PIERCE COUNTY SUPERIOR COURT LOCAL RULES

Effective as Amended September 1, 2016

With Amended Emergency Rules Effective December 1, 2016
and Re-adopted February 28, 2017

The Local Rules are located on the Pierce County Superior Court website:
www.co.pierce.wa.us/superiorcourt

TABLE OF RULES

ADMINISTRATIVE RULES (PCLR)	P. 12
GENERAL RULES (PCLGR)	P. 18
CIVIL RULES (PCLR)	P. 19
SPECIAL PROCEEDINGS RULES (PCLSPR)	P. 39
MANDATORY ARBITRATION RULES (PCLMAR)	P. 53
CRIMINAL RULES (PCLCRR)	P. 58
ADMINISTRATIVE POLICIES	P. 59
APPENDIX OF CIVIL RULE FORMS	P. 75

■ ADMINISTRATIVE RULES - PCLR

0.1 Citation - Scope

0.2 Court Organization

(a) Judicial Departments
  (1) Judicial Department Location
  (2) Judicial Department Hours

(b) Court Staff

(c) Divisions of the Superior Court
  (1) Juvenile Court
  (2) Criminal Divisions
  (3) Civil Divisions

0.3 Court Management

(a) Authority

(b) Duties - Responsibilities of the Judges of the Superior Court
  (1) Executive Committee
  (2) Policies
  (3) Court Organization
  (4) Meetings

(c) Office of Presiding Judge
  (1) Duties
  (2) Selection of Presiding Judge
  (3) Selection of Assistant Presiding Judge

(d) Executive Committee
  (1) Policy Decisions
  (2) Policy Recommendations
  (3) Committees
  (4) Advisory Capacity
  (5) Procedure
  (6) Meetings
  (7) Selection
  (8) Unexpired Term

0.4 Commissioners

(a) Duties
  (1) Civil Divisions A, B, C and Ex Parte
  (2) Juvenile Division
  (3) Civil Mental Health Division
  (4) Criminal Division

(b) Direction

(c) Rotation of Commissioner Duties

0.5 Court Administrator

(a) Selection

(b) Powers and Duties
  (1) Administrative
  (2) Policies

(3) Supervisory
(4) Budgetary
(5) Representative
(6) Assist
(7) Agenda Preparation
(8) Record Preparation and Maintenance
(9) Recommendations

0.6 Standing Committees
(a) Establishment
(b) Selection of Members

0.7 Legal Assistants
(a) Authorized Activity
(b) Qualifications of Legal Assistant
(c) Presentation by Out-of-County Legal Assistants

■ GENERAL RULES – PCLGR

1. – 10. Reserved

11. Court Interpreters

12. – 29. Reserved

30. Mandatory Electronic Filing
(a) Definitions
(b) Electronic Filing Authorization
(5) Electronic Filing Is Mandatory

31. Access to Administrative Records

32. – 33. Reserved

■ CIVIL RULES - PCLR

1. – 2A. Reserved

3. Commencement of Action/Case Schedule
(a) Civil (Non-Family) Cases Not Receiving a Scheduling Order upon Filing
(b) Civil (Non-Family) Cases Receiving a Mandatory Court Review Hearing Date upon Filing
(c) Civil (Non-Family) Cases Receiving an Order Setting Case Schedule at Filing
(d) Family Law (Type 3) Cases
(e) Amendment of Case Schedule
(f) Service of Additional Parties upon Joinder
(g) Form of Case Schedule
(h) Track Assignment
(1) Expedited Cases
(2) Standard Cases
(3) Complex Cases
(4) Dissolution Cases
(5) LUPA Cases
(6) Collaborative Law Cases
(i) Time Intervals for Cases Receiving an Order Setting Case Schedule

(j) Trial by Affidavit
(1) Affidavit
(2) Trial and Notice
(3) Priority
(4) Case Schedule
(k) Monitoring
(l) Enforcement
4. – 4.2 Reserved
5. Service
(a) Scope
(b) Confirmation of Service
6. Time
(a) Civil Motions
(b) Restraining Orders
(c) Family Law
7. Motions-Judges and Commissioners
(a) Judges' Motions and Trial Assignments
(1) When Heard
(2) Recess Schedule
(3) Scheduling Motions and Trial Assignments
(4) Failure to File or Serve – Sanctions
(5) Opposing Papers
(6) Reply
(7) Working Copies
(8) Page Limits
(9) Confirmation of Motions
(10) Procedures for Hearing
(11) Motions for Summary Judgment
(12) Motions for Revision
(13) Juvenile Court Orders and Judgments
(b) Commissioners' Motions
(1) Civil Divisions A, B, C and Ex Parte
(2) Juvenile Division Calendars
(3) Civil Mental Health Division
(c) Motions held before Judges or Commissioners
(1) Motions for Reconsideration
(2) Time for and Contents of Motions for Reconsideration
(3) Hearings on Motions for Reconsideration before a Judge
(4) Motion and Order to Shorten Time
(5) Reapplication
(6) Temporary Restraining Orders and Injunctive Relief
8. – 9. Reserved
10. Form of Pleadings
(a)-(c) Reserved.
(d) Format Requirements
(1) Handwritten Documents
(2) Font Size for Typed or Computer Generated Documents

(3) Paper Color
(4) Mandatory Forms
(5) Preparation of Transcript from Electronic/Mechanical Recorder or Videotape
(e) Briefs/Memoranda
(f) Required Language in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt

11. Signing and Drafting of Pleadings, Motions and Legal Memoranda; Sanctions
(a) - (b) Reserved.
(c) Address of Self Represented Party
(d) Change of Address

12. – 14. Reserved

15. Amended and Supplemental Pleadings
(a) - (d) Reserved.
(e) Interlineations

16. Pretrial and Settlement Procedures
(a) Designated Judge
(b) Pretrial Procedure
(1) Pretrial Conferences
(2) Exchange of Exhibit and Witness Lists
(3) Pretrial Motions
(4) Joint Statement of Evidence
(c) Alternative Dispute Resolution
(1) Non-Family Law Cases and Family Law Cases Without Children
(2) Family Law Cases Involving Children
(3) Cases Exempt from Alternative Dispute Resolution

17. – 18. Reserved

19. Joinder
(a) Scope
(b) Additional Parties, Claims and Defenses
(c) Confirmation of Joinder; Form
(d) Parties to Confer in Completing Form
(e) Cases Subject to Mandatory Arbitration

20. – 25. Reserved

26. Discovery-Disclosure of Possible Lay and Expert Witnesses
(a) Scope
(b) Disclosure of Primary Witnesses
(c) Disclosure of Rebuttal Witnesses
(d) Scope of Disclosure
(1) All Witnesses
(2) Lay Witnesses
(3) Experts
(e) Discovery Not Limited/Additional Witness Identified
(f) Interrogatories

27. – 37. Reserved

38. Jury Trials
(a) Jury Trials
(b) Demand for Jury

39. Reserved
40. Assignments of Cases to Judicial Departments
(a) Presiding Judge in Charge
(b) Authority of Judicial Departments
(c) Trial Dates
(d) Trial Dates - Family Law Cases
(e) Reassignment for Inability to Hear
(1) Preassigned Matter
(2) Trial Date
(3) Remain Available
(4) No Available Judicial Department
(f) Change of Judge (Affidavits of Prejudice)
(1) Judges
(2) Commissioners
(g) Change of Trial Date
(1) Cases Not Governed by an Order Setting Case Schedule
(2) Cases Governed by an Order Setting Case Schedule
41. Dismissal of actions
(a) – (d) Reserved
(e) Notice of Settlements
(1) Notice of Settlement
(2) Form of Notice
(3) Dismissal on Court's Motion
(4) Agreement by Stipulation
42. – 55. Reserved
56. Summary Judgment
57 - 58. Reserved
59. Motions for Reconsideration
60 – 64. Reserved
65. Temporary Restraining Orders and Injunctive Relief
66. – 70. Reserved
71. Withdrawal by Attorney
(a) – (b) Reserved
(c) Withdrawal by Notice
(d) Reserved
72. – 82. Reserved
83. Local Rules of Court – Civil
(a) Adoption/Amendment of Local Rules
(1) Local Rules Committee
(2) Changes to Rules
(3) Submission to County Bar Association
(4) Comments
(b) Reserved
84. Reserved
85. Title of Rules
86. Effective Dates

■ SPECIAL PROCEEDINGS RULES – PCLSPR

93.04 Adoptions

(a) Where and When Heard
(b) How Initiated
(c) Appointment and Notice to Adoption Investigator
(d) Preplacement Reports
(e) Postplacement Reports
(f) Disclosure of Fees and Costs

94.04 Family Law Proceedings

(a) Uncontested Applications for Marital Dissolution, Decree of Invalidity, or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships

(1) Presentation of Final Documents
(2) Hearings to Finalize with Attorneys
(3) Hearings to Finalize without Attorney Representation
(4) Reconciliation

(b) Contested Matters
(c) Family Law Motions

(1) How Initiated
(2) Counter Motions
(3) Notice and Hearing
(4) Working Copies/Proposed Orders
(5) Page Limits
(6) Confirmations
(7) Courtroom Assigned
(8) Presentation of Court Orders
(9) Limits of Argument

(d) Settlement Conferences
(e) Guardian ad Litem/Parenting Investigator in Parenting/Custody Cases: Limitations on Appointments, Hours and Fees

(1) Appointment of Guardian ad Litem/Parenting Investigator
(2) Hours and Fees
(3) Administrative Policy
(4) Case Assignment

(f) Nonparental Custody Proceedings

(1) How Initiated
(2) Case Schedule
(3) Requirements
(4) Case Assignment
(5) Finalization

(g) Petition to Modify Parenting Plan/Residential Schedule

(1) How Initiated
(2) Case Schedule
(3) Requirements

(4) Case Assignment
(h) Relocation of Children
(1) How Initiated
(2) Case Schedule
(3) Case Assignment

94.05 Mandatory Seminar - Impact on Children

(a) Applicable Cases
(b) Mandatory Attendance
(c) Timing
(d) Fees
(e) Seminar Content/Instructor Qualifications
(f) Waiver
(g) Failure to Comply
(h) Administrative Policy

98.04 Estates-Probates-Notices

(a) Presentation
(b) Notice and Hearing
(c) Working Copies/Proposed Orders
(d) Bonds
(e) Order for Production of Wills
(f) Probate Homesteads/Prior Claims
(g) Oaths
(h) Order Appointing Personal Representative/Administrator
(i) Notification of Change of Address

98.16W Settlement of Claims of Minors and Incapacitated Persons

(a) Presentation
(b) Qualifications
(c) Attendance at Hearings
(d) Report/ Working Copies/Proposed Orders
(e) Notice and Hearing
(f) Multiple Minors
(g) Structured Annuity Settlements
(h) Receipt of Deposit of Funds
(i) Discharge of Settlement Guardian ad Litem
(j) Disbursements
(k) Fees/Costs

98.18 Court-Created Trusts

(a) Scope of Rule
(b) Drafting of Trust Instrument
(c) Guardian ad Litem/Guardian
(d) Special Master
(e) Declaration of Proposed Trustee
(f) Notice and Hearing
(g) Attendance at Hearings
(h) Report/Working Copies/Proposed Orders
(i) Order Approving/Declaring Trust
(j) Fees/Costs

(k) Review Hearings
(l) Trust Summary
(m) Delinquency Calendar

98.20 Guardianships

(a) Presentation of Order Appointing Guardian ad Litem
(b) Notice and Hearing
(c) Report/Working Copies/Proposed Orders
(d) Declaration of Proposed Guardian
(e) Review Hearings
(f) Guardianship Summary
(g) Delinquency Calendar
(h) Expiring Letters of Guardianship
(i) Oaths
(j) Vulnerable Adult Protection Petitions
(k) Loss of Voting Rights
(l) Mandatory Forms

98.30 Public Expense Guardians Ad Litem and Attorneys for Alleged Incapacitated Persons Pursuant to RCW 11.88

(a) Application and Petition
(b) Guardian ad Litem at Public Expense
(c) Attorney Assignment and Fees

■ MANDATORY ARBITRATION RULES – PCLMAR

1. Scope and Purpose of Rules

1.1 Application of Rules - Purposes and Definitions
(a) Purpose
(b) "Director" Defined
1.2 Matters Subject to Arbitration
1.3 Relationship to Superior Court Jurisdiction and Other Rules - Motions

2. Transfer to Arbitration and Assignment of Arbitrator

2.1 Transfer to Arbitration
(a) Statement of Arbitrability
(b) Response to Statement of Arbitrability
(c) Failure to File - Amendments
(d) By Stipulation
(e) When Transfer to Arbitration Occurs for Purpose of Application of Local Rules
2.2 Reserved
2.3 Assignment to Arbitrator
(a) Generally; Stipulations
(b) Response by Parties
(c) Response by Only One (1) Party
(d) No Response
(e) Additional Arbitrators for Additional Parties

3. Arbitrators

3.1 Qualifications

(a) Arbitration Panel
(b) Refusal; Disqualification
3.2 Authority of Arbitrators
(a) Payment of Expense/Attorney Fees
(b) Basis of Attorney Fee Award
4. Procedures after Assignment
4.1 Reserved
4.2 Discovery
(a) Additional Discovery
(b) Notwithstanding the Foregoing, the Following Interrogatories May Be Submitted to Any Party
(c) Restrictions Upon Discovery
4.3 Reserved
5. Hearing
5.1 Notice of Hearing - Time and Place - Continuance
5.2 Prehearing Statement of Proof - Documents Filed with Court
5.3 – 5.4 Reserved
6. Award
6.1 Form and Content of Award
(a) Form
(b) Exhibits
(c) Attorneys Fees
6.2 Filing of Award
6.3 Judgment on Award
6.4 Reserved
7. Trial de Novo
7.1 Request for Trial de Novo – Calendar
7.2 – 7.3 Reserved
8. General Provisions
8.1 Stipulation - Effect on Relief Granted
8.3 Effective Date
8.4 Title and Citation
8.5 Compensation of Arbitrator
8.6 Administration

■ CRIMINAL RULES – PCLCRR

1.1 Local Procedures
1.2 Scope
1.3. – 8.9 Reserved

■ ADMINISTRATIVE POLICIES

1. Pierce County Superior Court Administrative Policy Re: Guardian ad Litem/Parenting Investigator Registry for Pierce County--Family Law Proceedings

2. Pierce County Superior Court RCW 26.09.220 and RCW 26.12.175 Guardian ad Litem/Parenting Investigator Code of Conduct

3. Pierce County Superior Court Administrative Policy for the Guardian ad Litem Registry for Guardianships.

4. Pierce County Superior Court RCW 11.88 Guardian ad Litem Code of Conduct.

5. Pierce County Superior Court Administrative Policy re: Impact on Children Seminar.

6. Pierce County Superior Court Policies and Procedures for Administrative Records Requests.

■ APPENDIX OF CIVIL RULE FORMS

FORM A	Order Setting Case Schedule
FORM B (1)	Order Assigning Case to Judicial Department – Sixty-Month Estate Review
FORM B (2)	Order Assigning Case to Judicial Department – Twelve-Month Estate Review
FORM C	Trial by Affidavit Certificate
FORM D	Confirmation of Service
FORM E	Domestic Relations Information Form
FORM F	Confirmation of Joinder of Parties, Claims and Defenses
FORM G	Notice of Settlement of All Claims Against All Parties
FORM H	Joint Notice of Reconciliation
FORM I	Order Assigning Case to Judicial Department
FORM J	Notice of Change of Address
FORM K	Declaration of Proposed Trustee
FORM L	Trust Summary
FORM M	Declaration of Proposed Guardian (non-certified)
FORM N	Declaration of Proposed Guardian (certified)
FORM O	Guardianship Summary
FORM P	Order and Joint Notice of Participation in Collaborative Law
FORM Q	Schedule of Commissioners' Calendars
FORM R	Motion to Waive Mandatory Settlement Conference
FORM S	Statement of Arbitrability

■ ADMINISTRATIVE RULES - PCLR

PCLR 0.1 CITATION - SCOPE

These rules shall be cited as PCLR (Pierce County Local Rules). They were adopted for the management and operation of the Pierce County Superior Court and became effective June 1, 1990, with periodic amendments thereafter.

[Amended effective September 1, 2010]

PCLR 0.2 COURT ORGANIZATION

(a) Judicial Departments. The Superior Court of Pierce County is organized into judicial departments, numbered consecutively in the order of their creation:

Judicial Department	Created	Incumbent Judge	Date of	Qualification
No. 1	1889	Hon. James R. Orlando	Sept.	2000
No. 2	1891	Hon. Katherine M. Stolz	Jan.	2001
No. 3	1891	Hon. Michael E. Schwartz	Aug.	2015
No. 4	1925	Hon. Bryan Chushcoff	Jan.	1997
No. 5	1951	Hon. Vicki L. Hogan	Jan.	1993
No. 6	1953	Hon. Jack Nevin	Jan.	2013
No. 7	1961	Hon. Jerry Costello	Jan.	2013
No. 8	1967	Hon. Brian Tollefson	Jan.	1989
No. 9	1969	Hon. Edmund Murphy	May	2010
No. 10	1971	Hon. Garold E. Johnson	April	2011
No. 11	1978	Hon. G. Helen Whitener	Jan.	2015
No. 12	1981	Hon. Stephanie Arend	Sept.	1999
No. 13	1981	Hon. Kathryn J. Nelson	Jan.	2001
No. 14	1987	Hon. Susan Keers Serko	Jan.	2006
No. 15	1987	Hon. Gretchen Leanderson	Dec.	2014
No. 16	1990	Hon. Elizabeth P. Martin	May	2010
No. 17	1990	Hon. Ronald Culpepper	Feb.	2003
No. 18	1990	Hon. Stanley J. Rumbaugh	Jan.	2013
No. 19	1996	Hon. Philip K. Sorensen	April	2014
No. 20	1998	Hon. Kitty-Ann van Doorninck	Oct.	1998
No. 21	2001	Hon. Frank E. Cuthbertson	Mar.	2001
No. 22	2005	Hon. John R. Hickman	Dec.	2005

(1) Judicial Department Location. Each Judge has a permanently assigned courtroom, to the extent available, all located in the County-City Building, 930 Tacoma Avenue South, Tacoma, Washington 98402. Each Judge may sit for limited periods of time in other special function courts, described below. The Court Administrator's office will provide information as to the courtroom in which a Judge is currently sitting.

(2) Judicial Department Hours.

(A) Court Business Hours. Superior Court's regular hours are 8:30 a.m. to 4:30 p.m.

(B) Trials. Parties must appear for trial at 9:00 a.m. in the assigned judicial department on the first day of trial.

(b) Court Staff. Each Judge employs a full-time judicial assistant and court reporter. The court employs a Court Administrator, Deputy Administrator and administrative staff, who perform various support services

for the Judges and Commissioners. The Court Administrator's office serves as an information and message center at those times when the Judges and staff are not available. See website: www.co.pierce.wa.us/superiorcourt.

(c) Divisions of the Superior Court.

(1) Juvenile Court is located at Remann Hall, 5501 Sixth Avenue, Tacoma, WA 98406.

(2) Criminal Divisions.

(A) Judicial Assignments. The specific judicial officers assigned and courtroom locations are designated by the Court Administrator's Office. See website for specific information: www.co.pierce.wa.us/superiorcourt.

(B) Subject Matter. The Superior Court has three criminal division courts: Criminal Division I (CD1), Criminal Division II (CD2) and Criminal Division Presiding Judge (CDPJ). These criminal division courts hear arraignments, omnibus hearings, pleas, sentencings, revocation hearings related to criminal offenses, and other matters but not criminal jury trials**.**

(C) Drug Court. The Superior Court has Drug Court(s).

(D) Criminal Trial Assignment. Judges presiding over criminal trials are determined by the Presiding Judge.

(3) Civil Divisions.

(A) Judicial Assignments. The specific judicial officers assigned and courtroom locations are designated by the Court Administrator's Office. See website for specific information: www.co.pierce.wa.us/superiorcourt.

(B) Family Court. The Superior Court has two Family Courts: Family Court 1 (FAM1) and Family Court 2 (FAM2). Cases assigned to Family Court include: Petitions to Modify Custody/ Parenting Plans/Residential Schedules, Nonparental Custody, Relocations and all Custody/Parenting Plans/Residential Schedules cases in which a Guardian ad Litem is appointed, except those cases where a Guardian ad Litem is appointed for the purpose of parentage or minority.

(C) Civil Trial Assignment. Judges presiding over civil trials are determined by the Presiding Judge.

