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. [Adopted September 1, 2023]

(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. [Adopted September 1, 2023]

**(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. [Adopted September 1, 2023]

**(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. [Adopted September 1, 2023]

**(i) Attorney Appointments for Parent(s).** 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. [Amended September 1, 2023]

**(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. [Adopted September 1, 2023]

**(k) 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, 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. [Amended September 1, 2023]

[Adopted September 1, 2021; amended September 1, 2023]

### **98.16.3 PROBATE MATTERS NOT REQUIRING NOTICE**

**(a) Ex Parte Presentation.** Probate matters not requiring notice may be presented ex parte. [Adopted September 1, 2009]

**PART VI. LOCAL RULES FOR GUARDIAN AD LITEM REGISTRY**  
**(TITLES 11 AND 26)**  
**(Cite as SCLGALR)**

**1. SCOPE AND PURPOSE**

1.1 This local rule covers the administration of the Guardian ad Litem and Court Visitor Registries 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. [Amended September 1, 2022]

**2. REGISTRY ADMINISTRATION**

2.1 The Court Administrator shall maintain and administer the Guardian ad Litem registries. These registries are limited to Titles 11 and 26 Guardians ad Litem. These requirements and procedures also apply to persons not listed on a registry who are appointed to serve as a guardian ad litem in a field for which there is a registry.

2.2 The Court Administrator shall maintain an application form and background information records pertaining to each person on a registry. Persons listed on the registry shall reapply annually and provide a WSP criminal background check for the September 1<sup>st</sup> review date. All applications and background information, with the exception of personal identifying information in family law cases and pending complaints, shall be available for public inspection.

2.3 Persons shall be selected to serve on the registry at the discretion of the court giving due consideration to having a sufficient number of guardians ad litem available to fulfill the requests for appointment and to retain panels of persons with substantial experience and special knowledge within given fields.

In some cases, there may be more qualified applicants than will be needed or would benefit the program, so that not all persons applying will be selected.

2.4 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. Training programs may be co-sponsored or offered by the state or local bar association under the oversight of the court.

2.5 The registry may be reconstituted periodically after an open application period has been announced. The court may allow additional applicants to be added to the registry in March of each year. All new applications are due by March 1<sup>st</sup> for consideration. [Amended September 1, 2010]

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

**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. [Adopted September 1, 2023]

**3.1 ATTORNEYS**

Attorneys must be a member of the Washington State Bar Association in good standing. [Amended September 1, 2022; amended September 1, 2023]

**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 four completed guardian ad litem assignments for any Washington State superior court within the past five years

*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; amended September 1, 2023]

**(b) Adult Guardianship and Probate Registry (Title 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

[Amended September 1, 2022; amended September 1, 2023]

**(c) Minor Guardianship Registry (Title 11.130)**

**A guardian ad Litem in good standing on either a Title 26 Guardian and Litem Registry or a Title 11 Guardian ad Litem Registry maintained Washington State Superior Court.**

[Adopted September 1, 2022; amended September 1, 2023]

**4. APPLICATION**

- 4.1 Each person requesting to be listed on the Guardian ad Litem Registry (or registries) shall submit an application by September 1<sup>st</sup> of each year. The application is located on the Superior Court webpage under the Forms tab. [Amended September 1, 2021]

**5. APPOINTMENT OF GUARDIAN AD LITEM**

- 5.1 When the need arises for the appointment of a guardian ad litem in a case involving a subject area for which there is a registry, the court shall appoint a person from the registry, unless good cause is found and findings are entered supporting appointment of a person not listed on the registry.
- 5.2 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 parties have stipulated to serve as guardian ad litem. Agreement of all parties will not suffice when one or more parties are alleged to be under a legal disability.

- 5.3 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.
- 5.4 Generally a guardian ad litem will be required to accept a minimum of two (2) appointments per year at public expense. All appointments from the previous year should be listed on the application. [Amended September 1, 2022]
- 5.5 Generally, appointments will be made on a rotational basis from the registry. [Amended September 1, 2005]
- 5.6 Appointment of a guardian ad litem in all cases shall be on the form required by the court.
- 5.7 The court shall make provisions for fees and expenses pursuant to statute in the Order Appointing Guardian ad Litem or in any subsequent order. For all cases filed in Skagit County, Order Appointing Guardian ad Litem form shall be used. (See the Superior Court Webpage under the Forms tab.) All expenses must be approved in advance.

