

**SKAGIT COUNTY SUPERIOR COURT  
LOCAL COURT RULE PROPOSALS**  
If adopted, would be effective 9/1/25 – 9/1/26

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

**SCLAR 0.2 COURT ORGANIZATION**

**(a) Departments.**

Department	Created	Judge	Date of Qualification
No. 1	1891	Hon. <del>Heather D. Shand</del> <del>Brian Stiles</del>	<del>January 2025</del> June 2015
No. 2	1955	Hon. Laura <u>M. R.</u> Riquelme	July 2017
No. 3	1992	Hon. Elizabeth Yost Neidzowski	January 2021
No. 4	2006	Hon. Thomas Verge	January 2021

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

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

**SCLGR 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 ~~April 10 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.

**SCLGR 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 ~~rather than and not~~ e-filed:
- (1)-(6) [No proposed changes]
  - (7) Original wills and codicils that do not conform to the Electronic Wills Act.
  - ~~(7)~~(8) 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.

## SCLGR 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 cCourt hearings should promptly contact Superior Court Administration at (360) 416-1200 and follow the instructions provided by that office or submit a request through the form and instructions available on the court's website. 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 cCourt.

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

### **SCLCR 4.3 CASE SCHEDULES – NEW PROPOSED RULE**

**(a) Case Schedules, In General.** To maximize effective case processing and ensure that cases move through the court system efficiently and with notice of expectations and deadlines to all parties, the court will roll out case schedules on different case types after consultation with necessary stakeholders.

(1) *Applicability.* The court may prepare and file a scheduling order (referred to in this rule as a "Case Schedule") either at the time a case is initiated in court or at another designated appearance in the case. This rule applies to court-generated Case Schedules. The Case Schedule shall be provided to the party filing the initial pleading within 14 days of the triggering event, either filing or an initial hearing as determined by a standing court order. The types of cases for which the court will automatically generate a Case Schedule are listed on the Skagit County Superior Court website.

(2) *Cases not Governed by a Case Schedule.* Unless otherwise ordered by the court, all other cases will not be issued a Case Schedule upon filing. One or more parties may agree to or note a motion for a Case Scheduling Order pursuant to SLCR 26 when a Case Schedule has not been issued.

### **(b) Service of Case Schedule.**

(1) *By Party Initiating Case.* The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading or (b) within 10 days after being provided the Case Schedule by Superior Court.

The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR 30(b)(4), with proof of service to be filed promptly in the form required by CR 5.

(2) *By Party Joining Additional Parties.* A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

**(c) Amendment of Case Schedule.** The court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided below.

(1) Amendment by Agreement of All Parties. The parties may agree to amend a case schedule as long as it complies with the minimum requirements for discovery enumerated within SCLCR 26, maintains the pre-trial conference date at least one full week prior to trial, and does not modify the trial date. Agreed modifications of the Case Schedule shall be prepared and signed by the parties. The modified Case Schedule shall be submitted to the ex parte calendar or on the regular motions calendar.

(2) Contested Motion to Amend Case Schedule. Contested motions to amend Case Schedules shall be noted on the regular motions calendar for that case type with notice to all other parties. The moving party shall prepare and present to the court for signature a proposed Amended Case Schedule in the same manner as proposed orders are to be submitted.

(3) Motion to Amend Case Schedule with Change of Trial Date. All motions to amend the trial date in a case schedule shall be noted on the regular motions calendar for that case type with notice to all parties.

(A) Conflict Dates. All parties shall file their updated Conflict Dates at least four (4) court days before the motion hearing for their schedules to be considered in determining a new trial date. Conflict dates shall be limited to previously scheduled vacations, trial dates, arbitrations, and mediations. The Notice of Conflict Dates form may be found on the Superior Court website. Listed conflicts that fail to comply with this rule will be disregarded when setting a trial date.

(B) Change of Trial Date on Court's Motion. If necessary, the court may change the trial date on its own initiative.