[Amended effective September 1, 2016]

PCLR 0.3 COURT MANAGEMENT

(a) Authority. The authority to manage and conduct the court is vested in the Superior Court Judges and shall be exercised through regular meetings of the Judges. Authority of the Superior Court located in the County-City Building is delegated to a:

Presiding Judge
Assistant Presiding Judge
Presiding Judge-elect
Executive Committee
Court Administrator

Authority of the Juvenile Court located at Remann Hall is delegated to a**:**

Juvenile Court Presiding Judge
Juvenile Court Deputy Presiding Judge
Juvenile Court Executive Committee
Juvenile Court Administrator

(b) Duties - Responsibilities of the Judges of the Superior Court.

(1) Executive Committee. Elect an Executive Committee.

(2) Policies. Establish all policies regarding judicial functions of court.

(3) Court Organization. Exercise final authority over any matters pertaining to court organization and operation and over any individual, employee or committee of the court, except judicial departmental staff. This includes removal for cause of the Presiding Judge and Commissioners.

(4) Meetings. Meet regularly once a month or at such other special meetings as may from time to time be called by the Presiding Judge or as may be voted by a majority of Judges attending a regular meeting of the Judges and participate in the management of the court.

(A) Quorum. A quorum shall consist of a majority of the Judges.

(B) Governance Rules. Meetings shall be conducted under The Modern Rules of Order, Second Edition, where not inconsistent with these rules.

(c) Office of Presiding Judge.

(1) Duties.

(A) Court Business. Direct the business of the court and supervise its operation as provided in **GR 29**.

(B) Court Policy. Initiate court policy for presentation to the Judges or to the Executive Committee.

(C) Spokesperson. Act as official speaker for the court. If the matter is of such a nature that the Presiding Judge requires advice and counsel, he/she shall contact the members of the Executive Committee as necessary, or as possible, under the circumstances.

(D) Meetings. Preside at all Judges' meetings.

(E) Executive Committee. Chair the Executive Committee.

(F) Special Meetings. Call such special meetings of the Judges and Executive Committee as may be required.

(2) Selection of Presiding Judge. The Presiding Judge shall be that member of the Executive Committee elected as Presiding Judge by a majority vote of the Judges as a whole. The Presiding Judge shall serve a two year term.

In January of the second year of the Presiding Judge's term, at a regularly scheduled Judges' meeting, an election shall occur for a Presiding Judge-elect. The Presiding Judge-elect shall be selected from the members of the Executive Committee.

If a vacancy occurs in the Presiding Judge position, and there is no Presiding Judge-elect, then an election shall occur at the next regularly scheduled Judges' meeting for the election of a Presiding Judge from the members of the Executive Committee. The Presiding Judge shall be elected to complete the term left in the vacant position.

(3) Selection of Assistant Presiding Judge. An Assistant Presiding Judge shall be elected by the Executive Committee, from the membership of the Executive Committee, at least annually in January of every year, or more frequently as needed.

(d) Executive Committee.

(1) Policy Decisions. The Executive Committee shall decide matters of policy affecting the court and make such decisions in writing by majority vote of the committee. Such actions shall be final unless modified or rejected by a majority of the Judges in attendance at the next regular Judges' meeting or continuation of the meeting.

(2) Policy Recommendations. The Executive Committee may make recommendations on policy matters to the Judges at any meeting of the Judges.

(3) Committees. The Executive Committee shall recommend the designation and duties of the committees of the court and nominate the members of the committees.

(4) Advisory Capacity. The Executive Committee shall act in an advisory capacity to the Presiding Judge.

(5) Procedure. The Executive Committee shall distribute promptly to the Judges written minutes of action taken by the Executive Committee. On request of any Judge, any action taken by the Executive Committee shall be subject to review for final approval or rejection at a meeting of the Judges. Any matter which should be decided by the Judges shall be presented to the next Judges' meeting before action is taken.

(6) Meetings. The Executive Committee shall meet at least once a month. Any Judge or Commissioner may attend any Executive Committee meeting and participate but not vote.

(7) Selection. The Executive Committee shall consist of five Judges. Vacancies shall be filled by election by a majority of the Judges voting at the regularly scheduled December Judges' meeting. Nominations shall be made in writing and delivered to the Presiding Judge one week prior to the December meeting. The Judge(s) receiving the majority of votes shall be elected to the Executive Committee to serve a two-year term beginning January 1.

(8) Unexpired Term. If any Judge serving on the Executive Committee is unable or unwilling to continue in office for any reason, the position shall be filled to serve out the balance of the term by the election process provided for in these rules. Provided further that a Presiding Judge-elect who succeeds to the office of the Presiding Judge during the term of another Presiding Judge shall serve the balance of that Judge's term as Presiding Judge and one calendar year as Presiding Judge following that term.

[Amended effective September 1, 2015]

PCLR 0.4 COMMISSIONERS

(a) Duties. Court Commissioners shall perform duties as assigned by the court. Full-time Court Commissioners have all powers conferred by law, including the authority to accept pleas in criminal matters. The Commissioners preside over and decide matters presented in the following divisions:

(1) Civil Divisions A, B, C and Ex Parte. The Commissioners hear and decide all matters brought before these divisions as set forth below. There are four civil Court Commissioners in divisions A, B, C and Ex Parte.

(A) Family Court. The Commissioners hear and decide matters arising in Family Court as set forth in **PCLSPR 94.04(c)**. All cases involving children shall be assigned to a Commissioner at the time of the first motion and all later motions will be heard by that assigned Commissioner while on Family Court rotation, unless exclusive jurisdiction is retained by a specific judicial officer.

(B) Subject Matter. The function of these civil divisions is to hear family law motions, petitions to modify child support, initial determination of adequate cause on Petitions to Modify Parenting Plans and Nonparental Custody Petitions, initial relocation hearings, probates, trust and guardianship matters (except for annual periodic reviews which are heard by the assigned judicial department on its Friday motion docket), minor settlements, transfer of structured settlement payment rights, unlawful detainer actions, applications for appointment of a receiver, injunctive relief and restraining orders, replevin actions, defaults eligible for presentation in the Ex Parte Department wherein no notice is required (including uncontested finalization of dissolution, legal separation and invalidity with attorney representation), supplemental proceedings, paternity actions, adoptions (limited to the appointment of an adoption investigator), contested show cause proceedings, domestic violence, vulnerable adult protection hearings, sexual assault protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, and uncontested/default self-represented party dissolutions, and ex parte matters.

(C) Schedule. The **Schedule of Commissioners' Calendars** for each division is contained in Appendix, **Form Q** and at the Pierce County Superior Court website: www.co.pierce.wa.us/superiorcourt and by clicking on "Civil & Family Law".

The Schedule of the Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties and counsel are advised to verify calendar schedules before noting

matters for hearing and by viewing the Pierce County Superior Court website for any revisions to the Commissioners' Calendars.

(2) Juvenile Division. The Commissioners hear and decide matters arising under the juvenile laws and other matters at the request of the Presiding Juvenile Court Judge, including finalization of adoptions.

(3) Civil Mental Health Division. The Civil Mental Health Division hears matters relating to the involuntary commitment, treatment, and release of individuals alleged to be suffering from mental disorders or alcoholism. Protocols for presentation of Less Restrictive Orders are found at the Pierce County Superior Court website: www.co.pierce.wa.us/superiorcourt and by clicking on "Civil & Family Law" and "Protocols Less Restrictive Alternative Orders". When a jury trial is requested, all jury trials are assigned to one of the judicial department by the Presiding Judge.

(4) Criminal Division. In the event a Commissioner is assigned to this Division, this Commissioner hears and decides matters authorized pursuant to **Chapter 2.24 RCW**.

(b) Direction. Commissioners discharge their duties under the general direction of the Presiding Judge, except when serving in the Juvenile Court Division, during which time they are under the general direction of the Presiding Juvenile Court Judge.

(c) Rotation of Commissioner Duties. The above duties rotate among the Commissioners in accordance with a schedule adopted by the Executive Committee. Information as to their current duty assignments can be obtained from the Court Administrator's Office.

[Amended effective September 1, 2015]

PCLR 0.5 COURT ADMINISTRATOR

(a) Selection. The Court Administrator shall be appointed by a majority of all of the Judges and shall serve at the pleasure of the appointing authority under the direction and supervision of the Presiding Judge.

(b) Powers and Duties. The general powers and duties of the Court Administrator include but are not limited to:

(1) Administrative. Administrative control of all non-judicial activities of the court.

(2) Policies. Implement all policies regarding judicial functions of the court.

(3) Supervisory. Supervision of all court employees, except Commissioners, juvenile court employees and judicial departmental employees.

(4) Budgetary. Preparation and administration of the budget.

(5) Representative. Representation of the court in dealings with the State Court Administrator.

(6) Assist. Assist the Presiding Judge in meeting with representatives of governmental bodies, and other public and private groups regarding court management matters.

(7) Agenda Preparation. Prepare the agenda for Judges' meetings and act as recording secretary at those meetings and at committee meetings where the Administrator's presence would be reasonable and productive.

(8) Record Preparation and Maintenance. Prepare reports and compile statistics as required by the Judges or state court administration and maintain records of informal activities of the court.

(9) Recommendations. Make recommendations to the Judges for the improvement of the administration of the court.

[Amended effective September 1, 2010]

PCLR 0.6 STANDING COMMITTEES

(a) Establishment. The following permanent standing committees of Judges and Commissioners include:

Bench Bar and Retired Judges Liaison Committee

Civil Case Management Committee
Civil Local Rules Committee
Construction Committee
County Courthouse Security Committee
Family Law Committee
Family Law Guardian ad Litem/Parenting Investigator Grievance Committee
Guardianship, Probate, Trust and Mental Illness Committee
LINX/IT/Statistics Committee
Personnel Committee
Pro Tem Commissioner and Pro Tem Judge Application and Training Committee
Strategic Planning Committee
Criminal Plus Committee, the assigned responsibilities of which include:
Criminal Justice Task Force
Criminal Local Rules
Criminal Procedures
Drug Court Committee

Any additional special committees may be appointed by the Presiding Judge with approval of the Executive Committee.

(b) Selection of Members. Committee members shall be selected by the Presiding Judge in the manner provided in **PCLR 0.3(d)(3)**.

[Amended effective September 1, 2015]

PCLR 0.7 LEGAL ASSISTANTS

(a) Authorized Activity. Those persons qualifying as a legal assistant pursuant to subpart (b) below are authorized to: (1) check out court files from the Clerk of the Court, subject to the Clerk's rules and regulations; (2) use the Pierce County Law Library and check out materials, subject to the rules and regulations of the Library; and (3) present Agreed Orders and Orders to Show Cause (accompanied by the clerk's file) to Judges and Commissioners respectively**,** based solely upon the record; provided the same have been signed as presented by the attorney of record for whom said legal assistant is acting.

(b) Qualifications of Legal Assistant. For purposes of this rule, a legal assistant is one who has been so designated by the Tacoma-Pierce County Bar Association, and who presents credentials from said association to the Pierce County Clerk, Pierce County Law Library, or Pierce County Superior Court Judge or Commissioner, provided said credentials are based upon the following criteria:

(1) Supervising Attorney. Is responsible directly to a supervising attorney, who has at least five (5) years experience and who will be responsible under the Rules of Professional Conduct applicable to that attorney for the performance of the legal assistant sponsored by said attorney. The sponsoring attorney shall supervise the legal assistant and shall have submitted to the Tacoma-Pierce County Bar Association certification that he or she is currently sponsoring no more than one legal assistant; and

(2) Employment. Has been currently employed six months or longer by a Pierce County law firm, or by a city, county, or state administrative agency or corporation under the direct supervision of an attorney; and

(3) Nature of Work. Seventy-five percent of the legal assistant's work time is devoted to legal assistant (non-clerical) work, consisting of the performance of tasks under the direct supervision of a lawyer, which tasks shall not include the giving of legal advice, the quoting of legal fees, or the appearance in court in contested matters; and

(4) Education. Has obtained a degree or certificate of completion of a legal assistant program of no less than two years duration, or has the substantially equivalent college education or work experience in the legal field which equivalency shall be determined by the Legal Assistants' Committee of the Tacoma-Pierce County Bar Association.

(c) Presentation by Out-of-County Legal Assistants. Notwithstanding the provisions of paragraph (b) above, legal assistants who are duly registered with a bar association in the state, other than the Tacoma-Pierce County Bar Association, may present Agreed Orders and Orders to Show Cause (accompanied by the Clerk's file) to Judges and Commissioners respectively, based solely upon the documents presented and the records in the file.

[Amended effective September 1, 2010]

■ GENERAL RULES - PCLGR

PCLGR 11 COURT INTERPRETERS

The court may appoint qualified interpreters for hearing impaired or non-English speaking persons in accordance with **RCW 2.42, 2.43, GR11** and the Pierce County Superior Court Language Assistance Plan as well as with current applicable court rules and law.

[Effective September 1, 2012]

PCLGR 30 MANDATORY ELECTRONIC FILING

(a) Definitions - See GR 30(a)

(b) Electronic filing authorization - See GR 30(b)(1)-(4)

(5) Electronic Filing Is Mandatory. Effective January 1, 2012, unless this rule provides otherwise, attorneys are required to electronically file (e-file) all documents with the Clerk using the Clerk's e-filing system or an electronic service provider that uses the Clerk's e-filing system. Self-represented parties are not required to e-file documents but may contact the Clerk's Office to obtain a LINX account and password to enable e-filing.

(A) Documents That Shall Not Be E-Filed. Exceptions to mandatory e-filing include the following documents:

- **(i)** Original Wills and codicils;
- **(ii)** Certified records of proceedings for purposes of appeal;
- **(iii)** Documents of foreign governments under official seal including foreign and out of state adoption documents;
- **(iv)** Documents presented for filing during a court hearing or trial including documents submitted for in camera review pursuant to **GR 15**;
- **(v)** Foreign (out of state) Judgments;
- **(vi)** New cases or fee based documents filed with a request for an Order in Forma Pauperis;
- **(vii)** Affidavits for Writs of Garnishment and Writs of Execution on Garnishment;
- **(viii)** Voluminous Document – "voluminous document" is any document that exceeds 200 pages, including attachments.

The above-excepted documents must be filed in paper form.

(B) Working Copies for E-Filed Documents. Judicial working copies for e-filed documents may be electronically delivered to the Clerk using the Clerk's e-filing system. The Clerk may assess a fee for

the electronic delivery of working copies. Working copies of documents 200 pages or more in length shall be submitted in paper form only and shall be delivered pursuant to **PCLR 7(a)(7)** and **PCLR 7(b)(1)(E)**.

(C) Waiver of the Requirement to E-File. If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. The waiver may be for a specific case or for a specific period of time determined by the Clerk. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver. An attorney shall have the ability to ask for a review by the Presiding Judge if the request for waiver is denied by the Clerk.

(D) Non-Compliance With This Rule. If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk is authorized to reject the document and return it to the attorney for e-filing.

[Effective September 1, 2011]

PCLGR 31.1 ACCESS TO ADMINISTRATIVE RECORDS

See **GR 31.1** and Policy 6, Pierce County Superior Court Policies and Procedures for Administrative Records Requests.

[Effective September 1, 2016]

■ CIVIL RULES - PCLR

PCLR 3 COMMENCEMENT OF ACTION/CASE SCHEDULE

(a) Civil (Non-Family) Cases Not Receiving a Scheduling Order upon Filing. The following case types do **NOT** receive either an Order Setting Case Schedule (**Form A** as set forth in the Appendix) or an Order Assigning Case to Judicial Department and Setting Hearing Date (**Form B1/B2**) at filing:

(1) Change of name;
(2) Domestic violence (**Chapter 26.50 RCW**);
(3) Harassment (**Chapter 10.14 RCW**);
(4) UIFSA actions (**Chapter 26.21A**);
(5) Foreign judgments;
(6) Abstract or transcript of judgment;
(7) Civil commitment;
(8) Proceedings under **Chapter 10.77 RCW** (Criminally Insane);
(9) Proceedings under **Chapter 70.96A RCW**;

(b) Civil (Non-Family) Cases Receiving a Mandatory Court Review Hearing Date upon Filing. The following case types are ones for which the Clerk shall issue, at the time of filing, or for estate cases when an order appointing personal representative is filed, an Order Assigning Case to Judicial Department and Setting Hearing Date **(Form B1**, except as to certain estate matters as set forth in section (b)(4) below). The

time frame for the Mandatory Court Review Hearings vary depending on the type of matter, as indicated below:

(1) Case types to be reviewed 4 months after filing:

Absentee
Administrative Law Review
Confidential name change
Collection
Commercial
Compel/Confirm Binding Arbitration
Confidential Intermediary
Criminal RALJ Appeal
Deposit of Surplus Funds
DOL Revocation – Appeal
Foreclosure
Guardianship, Limited Guardianship, Special Needs Trust and Trust**,** except for annual periodic reviews of guardianships and trusts which are heard by the assigned Judicial Department on its Friday motion docket, and contested guardianships which shall be assigned a Case Schedule when a trial date is requested;
Injunction
Interpleader
Lower Court Appeal – Civil
Lower Court Appeal – Infraction
Minor Settlement with or without guardianship
Miscellaneous
Petition for Writ
Proceedings for isolation and quarantine
Seizure of Property from Commission of Crime
Seizure of Property Resulting from Crime
Subpoenas
Unlawful Detainer
Writ of Habeas Corpus
Writ of Mandamus
Writ of Review

(2) Case types to be reviewed 6 months after filing:

[None]

(3) Case types to be reviewed 12 months after filing:

Adoption
Child Support or Maintenance Modifications
Estate/probate if court supervision is required (e.g. bond required, either a guardian or guardian ad litem is appointed to represent a minor or incompetent heir, or estate insolvent) or is otherwise governed by **RCW 11.76.010**, except any will contest or litigation

matter arising in a probate case shall be assigned an Order Setting Case Schedule when the Petition to Contest the Will is filed or the estate is sued.

Paternity Parent Determination

Trust and Estate Dispute Resolution Act (TEDRA)

(4) Case types to be reviewed 60 months after filing:

Estate/probate if full nonintervention powers are granted (**Form B2**).

The purpose of the mandatory court review hearing in these case types shall be to assess the progress of the case and assure that the matter is being prosecuted diligently to a conclusion. If necessary and where appropriate, the court may issue an Order Setting Case Schedule (**Form A**) to provide a trial date. Failure to attend the hearing may result, when appropriate, in dismissal of the case without prejudice or closure of the matter without further notice. In paternity matters, it may result in a resolution of the case without dismissal.

(c) Civil (Non-Family) Cases Receiving an Order Setting Case Schedule at Filing. When a new civil, non-family case of a type not specifically identified in sections (a) or (b) above is filed or as otherwise provided in these rules, the clerk shall issue an Order Setting Case Schedule and shall provide one copy to the plaintiff/petitioner and one copy to the assigned judicial department. The plaintiff/petitioner shall serve a copy of the applicable Order on the defendant/respondent along with the initial pleadings; provided that if the initial pleading is served prior to filing, the plaintiff/petitioner shall within five (5) court days of filing serve the applicable Order. If the initial pleading is served by publication, the plaintiff/petitioner shall serve the applicable Order within five (5) court days of service of defendant's/respondent's first appearance. When the applicable Order is served pursuant to this section, it may be served by regular mail with proof of mailing/service to be filed promptly in the form required by these rules, see **PCLR 5**. The **Order Setting Case Schedule** shall contain the case heading and otherwise be as set forth in Appendix, **Form A**.

(d) Family Law (Type 3) Cases. These cases are governed by PCLR 40(d). As set forth more fully in that rule, it depends on the particular type of family law case whether the matter receives an Order Setting Case Schedule or an Order Assigning Case to Judicial Department and Setting Hearing Date at the time of filing.

When a new Petition for Dissolution (with or without children) or a Petition to Establish a Residential Schedule/Parenting Plan is initiated, the clerk shall issue an Order Assigning Case to Judicial Department and Setting Hearing Date and shall provide one copy to the petitioner and one copy to the assigned judicial department. The Order Assigning Case to Judicial Department and Setting Hearing Date shall contain the case heading and otherwise be as set forth in Appendix, **Form I**. See **PCLR 40(d)**.

Certain other types of Family Law Cases such as Nonparental Custody Petitions and Petitions to Modify an Existing Parenting Plan shall be issued an Order Setting Case Schedule at filing pursuant to **PCLSPR 94.04(f)** and **(g)** and assigned to a department or to Family Court in accordance with existing court policy and practice.

In every newly initiated family law case or modification proceeding, the petitioner shall serve a copy of the applicable order on the respondent along with the initial pleadings; provided that if the initial pleading is served prior to filing, the petitioner shall within five (5) court days of filing serve the applicable order. If the initial pleading is served by publication, the petitioner shall serve the applicable order within five (5) court days of service of respondent's first appearance. When the applicable order is served pursuant to this

section, it may be served by regular mail with proof of mailing/service to be filed promptly in the form required by these rules, see **PCLR 5**.