[Amended September 1, 2005; amended September 1, 2015]

- 5.8 The Guardian ad Litem Review Committee will address any complaints made by any guardian ad litem regarding registry or appointment matters upon the Court Administrator's receipt of said complaint. The guardian ad litem shall be notified in writing of the Guardian ad Litem Review Committee's decision.

## **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. [Amended September 1, 2023]
- 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]

## **7. COMPLAINT PROCEDURE**

- 7.1 There shall be a Guardian ad Litem Review Committee consisting of the Superior Court Presiding Judge, the Superior Court Administrator, a representative of the Skagit County Bar Association, and a guardian ad litem from the registry, appointed by the Presiding Judge.

- 7.2 The Guardian ad Litem Review Committee, hereinafter referred to as the “Committee,” will administer complaints about guardians ad litem.
- 7.3 All complaints must be in writing and must be submitted to the Superior Court Administrator, 205 W. Kincaid, Room 202, Mount Vernon, WA 98273. All complaints must bear the signature, name and address of the person filing the complaint.
- 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) Making a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances the Committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem’s report or testimony. In such cases the Committee and its members shall perform its role in such a manner as to assure that the trial judge remains uninformed as to the complaint; or
  - (b) Make a finding that the complaint has no merit on its face and decline to review the complaint and so inform the complainant; or
  - (c) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem within 10 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) Violated a code of conduct including all Superior Court Guardian ad Litem Rules (GALR) and applicable professional codes of conduct. [Amended March 1, 2013; amended June 1, 2013]
    - (2) Misrepresented his or her qualifications to serve as a guardian ad litem;
    - (3) Breached the confidentiality of the parties;
    - (4) Falsified information in a report to the court or in testimony before the court;
    - (5) Failed, when required, to report abuse of a child;
    - (6) Communicated with a judicial officer ex-parte concerning a case for which he or she is serving as a guardian ad litem;
    - (7) Violated state or local laws or court rules; or
    - (8) Taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.
- [Amended September 1, 2022]
- 7.5 Upon receipt of a written response to a complaint from the guardian ad litem, the Committee shall make a finding as to each of the issues delineated in the Committee’s letter to the guardian ad litem. Such findings shall state that either there is no merit to the issue based upon the guardian ad litem’s response or that there is merit to the issue.
- 7.6 The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the guardian ad litem to additional training, or recommend to the Presiding Judge that the court suspend or remove the guardian ad litem from the registry. In considering a response, the

Committee shall take into consideration any prior complaints that resulted in an admonishment, reprimand, referral to training, or suspension or removal from a registry. If a guardian ad litem is listed on more than one registry, the suspension or removal may apply to each registry the guardian ad litem is listed on, at the discretion of the Committee.

- 7.7 The complainant and the guardian ad litem shall be notified in writing of the Committee's decision following receipt of the guardian ad litem's response.
- 7.8 Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within sixty (60) days of the date of receipt of the written complaint if the complaint is filed subsequent to the conclusion of a case.

[Amended April 1, 2006]

- 7.9 A complaint shall be deemed confidential for all purposes unless the committee has determined that it has merit. [Correction of numbering September 1, 2008]
- 7.10 Any record of complaints filed which are not deemed by the committee to have merit shall be confidential and shall not be disclosed except by court order.

[Adopted April 1, 2006; correction of numbering September 1, 2008]

## **8. PAYMENT OF GUARDIAN AD LITEM**

- 8.1 There shall be no payment of a guardian ad litem by anyone, except as authorized by order of the court.
- 8.2 Each order appointing guardian ad litem shall set forth the hourly rate of compensation for the investigative/guardian ad litem work; source of payment, if determined. [Amended September 1, 2013]
- 8.3 The order appointing a guardian ad litem may include a provision for a retainer fee, as evidenced by itemized accounting, to be returned to the parties according to their proportionate responsibility for payment of the guardian ad litem.
- 8.4 All fee requests by the guardian ad litem submitted to the court shall contain time records, which distinguish investigative/guardian ad litem, administrative/clerkical, and travel time and shall also be served upon the parties. This should be presented to Court Administration along with an Order Authorizing Payment. [Amended September 1, 2011]
- 8.5 Guardian ad litem fees shall be the responsibility of a party or parties unless the court has entered an order authorizing payment at public expense.