**(d) Determination of Case Schedule.** A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the court by General Order, based upon relevant factors including statutory priorities, resources available to the court, case filings, and the interests of justice.

**(e) Monitoring.** At such times as the Presiding Judge may direct, the court will monitor cases to determine compliance with these rules.

**(f) Enforcement; Sanctions; Dismissal; Terms.** Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(1) Show Cause Motion. The court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(2) Sanctions and/or Terms. If the court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the court may impose such other sanctions as justice requires.

(3) Definitions. The following apply when used in this rule.

(A) Terms. "Terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply.

(B) Monetary Sanctions. "Monetary sanctions" means a financial penalty payable to the court.

(C) Other Sanctions. The phrase “other sanctions” includes but is not limited to the exclusion of evidence.

**(g) Failure to Appear on Scheduled Trial Date**

(1) Failure of Party Seeking Affirmative Relief to Appear. The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) Failure of Responding Party to Appear. If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall present their proposed final documents within thirty days of the trial decision.

**(h) Failure to Follow Schedule.** The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for a status conference.

**(i) Additional Expectations and Duties.** Attorneys and parties are expected to exercise good faith in complying with this rule. For example: A party should not list a witness or exhibit that the attorney or party does not actually expect to use at trial.

The deadlines in the Case Schedule do not supplant the duty of parties to timely answer interrogatories requesting the names of individuals with knowledge of the facts or with expert opinions. Disclosure of such witnesses known to a party should not be delayed to the deadlines established by this rule.

**SCLCR 7. PLEADINGS ALLOWED; FORM OF MOTIONS; MOTIONS PRACTICE.**

**(b) – (d) [No proposed changes]**

**(e) Motions Practice**

(1) *Setting of Motion.* No motion will be considered or ruled upon unless it reaches a hearing for which it has been properly noted, with the limited exception of motions for revision or reconsideration, which are guided by SLCR 59. Motions under CR 56 and CR 57, and other motions that may be dispositive to the outcome of the matter, including but not limited to, motions made under CR 12(b)(1-7) at least in part and 12(c) shall be placed on the Dispositive Motion calendar and confirmed by 4:00 p.m. five (5) four (4)-court days before the scheduled hearing pursuant to the procedure set forth in SCLCR 56/57. Any motion on the Dispositive Motion calendar that is not confirmed in accordance with this rule will be stricken. All other civil motions shall be placed on the Civil Motions calendar.

(2) [No proposed 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. Proposed orders shall contain no notations, stamps, or other markings in the upper right hand corner of the document where the Clerk’s stamp will be placed.

(i)-(iii) [No proposed 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 for proposed orders. 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.

(5) [No proposed changes]

(6) Presentation of Orders. When a party is responsible for generating an order following a hearing or trial, that party shall note a hearing for presentation of orders before the originally presiding judicial officer if all parties cannot reach an agreement as to the language of the proposed order.

- (i) Same Judicial Officer. The presentation of orders shall be before the same judicial officer as originally made the oral ruling. Parties noting a presentation hearing onto a regular calendar shall confirm the judicial officer in advance with Court Administration. For all other cases, parties shall contact Court Administration for a special set hearing.
- (ii) Required Documents for Presentation Hearings. Each party shall file, in accordance with SCLCR 6(d)(2), their proposed order(s) and a statement of issues they have with the opposing party's proposed order. The party designated to prepare an order shall provide a transcript of the court's oral ruling. If no party was designated to prepare the order, the prevailing party shall provide the transcript. The above documents shall be provided at least two full court days prior to the hearing in order to be considered by the court.
- (iii) Time. A presentation hearing shall be noted within 14 days when documenting an oral ruling made on a regular motion calendar. A presentation hearing from a trial ruling shall be noted within 30 days of the oral ruling. These timeframes may be extended with a finding of good cause for additional time.

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

**(a)-(c)      [Reserved]**

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

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

(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.

The case number prevails on filings received where the case caption and case number do not match.