(e) Amendment of Case Schedule. The court, either on motion of a party or on its own initiative, may modify any date in the Order Setting Case Schedule for good cause, including the track to which the case is assigned, except that the trial date may be changed only as provided in **PCLR 40(g)**. If an Order Setting Case Schedule is modified or the track assignment is changed, the court shall prepare and file the Order Amending Case Schedule and promptly mail or provide it to the attorneys and self-represented parties.
Cases which are transferred to mandatory arbitration pursuant to **PCLMAR 2.1** will have their existing case schedule stricken upon transfer. The assigned judicial department will then set a mandatory court review hearing to monitor the case status. Once a case is resolved, closed or dismissed, the assigned judicial department will cancel any pending mandatory court review hearing. A written request for a trial de novo shall cause a new Order Setting Case Schedule to be issued on an expedited tract assignment (per PCLR 3(h) below) by the assigned judicial department when the request for trial de novo is filed pursuant to **PCLMAR 7.1**.

(f) Service on Additional Parties Upon Joinder. A party who joins an additional party in an action shall be responsible for serving the additional party with the current Order Setting Case Schedule together with the first pleading served on the additional party.

(g) Form of Case Schedule.

(1) Original Case Schedule. The **Order Setting Case Schedule** is set forth in Appendix, **Form A.**

(2) Amended Case Schedule. An Order Amending Case Schedule shall be in the same form as the original Order Setting Case Schedule; except that an Order Amending Case Schedule shall be entitled Order Amending Case Schedule and it need not include the Notice provisions. An Order Amending Case Schedule issued pursuant to **PCLR 40(e)(4)** shall only contain the following dates: Joint Statement of Evidence, Pretrial Conference and Trial date. Additional dates may be added to the Order Amending Case Schedule upon order of the court.

(h) Track Assignment. Each case receiving an Order Setting Case Schedule at filing shall be assigned to a track as set forth in this rule.

(1) Expedited Cases. Expedited cases shall have a discovery cutoff of 20 weeks and trial in 26 weeks. There shall be depositions of the parties only without leave of court. Interrogatories shall be limited to twenty-five (25) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions. Any case in which it is expected there will be no more than a total of four (4) witnesses shall be presumptively an expedited track case.

(2) Standard Cases. Standard cases shall have a discovery cutoff of 45 weeks and trial in 52 weeks. There shall be no limitations with respect to depositions, except as otherwise ordered pursuant to the state civil rules. Interrogatories shall be limited to thirty-five (35) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions. Actions for breach of contract, personal injury, title to land, construction claims involving questions of workmanship and discrimination claims shall presumptively be standard track cases. Any case wherein it is expected there will be no more than a total of twelve (12) witnesses shall be presumptively a standard track case.

(3) Complex Cases. Complex cases shall have a discovery cutoff of 67 weeks and trial in 78 weeks. There shall be no limitations with respect to depositions, except as otherwise ordered pursuant to the state civil rules. Interrogatories shall be limited to thirty-five (35) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admission. Medical or professional malpractice, product liability and class action claims shall presumptively be complex track cases.

(4) Dissolution Cases. All dissolutions shall presumptively be a family law track at filing. If not resolved within 122 days of filing, the case will be assigned to the dissolution track by the assigned Judicial Department and an Order Setting Case Schedule will be created. There shall be no limitations with respect to depositions except as otherwise ordered pursuant to the civil rules. Interrogatories shall be limited to one hundred (100) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions.

(5) LUPA Cases. All LUPA cases shall be LUPA track cases.

(6) Collaborative Law Cases. In the event that represented parties mutually agree to participate in Collaborative Law, they shall present to the assigned judicial department the Order and Joint Notice of Participation in Collaborative Law as set forth in the Appendix, **Form P**, and obtain a mandatory status conference date. The parties shall no longer have to comply with the Order Setting Case Schedule Requirements of **PCLR 3**. If the case does not resolve by the mandatory status conference date, the mandatory status conference shall be held to advise the Court of the progress. Counsel and the court may agree to continue the status conference if participation in the Collaborative Law process is ongoing. Failure to comply may lead to dismissal of the case.

(i) Time Intervals for Cases Receiving an Order Setting Case Schedule. The events and time intervals included in the original Order Setting Case Schedule shall be measured in weeks from the date of filing or assignment of a Case Schedule as follows:

CASE SCHEDULE AND TRACK ASSIGNMENT-Measured in Weeks:

	EXPEDITED	STANDARD	COMPLEX	DISSOLUTION
Confirmation of Service	2	4	6	3
Confirmation of Joinder of Parties, Claims and Defenses *	8	17	26	
Jury Demand *	9	18	27	
Status Conference **(contact court for specific date)** ****Mandatory appearance date set when case schedule is issued.**	10	21	32	**28****
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	12	25	38	18
Defendant's/Respondent's Disclosure of Primary Witnesses	15	29	42	21

	EXPEDITED	STANDARD	COMPLEX	DISSOLUTION
Disclosure of Rebuttal Witnesses	17	36	57	23
Deadline for filing motion to Adjust Trial Date	19	40	60	25
Discovery Cutoff	20	45	67	30
Exchange of Witness and Exhibit Lists and Documentary Exhibits	21	47	70	32
Deadline for Hearing Dispositive Pretrial Motions *	22	48	72	
Joint Statement of Evidence	22	48	72	32
Alternative Dispute Resolution to be held before	23	48	72	32
Pretrial Conference **(contact Court for specific date)**	25	50	75	35
Trial	26	52	78	36

* Does not apply to dissolution cases.

LUPA CASE SCHEDULE:

CASE EVENT	**DEADLINE**
Petition for Review of Land Use Decision Filed and Schedule Issued (**RCW 36.70C.040**)	
DEADLINE to contact assigned Judge to confirm Initial hearing (**RCW 36.70C.080**)	7 days after Petition is filed
DEADLINE to Stipulate or File Motion for Change of Hearing Date or Adjustment of Schedule (**RCW 36.70C.080(1)**; **RCW 36.70C.090**)	28 days after Petition is filed
Initial Hearing on Jurisdictional and Preliminary Matters (FRIDAYS ONLY) (**RCW 36.70C.080**)	40 days after Petition is filed
DEADLINE to file Certified Copy of Local Jurisdiction Record (**RCW 36.70C.110**)	45 days after Initial Hearing
DEADLINE to file Brief of Petitioner (**RCW 36.70C.080(4)**)	20 days after deadline to file Record
DEADLINE to file Brief of Respondent (**RCW 36.70C.080(4)**)	40 days after deadline to file Record
DEADLINE to file Reply Briefs (**RCW 36.70C.080(4)**)	50 days after deadline to file Record
Review Hearing/Trial Date – (**RCW 36.70C.090**)	Within 60 days of the date set for submitting the Record

Trial by Affidavit.

(1) Affidavit. Parties may agree to submit unresolved issues to the assigned judicial department by affidavit. This shall be determined at the discretion of the assigned judicial department at the status

conference or as determined by agreement of the parties and approval of the assigned judicial department. If the request for trial by affidavit is granted the self-represented parties or their attorneys shall file and serve a form entitled **Trial By Affidavit Certificate**, as set forth in Appendix, **Form C**. The assigned judicial department shall issue an Order Amending Case Schedule.

(2) Trial and Notice. If the matter is to be submitted on affidavit, the parties shall be given a trial date approximately 20 weeks from filing. Fourteen (14) days prior to the trial date the parties shall serve and file their affidavits. Rebuttal affidavits, if any, shall be served and filed no later than seven (7) days prior to trial. Surrebuttal affidavits, if any, shall be filed and served two (2) days before the trial. Working copies of all affidavits shall be provided to the assigned judicial department. Affidavits filed beyond these deadlines shall not be considered.

(3) Priority. Matters set for trial by affidavit may take priority over other matters set for the same day. On the day of trial, unless otherwise ordered, each side shall have one-half hour to argue their respective positions to the court.

(4) Case Schedule. Once a matter is set for trial by affidavit, the self-represented parties and attorneys shall no longer be bound by the Order Setting Case Schedule, except for the new trial date in the Order Amending Case Schedule issued by the Judicial Assistant.

(j) Monitoring. Each judicial department of the Superior Court, the Superior Court Administrator's Office, and at such time as the Presiding Judge may direct, the Clerk of the Court shall monitor cases to determine compliance with these rules.

(k) Enforcement. The assigned judicial department, on its own initiative or on motion of a party, may impose sanctions or terms for failure to comply with the Order Setting Case Schedule established by these rules. If the court finds that an attorney or self-represented party has failed to comply with the Order Setting 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. As used in this rule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

[Amended effective December 1, 2016]

PCLR 5 SERVICE

(a) Scope. This rule shall apply to all cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**.

(b) Confirmation of Service. No later than the date designated in the Order Setting Case Schedule, the plaintiff/petitioner shall file a Confirmation of Service. The original Confirmation of Service shall be filed with the Pierce County Clerk, with a copy delivered to the judicial department to which the case is assigned. The **Confirmation of Service** shall contain the case heading, cause number and shall otherwise be as set forth in Appendix, **Form D**.

[Amended effective September 1, 2011]

PCLR 6 TIME

For shortening or enlarging the time for filing of motions and briefs for the motions:

(a) Civil Motions. **PCLR 7** for motions generally;

(b) Restraining Orders. **PCLR 65** for applications for temporary restraining orders and injunctive relief; and

(c) Family Law. **PCLSPR 94.04** for family law proceedings.

[Amended effective September 1, 2010]

PCLR 7 MOTIONS: JUDGES AND COMMISSIONERS

(a) Judges' Motions and Trial Assignments

(1) When Heard. All motions, except motions during trial or those motions heard by the Commissioners as set forth below shall be heard on the assigned judicial department's motion calendar. All discovery motions shall be heard before the assigned judicial department. No contested summary judgment motions, motions to dismiss, or other such motions which might effectively terminate a case shall be heard, except by the assigned judicial department, unless otherwise directed by the Presiding Judge or by the assigned judicial department. Motions are heard on Friday mornings at 9:00 a.m., unless specially set by the assigned judicial department. In the event a Friday is a non-judicial day, motions shall be heard on the judicial day immediately preceding the Friday.

(2) Recess Schedule. Motions and assignments regularly scheduled for a time when a judicial department is at recess shall be heard in the manner and in accordance with the schedule determined by the Judges.

(3) Scheduling Motions and Trial Assignments.

(A) Motions. Motions shall be scheduled for hearing by filing a Note for Motion Docket, in a form approved by the court, and containing all information required by such form. The Note for Motion Docket shall be filed with the motion and supporting documents and served upon the opposing party at the same time. The Note for Motion Docket, motion and supporting documents shall be filed with the Clerk, and served on the opposing party no later than the close of business on the sixth court day before the day set for hearing. For example, if the motion is scheduled for a Friday, it shall be filed by the close of business on the Thursday of the week before the hearing date unless there is an intervening court holiday. This rule shall not relieve the moving party from any greater notice or filing requirements established by law or court rule. See **PCLR 7(c)(1)(2) & (3)** regarding Motions for Reconsideration to be heard before a judge. See also **PCLSPR 98.20** regarding periodic guardianship hearings.

(B) Trial Assignments. If the attorneys or any self-represented party fails to appear on the date set for assignment of a trial date, the case shall be dismissed without prejudice unless the assignment of a trial date has been previously obtained or the case has been fully resolved with the entry of all final documents.

(4) Failure to File or Serve - Sanctions. If the motion, supporting documents and Note for Motion Docket are not all filed with the clerk, the court may strike the motion. No motion shall be heard unless proof of service upon the opposing party is filed or there is an admission of such service by the opposing party. The court may also, in its discretion, impose terms upon the offending party.

(5) Opposing Papers. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than noon, two court days before the date the motion is scheduled for hearing.

(6) Reply. Any papers in strict reply shall be served no later than noon, one court day before the date the motion is scheduled for hearing.

(7) Working Copies. The assigned judicial department shall be furnished with a working copy of all motion papers. The working copies shall be delivered either directly to the judicial department or to the Court Administrator's office. Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided to the assigned judicial department. All working copies are to be delivered no later than the date and time they are required to be served on opposing parties. The working copies of papers in support or opposition shall be marked on the upper right corner of the first page with the date of hearing and the name of the Judge. A fax or email transmittal of working copies shall not be acceptable delivery.

(8) Page Limits. The initial motion and opposing memorandum shall not exceed twelve (12) pages without authorization of the court; reply memoranda shall not exceed five (5) pages without the authority of the court. Provided, however, for Motions for Summary Judgment pursuant to **CR 56** the parties' moving and opposing memoranda shall not exceed twenty-four (24) pages without authorization of the court; reply memoranda shall not exceed twelve (12) pages without authority of the court.

(9) Confirmation of Motions. All motions shall be confirmed by the moving party during the week of the hearing, but no later than 12:00 noon two court days prior to the hearing. Attorneys and any self-represented party shall confirm motions by contacting the judicial assistant of the assigned judicial department or electronically, through the internet by those with LINX accounts and PIN (Personal Identification Numbers), in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing. The court may strike motions that are not timely confirmed.

(10) Procedures for Hearing. The cases on the motion docket for each motion day shall be called and oral argument may be presented. Motions may be continued by the court, at the court's discretion, for hearing at other specified times. The trial court may, in its discretion or for good cause shown, waive oral argument for civil motions. Motions requiring more than ten (10) minutes for argument may be placed at the end of the calendar.

(11) Motions for Summary Judgment

(A) Confirmation of Motions. In the event a motion for summary judgment pursuant to **CR 56** is to be argued, the moving party shall notify the judicial department to which such motion is assigned during the week of the hearing, but no later than 12:00 noon, two (2) court days prior to the hearing; otherwise the motion shall be stricken. No hearing upon a motion for summary judgment shall be continued except upon the explicit order of the assigned Judge. Any summary judgment motion that is continued shall be reconfirmed as set forth above.

(B) Testimony. If testimony transcribed at any pretrial deposition is used in support of or in opposition to a motion for summary judgment, such testimony shall be presented by affidavit containing excerpts of the testimony relied upon by the party using such testimony, with reference to the line and the page of source.

(C) Page Limits. See **PCLR 7(a)(8)** regarding Motion for Summary Judgment page limits.

(12) Motions for Revision of a Commissioner's Order or Judgment (this rule does not apply to CR 54(b) revision motions). At the time a motion for revision is filed, the moving party shall provide the reviewing court copies of all documents submitted by all parties that were considered by the Court Commissioner in making the decision sought to be revised.

(A) Timing. Within 10 days of the entry of a written order or judgment by a Court Commissioner, either party may file a motion for revision. Such motion shall be scheduled for argument on the assigned judicial department's next available motion date but no sooner than six working days from the Commissioner's written order or judgment sought to be revised, unless upon an order shortening time, and no later than 30 days except for good cause shown. Failure to schedule the motion within the time prescribed shall be deemed jurisdictional.

(B) Validity of Commissioner's Orders. All orders granted by a Court Commissioner shall remain valid and in effect pending the outcome of the motion for revision, unless stayed pending the outcome of a motion for revision by the Court Commissioner granting the order, the Presiding Judge or the Judge to whom the motion for revision has been assigned.

(C) Content of Motion. All motions and cross-motions shall state with specificity any portion of the Commissioner's order or judgment sought to be revised, identifying those portions by paragraph or page and line numbers. Any portion not so specified shall be binding as if no revision motion has been made.

(D) Costs and Fees. The judicial department has the right to award reasonable costs or attorneys fees where allowed on all motions for revision without the necessity of a written motion.

(E) Transcript Required. When seeking revision of a ruling of a Court Commissioner which was based upon testimony, such testimony shall be transcribed in accordance with **RAP 9.2(e) and (f)**.

(13) Juvenile Court Orders and Judgments. Revision of orders and judgments made by a Court Commissioner sitting in the Juvenile Court Division shall be heard by a Judge sitting in the Juvenile Court Division.

(b) Commissioners' Motions

(1) Civil Divisions A, B, C and Ex Parte. Court Commissioners hear and decide all matters brought before these divisions as set forth below. There are four civil Court Commissioners in Divisions A, B, C and Ex Parte.

(A) Family Court. Court Commissioners hear and decide matters arising in Family Court as set forth in **PCLSPR 94.04(c)**. All cases involving children shall be assigned to a Commissioner at the time of the first motion and all later motions shall be heard, if possible, by that assigned Commissioner while on Family Court rotation, unless exclusive jurisdiction is retained by a specific judicial officer.

(B) Subject Matter. The function of these Civil Divisions is to hear applications for show cause orders, motions for temporary orders, petitions to modify child support, initial determination of adequate cause on Petitions to Modify Parenting Plans and Non-parental Custody Petitions, initial relocation hearings, probates, trust and guardianship matters (except for annual periodic reviews and initial hearings under TEDRA if live testimony is to be presented or the hearing will likely last longer than twenty minutes, which are heard by the Superior Court Department assigned on its Friday motion docket), minor settlements, unlawful detainer actions, applications for appointment of a receiver, injunctive relief and restraining orders, defaults eligible for presentation in the Ex Parte Department wherein no notice is required, supplemental proceedings, paternity actions, contested show cause proceedings, domestic violence, vulnerable adult protection hearings, sexual assault protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, and uncontested/default self-represented party dissolutions, and ex parte matters. Court Commissioners do not hear discovery motions.

(C) Schedule. The **Schedule of Commissioners' Calendars** for each division is contained in Appendix, **Form Q** and at the Pierce County Superior Court website: www.co.pierce.wa.us/superiorcourt and by clicking on "Civil & Family Law". The Schedule of the Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties and counsel are advised to verify calendar schedules before noting matters for hearing and by viewing the Pierce County Superior Court website for any revisions to the Commissioners' Calendars. Incorrectly scheduled matters shall be stricken.

(D) How Motions Initiated. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (https://linxonline.co.pierce.wa.us/linxweb/Main.cfm) or from a public kiosk in the Clerk's Office for all the Commissioner's dockets held at the County-City Building, 930 Tacoma Avenue South, Tacoma, WA 98402, except for the self-represented dissolution docket, domestic violence, vulnerable adult protection orders and sexual assault protection orders. See also **PCLSPR 94.04** regarding family law motions, **PCLSPR 98.04** regarding Estates and Probates, **PCLSPR 98.16W** regarding Settlements of Minors and Incapacitated

Persons, **PCLSPR 98.18** regarding Court Created Trusts and **PCLSPR 98.20** regarding Guardianships for specific procedures about these types of motions on the Commissioners' dockets. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. **Waiver of Requirement to E-file**. See **PCLGR 30(b)(5)(C)**.

(i) Docketing for Morning Show Cause Calendars. Matters heard on the show cause calendar at 9:00 a.m. shall be docketed by electronically filing and scheduling in accordance with **PCLR 7(b)(1)(D)** a Note for Commissioner's Calendar at least fourteen (14) calendar days before the hearing, simultaneously with a motion and/or notice of hearing and any supporting pleadings, unless this is a renote of a motion or notice of hearing previously filed in which event only the Note for Commissioner's Calendar shall be e-filed. The morning show cause cases heard shall be limited in number. Case caps shall be calculated in LINX based on the number of cases rather than the Note for Commissioner's Calendar. Leave may be granted by a duly appointed Commissioner, not a Commissioner Pro Tem, to exceed the number of cases heard on any given day in that Commissioner's Division.

(ii) Counter Motions For Morning Show Cause Calendars. In the event there is an existing motion and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by electronically filing and scheduling in accordance with **PCLR 7(b)(1)(D)** a Note for Commissioner's Calendar, as long as the counter motion and all supporting pleadings are filed and served at least fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause for the counter motion shall be signed by the Ex Parte Department.

(E) Working Copies. For matters docketed on the morning show cause calendars in Commissioner Divisions A, B, and C whether by Note for Commissioner's Calendar or by the Order Setting Case Schedule, and for probate, guardianship and minor settlement cases on the Commissioner Division A afternoon calendar, the Commissioners shall be furnished with working copies of all motions, or petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents. Working copies for the morning show cause calendars are subject to page limits pursuant to **PCLSPR 94.04(c)(4)**.

Working copies are encouraged but not mandatory for all other dockets conducted in Civil Divisions A, B and C and at the discretion of the court, cases may be continued to require their submission.

The working copies shall be delivered directly to Commissioner's Services Department or by using the Clerk's electronic working copy delivery process as defined in **PCLGR 30(b)(5)(C)** "Working Copies" shall be marked on the upper right corner of the first page with the date of hearing, the appropriate docket and who is delivering the copies (moving or opposing party). Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided. All working copies shall be delivered no later than 12:00 noon two (2) court days prior to the hearing, provided that this deadline shall not apply to responsive pleadings in unlawful detainer matters. A copy of the Note for Commissioner's Calendar shall be attached to the working copies. A fax or email transmittal of working copies shall not be acceptable delivery.