[Adopted July 1, 2002; Amended effective September 1, 2003; amended effective September 1, 2004]

## **9. TITLE 26 GAL REPORTING**

- 9.1 The guardian ad litem must report to the court within six months of order appointing GAL regarding the progress if not specifically stated in the order appointing. [Adopted March, 2008; amended 9/1/2008; amended September 1, 2009]



**PART VII. LOCAL CRIMINAL RULES**  
**(Cite as SLCrR)**

**SLCrR 1. SCOPE, PURPOSE AND CONSTRUCTION**  
**(Rules 1.1-1.5)**  
(No Local Rules)

**SLCrR 2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS**  
**(Rules 2.1-2.3)**  
(No Local Rules)

**SLCrR 3. RIGHTS OF DEFENDANTS**  
**(Rules 3.1-3.6)**

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

The Clerk will maintain an administrative file for such certifications. The administrative files will be open for public inspection. [Adopted March 1, 2013; amended June 1, 2013]

**SLCrR 4. PROCEDURES PRIOR TO TRIAL**  
**(Rules 4.1-4.10)**

**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.

[Adopted September 1, 2023]

**RULE 4.1. APPEARANCES**

**(a) In Person Appearances Required.** All witnesses, including defendants who are providing testimony, are required to appear in person absent prior Court approval. Defendants are required to appear in person for arraignment, entry of plea of guilty, sentencing, and trial absent prior Court approval.

**(b) Remote Appearances.**

(1) *Telephonic Permitted.* Absent an order from the Court, defendants are permitted to appear by telephone-only at hearings where their presence is not required. Absent other Court order, observers, including alleged victims, are permitted to appear telephonically or over video with their cameras turned off for hearings where they will not be speaking.

(2) *Audio and Video Required.*

(A) Attorneys and Pro Se Defendants. Attorneys and defendants representing themselves who appear remotely are required to appear with their audio and video enabled during their hearing. The audio and video shall have a clear connection.

(B) Represented Defendants. Represented defendants appearing remotely for all hearings other than those listed above in SLCrR 4.1(b)(1) are required to appear with audio and video enabled during their hearing.

(C) Testimony. It is presumed that any testimony will be taken in person. Testimony may be taken remotely with prior Court approval and shall have a clear audio and video connection.

(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.

[Adopted September 1, 2021, amended September 1, 2022]

#### **RULE 4.10 TRIAL CONFIRMATION**

**(a) Pre-Trial Confirmation Form.** By 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.

**(c) Settlements or Emergency Agreed Continuances.** Attorneys shall immediately notify the Court Administration if a trial has settled or will be subject to an emergent agreed continuance. Failure to promptly notify Court Administration may result in sanctions, including payment of jury costs.

[Adopted September 1, 2021; amended September 1, 2023]

### **SLCrR 5. VENUE (Rules 5.1-5.2) (No Local Rules)**

### **SLCrR 6. PROCEDURES AT TRIAL (Rules 6.1-6.16)**

#### **RULE 6.12 WITNESSES**

**(e) Exhibits.** When a documentary exhibit is used at trial during witness examination and reference to the contents of the exhibit is necessary to understand the issues, counsel shall provide extra copies of the exhibit to opposing counsel and the court.