(4)-(6) [No proposed changes]

## **SCLCR 40      ASSIGNMENT OF CASES**

### **(a) [Reserved]**

### **(b) Methods**

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

(3) *Conflict Dates*. Counsel shall file with the clerk of the court, ~~and a copy to Court Administration,~~ a notice of conflict dates at least four (4) 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, they are 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, may be found under the Forms tab on the Superior Court website. Listed conflicts that fail to comply with this rule will be disregarded when setting a trial date. Superior Court Administration will attempt to accommodate pre-scheduled conflicts.

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

## **SCLCR 56      SUMMARY JUDGMENT**

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

(1) [no proposed changes]

(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. five (5) ~~four (4)~~ court days before the scheduled hearing.

(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. Thursday ~~Friday~~ the week before said motion is scheduled for hearing.

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

## **SCLCR 57      DECLARATORY JUDGMENTS**

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

(1) [no proposed changes]

(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. five (5) ~~(4)~~ court days before the scheduled hearing.

(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. Thursday ~~Friday~~ the week before said motion is scheduled for hearing. [September 2, 2014]

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

## PART IV. LOCAL CIVIL ARBITRATION RULES

(Cite as SCLCAR)

### SCLCAR 8.2 LOCAL RULES

(a)-(b) [no proposed changes]

(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 \$1,800.00 for any case without approval of a Superior Court Judge.

(d) [No proposed changes]

## PART V. LOCAL SPECIAL PROCEEDINGS RULES

(Cite as SCLSPR)

### SCLSPR 94.04.3 JUDICIAL INFORMATION SYSTEM BACKGROUND CHECKS

Prior to presenting a **final** parenting plan to the court or the first day of trial to establish a final parenting plan, 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.

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

#### (d) Family Law Trial Request

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

(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, they are 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. Listed conflicts that fail to comply with this rule will be disregarded when setting a trial date. Superior Court Administration will attempt to accommodate pre-scheduled conflicts.

## SCLSPR 94.04.2 FILINGS IN FAMILY LAW CASES

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

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

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.

### **(i) Form of Submission to Court.**

~~(6)-(1)~~ *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)-(2)~~ *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)-(3)~~ *Prior Authorization.* Parties requesting expansion of the page limits set forth above must have prior cCourt 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)~~ (4) *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 for proposed orders. 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

(5) *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. Proposed orders shall contain no notations, stamps, or other markings in the upper right hand corner of the document where the Clerk's stamp will be placed.

(6) *Presentation of Orders.* When a party is responsible for generating an order following a hearing or trial, that party shall note a hearing for presentation of orders before the originally presiding judicial officer if all parties cannot reach an agreement as to the language of the proposed order.

- (i) *Same Judicial Officer.* The presentation of orders shall be before the same judicial officer as originally made the oral ruling. Parties noting a presentation hearing onto a regular calendar shall confirm the judicial officer in advance with Court Administration. For all other cases, parties shall contact Court Administration for a special set hearing.
- (ii) *Required Documents for Presentation Hearings.* Each party shall file, in accordance with SCLCR 6(d)(2), their proposed order(s) and a statement of issues they have with the opposing party's proposed order. The party designated to prepare an order shall provide a transcript of the court's oral ruling. If no party was designated to prepare the order, the prevailing party shall provide the transcript. The above documents shall be provided at least two full court days prior to the hearing in order to be considered by the court.
- (iii) *Time.* A presentation hearing shall be noted within 14 days when documenting an oral ruling made on a regular motion calendar. A presentation hearing from a trial ruling shall be noted within 30 days of the oral ruling. These timeframes may be extended with a finding of good cause for additional time.

~~(40)~~ (7) *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.

~~(i)~~ (i) **Oral Argument in Domestic Motions.** [no changes other than re-lettering this subsection]

(i) (k) **Final Dissolution Hearings.** [no changes other than re-lettering this subsection]

~~(k)~~ (l) **Final Papers in Uncontested Dissolution Matters.** Final orders 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 who is being assisted by a Limited Licensed Legal Technician. 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.