(F) Procedures for Hearing/Proposed Orders. Attorneys and self-represented parties shall have proposed orders prepared for presentation to the court at the time of the hearing in family law show cause matters. For probate/trust, guardianship and minor settlement cases, proposed orders shall be included with working copies.

(2) Juvenile Division Calendars. Court Commissioners hear and decide matters arising under the juvenile laws and other matters at the request of the Presiding Juvenile Court Judge, including finalization of adoptions.

(3) Civil Mental Health Division. Court Commissioners hear matters arising in this division as set forth in **PCLR 0.2(c)(4)**, except where a trial by jury is requested. Jury trials are assigned to one of the judicial departments by the Court Administrator.

(c) Motions held before Judges or Commissioners

(1) Motions for Reconsideration. A Motion for Reconsideration shall be heard by the Judge or Commissioner who initially ruled on the motion or to the Presiding Judge or his/her designee upon a showing of good cause. Temporary assignment of the Judge or Commissioner to a location other than the courthouse shall not be considered good cause.

(2) Time for and Contents of Motions for Reconsideration. A Motion for Reconsideration shall be noted and filed not later than 10 days after entry of the judgment, decree or order. The motion shall be noted on the judge's civil motion docket that heard the original motion. The motion will be noted not sooner than 30 but not later than 40 days after the entry of the judgment, decree or order, unless the court directs otherwise. A proposed order shall be delivered to the judge along with working copies in accordance with PCLR(a)(7).

(3) Hearings on Motions for Reconsideration before a Judge (this rule does not apply to Motions for Reconsideration to be heard before the Commissioners). Motions for Reconsideration before a Judge shall be submitted on briefs and affidavits of the moving party only. No responses shall be required or submitted by the opposing party and there shall be no oral argument permitted unless the judge so directs. The court shall notify the parties whether: (1) the Motion for Reconsideration has been denied and the hearing stricken; or (2) oral argument and/or responsive pleadings are required.

(4) Motion and Order to Shorten Time.

(A) Motions to Shorten Time. All Motions to Shorten Time shall be in writing and supported by declaration or affidavit that (a) states the reasons why the matter should be heard on shortened time and (b) sets forth the manner and method by which notice, or attempted notice, was provided to all other parties regarding presentation of the Motion to Shorten Time. If the moving party has been unable to notify all parties of the Motion to Shorten Time, it is within the judicial officer's discretion to proceed with the Motion to Shorten Time. The court file shall be presented with the Motion to Shorten Time, declaration or affidavit, and the proposed Order.

(B) Judicial Department Motions. If the underlying motion is to be heard by a Judge, the Motion to Shorten Time and the underlying motion shall be presented to the assigned judicial department. If the assigned judicial department is not available to consider the Motion to Shorten Time, the matter shall be presented to the Presiding Judge for consideration. If the Presiding Judge is not available, the moving party shall contact Superior Court Administration for additional information as to which Judge can hear the Motion to Shorten Time.

(C) Commissioner Motions. If the underlying motion is to be heard by a Commissioner, the Motion to Shorten Time and the underlying motion shall be presented to the Ex Parte Division. The Motion to Shorten Time shall be heard by a duly appointed Court Commissioner and not a Commissioner Pro Tem. If granted, a copy of the Order Shortening Time and Note for Commissioner Docket shall be given to the Commissioner Services Department.

(D) Notice. The party requesting the Order to Shorten Time shall notify all opposing parties of the Motion to Shorten Time and the time and location of its presentation. Any party opposing the Motion to Shorten Time shall appear or respond by declaration or affidavit setting forth the basis of the opposition. Failure to appear or respond to the Motion to Shorten Time does not preclude a party from requesting terms.

(E) Service. If the Motion to Shorten Time is approved by the appropriate judicial officer, the party shall provide a copy of the pleadings relating to the Motion to Shorten Time as well as to the underlying motion, to all parties as soon as possible or as otherwise directed by the Court.

(5) Reapplication. No party shall reargue the same motion to a different judicial officer without showing by affidavit, what motion was previously made, when and to which judicial officer, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judicial officer.

(6) Temporary Restraining Orders and Injunctive Relief. See **PCLR 65**.

[Amended effective September 1, 2014]

PCLR 10 FORM OF PLEADINGS

(d) Format Requirements.

(1) Handwritten Documents. To ensure access to the courts for any self-represented party, pleadings may be submitted that are legibly handwritten in black or blue ink, double spaced (unless a mandatory form authorizes the use of single spacing) using only one side of each page. Declarations shall be appropriately verified and formatted.

(2) Font Size for Typed or Computer Generated Documents. Except for footnotes, all typed or computer generated documents shall be prepared using a minimum of 12 point font and shall be double spaced, unless a mandatory form authorizes the use of single spacing.

(3) Paper color. All pleadings and working copies shall be only on white paper.

(4) Mandatory Forms. The Washington State Mandatory Forms shall be used except where a mandatory form is designated "optional," and local forms have been promulgated by the Court or no mandatory form exists for the particular matter.

Local forms may be obtained from the Pierce County Superior Court Clerk, the Pierce County Law Library or by accessing: https://linxonline.co.pierce.wa.us/linxweb/Forms.cfm. State forms may be obtained by accessing: www.courts.wa.gov/forms.

(5) Preparation of Transcript from Electronic/Mechanical Recorder or Videotape. All report of proceedings produced from use of any electronic/mechanical recorder or videotaped proceedings shall be in the same form as a verbatim report as provided in **RAP 9.2(e) and (f)**. This rule applies to all transcripts prepared from hearings before any judicial officer. This rule shall not apply to appeals on small claims cases.

(e) Briefs/Memoranda. Briefs/Memoranda shall be submitted for all hearings involving disputed questions of law. A copy shall be served on opposing counsel, and a separate copy shall be delivered to the Judge/Commissioner and marked "Working Copy." The original shall be filed with the Pierce County Clerk and the working copy shall be delivered to the Court Administrator's Office or Commissioners Service Department, whichever is applicable, at the time the working copies are due. A fax or email transmittal of working copies shall not be acceptable delivery.

(f) Required Language in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt. In all supplemental proceedings wherein a show cause order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order shall include the following words in capital letters:

> YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE AND PLACE DESIGNATED SHALL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD.

No bench warrant shall be issued for the apprehension of the cited person if such language has been omitted. All orders directing the issuance of a warrant and all warrants in such matters shall provide that the cited person shall be brought before the presiding officer of the division or department signing the order.

[Amended effective September 1, 2010]

PCLR 11 SIGNING AND DRAFTING OF PLEADINGS, MOTIONS AND LEGAL MEMORANDA; SANCTIONS

(c) Address of Self Represented Party. A self-represented party shall state on the pleadings, notice of appearance, and other documents filed, the person's telephone number, mailing address and street

address where service of process and other papers may be served unless that information is made confidential by statute.

(d) Change of Address. Any self-represented party or attorney changing their address shall immediately serve all parties and file, in each case, a Notice of Change of Address. The **Notice of Change of Address** shall contain the case heading and otherwise be as set forth in Appendix, **Form J**.

[Amended effective September 1, 2010]

PCLR 15 AMENDED AND SUPPLEMENTAL PLEADINGS

(e) Interlineations. No interlineations, corrections or deletions shall be made in any paper after it is signed by the judicial officer or filed with the clerk. Any such mark made prior to filing shall be initialed and dated by all persons signing the document.

[Amended effective September 1, 2010]

PCLR 16 PRETRIAL AND SETTLEMENT PROCEDURES

(a) Designated Judge. Except in the case of family law matters or unless otherwise provided for herein, the judicial department to whom the case is assigned at the time of filing shall hear all pretrial matters.

(b) Pretrial Procedure.

(1) Pretrial Conferences. The lead trial attorney of each party represented by an attorney and each self-represented party shall attend the pretrial conference. The conference shall include those matters set forth in **CR 16** as well as any other matters that might result in a speedy, just and economical resolution of the case.

(2) Exchange of Exhibit and Witness Lists. In cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**, the parties shall exchange: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits except for those items agreed to by counsel and self-represented parties, such as identical copies of items already produced to avoid unnecessary duplication. Counsel and self-represented parties are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits shall be made available for inspection by all other parties no later than fourteen (l4) days before trial. Failure to comply with this rule shall be subject to the provisions of **PCLR(3)(l)**.

(3) Pretrial Motions. All such motions shall be served, filed and heard pursuant to **PCLR 7**; provided that no pretrial dispositive motions shall be heard after the cutoff date provided in the Order Setting Case Schedule except by order of the court and for good cause shown.

(4) Joint Statement of Evidence. In cases governed by an Order Setting Case Schedule pursuant to **PCLR 3** the parties shall file a Joint Statement of Evidence containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agrees as to the exhibit's authenticity and admissibility.

(c) Alternative Dispute Resolution. Some form of Alternative Dispute Resolution ("ADR") is required in all cases prior to trial except as noted otherwise below.

(1) Non-Family Law Cases and Family Law Cases Without Children. At least 30 days prior to trial the parties shall each submit a certification or declaration that they have participated in one or more types of ADR, including, but not limited to: formal negotiations that included an exchange of written proposals; private settlement conference; arbitration; or mediation.

(2) Family Law Cases Involving Children. Judicial Officers shall make themselves available for settlement conferences in dissolutions, paternity cases involving petition/motion for establishment of residential schedule or parenting plan, post-dissolution petitions for modification of custody and related

Family Law matters, except in Nonparental Custody Petitions under RCW 26.10, which are exempt from mandatory ADR unless ordered by the Assigned Judge for the purpose of resolving the parenting plan/residential schedule. The attorney or self-represented party may utilize an alternative dispute resolution process to satisfy the settlement conference requirement.

(A) Status Conference. A mandatory status conference will be scheduled by LINX at 8:45 am 8 weeks prior to the trial date. The court will conduct the status conference to determine the issues that remain to be tried. A settlement conference will be scheduled up to two weeks prior to trial only if the parenting plan/residential schedule remains at issue. The court will issue an order on status conference and setting settlement conference at the status conference. Cases that have settled the parenting plan/residential schedule but have not settled property distribution must submit a certification or declaration that the parties participated in ADR as required in **PCLR 16(c)(1)**.

(B) Scheduling and Submission of Materials. The settlement conference date and time shall be set by the assigned trial judge at the time of the mandatory status conference. Superior Court Administration shall assign judicial officers and pro tem judges to the settlement conference dockets.

Each attorney and/or self-represented party shall prepare a proposed parenting plan/residential schedule and a **Domestic Relations Information Form** and submit the same to Superior Court Administration and opposing counsel or opposing self-represented party not later than two (2) court days prior to the settlement conference. See Appendix, **Form E**. A fax or email transmittal of working copies shall not be acceptable delivery. This form may be supplemented.

(C) Attendance. Parties shall attend the settlement conference. Attendance may be excused, in advance, by the settlement judicial officer for good cause. Failure to attend may result in the imposition of terms and sanctions as the judicial officer deems appropriate.

(D) Proceedings Privileged. Proceedings of the settlement conferences shall, in all respects, be privileged and not reported or recorded. Without disclosing any communications made at the settlement conference, the settlement conference Judicial Officer may advise the assigned judicial department in writing as to whether the use of further or alternative dispute resolution procedures, or the appointment of additional investigators or the development of additional evidence would be advisable prior to trial.

(E) Settlement of Case. When a settlement has been reached, the settlement agreement or partial agreement shall be placed on the record or reduced to writing.

(F) Disqualification. A Judicial Officer presiding over a settlement conference shall be disqualified from acting as the trial Judge in that matter, unless all parties agree in writing.

(G) Withdrawal of Attorney. If any attorney withdraws and a settlement conference has been scheduled or is required to be scheduled by the existing case schedule, the withdrawing attorney shall inform his/her client of the date, time and location of the settlement conference, as well as a brief explanation of the process, including how to schedule a settlement conference and expectations.

(H) Waivers of ADR in Family Law Matters for DV, Child Abuse or other Good Cause. Upon motion and approval of the Assigned Judge [not the settlement conference judge], ADR, including settlement conferences, may be waived in Family Law cases involving domestic violence and/or child abuse or for other good cause shown:

(i) 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 twelve (12) months; or

(ii) Where a Domestic Violence or other No Contact order involving the parties exists pursuant to **RCW 10.99**, or has been in effect within the past twelve (12) months; or

(iii) Where the court upon motion finds that allegations of domestic violence or other abuse between the parties are such that it would not be appropriate to mandate alternative dispute resolution; or

(iv) Where the court upon motion finds that allegations of child abuse involving at least one of the parties are such that it would not be appropriate to mandate alternative dispute resolution; or

(v) For other good cause shown.

Motions for Waivers of ADR in Family Law must be brought in accordance with the provisions of **PCLR 7**. The Motion to Waive Mandatory Settlement Conference shall contain the case heading and otherwise be as set forth in Appendix, Form R.

(3) Cases Exempt from Alternative Dispute Resolution. The following cases are exempt from participating in an alternative dispute resolution process: LUPA, RALJ, ALR, child support cases, Nonparental Custody Petitions under **RCW 26.10**, trials de novo after arbitration and family law cases in which a waiver was granted pursuant to **PCLR 16(c)(2)(G)**. Although settlement conferences are not mandatory for Nonparental Custody Petitions brought under **RCW 26.10**, any party may request a settlement conference or other form of ADR by motion to the Assigned Judge.

[Amended effective December 1, 2016]

PCLR 19 JOINDER

(a) Scope. This rule shall apply to all cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**.

(b) Additional Parties, Claims, and Defenses. No additional parties may be joined, and no additional claims or defenses may be raised, after the date designated in the Order Setting Case Schedule for Confirmation of Joinder of Additional Parties, Claims and Defenses, unless the court orders otherwise for good cause and subject to such conditions as justice requires.

(c) Confirmation of Joinder; Form. No later than the designated deadline for joining additional parties and raising additional claims and defenses, as described in section (b) above, the plaintiff shall, after conferring with all other attorneys or any self-represented party pursuant to paragraph (d) of this rule, file with the Pierce County Clerk and with the assigned judicial department, and serve by mail upon the opposing counsel or any self-represented party, a report entitled **Confirmation of Joinder of Parties, Claims, and Defenses**, which will contain the case heading and otherwise be as set forth in Appendix, **Form F**.

(d) Parties to Confer in Completing Form. The plaintiff shall confer with all other parties in completing the form. This may be in person or by telephone but requires actual contact with the attorney of record or self-represented party.

(e) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to **PCLMAR 2.1** is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims and Defenses, the Confirmation of Joinder need not be filed and no status conference will be held.

[Amended effective September 1, 2011]

PCLR 26 DISCOVERY: DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES

(a) Scope. This rule shall apply to all cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**.

(b) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Order Setting Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(c) Disclosure of Rebuttal Witnesses. Each party shall, no later than the date for disclosure designated in the Order Setting Case Schedule, 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.

(d) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

(1) All Witnesses. Name, address and phone number.

(2) Lay Witnesses. A brief description of the witness's relevant knowledge.

(3) Experts. A summary of the expert's anticipated opinions and the basis therefore and a brief description of the expert's qualifications or a copy of curriculum vitae if available. For the purposes of this rule, treating physicians shall be considered expert as well as fact witnesses.

(e) 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 by other civil rules.

(f) Interrogatories. The number of interrogatories is limited depending on track assignment. See **PCLR 3(h)**.

[Amended effective September 1, 2014]

PCLR 38 JURY TRIALS

(a) Jury Trials. No case will be set for trial by jury unless the jury fee has been paid or waived by court order and all other requirements of statutes or court rules have been satisfied.

(b) Demand for Jury. In cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**, a jury demand must be filed and served no later than the date set in the Order Setting Case Schedule, which shall be deemed the date on which the case is called to be set for trial within the meaning of **CR 38(b)**.

[Amended effective September 1, 2011]

PCLR 40 ASSIGNMENTS OF CASES TO JUDICIAL DEPARTMENTS

(a) Presiding Judge in Charge. Assignment of cases shall be the responsibility of the Court Administrator under the supervision of the Presiding Judge.

(b) Authority of Judicial Departments. The case shall be assigned to a judicial department at the time of filing and once so assigned shall remain in such judicial department for all future proceedings unless returned to the Court Administrator by the Trial Judge for reassignment. The assigned judicial department will hear such pretrial motions as are subsequently noted. Each judicial department maintains its own hearing and trial docket.

(c) Trial Dates. Except in those cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**, following the filing of a lawsuit or appeal from a court of limited jurisdiction, the matter shall be set for trial upon request of counsel. A **Note for Trial Setting** shall be filed at least six (6) court days prior to the date fixed for assignment to bring the matter before the court. In cases governed by an Order Setting Case Schedule pursuant to **PCLR 3**, the trial date shall be listed in the Order Setting Case Schedule. The trial date may be changed only as provided in section **(g)** of this rule.

(d) Trial Dates - Family Law Cases. When a new family law case is filed, except for nonparental custody petitions and petitions to modify a parenting plan or petition for parenting plan/child support, a petitioner in a family law case shall be provided with an Order Assigning Case to Judicial Department by the clerk. This order shall (1) assign the case to a trial judicial department and (2) set a date by which a trial date shall be obtained. The **Order Assigning Case to Judicial Department** shall contain the case heading and otherwise be as set forth in Appendix, **Form I**.

On the assignment for trial date, either party may appear before the assigned judicial department to obtain an Order Setting Case Schedule. Whichever party obtains the Order Setting Case Schedule shall serve a copy of the Case Schedule on all other parties. Pursuant to **PCLR 5**, the original of the **Confirmation of Service**, in Appendix, **Form D** shall be filed with the Pierce County Clerk no later than the date designated in the Order Setting Case Schedule, with a copy delivered to the judicial department to which the case is assigned. Assignment of the trial date shall conform to the dissolution track, **PCLR 3(g)**.

If neither party appears on the date set for assignment for trial date, the case shall be dismissed without prejudice.

Once a response to the petition has been filed, any party may request the assignment of a trial date by filing a note for assignment at least six (6) court days prior to the date fixed for assignment to bring the matter before the court.

Nonparental Custody Petitions and Petitions to Modify Parenting Plan shall be assigned to Family Court and issued an Order Setting Case Schedule at filing pursuant to **PCLSPR 94.04(f)** and **(g)**.

(e) Reassignment for Inability to Hear.

(1) Preassigned Matter. If the assigned judicial department is unable to hear a preassigned matter, the Court may transfer that case to the Court Administrator for reassignment.

(2) Trial Date. In the event the judicial department is unable to hear a case on the date set because of a conflicting schedule, the case may be transferred to the Court Administrator for reassignment.

(3) Remain Available. While awaiting such reassignment, litigants and their witnesses shall remain available until such time as they are excused by the Court Administrator or designee.

(4) No Available Judicial Department. If it is not possible for the Court Administrator to reassign a case due to the lack of an available judicial department, the case shall be returned to the previously assigned trial department. The court shall issue an Order Amending Case Schedule which shall only contain the following dates: Joint Statement of Evidence, Pretrial Conference and Trial Date. Additional dates may be added to the Order Amending Case Schedule upon order of the court.

(f) Change of Judge (Affidavits of Prejudice).

(1) Judges. To seek disqualification of a judge, a motion and affidavit of prejudice shall be presented to the Judge against whom the affidavit is made. It shall be in conformity with **RCW 4.12.040** and **.050**, and be presented before the Judge in question has made any ruling involving discretion and prior to the time set forth in **CR 40(f)**. Upon being presented with a motion and affidavit, the Judge shall sign a request for reassignment and direct the parties to report to the Court Administrator for assignment to a different judicial department and, if necessary, receipt of an amended case schedule from the new judicial department.

(2) Commissioners. Affidavits of prejudice with reference to Court Commissioners shall not be recognized, the remedy of a party being a motion for revision under **RCW 2.24.050**.

(g) Change of Trial Date.

(1) Cases Not Governed by an Order Setting Case Schedule. In cases not governed by an Order Setting Case Schedule pursuant to **PCLR 3**, a motion to continue a case already on the trial calendar shall be in writing, supported by an affidavit or declaration under penalty of perjury showing sufficient grounds therefore. If a motion for continuance is granted, the court may impose terms and conditions on the moving party and may set a new trial date. The moving party shall present a written order for entry.

(2) Cases Governed by an Order Setting Case Schedule.

(A) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by an Order Setting Case Schedule pursuant to **PCLR 3**, the trial date may be adjusted, prior to the Deadline for Filing Motions to Adjust Trial Date, by written agreement of counsel and the parties and the court or by court order upon motion by a party, but only to a date no more than 30 days before or 30 days after the trial date listed in the original Order Setting Case Schedule, or as otherwise ordered by the court. The new trial date shall not be selected without first consulting with the judicial department's judicial assistant in order to accommodate the court's calendar. On the court's own motion prior to the Deadline for Filing Motions to Adjust Trial Date the trial date may be adjusted to a date no more than 120 days before or 120 days after the trial date listed in the original Order Setting Case Schedule to accommodate the court's civil and criminal calendars and to attempt to insure trial on the day scheduled.