[Adopted September 1, 2009]

#### **RULE 6.15 INSTRUCTIONS AND ARGUMENT**

**(a) Proposed Instructions.**

(1) Provide to judge when trial begins, two copies of proposed jury instructions. One copy shall be cited and the other uncited with plaintiff's proposed instructions numbered in pencil on the lower left

corner and the defendant's proposed instructions numbered in pencil on the lower right corner to correlate with jury instructions.  
[Adopted September 1, 2009]

(2) Juror questionnaires for trials. Juror questionnaires must be agreed to by both sides or approved by the Court on motion of either party. Sufficient copies for the jury pool must be provided to Court Administration by noon one court day prior to trial. [Adopted September 1, 2011, amended September 1, 2022]

**SLCrR 7. PROCEDURES FOLLOWING CONVICTION**  
**(Rules 7.1-7.8)**  
(No Local Rules)

**SLCrR 8. MISCELLANEOUS**  
**(Rules 8.1-8.9)**

**RULE 8.2 MOTIONS IN LIMINE**

**(a) Timing.** All motions in limine shall be heard by the trial judge prior to trial. Motions in limine will be heard immediately prior to trial or as otherwise scheduled by Court Administration. Parties who believe hearings on motions in limine will take more than thirty (30) minutes shall request a set hearing under SCLAR 0.3(a). Motions in limine on pre-assigned cases or those involving motions that must be heard at least one full court day before commencement of trial shall also be arranged at the parties' request according to SCLAR 0.3(a).

**(b) Briefing.** Motions in limine shall be provided to the Court and opposing counsel by the trial confirmation hearing, or at least three court days in advance of any special set hearing on motions in limine.

**(c) Child Hearsay Motion Hearings.** Child hearsay hearings are to be special set in front of the trial judge (if possible) pursuant to special set rules under SCLAR 0.3(a). Child Hearsay Hearings shall not be scheduled on any criminal calendar.

[Adopted September 1, 2009, Amended September 1, 2021]

**RULE 8.4 SERVICE, FILING, AND SIGNING OF PAPERS**

**(a) Action documents.** Pleadings or other documents requiring action on the part of the Clerk/Court (other than file stamping, docketing and entry in the court file) shall be considered action documents. Action documents must contain special caption and specify the action required on the first page.

**(b) Judge's Copies.** Judge's copies of pertinent filings are required for documents filed within four (4) court days of the pre-trial hearing addressed in said filings. Judge's copies of all affidavits, declarations, briefs, and legal memoranda meeting these criteria shall be delivered to Court Administration. The date and time of the scheduled hearing shall be listed on the upper right corner of the first page. Other than filings related to pre-assigned cases or special set hearings, Court Administration will not accept judge's copies for documents filed more than four court days before the motion in question.

**(c) Case Numbers.** Documents may be filed with more than one case number for adult felony pleadings as provided in CrR 4.3(b) only.

[Adopted September 1, 2009, Amended September 1, 2020, Amended September 1, 2021]

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

**RULE 7.2            TIME FOR FILING BRIEFS**

**(d) Briefing Schedule**

(1) *Case Schedule.* The moving party shall prepare a case scheduling order upon filing a notice of appeal.

[Effective September 1, 2005; amended September 1, 2009]

**Rule 8.5            CONFIRMATION OF ORAL ARGUMENT**

(a) It shall be the responsibility of the petitioner to confirm oral argument on the Dispositive Motion calendar by 4:00 p.m. four (4) court days before the scheduled hearing. [Amended March 1, 2012, January 1, 2014; Amended September 1, 2021]

(b) Confirmation shall be made by telephone to the Court Administrator's Office at (360) 416-1200 between 8:30 a.m. Monday and 4:00 p.m. Friday the week prior to when the oral argument is scheduled for hearing. [Amended September 2, 2014, amended September 1, 2016]

(c) Motions not confirmed in accordance with this rule will be stricken.

[Adopted September 1, 2009]

**PART IX MENTAL PROCEEDINGS RULES  
(Cite asSCMPR)**

**Rule 2.4**

(c) To assure compliance with the 72-hour hold limitation in RCW 71.05, in the event of a late detention resulting in the need for a continuance or special set probable cause hearing, the parties must either agree to the less than 24-hour continuance or obtain a special set hearing through Court Administration. The agreed order of continuance shall be presented in Superior Court no later than the first ex parte calendar following the detention. [Adopted March 1, 2012; amended September 1, 2012]

**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, 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. 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.

(3) *Appointment of Guardian ad Litem.* The Court shall appoint a Guardian ad Litem for the child at the initial shelter care hearing unless good cause exists to not appoint one. This decision may be reviewed at each subsequent hearing including the dependency fact-finding hearing, each dependency review hearing, and prior to the entry of a guardianship or termination order. A party may request that a Guardian ad Litem be appointed at any time during the dependency, guardianship, or termination proceedings.