**(l)-m Review of all Final Pleadings.** ~~Pro-se~~ Litigants, married or unmarried, who are not currently represented by an attorney or assisted by a Limited Licensed Legal Technician, ~~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. When a party is being assisted by a Limited Licensed Legal Technician (LLLT), proposed final orders may be submitted for review and entry ex parte as set forth above in "Final Papers in Uncontested Dissolution Matters."

**(m)-(n) Arbitration.** [no changes other than re-lettering this subsection]

#### **SCLSPR 94.04.6 CASE SCHEDULES – NEW PROPOSED RULE**

**(a) Case Schedules, In General.** To maximize effective case processing and ensure that cases move through the court system efficiently and with notice of expectations and deadlines to all parties, the court will roll out case schedules on different case types after consultation with necessary stakeholders.

(1) Applicability. The Court may prepare and file a scheduling order (referred to in this rule as a "Case Schedule") either at the time a case is initiated in court or at another designated appearance in the case. This rule applies to court-generated Case Schedules. The Case Schedule shall be provided to the party filing the initial pleading within 14 days of the triggering event, either filing or an initial hearing as determined by a standing court order. The types of cases for which the court will automatically generate a Case Schedule are listed on the Skagit County Superior Court website.

(2) Cases not Governed by a Case Schedule. Unless otherwise ordered by the court, all other cases will not be issued a Case Schedule upon filing. One or more parties may agree to or note a motion for a Case Scheduling Order pursuant to SLCR 26 when a Case Schedule has not been issued.

#### **(b) Service of Case Schedule.**

(1) By Party Initiating Case. The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading or (b) within 10 days after being provided the Case Schedule by Superior Court.

The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR 30(b)(4), with proof of service to be filed promptly in the form required by CR 5.

(2) By Party Joining Additional Parties. A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

**(c) Amendment of Case Schedule.** The court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided below.

(1) Amendment by Agreement of All Parties. The parties may agree to amend a case schedule as long as it complies with the minimum requirements for discovery enumerated within SCLCR

26, maintains the pre-trial conference date at least one full week prior to trial, and does not modify the trial date. Agreed modifications of the Case Schedule shall be prepared and signed by the parties. The modified Case Schedule shall be submitted to the ex parte calendar or on the regular motions calendar.

(2) *Contested Motion to Amend Case Schedule.* Contested motions to amend Case Schedules shall be noted on the regular motions calendar for that case type with notice to all other parties. The moving party shall prepare and present to the court for signature a proposed Amended Case Schedule in the same manner as proposed orders are to be submitted.

(3) *Motion to Amend Case Schedule with Change of Trial Date.* All motions to amend the trial date in a case schedule shall be noted on the regular motions calendar for that case type with notice to all parties.

(A) *Conflict Dates.* All parties shall file their updated Conflict Dates at least four (4) court days before the motion hearing for their schedules to be considered in determining a new trial date. Conflict dates shall be limited to previously scheduled vacations, trial dates, arbitrations, and mediations. The Notice of Conflict Dates form may be found on the Superior Court website. Listed conflicts that fail to comply with this rule will be disregarded when setting a trial date.

(B) *Change of Trial Date on Court's Motion.* If necessary, the court may change the trial date on its own initiative.

**(d) Determination of Case Schedule.** A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the court by General Order, based upon relevant factors including statutory priorities, resources available to the court, case filings, and the interests of justice.

**(e) Monitoring.** At such times as the Presiding Judge may direct, the court will monitor cases to determine compliance with these rules.

**(f) Enforcement; Sanctions; Dismissal; Terms.** Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(1) *Show Cause Motion.* The court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(2) *Sanctions and/or Terms.* If the court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the court may impose such other sanctions as justice requires.

(3) *Definitions.* The following apply when used in this rule.

(A) *Terms.* "Terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply.