(B) Continuance of Trial Date. A request to change the trial date to a date more than 30 days before or after the original trial date shall be made by motion and will not be granted unless the motion is supported by a showing of good cause. The new trial date shall not be selected without first consulting with the judicial department's judicial assistant in order to accommodate the Court's calendar. If a motion to

change the trial date is made after the Deadline to Adjust Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A continuance may be granted subject to such conditions as justice requires. If an attorney moves for a continuance of the trial date under this subsection, the motion shall not be considered unless it is signed by both the attorney and the client or it contains a certification from the attorney that the client has been advised of the motion to continue the trial date as well as the basis for the motion and that the client agrees with the motion to continue.

(C) Notice of Change of Trial Date. In the event a party is not present at the time of hearing the motion to change the trial date, the party or parties requesting the change shall serve the absent party or parties with a conformed copy of the Order Amending Case Schedule within five (5) days.

[Amended effective September 1, 2014]

PCLR 41 DISMISSAL OF ACTIONS

(a) – (d) Reserved.

(e) Notice of Settlements.

(1) Notice of Settlement. After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five (5) days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. Where such written notice cannot be filed before the trial date, the assigned judicial department shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice of settlement within five (5) days.

(2) Form of Notice. The **Notice of Settlement of All Claims Against All Parties** shall contain the case heading and otherwise be as set forth in Appendix, **Form G**.

(3) Dismissal on Court's Motion. If an order disposing of all claims against all parties is not entered within 90 days after the written notice of settlement is filed, the court shall dismiss the matter unless good cause is shown upon motion and order.

(4) Agreement by Stipulation. If the parties have reached agreement and file a stipulation with the court, and the completion or execution of the agreement will take more than 90 days to complete, the requirements of paragraph (3) are waived.

[Amended effective September 1, 2011]

PCLR 56 SUMMARY JUDGMENT. See **PCLR 7(a)(8)** regarding Summary Judgment page limits.

[Effective September 1, 2014]

PCLR 59 MOTIONS FOR RECONSIDERATION. See **PCLR 7(c)(2)** and **(3)** regarding time for filing, responsive pleadings and oral argument requirements on reconsideration heard before a Judge (not applicable to reconsiderations set before a Commissioner).

[Amended effective September 1, 2015]

PCLR 65 TEMPORARY RESTRAINING ORDERS AND INJUNCTIVE RELIEF

Family law matters. A party requesting an Ex Parte Temporary Restraining Order/Order to Show Cause or other temporary injunctive relief under **CR 65** in a family law matter shall present the proposed order to the Ex Parte Division. Notice shall be given pursuant to **CR 65(b)**. If the injunctive relief or temporary restraining order is granted, the hearing shall be set in accordance with the timing requirements of **CR 65(b)** and shall be heard in Civil Division A, B or C as assigned by the Ex Parte Division or by the judicial department which ruled on the initial request for relief. In the interim, the adverse party may move to have the order set aside prior to the hearing in accordance with the time limits set forth in **CR 65(b)**. Such motion shall be heard

in Civil Division A, B or C as assigned by the Ex Parte Division or by the judicial department which ruled on the initial request for relief.

Non-family law matters. In non-family law matters, a party requesting a temporary restraining order/preliminary injunctive relief under **CR 65** shall present the proposed order to the Superior Court Presiding Judge. Notice shall be given pursuant to **CR 65(b)**. The Presiding Judge shall grant, deny, refer the matter to the assigned judicial department, or if not assigned to a department, refer the matter to court administration for assignment to a judicial department. If the injunctive relief or temporary restraining order is granted, the hearing shall be set in accordance with the timing requirements of **CR 65(b)** and may be heard before the judicial officer who ruled on the requested order, referred to the judicial department to which the case has already been assigned, or if not assigned to a judicial department, then referred to administration for assignment to a judicial department. In the interim, the adverse party may move to have the order set aside prior to the hearing in accordance with the time limits set forth in **CR 65(b)**. Such motion shall be heard by the judicial department which ruled in the initial request for relief.

In all cases, the time period for hearing the preliminary injunction or temporary restraining order may be extended in accordance with **CR 65(b)**.

[Amended effective September 1, 2016]

PCLR 71 WITHDRAWAL BY ATTORNEY

(a) – (b) Reserved.

(c) Withdrawal by Notice. Except as provided in **CR 71(b)** and **71(d)**, an attorney may withdraw by notice in the manner provided in this section.

(1) Notice of Intent To Withdraw. The attorney shall file and serve a Notice of Intent to Withdraw on all other parties in the proceeding. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent To Withdraw. The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice. If notice is given before trial, the notice shall include the date set for trial. If trial is not yet set, the notice shall include the date(s) of any mandatory future proceeding dates, including any mandatory court review, under **PCLR 3**. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney, unless disclosure of the address would violate the Rules of Professional Conduct, in which case the address may be omitted. If the address is omitted, the notice must contain a statement that after the attorney withdraws, and so long as the address of the withdrawing attorney's client remains undisclosed and no new attorney is substituted, the client may be served by leaving papers with the clerk of the court pursuant to **CR 5(b)(1)**.

(d) Reserved.

[Effective September 1, 2012]

PCLR 83 LOCAL RULES OF COURT – CIVIL

(a) Adoption/Amendment of Local Rules

(1) Local Rules Committee. The Local Rules Committee (see **PCLR 0.6(a)**), shall be responsible for promulgation and/or review of all proposed local rules or amendments thereto.

(2) Changes to Rules. Substantive changes to local rules proposed by any other committee of the Bench or Bar shall be referred to the Local Rules Committee for review and initial approval.

(3) Submission to County Bar Association. Upon initial approval by the Local Rules Committee, that Committee shall forward the text of the proposed rule/amendment to the Tacoma-Pierce County Bar Association for dissemination to the members of the Tacoma-Pierce County Bar Association for comments, criticisms or objections.

(4) Comments. The Local Rules Committee shall consider all comments, criticisms and objections. It shall then make any changes to the proposed rules that it deems necessary. It shall then present any proposed rules/amendments to a meeting of the Judges for their consideration.

[Amended effective September 1, 2010]

PCLR 85 TITLE OF RULES. These rules shall be known and cited as the Pierce County Superior Court Local Court Civil Rules. PCLR is the official abbreviation.

[Amended effective September 1, 2010]

PCLR 86 Effective Dates. These rules shall become effective June 1, 1990. The effective date of the amendments is September 1, 1995; July 1, 1996; July 2, 1996; July 1, 1997; September 1, 1998; September 1, 1999; May 15, 2000 on an emergency basis; September 1, 2000; September 1, 2001, September 1, 2002; December 2, 2002 on an emergency basis; September 1, 2003; September 1, 2004; September 4, 2004; September 24, 2004 on an emergency basis; September 1, 2005; September 1, 2006; September 1, 2007; July 1, 2008 and September 1, 2008; June 1, 2009 on an emergency basis; September 1, 2009; September 1, 2010; September 1, 2011; September 4, 2012; September 3, 2013; September 2, 2014; September 1, 2015 and September 1, 2016.

■ SPECIAL PROCEEDINGS RULES – PCLSPR

PCLSPR 93.04 ADOPTIONS

(a) Where and When Heard. All adoption hearings and motions shall be heard every Friday morning commencing at 9:00 a.m. at Pierce County Superior Court, Juvenile Division, located at Remann Hall. Ex Parte and emergency motions can be heard at such dates and times pursuant to procedures promulgated by Juvenile Court and available at the Clerk's Office, Building A, Remann Hall.

(b) How Initiated. The moving party shall docket these matters by filing a Note for Juvenile Court Calendar at least six (6) court days in advance of the hearing date unless otherwise required for the hearing by law.

(c) Appointment and Notice to Adoption Investigator. Upon the filing of any initial pleadings for adoption of a minor child, including any preplacement reports, the Pierce County Superior Court Clerk shall generate the Order Appointing the Pierce County Adoption Investigator. Copies of all initial pleadings, including any preplacement reports, shall be immediately delivered to the Adoption Investigator. Copies of all Notes for Juvenile Court Calendar, motions for temporary custody, termination or relinquishment of parental rights or for the entry of a Decree of Adoption of a minor child shall be served upon the Adoption Investigator in conformity with paragraph (b) above.

(d) Preplacement Reports. No order approving voluntary relinquishment of parental rights shall be considered unless a preplacement report has been filed pursuant to statute. Said preplacement report shall be prepared by those authorized by statute.

(e) Postplacement Reports. The Pierce County Adoption Investigator shall provide a postplacement report to the court prior to any adoption of a minor child being finalized, unless the court authorizes an alternate person or adoption agency. No person shall provide postplacement services in a private or independent adoption until authorized by the court. Unless otherwise ordered by the court, the adoption agency having legal custody of the child may be appointed to prepare the postplacement report required by

statute. In the event the court authorizes an alternate person or adoption agency to prepare the postplacement report, said report shall be immediately delivered to the Pierce County Adoption Investigator for his/her review and approval.

(f) Disclosure of Fees and Costs. A completed financial disclosure declaration shall be filed by the petitioner and considered by the court at any hearing that may result in the termination of parental rights, award of temporary custody or entry of an adoption decree.

[Amended effective September 1, 2010]

PCLSPR 94.04 FAMILY LAW PROCEEDINGS

(a) Uncontested Applications for Marital Dissolution, Decree of Invalidity or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships.

(1) Presentation of Final Documents. At the time of final hearing upon any uncontested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or domestic partnership, the attorney for the applicant or the self-represented party shall present to the court for signature appropriate Findings of Fact and Conclusions of Law, Decree, Order of Child Support, Child Support Worksheets, Residential Time Summary and Parenting Plan/Residential Schedule, if applicable.

(2) Hearings to Finalize with Attorneys. For parties represented by counsel, all of these types of proceedings are conducted Monday through Friday in the Ex Parte Division. The location of this calendar is contained in the **Schedule of Commissioners' Calendars**, Appendix, **Form Q**, attached to these rules. The Commissioners' Calendars may be changed without formal republication of these rules or appendices.

At the time of hearing, if the Findings of Fact and Conclusions of Law are signed under penalty of perjury by the Petitioner in the form set forth below and there has been no appearance by the Respondent, no personal appearance by the Petitioner is required. In the event there has been an appearance by the Respondent, but the Respondent agrees to the entry of the final papers as proposed, neither party need personally appear except through his/her attorney, provided that both the Petitioner and Respondent have signed the Findings of Fact and Conclusions of Law under penalty of perjury in the form set forth below. If Respondent has previously signed a Joinder, only the verification of Petitioner is required.

Declaration(s) under penalty of perjury shall be as follows:

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am the Petitioner in this case and I have read the foregoing Findings of Fact and Conclusions of Law, Decree, the Order of Child Support, Child Support Worksheets, and Parenting Plan (if applicable), and they are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the Petition. The support requested, if any, is in compliance with the Child Support Schedule. The wife/other domestic partner is not pregnant and no other children have been born to the wife/other domestic partner since the date of marriage that have not been disclosed in the Findings of Fact and Conclusions of Law and Final Parenting Plan. The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.

Signed at _____, _____ on _____.
City State Date

_____

Petitioner's Signature

And if agreed by Respondent, add the following declaration:

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am the Respondent in this case and I have read the foregoing Findings of Fact and Conclusions of Law, Decree, the Order of Child Support, Child Support Worksheets, and Parenting Plan (if applicable,) and they are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the petition. The support requested, if any, is in compliance with the Child Support Schedule. The wife/other domestic partner is not pregnant and no other children have been born to the wife/other domestic partner since the date of marriage that have not been disclosed in the Findings of Fact and Conclusions of Law and Final Parenting Plan. The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.

Signed at _____, _____ on _____.
City State Date

_____
Respondent's Signature

(3) Hearings to Finalize without Attorney Representation. Uncontested/default dissolutions invalidity or legal separation, committed intimate relationships (meretricious relationships) or domestic partnerships for self-represented parties are conducted every Friday morning. The moving party shall docket these matters by filing a Note for Commissioner's Calendar - Uncontested Docket six court days before the hearing date, subject to case limits. The location and exact time of this calendar is contained in the **Schedule of Commissioners' Calendars**, Appendix, **Form Q**, attached to these rules. The Commissioners' Calendars may be changed without formal republication of these rules or appendices.

(4) Reconciliation

(A) Notice of Reconciliation. In the event the parties reconcile or mutually agree they wish to attempt a reconciliation, they shall jointly file in the Clerk's Office an Order and **Joint Notice of Reconciliation** as set forth in Appendix, **Form H**, and the parties shall no longer have to comply with the Order Setting Case Schedule requirements of **PCLR 3**; provided that the matter shall automatically be dismissed by the court six months from the date of the notice unless an amended petition has been filed.

(B) Amended Petition. In all dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or domestic partnership actions where the parties have reconciled, and the reconciliation fails, an amended petition shall be filed and personally served unless otherwise authorized.

(b) Contested Matters. Before all final hearings or trials in contested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or domestic partnership cases, each party shall file and serve on the opposing party a **Domestic Relations Information Form** approved by the Court. See Appendix, **Form E**. The Domestic Relations Information Form shall be filed and served two (2) court days prior to the scheduled final hearing or trial. Such information shall be verified under oath.

(c) Family Law Motions.

(1) How Initiated. All motions (except discovery motions which are heard on the Judges' motion docket) shall be docketed by filing a Note for Commissioner's Calendar at least fourteen (14) calendar days

before the hearing, simultaneously with a Motion and Notice of Hearing and any supporting pleadings, unless this is a renote of a motion or notice for hearing previously filed, in which event only the Note for Commissioner's Calendar shall be filed. The hearing shall be heard on the basis of affidavit and/or declaration. All parties and attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (https://linxonline.co.pierce.wa.us/linxweb/Main.cfm) or from a public kiosk in the Clerk's Office. Cases heard shall be limited in number. Case caps shall be calculated in LINX based on the number of cases rather than the Note for Commissioner's Calendar. Leave may be granted by a duly appointed Commissioner, not a Commissioner Pro Tem, to exceed the number of cases heard on any given day in that Commissioner's Division. Self represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(2) Counter Motions. In the event there is an existing motion or adequate cause hearing and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by e-filing a Note for Commissioner's Calendar, as long as the counter motion and all supporting pleadings are filed and served a minimum of fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause shall be timely presented to the Ex Parte Department. The Note for Commissioner's Calendar shall be electronically filed and scheduled in accordance with **PCLSPR 94.04(c)(1)**.

(3) Notice and Hearing. Copies of the motion, counter motion, e-filed Note for Commissioner's Calendar, Notice of Adequate Cause, if applicable, together with all supporting documents including affidavits, declarations, certified statements, exhibits, and any other materials to be considered by the court, shall be served on all counsel and any self-represented party at least fourteen (14) calendar days before the hearing. Response documents, including briefs or memoranda, if any, shall be filed with the Clerk and copies served on all parties and attorneys no later than 12:00 noon four (4) court days prior to the hearing time; and documents in strict reply to the motion shall be similarly filed and served no later than 12:00 noon two (2) court days prior to the hearing.

(4) Working Copies/Proposed Orders. Copies of the motion, counter motion, e-filed Note for Commissioner's Calendar, together with all supporting documents including affidavits, declarations, certified statements, documents in strict reply and response documents, including briefs or memoranda and a copy of proposed orders shall be delivered to the Commissioners Service Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in **PCLGR 30(b)(5)(B)**. A copy of the e-filed Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. All parties shall mark "Working Copies" in the upper right hand corner and indicate the name of the calendar, the date and time of the hearing and who is delivering the papers (moving party or opposing party).

Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(5) Page Limits

(A) Generally. 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 (except financial declarations), including any reply, shall be limited to a sum total of 20 pages for all motions scheduled for the same date. Prior authorization to exceed page limits under **PCLSPR 94.04(c)(5)** shall initially be presented to the Ex Parte Department and that Department shall determine whether the matter needs to be referred to the assigned Commissioner. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages for all motions scheduled for the same date. In those cases having more than one moving party, the entirety of all declarations and affidavits from each party in support of their respective motions (except financial declarations), shall be limited to a sum total of 20 pages per side.

(B) Exhibits. Exhibits that consist of declarations or affidavits of party's witnesses shall count towards the above page limits. All other exhibits attached to a declaration or affidavit shall be limited to 10 pages.

(C) Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

(D) Expert Reports and Evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Parenting Investigators, Guardians ad Litem, Family Court Services (FCS), expert witnesses, police reports and out-of-state backgrounds checks do not count toward the page limit.

(E) Miscellaneous Exceptions. The following do not count towards the page limit:

(i) Copies of orders, declarations, or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file;

(ii) Copies of orders, declarations, or affidavits previously filed in other cases, or from cases in other counties;

(iii) Deposition excerpts;

(iv) **GR 17** affidavits/declarations regarding fax signature; and

(v) Cover sheets setting forth a caption for an attached document or declaration, however, the attached document or declaration shall count in accordance with this rule.

(6) Confirmations. The moving party shall confirm the motion with the Commissioner Services Department in person or by telephone by noon two (2) court days prior to the hearing; otherwise the matter shall be stricken. Motions may also be confirmed and stricken electronically, in accordance with the time deadlines set forth herein, by those with LINX accounts and PIN (Personal Identification Numbers) in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by persons physically confined under a court order shall be deemed confirmed at filing.

(7) Courtroom Assigned. The monitors located on the first and second floor lobbies of the County City Building list which court has been assigned to hear confirmed motions. Attorneys and self-represented parties may also check the assigned courtroom by accessing the Pierce County Superior Court website: https://linxonline.co.pierce.wa.us/linxweb/Main.cfm and viewing the calendar of proceedings.

(8) Presentation of Court Orders. All counsel or self-represented parties are responsible for preparing and presenting court orders (using mandatory Family Law pattern forms if applicable) at the conclusion of the motion and shall remain in attendance in the court until the appropriate order(s) has been signed by counsel, all parties and the court.

(9) Limits of Argument. The court may direct counsel or self-represented parties to appropriate issues set forth in the motion and may place strict limits on the time for argument.

(d) Settlement Conferences. See **PCLR 16(c)**. Settlement conferences are mandatory in dissolution cases, paternity cases, other family law cases and post dissolution petitions for modification (petition to change a parenting plan, residential schedule or custody order) when the parenting plan or residential schedule is at issue. Settlement conferences are not mandatory for cases addressing only child support and/or division of property and assets and family law cases in which a waiver was granted pursuant to **PCLR 16(c)(2)(H)** or is exempt under **PCLR 16**.

(e) Guardian ad Litem in Parenting/Custody Cases: Limitations on Appointments, Hours and Fees.

(1) Appointment of Guardian ad Litem. The appointment of a guardian ad litem/parenting investigator in cases involving the residential placement of minor children shall be made by court order. The guardian ad litem shall be provided a copy of the Order Setting Case Schedule, and any amendments thereto entered throughout the course of the case. If there are less than 90 days to the date of trial, any Order for

Appointment of a Guardian ad Litem/Parenting Investigator shall include the trial date and shall only be signed by the assigned judicial department.

(2) Hours and Fees.

(A) Retainer/Additional Fees. When an order authorizing appointment of a guardian ad litem from the **RCW 26.09** Certified Registry is signed, a $1125.00 initial retainer fee shall be paid to the Clerk of the Court, unless for good cause shown a greater amount is ordered by the Court at the time of the appointment of a guardian ad litem and is reflected in the order.

The guardian ad litem's time shall be paid from this retainer at the rate of $75.00 per hour. When the retainer is exhausted, the guardian ad litem shall request payment of additional fees from the assigned Family Court. No additional fees shall be allowed without prior authorization of the assigned Family Court Judge.

(B) State Paternity Actions. Section (2) (A) does not apply to State initiated paternity contract cases.

(3) Administrative Policy. Pierce County Superior Court's current Administrative Policy re: **Guardian ad Litem Registry for Pierce County Family Law Proceedings** and **Code of Conduct** are set forth in Part VI, Administrative Policies, **Policies 1** and **2**. Found at: www.co.pierce.wa.us/superiorcourt and by clicking on "Local Rules."

(4) Case Assignment. Upon the court authorizing the appointment of a guardian ad litem/parenting investigator, the case shall be reassigned to Family Court, except for those cases where the Guardian ad Litem (GAL) is only appointed for the purpose of parentage or minority.

(f) Nonparental Custody Proceedings

(1) How Initiated. An action for custody of a child brought by a nonparent is commenced by the filing of a Summons, Petition, Petitioner's Notice of Adequate Cause, and Order Directing DCFS/CPS to Release Information on the mandatory forms under a new cause number and may not be commenced under an existing dissolution, paternity or other case.

(2) Case Schedule. Upon filing, the Clerk's Office shall issue an **Order Setting Case Schedule**. Refer to Appendix, **Form A**.