(4) *Discovery.* The Department shall electronically provide all discovery supporting the dependency petition filing to all appointed and provisionally appointed attorneys and the Guardian ad Litem program prior to the scheduled shelter care hearing. When a parent appears without provisionally appointed counsel, such discovery shall be provided directly to the parent at the shelter care hearing absent direct contact with the Attorney General's Office.

[Adopted September 1, 2021, amended September 1, 2022]

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

### **(a) 30-day Shelter Care Hearing and New Issues.**

(1) *Hearing.* A review of shelter care hearing shall be set within 30 days of the first shelter care hearing, unless otherwise ordered by the Court.

(2) *Issues.* If a party seeks to modify terms or enforce compliance of a shelter care order seeking to modify terms or enforce compliance with the terms of the shelter care order, that party shall give written notice to the Court and other parties of all proposed issues by noon two days before the hearing.

**(b) Modification of Shelter Care Order after 30-day Hearing.** An additional shelter care hearing can be set on the dependency calendar upon the filing of a note for motion and written motion, with affidavit of change of circumstances alleged. 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, with a certification of service filed with the court. All motions and responses filed under this section shall be filed under the timing rule of SCLCR 6(d)(2).

**(c) Working Copies.** Working copies shall be provided to the Court for all documents filed less than four (4) days prior to the 30-day status hearing according to the terms detailed in SCLCR 7(e)(4).

[Adopted September 1, 2021]

## **LJuCR 2.9 REVIEW HEARING**

**(a) Proposed Order and Supervising Agency Report.** The supervising agency shall prepare a proposed order and a written report containing the information required by RCW 13.34.120. The report shall be provided to the Court and to all legal parties and their counsel no less than 14 days before the review hearing.

**(b) Statement of Issues.** The legal parties shall provide to all parties and file a written statement of issues in response to the court report and/or proposed order at least seven (7) days prior to the hearing. This rule does not limit a parent's rights under RCW 13.34.120 to submit a response up to 24 hours before the hearing.

**(c) Working Copies.** Working copies shall be provided to the Court for all documents filed less than four (4) days prior to the 30-day status hearing according to the terms detailed in SCLCR 7(e)(4).

**(d) Sanctions.** Failure to comply with this rule will likely result in sanctions that may include, but are not limited to, continuing the court hearing, award of attorney's fees, or imposition of financial sanctions.

[Adopted September 1, 2021]

## **LJuCr 3.4 NOTICE AND SUMMONS - SCHEDULING OF FACT FINDING HEARING**

### **(c) Scheduling of Hearing.**

- (1) *Confirmation.* Fact Finding hearings shall be confirmed by noon five (5) court days before the scheduled trial date. Parties shall confirm trials by emailing or calling the Superior Court Administrator's Office (360) 416-1200 and notify the other legal parties the trial has been confirmed. If a trial is not confirmed in accordance with this rule, the trial will be stricken.
- (2) *Status Conference.* A status conference shall be scheduled on the dependency calendar two (2) weeks prior to the fact finding to discuss discovery and confirmation issues unless otherwise scheduled by the Court.
- (2) *Continuance Requests.* Any request for continuance of the fact-finding hearing shall be made in writing, filed under the timing rules set forth in SCLCR 6(d)(2), or by agreement of all parties, and shall identify the 75th day from the filing of the petition. A motion to continue beyond the 75th day shall be supported by a declaration of exceptional circumstances, or as otherwise permitted by the Court. The order continuing the hearing beyond 75 days shall identify with specificity the exceptional circumstances found by the Court.

[Adopted September 1, 2021]

## **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) Working Copies.** Working copies shall be provided to the Court for all documents filed less than four (4) days prior to the 30-day status hearing according to the provisions enumerated in SCLCR 7(e)(4).

**(c) Sanctions.** Failure to comply with this rule likely will result in sanctions that may include, but are not limited to, continuing the court hearing, award of attorney's fees, or imposition of financial sanctions.