(B) *Monetary Sanctions.* "Monetary sanctions" means a financial penalty payable to the court.

(C) *Other Sanctions.* The phrase "other sanctions" includes but is not limited to the exclusion of evidence.

**(g) Failure to Appear on Scheduled Trial Date**

(1) Failure of Party Seeking Affirmative Relief to Appear. The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) Failure of Responding Party to Appear. If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall present their proposed final documents within thirty days of the trial decision.

**(h) Failure to Follow Schedule.** The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for a status conference.

**(i) Additional Expectations and Duties.** Attorneys and parties are expected to exercise good faith in complying with this rule. For example: A party should not list a witness or exhibit that the attorney or party does not actually expect to use at trial.

The deadlines in the Case Schedule do not supplant the duty of parties to timely answer interrogatories requesting the names of individuals with knowledge of the facts or with expert opinions. Disclosure of such witnesses known to a party should not be delayed to the deadlines established by this rule.

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

[No proposed changes]

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

### **SCLCrR 3.3 TIME FOR TRIAL**

(d) [No proposed changes]

**(f) Continuances.** Any motion to continue a trial date once a case is older than the below timelines shall be called on the record on the criminal calendar regardless of whether the requested continuance is agreed by the parties:

- 1) If the motion is made more than six (6) months from the date of arraignment for misdemeanors, gross misdemeanors, Class C Felonies and non-violent Class B Felonies, to exclude offenses classified as “sex offenses” under the Sentencing Reform Act, or
- 2) If the motion is made more than 12 months from the date of arraignment for all other offenses.
- 3) To effectuate this rule, the Clerk shall not strike hearings scheduled by court order absent an order with judicial signature or a strike being noted on the record during the criminal calendar or other criminal proceeding.

- 4) All motions to continue confirmed trials shall be heard on the record. The parties shall communicate with Court Administration if moving to continue a confirmed trial to make arrangements for a hearing date and time.

## **SCLCrR 4.1. APPEARANCES**

**(a) In Person Appearances Required.** All witnesses, including defendants who are providing testimony, are required to appear in person absent prior cCourt approval. Defendants are required to appear in person for arraignment, entry of plea of guilty, sentencing, and trial absent prior cCourt approval. If a criminal defendant appears in person and is represented by counsel, the defense attorney or their stand-in attorney shall also be present in person.

## **SCLCrR INSTRUCTIONS AND ARGUMENT**

### **(a) Proposed Instructions.**

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

(2) Juror questionnaires for trials. Juror questionnaires must be submitted by trial confirmation for pre-approval by the trial judge, regardless of whether the parties are in agreement with the proposed questionnaire. ~~agreed to by both sides or approved by the Court on motion of either party. If approved by the court,~~ Sufficient copies for the jury pool must be provided to Court Administration by noon one court day prior to trial.

## **SCLCrR 8.2 MOTIONS - NEW PROPOSED RULE**

**(a) Timing.** The timelines found in SCLCR 6 shall govern time for criminal motions, with the below exceptions:


- (1) *Motion(s) to Quash Bench Warrant by Out-of-Custody Defendant.* A note for calendar shall be filed by noon two (2) court days before the requested hearing. If the note is filed less than 72 hours before the hearing, an add-on email must be sent to the #criminalcalendar email group. If the note is filed with fewer than four (4) days before the hearing, a judge's copy of the note and any briefing shall be delivered to Superior Court Administration.
- (2) *Motions by In-Custody Defendants.* When an in-custody defendant moves for release on personal recognizance, bail reduction, and/or a temporary release order, they shall file a note for calendar by noon four (4) court days before the requested hearing. Some basis for the request must accompany the note for calendar.
  - (i) Abbreviated explanations of 1-2 sentences may be incorporated into the note for calendar as a "Brief Description."
  - (ii) More expansive explanations or those requiring the submission of exhibits shall be presented in a separate motion and/or declaration.
- (3) *Prosecutor's Motion to Revoke Release or Increase Bail.* When the prosecutor will argue on the criminal calendar for revocation of a defendant's release and/or to increase bail pursuant to CrR 3.2, a note for calendar shall be filed with four (4) court days' notice and provided to the opposing party.