(3) Requirements. The petitioner(s) shall obtain a Washington State Patrol and Child Protective Services (CPS) background checks on themselves and all adult household members. The petitioner(s) shall obtain an Order Finding Adequate Cause on the Commissioner's dockets on or before the court hearing date specified in the Order Setting Case Schedule or the petition shall be dismissed without further notice. The petitioners and respondents shall attend the mandatory Impact on Children seminar. A settlement conference, or other dispute resolution process, is required prior to trial, unless waived by the Court; see **PCLR 16(c)**.

(4) Case Assignment. All Nonparental Custody actions shall be assigned to Family Court.

(5) Finalization. Nonparental Custody actions to be finalized, by agreement or by default, shall be calendared on the Commissioners' Motion/Show Cause docket or on the motion calendar of the assigned Family Court Department. Such matters shall not be heard in the Ex Parte Division. Pro Tem Commissioners are not authorized to finalize any nonparental custody actions.

(g) Petition to Modify Parenting Plan/Residential Schedule

(1) How Initiated. An action for modification of a final parenting plan/residential schedule is commenced by the filing of a Summons, Petition for Modification of Custody, Proposed Parenting Plan/Residential Schedule, and Petitioner's Notice of Adequate Cause on the mandatory forms under the existing dissolution, paternity, or other case.

(2) Case Schedule. Upon filing, the Clerk's Office shall issue an **Order Setting Case Schedule**. Refer to Appendix, **Form A**.

(3) Requirements. The petitioner(s) shall obtain an Order Finding Adequate Cause on the Commissioners' dockets on or before the court hearing date specified in the Order Setting Case Schedule or

the petition will be dismissed without further notice. The petitioner(s) and respondent(s) shall attend the mandatory Impact on Children seminar. A settlement conference, or other dispute resolution process, is required prior to trial, unless waived by the Court; see **PLCR 16(c)**.

(4) Case Assignment. All Petitions to Modify Parenting Plan/Residential Schedule shall be assigned to Family Court.

(h) Relocation of Children

(1) How Initiated. An action for Relocation of Children is commenced by the filing of an Objection to Relocation under the existing dissolution, paternity, or other case. Prior to the trial, any hearing regarding the Objection to Relocation or temporary relocation shall be heard on the Commissioners' Show Cause/Motion docket.

(2) Case Schedule. The Clerk's office shall issue an Order Assigning Case to Family Court and set a date on the assigned Family Court's next available motion calendar (not less than six days from filing) for an assignment for trial date.

(3) Case Assignment. All Objections to Relocation shall be assigned to Family Court.

[Amended effective December 1, 2016]

PCLSPR 94.05 MANDATORY SEMINAR: IMPACT ON CHILDREN

(a) Applicable Cases. This rule shall apply to all cases filed under **Ch. 26.09**, **Ch. 26.10**, or **Ch. 26.26 RCW** which require a parenting plan or residential schedule for minor children. This rule does not apply to modification cases based solely upon relocation.

(b) Mandatory Attendance. In all cases governed by this rule, all parties shall complete an approved parenting seminar. Each party shall attach a copy of the Certificate of Completion to the final parenting plan. Standards for parenting seminars shall be established by the court and providers shall be approved by the court. The court may approve a seminar upon a showing of functional equivalency regarding course content and instructor qualifications. In no case shall opposing parties be required to attend a seminar together.

(c) Timing. Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within 60 days after service of the petition or motion initiating the action which is subject to this rule. In the case of paternity actions, the parenting seminar shall be required only when paternity is established or acknowledged and a residential schedule is requested.

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

(e) Seminar Content/Instructor Qualifications. The Impact on Children Seminar shall provide information concerning the impact family restructuring has on children. Superior Court (or a committee designated by the Judges) shall adopt guidelines governing the content of the seminar, the number of approved providers and the minimum credentials and experience required of seminar instructors. The provider shall e-file each attendee's Certificate of Completion with the court. The provider shall give each attendee a Certificate of Completion.

(f) Waiver. The court may waive the seminar requirement for good cause shown.

(g) 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 parenting plan relief, to a party not in compliance with this rule. Non-participation, or default, by one party does not excuse participation by the other.

(h) Administrative Policy. **Pierce County Superior Court's current Administrative Policy re: Impact on Children Seminar** is set forth in Part VI, Administrative Policies. It may also be found at: www.co.pierce.wa.us/superiorcourt and by clicking on "Local Rules."

[Amended effective September 1, 2010]

PCLSPR 98.04 –- ESTATES – PROBATE – NOTICES

(a) Presentation. The initial presentation of an order appointing a personal representative or administrator in a testate or intestate estate may be presented to the Court Commissioner in the Ex Parte Division. This appointment shall be at the discretion of the court and in the event the court determines that notice shall be given, may direct the petitioner to make said presentation on the Commissioner's Probate calendar conducted in Civil Division A.

(b) Notice and Hearing. All hearings shall be scheduled with a Note for Commissioner's Calendar by using the electronic filing and scheduling process provided by LINX via the public website (https://linxonline.co.pierce.wa.us/linxweb/Main.cfm) or from a public kiosk in the Clerk's Office. The Note shall be filed at least six (6) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(c) Working Copies/Proposed Orders. All parties shall be responsible for ensuring working copies and proposed orders are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in **PCLGR 30(b)(5)(B)**. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner's Service Department. In the upper right hand corner mark "Working Copies" the name of the calendar, the date and time of the hearing and indicate who is providing the copies (moving party or opposing party). A Guardian ad Litem shall be responsible for providing a working copy of his/her report. Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(d) Bonds. All bonds required of personal representatives/administrators shall be signed by the principal and shall contain the address of the surety.

(e) Probate Homesteads/Prior Claims. In all cases where a petition for allowance in lieu of homestead or in addition thereto is filed by the surviving spouse, receipts evidencing the payment of funeral expenses, expenses of last sickness, and of administration, including fees of appraisers, or a signed written statement by the creditor that such payment has been provided for, shall be filed at or before the time of the hearing on said petition.

(f) Oaths. The personal representative(s)/administrator(s) name shall be typed or printed on the oath as it appears in the order. The oath shall conform to the requirements as set forth in **RCW 11.28.170** and **RCW 11.36.010**. When a personal representative/administrator changes his or her name, he or she shall obtain an order for new letters and file an oath under the new name in order to receive new letters. The expiration date of the letters shall remain the same unless changed by the new order.

(g) Order Appointing Personal Representative/Administrator. The order shall contain the name(s) for the personal representative(s)/administrator(s) as it appears in the oath.

(h) Notification of Change of Address. Any person appointed as Personal Representative or Administrator of an estate shall file a notice of change of address with the court within thirty (30) days of the change.

Waiver of Requirement to E-file. See **PCLGR 30(b)(5)(C)**.

[Amended effective September 1, 2016]

PCLSPR 98.16W -- SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) Presentation. The presentation of an order to appoint an attorney to serve as the proposed Settlement Guardian ad Litem shall be presented to the Court Commissioner in the Ex Parte Division. This appointment shall be at the discretion of the court and no proposed order presented shall include a preselected name nor address the fees/cost of the court appointed Settlement Guardian ad Litem.

(b) Qualifications. The qualifications of an attorney to serve as the Settlement Guardian ad Litem shall be in compliance with **SPR 98.16W(d)**. The Settlement Guardian ad Litem report shall include the following information:

(1) the number of years the attorney has been in practice in the State of WA;

(2) a summary of the type of practice of the attorney for at least the last five (5) years;

(3) an affirmation that the attorney does not have any conflict of interest as contemplated in **SPR 98.16.W(d)**; and whether the attorney is aware of any pending Bar Association disciplinary proceedings or of any criminal charges that have been filed against his/her; and

(4) whether the attorney has any relationship with the involved parents, guardians, insurers or other attorneys in the case; and

(5) a statement as to whether or not there has been compliance with **RCW 4.24.010**, specifically, the notice requirements to a parent who is not named as a plaintiff.

(c) Attendance at Hearings. The presence of the Settlement Guardian ad Litem, custodial parent or legal custodian, and the affected person is required unless waived by the Court pursuant to an Order obtained from the Commissioner in Civil Division A, or the Ex Parte Division, in advance of the hearing for good cause shown.

(d) Report/Working Copies/Proposed Orders. The Settlement Guardian ad Litem, shall file his/her report in the Clerk's Office. The moving party shall be responsible for ensuring working copies, including proposed orders and the Settlement Guardian ad Litem report, are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in **PCLGR 30(b)(5)(B)**. A copy of the e-filed Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. In the upper right hand corner mark "Working Copies", the name of the calendar, the date and time of the hearing and who is providing the papers (moving party or opposing party). Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(e) Notice and Hearing. All hearings shall be scheduled with a Note for Commissioner's Calendar by using the electronic filing and scheduling process provided by LINX via the public website (https://linxonline.co.pierce.wa.us/linxweb/Main.cfm) or from a public kiosk in the Clerk's Office. The Note shall be filed at least six (6) court days prior to the scheduled hearing date. Consistent with **RCW 4.24.010**, notice of said motion shall be given to a parent who was not originally named as a plaintiff or is no longer a custodian of the minor or incapacitated person. Self represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

The Court Commissioner may set special hearings at other times if complex or unusual issues may be present.

(f) Multiple Minors. In the event the filed claim involves multiple minors, separate proposed court orders shall be presented to the court addressing each individual minor. Each proposed Order shall also include reference to the day, month and year of the minor's eighteenth (18th) birthday.

(g) Structured Annuity Settlements. Unless waived by the Court for good cause shown, the following language shall be inserted into any court order approving a structured annuity settlement involving a minor or incapacitated person:

"Neither the minor nor incapacitated person, nor his estate, nor any subsequent beneficiary or recipient of any payments or any part of any payments under this structured settlement shall have the right to accelerate, commute or otherwise reduce to present value or to a lump sum any of the payments or any part of the payments due under this structured annuity settlement or this order unless by later motion good cause has been shown to lift or modify these restrictions.

No payment under the structured settlement annuity contract or this order shall be transferred as defined in **RCW 19.205.010(18)**, accelerated, deferred, increased or decreased, or anticipated, sold, mortgaged, assigned or encumbered in any manner by the minor or incapacitated person or any other recipient of the payments unless by later motion good cause has been shown to lift or modify these restrictions."

(h) Receipt of Deposit of Funds. Unless waived by the Court for good cause shown, a verification of blocked account and receipt of deposit of funds into either the Registry of the Court or such institution as the court order directs shall be filed within forty-five (45) days by independent counsel for the minor or incapacitated person, counsel for the insurance carrier, or by the court appointed Settlement Guardian ad Litem should there be no independent counsel on behalf of the minor or incapacitated person. In the event a party other than the Settlement Guardian ad Litem deposits the funds, they shall provide a copy of the receipt of deposit and verification of blocked account to the Settlement Guardian ad Litem. Failure to comply with this provision may subject the parties to a noncompliance hearing and the assessment of terms.

(i) Discharge of Settlement Guardian ad Litem. No court appointed Settlement Guardian ad Litem shall be considered discharged by the court until a receipt of deposit of funds has been filed as set forth above.

(j) Disbursements. All motions relating to disbursements from the court approved settlement proceeds of a minor or incapacitated person prior to their eighteenth (18th) birthday shall be scheduled by e-filing a Note for Commissioner's Calendar, scheduling the hearing in Civil Division A and the parties shall comply with all requirements set forth in subsection **(e)** above.

(k) Fees/Costs. All fees and costs requested by the attorney for the minor and/or court appointed Settlement Guardian ad Litem are subject to court approval.

Waiver of Requirement to E-file. See **PCLGR 30(b)(5)(C)**.

[Amended effective September 1, 2011]

PCLSPR 98.18 – COURT CREATED TRUSTS

(a) Scope of Rule. This rule shall apply to any trust created by the court, including but not limited to trusts created pursuant to **PCLSPR 98.16W**, **RCW 11.88** and **RCW 11.92**, such as special needs trusts and settlement trusts.

(b) Drafting of Trust Instrument. A trust instrument shall only be drafted after a written guardian ad litem recommendation and/or a court order that specifies the relevant terms of such trust, unless the requirement of such recommendation or court order is waived by the court for good cause.

(c) Guardian ad Litem/Guardian. The court shall only order a court-created trust upon the written recommendation of a qualified guardian ad litem or guardian, unless the requirement of a guardian ad litem or guardian is specifically waived by the court for good cause. Based on the facts and circumstances, the court may authorize the petitioner, the guardian ad litem or guardian to hire trust counsel to evaluate any proposed trust instrument, to draft a trust instrument or any other duties as enumerated by the court.

The guardian ad litem's or guardian's report shall:

(1) Identify why a court-created trust is in the best interests of the beneficiary;

(2) Specifically identify any other roles expected of a trustee or trust advisory committee member in the life of the beneficiary (e.g. this requirement would include caregivers, professional advisors, family or others who might receive direct or independent economic benefit from trust expenditures); and

(3) Specifically recommend why a Trust Advisory Committee is appropriate or not appropriate if proposed by petitioner.

(d) Special Master. In its discretion, the court may appoint a Special Master to provide independent analysis to the court with regard to the proposed trust instrument or provide such assistance as ordered by the court.

(e) Declaration of Proposed Trustee. Prior to appointment, each trustee shall file with the court a **Declaration of Proposed Trustee** as set forth in Appendix, **Form K** unless waived by the court. If the proposed trustee is a bank or trust company, no Declaration shall be required, except if the court or the guardian ad litem determines that a Declaration shall be filed with the court. At the hearing for appointment, the fee schedule shall be disclosed.

(f) Notice and Hearing. All hearings shall be scheduled with a Note for Commissioner's Calendar using the electronic filing and scheduling process provided by LINX via the public website (https://linxonline.co.pierce.wa.us/linxweb/Main.cfm) or from a public kiosk in the Clerk's Office. The Note shall be e-filed at least six (6) court days prior to the scheduled hearing date. Self represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(g) Attendance at Hearings. The presence of the Guardian ad Litem, Guardian, Special Master and the affected person is required unless waived by the Court pursuant to an Order obtained from the Commissioner in Civil Division A in advance of the hearing for good cause shown.

(h) Report/Working Copies/Proposed Orders. The Guardian ad Litem and Special Master shall file their reports in the Clerk's Office. The moving party shall be responsible for ensuring working copies, including proposed orders, the Guardian ad Litem report and report of Special Master, are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in **PCLGR 30(b)(5)(B)**. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. In the upper right hand corner mark "Working Copies", the name of the calendar, the date and time of the hearing and who is providing the papers (moving party or opposing party). Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(i) Order Approving/Declaring Trust. Within thirty (30) days, the Order Approving/Declaring the Trust shall be filed in a court file with a guardianship cause number to allow the court to track the matter. Likewise, the trust instrument shall be filed under the same cause number. Any guardian ad litem shall not be discharged until such filing has occurred.

(j) Fees/Costs. All fees and costs requested by the attorney for the minor and/or court appointed Settlement Guardian ad Litem are subject to court approval.

(k) Review Hearings. Upon signing the Order Approving/Declaring the Trust, the court shall specify the report interval for the first periodic report and accounting. At the time the Order Approving/Declaring the Trust is filed with the clerk's office, the clerk shall schedule the date for the initial review hearing on the assigned judicial department's Friday motion docket, not more than 120 days after the anniversary date of the Order. Trusts shall be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall be filed within 90 days after the anniversary date of the trust's creation.

Review hearings on subsequent periodic reports and accountings shall be automatically scheduled by the court and heard on the assigned judicial department's Friday motion docket not more than 120 days after the anniversary date of the trust's creation. Any change to the scheduled review date shall be noted before

the assigned department. Review hearings on final reports and accountings shall be noted and heard on the assigned judicial department's Friday motion docket.

(l) Trust Summary. A **Trust Summary**, as set forth in Appendix, **Form L** shall be completed and placed directly below the case caption or on a separate cover page on all orders creating a trust and orders approving a trustee's periodic report or accounting.

(m) Delinquency Calendar. The assigned judicial department shall track all trust cases which require court review and shall notify the assigned judicial department of cases where periodic reports and accountings are delinquent. The department shall direct the trustee and counsel to appear at a hearing where sanctions may be imposed or the trustee removed. The department may appoint a guardian ad litem to investigate and report back to the court as to whether the trustee should be removed or other protections put in place for the benefit of the trust beneficiary.

Waiver of Requirement to E-file. See **PCLGR 30(b)(5)(C)**.

[Amended effective September 1, 2011]

PCLSPR 98.20 – GUARDIANSHIPS

(a) Presentation of Order Appointing Guardian ad Litem. The initial Order appointing a Guardian ad Litem shall be presented to the Court Commissioner in the Ex Parte Division upon the filing of a Petition for Guardianship. The Clerk of the Court in the Ex Parte Division shall maintain the **RCW 11.88** Registry and shall select the next Guardian ad Litem on the list for insertion into the Order Appointing Guardian ad Litem, unless the alleged incapacitated person is indigent in which event the selection shall be made from those Guardians ad Litem who have contracted to serve in this capacity with Pierce County Superior Court.

(b) Notice and Hearing. The following matters shall be noted for hearing at least six (6) court days in advance and heard on the Guardianship docket in Civil Division A:

(1) All guardianship matters involving the approval of initial reports, interim accounts or the expenditure of funds prior to the appointment of a Guardian;

(2) All hearings on the appointment of a Guardian of the Person and/or Estate;

(3) Motions for confirmation of sale of real estate; or

(4) Any other matters in which the court is requested to find that certain procedural steps have been taken.

All hearings shall be scheduled with a Note for Commissioner's Calendar. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (https://linxonline.co.pierce.wa.us/linxweb/Main.cfm) or from a public kiosk in the Clerk's Office. The Note shall be filed at least six (6) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(c) Report/Working Copies/Proposed Orders. The moving party shall be responsible for ensuring working copies, including proposed orders and the Guardian ad Litem report and any medical reports are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in **PCLGR 30(b)(5)(B)**. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. In the upper right hand corner mark "Working Copies", the name of the calendar, the date and time of the hearing and who is providing the papers (moving party or opposing party). Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(d) Declaration of Proposed Guardian. Prior to appointment, a **Declaration of Proposed Guardian** shall be filed with the Court as set forth in Appendix, **Forms M** or **N**, unless waived by the Court. If the proposed guardian is a bank or trust company, no declaration shall be required, except if the Court or the Guardian ad Litem determines that a Declaration shall be filed with the Court. At the hearing for appointment, the fee schedule for the bank or trust company shall be disclosed.

(e) Review Hearings. Upon signing the Order Appointing Guardian the court will specify: (i) the report interval for the first periodic report and accounting, and (ii) whether a review hearing will be required on the Inventory.

At the time the Order Appointing Guardian is filed, the Clerk's Office shall schedule the date for the *initial* review hearing on the assigned judicial department's Friday motion docket, not more than 120 days after the anniversary date of the guardian's appointment. Guardianships shall be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall be filed and a working copy provided to the assigned judicial department within 90 days after the anniversary date of the guardian's appointment. Anyone e-filing the periodic report and accounting shall be responsible for ensuring the working copies are timely provided to the assigned judicial department.

Review hearings on *subsequent* periodic reports and accountings shall be automatically scheduled by the court and heard on the assigned judicial department's Friday motion docket not more than 120 days after the anniversary date of the guardian's appointment. Any change to the scheduled review date shall be noted before the assigned judicial department. Review hearings on the final report and accounting must be noted and heard on the judicial assigned department's Friday motion docket. Working copies of the final report and accounting shall be provided to the assigned judicial department at the time the final report and accounting are filed. Anyone e-filing the final report and accounting shall be responsible for ensuring the working copies are timely provided to the assigned judicial department. A fax or email transmittal of working copies shall not be acceptable delivery.

(f) Guardianship Summary. A **Guardianship Summary**, as set forth in **Form O** shall be completed and placed directly below the case caption or on a separate cover page on all Orders Appointing a Guardian and Orders Approving a Guardian's Periodic Report or Accounting.

(g) Delinquency Calendar. The assigned judicial department shall track all guardianship cases which require court review and shall notify the court of cases where periodic reports and accountings are delinquent. The department may direct the guardian, and counsel to appear at a hearing where sanctions may be imposed and/or the guardian removed. The department may appoint a guardian ad litem to investigate and report back to the court as to whether the guardian should be removed or other protections put in place for the benefit of the incapacitated person.

(h) Expiring Letters of Guardianship. The Clerk's Office shall issue Letters of Guardianship to the appointed guardian. The Letters shall expire on the 120th day after the anniversary date of the guardian's appointment, unless a different date is ordered by the court. A guardian has no authority to act on behalf of the incapacitated person without valid Letters of Guardianship.

(i) Oaths. The guardian name(s) shall be typed or printed on the oath as it appears in the order. When a guardian changes his or her name he or she shall obtain an order for new letters and file an oath under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by new court order.

