

PART III. LOCAL CIVIL RULES (Cite as SCLCR)

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

(b) Motions and Other Papers

(1)-(4) [Reserved]

(5) – (7) [No changes.]

(c)-(d) [Reserved]


(e) Motions Practice


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

(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. [No changes.]

(ii) Email. ~~Emailed submission of proposed orders~~ Proposed orders submitted by email must be sent to proposedorders@co.skagit.wa.us The subject line of the email shall include the case name, cause number, and date and time of the hearing. Each attached document must be named with ~~The attached proposed order shall bear~~ the name of the case and the cause number, the party submitting the order, and the title of the order per the examples shown below. ~~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.~~ If this rule is not followed, the order may be rejected.

 Jones v. Jones 22-3-00123-29 Respondent-Temp Order for Child Support

 Smith v. Smith 21-3-00123-29 Petitioner-Contempt Order

(iii) Ex Parte Orders. [No changes.]

(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 through hand delivery or mail. 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.* [No changes.]

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

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) – (vii) [No changes.]

(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) [No changes.]

(2) – (3) [No changes.]

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

(1) – (3) [No changes.]

(4) The court ~~shall~~ may consider ~~both the plaintiff's and~~ the tenant's circumstances, ~~including decreased income or increased expenses, and the best repayment plan terms offered~~ during any unlawful detainer proceeding.

[Proposed change: The current version of the rules includes two versions of "Attachment A" and "Attachment B" by error.

The court proposes to eliminate the versions of these attachments which are currently published at the end of the court rules. The proposal is to maintain the below versions which are currently published directly below SCLCR 8. The court has confirmed with Skagit Legal Aid that the below version of "Attachment A" contains the correct contact information.]

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

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,

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 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.

[The versions of SCLCR 8 Attachments that were erroneously attached to the end of the published court rules which the court proposes to eliminate are below.]

**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~~

~~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 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 Skagit Legal Aid.

New Proposed Rule:

RULE 26 GENERAL PROVISIONS REGARDING DISCOVERY

(k) Completion of Discovery. Unless otherwise stipulated to by the parties, or ordered by the court upon good cause shown and such terms and conditions as are just, all discovery allowed under CR 26.37, including responses and supplementation thereto must be completed no later than 35 calendar days prior to the date assigned for trial. In any case brought under Title 26 RCW, discovery shall be completed no later than 14 calendar days prior to the trial date.

(l) Disclosure of Witnesses.

- (1) Primary Witnesses. Each party shall, no later than the discovery cutoff, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.
- (2) Rebuttal Witnesses. Each party shall, no later than 14 calendar days before the trial date or 7 calendar days in cases filed under Title 26 RCW, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.
- (3) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

- (A) All Witnesses. Name, address, and phone number.
- (B) Lay Witnesses. A brief description of the witness's relevant knowledge.
- (C) Experts. A summary of the expert's anticipated opinions and the basis therefore, a brief description of the expert's qualifications or a copy of their curriculum vitae, if available. For the purposes of this rule, treating physicians shall be considered expert as well as fact witnesses.

(m) Discovery Not Limited/Additional Witness Identified. This rule does not modify a party's responsibility to timely supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule or other court rules.

(n) Motions to Compel. Motions to compel shall be made before the discovery cutoffs except upon a showing of good cause.

(o) Case Scheduling Order. Nothing about this rule precludes the parties from stipulating to a case schedule or noting a motion for a case scheduling order. Case scheduling orders or stipulations are encouraged in complex litigation.

RULE 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(b) Time for Motion; Contents of Motion

(1) – (5) [No changes.]

(6) For purposes of this rule, service on the Court Administrator shall be through hand delivery or mail. Service by email will not be accepted.

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

94.04.2 FILINGS IN FAMILY LAW CASES

(a) – (l) [No changes.]