- (4) Shortening Time. A party may move to shorten time to abbreviate the above timeframes. The motion to shorten time shall be accompanied by a proposed order to that effect.

**(b) Proposed Orders.** Proposed orders related to motions under CrR 3.5 and CrR 3.6 may be submitted to Court Administration at least two (2) court days prior to the scheduled hearing either by delivering a hard copy or email. All other proposed orders shall be provided in court on the criminal calendars or using the ex parte procedure. Proposed orders shall contain no notations, stamps, or other markings in the upper right hand corner of the document where the Clerk's stamp will be placed.

(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. Proposed orders submitted by email must be sent to [proposedorders@co.skagit.wa.us](mailto: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 name of the case and the cause number, the party submitting the order, and the title of the order per the examples shown below. 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

**(c) 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 for proposed orders. 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.

**(d) Presentation of Orders.** When a party is responsible for generating an order following a hearing or trial, that party shall note a hearing for presentation of orders before the originally presiding judicial officer if all parties cannot reach an agreement as to the language of the proposed order.

- (i) Same Judicial Officer. The presentation of orders shall be before the same judicial officer as originally made the oral ruling. Parties noting a presentation hearing onto a regular calendar shall confirm the judicial officer in advance with Court Administration. For all other cases, parties shall contact Court Administration for a special set hearing.
- (ii) Required Documents for Presentation Hearings. Each party shall file, in accordance with SCLCR 6(d)(2), their proposed order(s) and a statement of issues they have with the opposing party's proposed order. The party designated to prepare an order shall provide a transcript of the court's oral ruling. If no party was designated to prepare the order, the prevailing party shall provide the transcript. The above documents shall be provided at least two full court days prior to the hearing in order to be considered by the court.
- (iii) Time. A presentation hearing shall be noted within 14 days when documenting an oral ruling made on a regular motion calendar. A presentation hearing from a trial ruling shall be noted within 30 days of the oral ruling. These timeframes may be extended with a finding of good cause for additional time.

**SCLCrR 8.2.1 MOTIONS IN LIMINE** [re-numbering current rule to accommodate new “Motions” rule. No other proposed changes.]

#### **SCLCrR 8.4 SERVICE, FILING, AND SIGNING OF PAPERS**

**(a)-(c)** [No proposed changes]

##### **(d) Ex Parte Action and Notice.**

- (1) When a party is granted ex parte relief in a case, that party shall serve the opposing party, or their counsel, with a copy of the motion and order within 24 hours of the order being signed by a judicial officer. Service may be by email. Personal service is not required.
- (2) A party is not required to serve the opposing party under (1) of this rule if:
  - (i) The court orders the motion and order to be sealed, or
  - (ii) The court enters an order finding good cause that the defendant's advance knowledge of this order is contrary to the administration of justice because the defendant presents a likely danger to a 1) commit a violent offense, or 2) tamper with witnesses, or 3) interfere with the administration of justice. A motion for such a good cause finding shall be accompanied by an affidavit and proposed order by the moving party.

## **PART VIII. LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION**

**(Cite as SCLRALJ)**

#### **SCLRALJ 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. five (5) 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. Thursday Friday the week prior to when the oral argument is scheduled for hearing. [Amended September 2, 2014, amended September 1, 2016]

(c) [No proposed changes]

## **PART IX MENTAL PROCEEDINGS RULES**

**(Cite as SCMPR)**

[No proposed changes]



## PART X JUVENILE COURT RULES

(Cite as SCLJuCR)

### **SCLJuCR 1.5 CONTINUATION OF ACTIONS – NEW PROPOSED RULE**

**(b) Juvenile Offender Proceedings.** Any motion to continue a trial date once a case is older than the below timelines shall be called on the record on the criminal calendar regardless of whether the requested continuance is agreed by the parties:

- (1) If the motion is made more than three (3) months from the date of arraignment for misdemeanors, gross misdemeanors, Class C Felonies and non-violent Class B Felonies, to exclude offenses classified as “sex offenses” under the Sentencing Reform Act, or
- (2) If the motion is made more than six (6) months from the date of arraignment for all other offenses.
- (3) To effectuate this rule, the Clerk shall not strike hearings scheduled by court order absent an order with judicial signature or a strike being noted on the record during the juvenile offender calendar or other juvenile offender proceeding.
- (4) All motions to continue confirmed trials shall be heard on the record. The parties shall communicate with Court Administration if moving to continue a confirmed trial to make arrangements for a hearing date and time.

### **SCLJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING**

#### **(a) Notice of Right to Shelter Care Hearing**

*(1) Scheduling and Notice.* All shelter care hearings shall be set on the designated shelter care dockets absent prior court approval for emergent situations only. A shelter care hearing may be set by court order or by filing a notice of hearing with the Clerk.

*(i) Notified Entities.* 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, Skagit County Family & Juvenile Court Improvement Project Coordinator, 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.

*(ii) Cause Number.* All requests shall be brought to the Clerk's Office to receive a cause number prior to presentment to a judicial officer.

*(iii) Motions for Pickup Orders.* If a pickup order is requested, the requesting party shall present the filing to the judicial officer during any ex parte calendar. If the filing occurs before the ex parte calendar has begun or after conclusion of the ex parte calendar, the AAG or case worker shall provide the filing to Superior Court Administration for judicial review after obtaining a cause number as set forth above. Requests for a pickup order shall be presented no later than 3:00 p.m. for same-day judicial review.

*(2) Provisional Appointment of Attorney.* The cCourt shall afford a provisional attorney to each parent and any child age 12 (twelve) and over ~~a provisional attorney~~ to represent them at the shelter care hearing. The parents' attorneys on local contract with the Office of Public Defense



shall ~~maintain~~ ~~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.

(i) List of Provisional Counsel. The attorney for the Department shall notify Office of Assigned Counsel of the need for a provisional attorney for any named child age 12 and older. 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 which proposes to appoint the next attorney(s) listed. No deviations from the list shall occur without prior notice and agreement by the proposed parent's counsel. Copies of provisional appointment orders and other documents listed above in (1) shall be left with Superior Court Administration, the Court Administrator, which ~~who~~ will provide those nonconformed copies to the provisionally appointed attorneys.

(ii) Pre-Hearing Consultation. The provisional attorney shall appear at the same time the parents have been informed the hearing will begin. At the time calendared, the cCourt 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. Additional time may be afforded based on judicial discretion.

(3) Appointment of Guardian ad Litem. The cCourt shall appoint a Guardian ad Litem for the child at the initial shelter care hearing unless good cause exists to not appoint one. All appointments shall follow the Skagit County Superior Court Title 13 Guardian Appointment Procedures. 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 at the time the petition is filed and a shelter care hearing is scheduled. ~~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.

#### **SCLJuCR 4.1. APPEARANCES FOR JUVENILE OFFENDER CASES – NEW PROPOSED RULE**

**(a) In Person Appearances Required.** All witnesses, including respondents who are providing testimony, are required to appear in person absent prior court approval. Respondents are required to appear in person for first appearances, arraignment, entry of plea of guilty, disposition, probation violations, requests to quash warrants, and trial absent exceptional circumstances and court approval. Attorneys are required to appear in person at all hearings when their juvenile respondent client must also appear in person.

#### **(b) Remote Appearances.**

- (1) Remote Appearance Permitted. Absent an order from the court, respondents may appear remotely at hearings where their in-person presence is not required.
- (2) Requirements. Juvenile respondents and counsel appearing remotely for any hearing not listed above in (a) shall appear with clear audio and video enabled.

**(c) 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.