(j) Vulnerable Adult Protection Petitions. Any petition protecting a vulnerable adult shall be filed as a civil matter separate from any guardianship matter. If there is an existing guardianship case when the Vulnerable Adult Petition is filed, a copy of any Protection order shall be placed in that file.

(k) Loss of Voting Rights. In accordance with **RCW 11.88.010(5)**, if an incapacitated person loses the right to vote, the Order Appointing Guardian or Approving Report shall include a specific finding on the loss of the right to vote. The Guardian shall also submit a Notice of Loss of Voting Rights to the court that includes

the name, address and date of birth of the incapacitated person and that directs the Clerk to forward the Notice of Loss of Voting Rights to the County Auditor. In the event the guardianship is terminated by a determination of competency of the individual, the court shall direct the Clerk to send to the County Auditor a certified copy of the Order Restoring Voting Rights including the same personal identifiers as the Notice of Loss of Voting Rights.

(l) Mandatory Forms. In the event a statewide mandatory guardianship form exists, these forms shall be utilized. If no state wide form exists, then the Pierce County Mandatory Guardianship forms shall be utilized. Both the mandatory and pattern guardianship forms can be obtained on Pierce County Superior Court's website: www.co.pierce.wa.us/superiorcourt or the Pierce County Superior Court Law Library. These forms are subject to future updates, corrections, amendments or other alterations and notice of these changes shall be placed on Superior Court's website and are available at: www.courts.wa.gov/forms/.

Waiver of Requirement to E-file. See **PCLGR 30(b)(5)(C)**.

[Amended effective September 1, 2011]

PCLSPR 98.30 -- PUBLIC EXPENSE GUARDIANS AD LITEM AND ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS PURSUANT TO RCW 11.88

(a) Application and Petition. All persons asserting a right to the services of an attorney or a guardian ad litem at public expense shall make application to the court at the time of the filing of the Petition for Guardianship, or as soon thereafter as the qualifying financial situation is known, setting forth:

(1) Financial Condition. The financial condition of the alleged incapacitated person and of persons responsible for the alleged incapacitated person's obligations, and the resulting substantial hardship, if any, if payment of fees is required.

(2) Other. The Petition for Guardianship shall also, whenever possible, indicate:

(A) if the assets are expected to be less than $3,000;

(B) whether there is a request that the filing fee be waived; and

(C) whether a guardian ad litem at public expense is being sought.

(b) Guardian ad Litem at Public Expense. If the court approves an application for the appointment of a guardian ad litem at public expense, the case shall be assigned in the Ex Parte Division to the appropriate guardian ad litem at public expense.

(1) Mandatory Language in Order. All orders appointing a guardian ad litem at public expense shall include language that:

> "If the estate is found not to qualify for services at public expense, the assigned public expense guardian ad litem shall, before significant work is performed or time elapsed, return the case for reassignment to a regular **RCW 11.88** guardian ad litem from the Certified Registry
> If significant work by the public expense guardian ad litem has been performed or time elapsed, the public expense guardian ad litem shall perform all duties and then apply for fees at their private rate from the court."

(2) Duty of Guardian ad Litem to Advise Court. The Guardian ad Litem shall immediately advise the court if the guardianship case qualifies for a guardian ad litem at public expense and before significant work is performed or time elapsed and return the case for reassignment to a guardian ad litem at public expense.

(c) Attorney Assignment and Fees. When the court appoints an attorney for the alleged incapacitated person which attorney will be paid at public expense, the order shall provide that the hourly rate to be charged by the attorney is $75.00 per hour or less, and that all fees paid shall be reasonable fees as determined by the judicial officer.

[Amended effective September 1, 2010]

■ MANDATORY ARBITRATION RULES – PCLMAR

PCLMAR 1 -- SCOPE AND PURPOSE OF RULES

1.1 Application of Rules - Purpose and Definitions

(a) Purpose. The purpose of mandatory arbitration of civil actions under **RCW 7.06**, as implemented by the Mandatory Arbitration Rules, is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of $50,000 or less. The Mandatory 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 hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) "Director" Defined. In these rules, "Director" means the Clerk of the Pierce County Superior Court.

[Amended on an emergency basis August 4, 2005]

1.2 Matters Subject to Arbitration. The limit for claims subject to mandatory arbitration is $50,000.00. For the purpose of this rule, a "claim" is defined to be the net value of the claim, after all reductions for comparative negligence or set-offs; e.g. if the plaintiff's damages are $70,000.00 and the plaintiff is 50% comparatively negligent, the plaintiff's claim is for $35,000.00.

[Amended on an emergency basis August 4, 2005]

1.3 Relationship to Superior Court Jurisdiction And Other Rules – Motions

(a) Motions. All motions before the court relating to mandatory arbitration shall be noted on the civil motions calendar in accordance with **PCLR 7**, except as otherwise provided in these arbitration rules.

(b) Assignment to Arbitrator. A case is deemed assigned to an arbitrator upon the filing of a Statement of Arbitrability, as set forth in **PCLMAR 2.1(e)**.

[Adopted effective June 1, 1990]

PCLMAR 2 -- TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

2.1 Transfer to Arbitration

(a) Statement of Arbitrability. A party may file a Statement of Arbitrability [**Form S**] requesting arbitration at any time after all requirements set forth in the certificate of readiness on the Statement of Arbitrability have been met and no later than the discovery cutoff date. After the discovery deadline has passed, the Statement of Arbitrability may be filed only by leave of the court for good cause shown.

(b) Response to Statement of Arbitrability. Any person disagreeing with the Statement of Arbitrability shall serve and file a response to the Statement of Arbitrability on the forms prescribed by the court within 20 days of service of the summons and complaint, or 7 days after the receipt of the Statement of Arbitrability, whichever time is greater.

(c) Failure to File - Amendments. A person failing to serve and file an original response within the times prescribed may later do so only upon leave of the court. A party may amend a Statement of Arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, and thereafter only upon leave of the court for good cause shown.

(d) By Stipulation. A case in which all parties file a stipulation to arbitrate under **MAR 8.1** will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.

(e) When Transfer to Arbitration Occurs for Purpose of Application of Local Rules. The case is transferred to arbitration upon the filing of a Statement of Arbitrability indicating that the case is subject to arbitration, unless an objection to arbitration of the case is received within the time limits found in **PCLMAR 2.1(b)**. This transfer shall also trigger the restriction on discovery contained in **MAR 4.2** and **PCLMAR 4.2**.

(f) Trial Date. Once the Statement of Arbitrability has been filed, the trial date and Case Schedule shall be cancelled. A Mandatory Court Review Hearing shall be set 6 months from the filing of the Statement of Arbitrability.

[Amended effective September 1, 2016]

2.3 Assignment to Arbitrator

(a) Generally; Stipulations. When a case is set for arbitration, a list of 5 proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within 14 days after a list of proposed arbitrators is furnished to the parties, nominate 1 or 2 arbitrators and strike 2 arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the presiding Judge or designee will randomly appoint an arbitrator from among those not stricken by either party.

(c) Response by Only One (1) Party. If only one party responds within 14 days, the presiding Judge or designee will appoint an arbitrator nominated by that party.

(d) No Response. If neither party responds within 14 days, the presiding Judge or designee will randomly appoint 1 of the 5 proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than 2 adverse parties, all represented by different counsel, 2 additional proposed arbitrators shall be added to the list for each additional party so represented, with the above principles of selection to be applied. The number of adverse parties shall be determined by the presiding Judge or designee.

[Adopted effective June 1, 1990]

PCLMAR 3 – ARBITRATORS

3.1 Qualifications

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on a form prescribed by the court. A copy of said completed sheet is available upon request by any party and will be mailed to a requesting party at the party's own expense. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel. An arbitrator must be a member of the Washington State Bar Association and have been admitted to the bar for a minimum of 5 years.

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the presiding Judge or designee immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in **CJC Canon 3(D)**, governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the presiding Judge or designee.

3.2 Authority of Arbitrators. An arbitrator has the authority to:

(a) Payment of Expense/Attorney Fees. Require a party or attorney, advising such party, or both,

to pay the reasonable expenses, including attorney fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk of the superior court, with proof of service of a party on each party. The aggrieved party shall have 10 days thereafter to appeal the award of such expense in accordance with the procedures described in **RCW 2.24.050**. If, within 10 days after the award is filed, no party appeals, a judgment shall be entered in a manner described generally under **MAR 6.3**;

(b) Basis of Attorney Fee Award. Award attorney fees, as authorized by these rules, by a contract or by law.

[Amended effective September 1, 2002]

PCLMAR 4 -- PROCEDURES AFTER ASSIGNMENT

4.2 Discovery

4.3 Discovery

(a) Additional Discovery. In determining when additional discovery beyond that directly authorized by **MAR 4.2** is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules, except that motions concerning discovery shall be determined by the arbitrator.

(b) Notwithstanding the Foregoing, the Following Interrogatories May Be Submitted to Any Party:

(1) General Damages. State the amount of general damages being claimed;

(2) Special Damages. State each item of special damages being claimed and the amount thereof;

(3) Knowledge of Liability Witness(es). List the name, address and phone number of each person having knowledge of any facts regarding liability;

(4) Knowledge of Damages Witness(es). List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed;

(5) Expert Witness(es). List the name, address and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

Only these interrogatories, with the exact language as set out above, are permitted.

(c) Restrictions Upon Discovery. The restrictions upon discovery set out in **MAR 4.2** and **PCLMAR 4.2(a)** shall take effect upon the filing of a statement of arbitrability as set out in **PCLMAR 1.3** and **2.1(e)**.

[Amended effective September 1, 2015]

PCLMAR 5 -- HEARING

5.1 Notice of Hearing - Time and Place – Continuance. An arbitration hearing shall be scheduled to be heard in Pierce County at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Director.

[Amended effective February 19, 1991]

5.2 Prehearing Statement of Proof - Documents Filed with Court. In addition to the requirements of **MAR 5.2**, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the county clerk. The arbitrator shall strictly enforce the provisions of **MAR 5.2** and is encouraged to withhold permission to present evidence at time of hearing if the parties have failed to comply with this rule.

[Adopted effective June 1, 1990]

PCLMAR 6 – AWARD

6.1 Form and Content of Award

(a) Form. The award shall be prepared on the form prescribed by the court.

(b) Exhibits. All exhibits offered during the hearing shall be returned to the offering parties.

(c) Attorneys Fees. Any motion for actual attorney fees, whether pursuant to contract, statute, or recognized ground in equity, must be presented to the arbitrator, as follows:

(1) Motion. Any motion for an award of attorney fees must be submitted to the arbitrator and served on opposing counsel within seven calendar days of receipt of the award. There shall be no extension of this time, unless the moving party makes a request for an extension before the seven day period has expired, in writing, served on both the arbitrator and opposing counsel;

(2) Response. Any response to the motion for fees must be submitted to the arbitrator and served on opposing counsel within seven calendar days after receipt of the motion;

(3) Decision. The arbitrator shall render a decision on the motion, in writing, within 14 days after the motion is made;

(4) Amended Award. If the arbitrator awards fees, the arbitrator shall file an amended award. If fees are denied, the decision shall be filed and served on the parties;

(5) Discretionary Hearing. It is within the arbitrator's discretion whether to hold a hearing on the issue of fees;

(6) Appeal. The time for appeal of the arbitrator's decision in any case where attorney fees have been timely requested, as set forth above, shall not start to run until the service and filing of the amended award, or the denial thereof.

[Adopted effective June 1, 1990]

6.2 Filing of Award. A request by an arbitrator for an extension of time for the filing of an award under **MAR 6.2** may be presented to the presiding Judge, ex parte. The arbitrator shall give the parties notice of an extension granted.

[Adopted effective June 1, 1990]

6.3 Judgment on Award. Failure to file a judgment within 90 days of filing the arbitration award shall result in the entry of an order of dismissal, provided no request for trial de novo has been timely filed or upon motion good cause is shown to not dismiss the case.

[Amended effective September 1, 2015]

PCLMAR 7 -- TRIAL DE NOVO

7.1 Request for Trial de Novo – Calendar

(a) Form. A written request for a trial de novo shall be accompanied by a note of issue placing the matter on the assignment calendar. Failure to submit the note for assignment is not grounds for dismissal; however, the court may impose terms in its discretion.

(b) Attorney Fees – Time for Appeal. In any case in which a party makes a motion for attorney fees pursuant to **PCLMAR 6.1(c)**, the 20 day period for appeal shall not commence until the arbitrator has either filed and served the amended award, or the written denial thereof.

(c) Trial Date. When a request for a trial de novo is timely filed, an expedited case schedule shall be issued setting the trial date in 6 months.

[Amended effective September 1, 2015]

PCLMAR 8 -- GENERAL PROVISIONS

8.1 Stipulation - Effect on Relief Granted. If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a Judge.

[Adopted effective June 1, 1990]

8.3 Effective Date. These rules, as amended, become effective on the 1st day of January, 1989, subject to amendment thereafter, pursuant to **GR 7**.

[Amended effective September 1, 2000]

8.4 Title and Citation. These rules are known and cited as the Pierce County Local Mandatory Arbitration Rules. PCLMAR is the official abbreviation.

[Adopted effective June 1, 1990]

8.5 Compensation of Arbitrator

(a) Generally. Arbitrators shall be compensated in the same amount and manner as Judges pro tempore of the superior court; provided, however, that said compensation shall not exceed $1,000.00 for any case unless prior approval is granted by the presiding Judge. Hearing time and reasonable preparation time are compensable. Arbitrators may be reimbursed a sum not to exceed $10.00 for costs incurred.

(b) Form. When the award is filed, the arbitrator shall submit to the presiding court ex parte a request for payment on a form prescribed by the court. The presiding Judge shall determine the amount of compensation and costs, if any to be paid.

[Amended effective September 1, 2006]

8.6 Administration

(a) Supervision. The director, under the supervision of the superior court Judges shall supervise arbitration under these rules.

(b) Committee. There shall be a standing committee of the Tacoma-Pierce County Bar Association, appointed by the president thereof, to assist the court in the formulation and administration of these rules.

(c) Powers. The court, assisted by the director and standing committee of the Tacoma-Pierce County Bar Association, shall have the power and duty to:

(1) Appoint the panel of arbitrators provided in **PCLMAR 3.1(a)**;

(2) Remove a person from a panel of arbitrators;

(3) Establish procedures for selecting an arbitrator not inconsistent with the mandatory arbitration rules;

(4) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

[Adopted effective June 1, 1990]

■ CRIMINAL RULES – PCLCRR

1. 1 Local Procedures. Procedures for handling and processing criminal cases in Pierce County Superior Court will be available in the Presiding Department, from the courtroom of the Criminal Division Presiding Judge, in Superior Court Administration and posted on the Superior Court's website at: www.co.pierce.wa.us/superiorcourt and by clicking on "Criminal Law" or "Local Rules".

1. 2 Scope. The following Pierce County Local Rules (PCLR) shall apply in Pierce County in criminal cases:

PCLR 10

PCLR 11

PCLR 15

PCLR 40(e)

[Amended effective September 1, 2010]

■ ADMINISTRATIVE POLICIES

Policy 1: Pierce County Superior Court Administrative Policy Re: Guardian Ad Litem Registry for Pierce County -- FAMILY LAW PROCEEDINGS

1. Authority

1.1 Adopted by the judges in 1997.

1.2 Various revisions.

1.3 Current revision adopted by the judges on June 6, 2016.

2. Application

2.1 This policy applies to all Guardians ad Litem appointed to family law matters as a Title 26 GAL to investigate parenting matters.

3. Purpose

3.1 The purpose of this policy is to detail how individuals are appointed to the GAL Registry, how GALs are authorized and appointed to family law cases, various procedures during the investigation, and how complaints regarding a GAL are handled.

4. Policy

4.1 Qualifications: Registry for Guardians Ad Litem in Family Law Proceedings.

A. The Pierce County Superior Court Administrator or designee, shall be responsible for maintaining a Registry of those qualified to serve as Guardians ad Litem for parenting matters as provided in **RCW 26.09.220** and **RCW 26.12.175**.

B. The Registry shall be open for new applications at least once each year. The Judges' Family Law Committee (Committee) shall review applications prior to the creation of the updated Registry. The new Registry shall be created by July 1 of each year.

C. Applicants to the Pierce County Guardian ad Litem Registry must successfully complete training requirements of the Administrative Office of the Courts (AOC).

i. **Attorneys:** Must be a member of the Washington State Bar Association in good standing with five years of family law experience. Other expertise working with children and families in dispute may be considered if applicant has less than the five years family law experience.

ii. **Non-Attorneys:** Must have five years' experience working with children and families involved in disputes over parenting issues, dissolution or parentage determinations. A Bachelor's Degree in a related academic discipline is required and a Master's Degree in related academic discipline is preferred.

iii. **All Applicants:** Shall be of high moral character, and shall not have any:

a) Felony convictions or any convictions involving theft, dishonesty, or moral turpitude.

b) Suspension or revocation of professional certification or license.

c) Pending investigation or action for either 1 or 2 above.

d) Agree to abide by the Guardian ad Litem Code of Conduct, Pierce County Superior Court Administrative Policy, and all applicable statutes and Court Rules.

D. Persons applying for the Registry for the first time, or after a substantial break in service on the Pierce County Superior Court Registry, shall:

i. Complete and file the following documents with the Court Administrator during the open application period as published by Superior Court Administration:
   a) Application;
   b) Code of Conduct;
   c) Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials.

ii. After review by the Committee the applicant will be notified of their provisional placement on the Registry and shall then be eligible for appointment as a Guardian ad Litem.

iii. The applicant shall complete their required mentoring and have on file, with Superior Court Administration, the Declaration of Mentoring Completion before they are added to the Registry rotation. This must be done before they may reapply for the following year's Registry. Special authorization to reapply and continue provisional placement in the second year may be granted by the Committee.

iv. "Substantial break in service" is defined as two (2) or more consecutive years.

E. Persons currently on the registry must reapply every three years and annually file the following documents with the Court Administrator during the open application period as published by Superior Court Administration:

i. Updated Contact information Sheet and Background form as required by RCW 26.12.176 (3) (j);

ii. Code of Conduct;

iii. Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials;

iv. Completion of the Application form is required every three years.

4.2 <u>Placement on Registry.</u>

A. Once placed on the registry, a person shall remain on the registry for three years unless:

i. The person fails to maintain current information required by law or PCLR;

ii. The person is removed by his or her own request; or

iii. The person is removed pursuant to action by the Superior Court Judges under Section 4.7 below.

B. All registry members shall attend continuing education as required by Pierce County Superior Court, and annually provide proof of compliance as required by Pierce County Superior Court.

C. The Court Administrator or designee shall maintain a separate file for each person on the registry. Each file shall include an applicant's Certificate of Completion of training. In addition, the file will include all application materials and all formal complaints or grievances related to an applicant's service as a Guardian ad Litem. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.

D. Placement on the registry does not guarantee appointment as a guardian.

E. In the discretion of a majority of the Pierce County Superior Court Judges, a person may be denied admission to the registry or may be removed from the registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question, including but not

limited to, failure to comply with the applicable requirements of this Administrative Policy, the Code of Conduct, State law, and Guardian ad Litem Rules (GALR).

F. A GAL may request to be placed on "Inactive – Do Not Select" status by sending written, including email, notice to the Superior Court Administration GAL Program Coordinator. Request should include the expected return date. The GAL will not be included in the rotation selection and cannot be appointed to any new cases, even if their name was on a prior selection list.

4.3 <u>Appointment from Registry.</u>

A. Request for appointment of a Guardian ad Litem shall be made to a Superior Court Commissioner or Judge, who shall generate an Order for Selection of a Guardian ad Litem. This Order contains randomly selected names from the registry and an apportionment of responsibility for payment of the retainer. Each party shall strike one person from this randomly selected set of names within 3 days. Upon payment of the retainer in full, the Petitioner is responsible for obtaining the Order Appointing Guardian ad Litem and the timely presentation of the Order to the Ex Parte Commissioner for approval and signature. If the judicial officer determines from the financial affidavits that a Staff or County pay Guardian ad Litem is required, the parties will be directed to contact the Family Court Case coordinator for the Staff/County Pay GAL Intake packet. Parties may also properly file, serve and note a motion before the assigned Family Court Judge requesting appointment of a Staff or County Pay GAL. Resources are limited and there is no guarantee a Staff or County pay GAL will be appointed.

B. In the event the person appointed Guardian ad Litem chooses not to serve, regardless of the reason, the Judicial Officer shall generate a new Order for Selection of a Guardian ad Litem. A new selection list will be provided to the parties if the GAL they selected is in Inactive status at the time appointment order is presented. If an appointment order is filed with an inactive GAL, the Family Court Case Coordinator will send a letter and new selection list to the parties.