[Adopted September 1, 2021; amended September 1, 2023]

**LJuCR 9.2(d) Attorney Certification.** Attorneys who anticipate being appointed to represent juvenile indigents in criminal offender cases in the Skagit County Superior Court, Juvenile Division must comply with JuCR 9.2 by filing a certification of compliance with the Clerk of the Superior Court. The certification should be filed at least fourteen (14) days prior to each calendar quarter.]

The Clerk will maintain an administrative file for such certifications. The administrative files will be open for public inspection. [Adopted March 1, 2013; amended June 1, 2013]

#### **LJuCR 10.7.1 ADMINISTRATIVE SEALING AFTER DISPOSITION**

(a) In all dispositions of offender matters in juvenile court, at the time of disposition, the Court shall determine if the charges are subject to administrative sealing pursuant to HB 1651, and if so, set a date for an administrative review in the disposition order.

(b) All juvenile offenses are subject to administrative sealing, pursuant to HB 1651, other than:

- a. Most serious offenses as defined in RCW 9.94A.030.
- b. Sex Offenses as defined in RCW 9A.44
- c. Felony Drug Offenses as defined by RCW 9.94A.030, except possession of a controlled substance or forged prescription for a controlled substance.

(c) At disposition, the Court shall set the administrative review:

- a. After the respondent turns 18; and
- b. After anticipated completion of community supervision or parole if any; and
- c. After anticipated release from detention or JRA.

(d) Administrative reviews shall be held monthly on or after a date as set by the court administrator. The date set in the disposition order will indicate a month and year. Any interested party may contact the Skagit County Superior Court Clerk's Office or refer to the Skagit County Superior Court website to determine the date that the administrative hearings will occur on or after for any given month.

(e) The County Prosecutor, Public Defender, and a representative of the Office of Juvenile Court may provide input on whether a case qualifies for administrative sealing before the review. A list of cases set for administrative review shall be available to the Prosecutor, Public Defender, and representative of the Office of Juvenile Court at least one week prior to the reviews. Included with this list shall be information from the County Clerk, indicating whether the respondents have paid their legal financial obligations for the cases set for review.

(f) The respondent may, but need not, be present at the administrative review. The respondent may, but need not, retain counsel who may be present. If the respondent or counsel chose to appear, they shall notify the court clerk 5 days prior to the review date, and the court clerk shall move the review onto a regularly scheduled Juvenile Offender Calendar.

(g) If any person not a party to the case wishes to make an objection to sealing, that objection must be in writing and filed with the court 9 court days before the administrative review. If an objection is filed, the review shall be moved to a regularly scheduled Juvenile Offender Calendar.

(h) At the administrative review, unless there is an objection or the Court believes there is a compelling reason not to seal, the Court shall seal the records if:

- a. The respondent has completed the terms of disposition. Completion is presumed unless a probation violation is pending, or a warrant is active in the cause; and
- b. The respondent has paid legal financial obligations.

(i) The Court shall seal the records, or deny sealing, using court form "Order Re: Sealing Records of Juvenile Offender (ORSF, ORSFD)."

(j) After the administrative review, the Court shall mail a copy of the order sealing or denying sealing, to the respondent at the last known address per the Judicial Information System.

(k) If the matter qualifies for administrative sealing, but there is an objection or the Court believes there is a compelling reason not to seal, the matter shall be set for a hearing on the regularly scheduled juvenile offender calendar, with at least 18 days notice provided to all parties.

(l) If the respondent has not completed his/her terms of disposition, including paying legal financial obligations, by the date of the first administrative review, the Court may continue the administrative review to another date as set by the judge.

(m) Nothing in this local court rule prevents a respondent from petitioning at another time, or in another manner, for sealing of records as authorized by law.

[Adopted September 2, 2014, Amended September 1, 2018]

#### **LJuCR 10.7.2 ADMINISTRATIVE SEALING AFTER A DISMISSAL OR ACQUITTAL**

Any time a charge is dismissed or acquitted, the prosecutor shall immediately file with the Court, court form "Order Re: Sealing Records of Juvenile Offender (ORSF, ORSFD)," sealing the records.

[Adopted September 2, 2014]



**ATTACHMENT A  
SCLCR 8**

**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 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 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 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  
SCLCR 8**

**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.