(m) Arbitration. Arbitrations conducted pursuant to 26.14 RCW shall follow that chapter of the RCWs, the Superior Court Civil Arbitration Rules (SCCAR), and the Local Civil Arbitration Rules (SCLCAR).

(1) Court Orders. As with civil arbitration matters, Family Law Arbitrations shall be commenced by court order. Confirmation of the arbitration award, as with other orders signed by the court related to Family Law Arbitrations, may be signed by either a judge or a court commissioner.

(2) Exceptions. The following exceptions to the Local Civil Arbitrations Rules apply, in addition to those enumerated in 26.14 RCW.

- (i) Strike List. In the absence of a stipulation to an arbitrator, SCLCAR 2.3(a) is amended for Family Law Arbitrations in that the Director of Arbitration shall submit a list of three arbitrators to the parties. For purposes of this rule, a guardian ad litem is not a party. In cases involving more than two parties, one additional name shall be submitted for each additional party involved in the cause.

Within seven calendar days thereafter, each party shall nominate one or two arbitrators from the list, and shall strike one arbitrator on the list.

- (ii) Qualification of Arbitrator. Unless stipulated by the parties, an arbitrator must meet the minimum requirements listed in RCW 26.14.070.
- (iii) Conflicts with 26.14 RCW. Where the Superior Court Civil Arbitration Rules and/or the Local Civil Arbitration Rules conflict with the provisions in 26.14 RCW, the RCWs shall prevail.

96.02 NAME CHANGES

(a) In General. Actions commenced solely for the purposes of name changes may be heard in Superior Court if pursuant to RCW 4.24.130(5)(a).

(b) Adults. Adults petitioning for a name change may petition on the ex parte calendar by appearing in person or may note their petition for hearing on the Civil Motions calendar. An adult petitioning for a name change shall be expected to show photo identification to confirm their current name prior to entry of an order absent a finding of good cause from the court.

(c) Minors. Name change petitions for minors shall be noted onto the Civil Motions calendar and will not be heard ex parte. The petitioner shall provide the following or an explanation of why the following are not available:

- (1) The Minor's Position. If the petitioner is not the minor, information shall be provided about the minor's position with respect to the requested name change.
- (2) Position of Parents/Legal Guardians. Information about the position of any other parent or legal guardian with respect to the name change, or why such positions have not been requested.
- (3) Identification Documents.
 - (A) Minor Petitioner. If the minor petitions for their own name change, a form of photo identification (which may include identification from a school if other forms of identification are unavailable) shall be provided at the hearing.
 - (B) Adult Petitioner(s). If someone other than the minor petitions for a name change, they shall present documentation, as available, to demonstrate their relationship to the minor. The adult Petitioner shall also disclose and provide copies, as available, of any protection orders or no-contact orders, parenting plans, guardianship orders, and dependency-related orders related to them and the child.
 - (C) Copies. Originals or certified copies of official identification documents may be provided at the hearing and not filed with the court until after the hearing. The court shall make a copy of the identification documents provided and file those copies under seal if the name change is granted.

(d) Public Access. Pursuant to RCW 4.24.130(5)(d), name change petitions and supporting documents shall not be accessible to the public unless otherwise ordered by the court.

(TITLES 11 AND 26)
(Cite as SCLGALR)

6. RETENTION ON REGISTRY

- 6.1 Persons on the registry shall promptly inform ~~the court~~ Court Administration 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 this circumstance to the Court Administrator, ~~and the court~~ The Court shall not reassign such cases, unless the guardian ad litem's motion to withdraw from the case is heard with notice to all parties and the guardian ad litem is permitted to withdraw from the case. ~~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]

PART VII. LOCAL CRIMINAL RULES
(Cite as SCLCrR)

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

[No other changes.]

PART X JUVENILE COURT RULES
(Cite as SCLJuCR)

[The court proposes a correcting in the citation for this chapter, clarifying that each section of this rule be cited as "SCLJuCR" instead of "LJuCR." Other than the citations, no changes are proposed.]