C. If the parties stipulate to recommend the appointment of a particular Guardian ad Litem, who shall be on the registry and "Active" status, but not on the Court generated Selection list, the parties must properly file, serve, and note a motion before the assigned Family Court Judge and must present, prior to appointment, a written stipulation, signed by both parties and their attorneys, and the GAL, which specifies:

   i. The amount of the retainer charged;
   ii. The agreement between the parties regarding payment of the retainer and all fees;
   iii. The hourly rate charged by the recommended Guardian ad Litem~~,~~ and
   iv. The statutory reasons for a non-rotational appointment.

D. Any Judicial Officer who deviates from the statutory rotational order shall make an appropriate written record. The current workload count of registry GALs is to be reviewed prior to deviating from the rotational order.

E. A stipulation alone is not a basis for a non-rotational appointment if the Judicial Officer finds the statutory factors for a non-rotational appointment are not present.

4.4 <u>GAL Retainers and Additional Fees</u>

A. All retainers and additional fees shall be paid into the Clerk of the Court and disbursed pursuant to Court Order.

B. The initial retainer authorized is the maximum the Guardian ad Litem may charge without additional court review and approval.

C. Any additional time and fees are to be authorized by the Family Court judge prior to the GAL expending the time and fees. If not pre-authorized, anything over the authorized amount may not be paid.

D. It is the responsibility of the parties, not the Guardian ad litem, to properly file, serve and note a motion requesting additional fees before the assigned Family Court Judge.

4.5 <u>GAL Attendance at Hearings and Trial</u>

A. Parties are required to give the GAL reasonable notice if they want the GAL to attend any court hearings, including trial.

B. If the GAL retainer is expended and additional time and fees have not been pre authorized, parties must deposit into the Court registry a sum sufficient to cover the cost of such Court appearance

C. The Guardian ad Litem shall be available to testify if called by a party. Reasonable notice is required and funds deposited in the registry for preparation and time at trial.

D. Deposition of the GAL is not included in the initial retainer and any party requesting deposition of the GAL is required to deposit funds in the registry for the estimated length prior to the scheduled deposition.

4.6 <u>Request for Review of GAL Investigative File</u>

A. Attorneys of record and parties may review the information contained in the GAL file when a legal action is pending. If there is no legal action pending, the parties cannot review the GAL files unless all parties to the case sign releases, or the Court directs the GAL to release the information.

B. All records of the Guardian ad Litem, including contemporaneously maintained time and expense records, and excluding information that is confidential by law or sealed by court and as further defined by Superior Court Policy, shall timely be made available to the parties and their attorneys for review with (10) court business days written notice, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.

C. GAL has the choice to provide the specifically requested copies or may arrange the location for copying. The GAL may charge their hourly rate for the arrangements made for viewing and copying, and reasonable copy costs if copies are provided.

D. CONFIDENTIAL INFORMATION: "Confidential Information" in a GAL file includes, but is not limited to, the following:

i. Any records related to drug/alcohol treatment or assessment (see RCW 70.96A.150 and CFR 42 Part 2);
ii. CPS records;
iii. Police records;
iv. Medical records (see RCW 70.02 et seq.);
v. Counseling/therapy and psychologist records (see RCW 18.19.180 and 18.83.100);
vi. Domestic violence treatment records (see RCW 70.123.075);
vii. Evaluations and assessments performed by third parties other than the Staff GAL;
viii. JIS records;
ix. Mental health records;
x. Documents sealed by the court;
xi. Other documents/records protected by state law;
xii. LINX records;

xiii. Information deemed by the Staff GAL office to pose a risk of physical, sexual or emotional harm to a child, a party to the dispute, or potential witnesses.

E. An attorney or party requesting release of confidential information in the GAL file must request the assigned Family Court Judge to enter an Order Releasing the Information.

F. If directed by the Court, the GAL will release the confidential information to the person(s) as ordered by the Court.

4.7 <u>Complaint Procedures</u>.

A. Complaints against a Guardian ad Litem during the case.

i. Complaints shall be by written motion properly served and noted, pursuant to Pierce County Local Rules. The motion shall be made directly to the assigned trial department or the Presiding Judge. Complaints may be made by any party to the case or his or her attorney.

ii. The Judge may decide to remove, retain, substitute, or stay the work or appointment of the Guardian ad Litem in the active case. Any such decision shall be documented by a written order. The Grievance Committee-shall be notified of any remedial action.

iii. Complaints by a party to the case or his or her attorney, or the judicial officer, may be referred for remedial action after the completion of the case, and according to the processes specified in section B below.

B. Complaints against Guardian ad Litem after the case is complete.

i. Complaints on cases that are completed shall be referred to and timely addressed by the Grievance Committee appointed, as needed, by Presiding Judge, consisting of three judges, who are not currently serving in Family Court.

ii. Complaints shall be delivered to the Court Administrator,

a) In writing, based upon personal knowledge, alleging that a Guardian ad Litem:

1. has violated this policy regarding the requirements for participation on the registry; or
2. has misrepresented his or her qualifications to be on the registry; or
3. is not suitable to act as a Guardian ad Litem, or raises questions about the conduct of the Guardian ad Litem in a particular case; **OR**

b) In any manner, which makes the Court Administrator aware of a reason that would place the suitability of the Guardian ad Litem in question.

iii The Court Administrator will forward the complaint to the Grievance Committee for review. The Grievance Committee shall seek a written response from the Guardian ad Litem. Such response shall be due within 30 days.

iv All matters/materials shall be submitted in writing only. There shall be no live testimony or oral testimony. A copy of the response from the Guardian ad Litem shall be sent to the person initiating the complaint.

v The Guardian ad Litem may be suspended by the Grievance Committee pending resolution of the complaint. The Guardian ad Litem and complaining person shall be notified in writing of any decision to suspend the Guardian ad Litem, pending resolution or otherwise.

vi The Grievance Committee shall forward any recommendation to remove a Guardian ad Litem from the Registry to the Presiding Judge, who shall present the recommendation to the Superior Court Judges at their next meeting.

vii In addition to recommending removal, the Grievance Committee may order remedial measures, including but not limited to, further education, additional training and mentoring, and/or suspension, as a condition to remain on the registry or receive new cases. The Grievance Committee shall regularly make a report of all such remedial actions.

viii Any person filing a complaint against the Guardian ad Litem shall be notified in writing of the final decision of the Superior Court Judges within 60 days of the response to the complaint being received.

C. Information regarding suitability to serve as a Guardian ad Litem, which does not relate to a particular case, may be directed to the Grievance Committee. The source of the information and its content may be communicated to the Guardian ad Litem for a written response.

D. Administrative Office of the Court Reporting Requirements. As required, the Administrative Office of the Court shall be timely notified of the names on the Guardian ad Litem registry. The Administrative Office of the Court shall be notified immediately of the name of any Guardian ad Litem removed from the rotational registry as a result of a decision of the Superior Court Judges.

[Amended effective June 6, 2016]

Policy 2: Pierce County Superior Court RCW 26.09.220 and RCW 26.12.175 Guardian Ad Litem Code of Conduct

All Guardians ad Litem shall fully comply with this Code of Conduct and the requirements of Superior Court GALR.

1. The appointed Guardian ad Litem shall decline the appointment if he/she is not qualified, competent, or able to complete the matter in a timely manner.
2. The Guardian ad Litem shall maintain the ethical principles of his/her own profession in addition to compliance with this Code of Conduct.
3. The Guardian ad Litem shall promptly advise the court of any grounds for disqualification or unavailability to serve.
4. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as a Guardian ad Litem.
5. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that the information gathered by the Guardian ad Litem must be reported to the court.
6. All records, including contemporaneously maintained time and expense records, and excluding information that is confidential by law or sealed by court and as further defined by Superior Court Policy, of the Guardian ad Litem shall be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.

7. The Guardian ad Litem shall be available to testify if called by a party. Reasonable notice is required and funds deposited in the registry for preparation and time at trial.
8. Once admitted to the **RCW 26.09** Certified Registry, all Guardians ad Litem shall fully comply with all continuing education requirements established by Pierce County and GALR.
9. The Guardian ad Litem shall report to D.S.H.S. and the court, any child abuse as defined in **RCW 26.44.030, RCW 26.12.175** and **RCW 26.12.177**.
10. The undersigned acknowledges receipt of the foregoing, has read the same and GALR, and agrees to be governed by all.

_____ _____

Date Signature

[Amended effective June 6, 2016]

Policy 3: Pierce County Superior Court Administrative Policy Re: Guardian Ad Litem Registry for Pierce County -- GUARDIANSHIP PROCEEDINGS

1. Authority

1.1 Adopted by the Judges in 2012.

1.2 Current revision adopted by the Judges on June 6, 2016.

2. Application

2.1 This policy applies to all Guardians ad Litem appointed to guardianship matters as a Title 11 GAL to represent the best interests of an alleged incapacitated person, including conducting interviews and writing reports as outlined in RCW chapter 11.88.

2.2 The purpose of this policy is to detail how individuals are appointed to the GAL registry, how GALs are authorized and appointed to guardianship cases, various procedures during the case investigation, and how complaints regarding a GAL are handled.

3. Policy

3.1 Qualifications: Registry for Guardians Ad Litem in Guardianship Proceedings.

A. The Pierce County Superior Court Administrator, or designee, shall be responsible for maintaining a registry of those qualified to serve as Guardians ad Litem for guardianship matters as provided in **RCW 11.88.090.**

B. The registry shall be open for renewal applications annually. The registry shall be open for new applications periodically, as set by the Superior Court Judges. Individuals with a substantial break in service as a Title 11 Guardian ad Litem, shall be required to complete a new application when the registry is open to new applicants. A substantial break in service is defined as two (2) or more consecutive years; however the Judges' Guardianship Committee ("Committee") may waive the requirement to complete a new application for good cause.

C. The Committee shall review applications prior to the creation of the updated Registry. The new registry shall be created by July 1 of each year.

D. Applicants to the Pierce County Guardian ad Litem registry must successfully complete training requirements of the Administrative Office of the Courts (AOC).

E. Minimum Requirements:

Attorneys: Must be a member of the Washington State Bar Association in good standing and demonstrate relevant experience working in the needs of impaired elderly people, an understanding of issues surrounding "abuse and neglect" of the elderly, physical disabilities, mental illness, developmental disabilities, and/or other areas relevant to the needs of incapacitated persons, legal procedure, and the Guardian ad Litem requirements of **RCW 11.88**.

Non-Attorneys: Must have five years relevant experience working in the needs of impaired elderly people, an understanding of issues surrounding “abuse and neglect” of the elderly, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons, legal procedure, and the Guardian ad Litem requirements of **RCW 11.88**.

All Applicants: Shall be of high moral character, and shall not have any:

1. Felony convictions or any convictions involving theft, dishonesty, or moral turpitude.
2. Suspension or revocation of professional certification or license.
3. Pending investigation or action for either a) or b) above.
4. Agree to abide by the Guardian ad Litem Code of Conduct, Pierce County Superior Court Administrative Policy, and all applicable statutes and Court Rules.

F. Persons applying for the registry shall complete and file the following documents with the Court Administrator, or designee, during the open application period as published by Superior Court Administration:

1. Application for Pierce County Superior Court Guardian ad Litem registry Title 11 (for all new applicants) or a Renewal Application (for all current registry participants);
2. Code of Conduct;
3. Signed agreement to abide by PCLR Administrative Policy 4, Code of Conduct;
4. Current Certificate of Attendance at applicable mandatory training;
5. Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials; and
6. Disciplinary notices and/or findings by Washington State Bar Association and Washington State Certified Professional Guardian Board.

G. Persons currently on the registry must reapply every year and annually file the following documents with the Court Administrator during the open application period as published by Superior Court Administration.

H. Each applicant will be notified of the decision regarding placement on the registry. Only those applicants approved for placement on the Registry shall be eligible for appointment as a Guardian ad Litem. Placement on the Registry does not guarantee appointment as a Guardian ad Litem.

3.2 Placement on Registry.

A. Once placed on the registry, a person shall remain on the registry for the year unless:
   1. The person fails to maintain current information required by law or PCLR;
   2. The person is removed by his or her own request; or
   3. The person is removed pursuant to action by the Superior Court Judges under Section 3.4 below.

B. All registry members shall attend continuing education as required by Pierce County Superior Court, and annually provide proof of compliance as required by Pierce County Superior Court.

C. The Court Administrator, or designee, shall maintain a separate file for each person on the registry. Each file shall include all application materials and all formal complaints or grievances related to an applicant's service as a Guardian ad Litem. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.

D. As required, the Administrative Office of the Court shall be timely notified of the names on the Guardian ad Litem registry.

E. In the discretion of a majority of the Pierce County Superior Court Judges, a person may be denied admission to the registry or may be removed from the Registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question, including but not limited to, failure to comply with the applicable requirements of this Administrative Policy, the Code of Conduct, State law, Guardian ad Litem Rules (GALR), and, if applicable, the standards of practice established by Washington State Bar Association and Washington State Certified Professional Guardian Board.

F. GAL may request to be placed on "Inactive – Do Not Select" status by sending written, including email, notice to the Superior Court Administration GAL Program Coordinator. Request should include the expected return date.

3.3 Appointment from Registry.

A. Request for appointment of a Guardian ad Litem in all guardianship proceedings shall be made by submitting an Order Appointing Guardian ad Litem to the Superior Court Ex Parte Commissioner. The clerk on the Ex Parte Commissioner docket shall write in the name which is next on the applicable rotational list and initial the same. The order shall then be submitted to the Ex Parte Commissioner for signature or such other action as may be appropriate. An Order Appointing a Guardian ad Litem for an indigent person shall only be made from the rotational list of contracted **RCW 11.88** Guardians ad Litem for indigent persons.

B. Any judicial officer who deviates from the rotational order established for the registry shall fully comply with the provisions of **RCW 11.88** for the purposes of making an appropriate written record pursuant to statute for said deviation. In the event a person who is not next on the rotation list is approved by the Court, the appointed person's name shall go to the bottom of the rotation list.

C. In the event the person appointed Guardian ad Litem chooses not to serve, regardless of the reason, that person's name shall go to the bottom of the rotational list just as if they had served

3.4 Complaint Procedures.

A. Complaints against a Guardian ad Litem during the case:
   1. Complaints shall be by written motion properly served and noted, pursuant to Pierce County Local Rules. The motion shall be made directly to the assigned trial department, or the Presiding Judge. Complaints may be made by any party to the case or his or her attorney.
   2. The Judge may decide, to remove, retain, substitute, or stay the work or appointment of the Guardian ad Litem in the active case. Any such decision shall be documented by a written order. The Committee, shall be notified of any remedial action.
   3. Complaints by a party to the case or his or her attorney, or the judicial officer, may be referred for remedial action after the completion of the case, and according to the processes specified in sections C – J below.

B. Complaints against Guardian ad Litem after the case is complete: If the Court Administrator:
   1. Receives a written complaint, based upon personal knowledge, alleging that a Guardian ad Litem:
      a) has violated this policy regarding the requirements for participation on the registry; or
      b) has misrepresented his or her qualifications to be on the registry; or
      c) is not suitable to act as a Guardian ad Litem, or raises questions about the conduct of the Guardian ad Litem in a particular case;
      d) exceeds the authority of the Order Appointing Guardian ad Litem; or
   2. Becomes aware of a reason that would place the suitability of the Guardian ad Litem in question, the matter shall be referred to the Committee. All complaints shall be investigated by only the judges on the Committee, and any other judges appointed by the Presiding Judge.

C. If it is determined that the case is completed and that the complaint was submitted upon personal knowledge, the Committee shall seek a written response from the Guardian ad Litem. Such response shall be due within 30 days.

D. All matters/materials shall be submitted in writing only. There shall be no live testimony or oral testimony. A copy of the response from the Guardian ad Litem shall be sent to the person initiating the complaint.

E. The Guardian ad Litem may be suspended by the Committee pending resolution of the complaint. The Guardian ad Litem and complaining person shall be notified in writing of any decision to suspend the Guardian ad Litem, pending resolution or otherwise.

F. Information regarding suitability to serve as a Guardian ad Litem, which does not relate to a particular case, may be directed to the Committee. The source of the information and its content may be communicated to the Guardian ad Litem for a written response.

G. The Committee shall forward any recommendation to remove a Guardian ad Litem from the registry to the Presiding Judge, who shall present the recommendation to the Superior Court Judges at their next meeting.

H. In lieu of recommending removal, the Committee may order remedial measures, including but not limited to, further education, additional training and mentoring, and/or suspension, as a condition to remain on the registry or receive new cases. The Committee shall regularly make a report of all such remedial actions.

I. The Guardian ad Litem and any person filing a complaint shall be notified in writing of the final decision of the Superior Court Judges within 60 days of the response to the complaint being received.

J. Administrative Office of the Court Reporting Requirements. The Administrative Office of the Court shall be notified immediately of the name of any Guardian ad Litem removed from the rotational registry as a result of a decision of the Superior Court Judges.

[Amended effective June 6, 2016]

Policy 4: Pierce County Superior Court RCW 11.88 Guardian Ad Litem Code Of Conduct

All Guardians ad Litem shall fully comply with this Code of Conduct and the requirements of Superior Court GALR.

1. The appointed Guardian ad Litem shall decline the appointment if he/she is not qualified, competent, or able to complete the matter in a timely manner.
2. The Guardian ad Litem shall maintain the ethical principles of his/her own profession in addition to compliance with this Code of Conduct.
3. The Guardian ad Litem shall promptly advise the court of any grounds for disqualification or unavailability to serve.
4. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as a Guardian ad Litem.
5. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that the information gathered by the Guardian ad Litem must be reported to the court.
6. All records, including contemporaneously maintained time and expense records, and excluding information that is confidential by law or sealed by court and as further defined by Superior Court Policy, of the Guardian ad Litem shall be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.
7. Once admitted to the **RCW 11.88** Certified Registry, all Guardians ad Litem shall fully comply with all continuing education requirements established under Pierce County Local Rules and GALR.
8. The Guardian ad Litem shall report to D.S.H.S. and the court, any adult abuse as defined in **RCW 74.34.020(2)**.
9. The Guardian ad Litem shall immediately advise the court if the guardianship case qualifies for a guardian ad litem at public expense. Before significant work is performed or time elapsed the guardian ad litem shall return the case for reassignment.

The undersigned acknowledges receipt of the foregoing, has read the same and GALR, and agrees to be governed by all.

_____ _____

Date Signature

[Amended effective June 6, 2016]

POLICY 5: Pierce County Superior Court Administrative Policy Re: Impact On Children Seminar

Pierce County Local Rule for Special Proceedings SPR 94.05 mandates the parties' attendance at a seminar designed to address the impact family restructuring has on children.

This Administrative Policy contains the guidelines governing the content of the seminar, the minimum credentials and experience required of seminar instructors and administrative requirements of an acceptable program. The Superior Court Impact on Children Sub-Committee ("Committee") will review submitted proposals and approve those programs, which meet the outlined criteria.

I. Seminar Content:

The seminar must contain these minimum elements:

(A) the developmental stages of childhood;
(B) stress indicators in children;
(C) age appropriate expectations of children;
(D) the impact of the parents not residing together on children;
(E) the grief process;
(F) reducing stress for children through an amicable resolution of disputes;
(G) the long term impact of parental conflict on children;
(H) importance of child's relationships with both parents, and with extended family members, and fostering those relationships;
(I) communication skills for parties caring for children;
(J) practical skills for working together;
(K) impact on children when step-parents and blended families enter their lives;

2. Qualifications of Instructors

A team of not less than two instructors, one male and one female shall conduct the Impact on Children Seminar. Instructors should be familiar with the required statutory provisions of parenting plans and residential schedules, and have the following minimum credentials and experience:

(A) A Master's Degree in Social Work, Psychology or other related behavioral science;

(B) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;

(C) Significant experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;

(D) Extensive and relevant knowledge of child development, age appropriate expectations for children, and positive parenting;

(E) Substantial knowledge of the impact on children of alcohol/drug abuse by family members;

(F) An ability to work with other agencies as part of a collaborative program; and
(G) Strong oral communications skills.

3. Administration of Program

(A) Fees: Each party attending a seminar shall pay a fee charged by the approved provider. The fees charged shall be approved by the Court and shall be no greater than the maximum amount set by the Committee from time to time. Collection of the fees is the responsibility of the approved provider. The seminars shall be conducted at no cost to the county's general revenue allocation to the court.

(B) Sliding Fee Scale and Waiver: The provider shall develop a sliding fee scale and waiver for individuals unable to pay.

(C) Certificate of Completion: The provider shall e-file each attendee's Certificate of Completion with the court. The provider shall give each attendee a Certificate of Completion. The certificate shall include the name of the person attending the seminar, the location and date of attendance, the Superior Court cause number, and the date of filing with the court. The certificate must be on 8.5 inch, white paper; must have a 3-inch top margin, 1-inch side margins (nothing should be in the top margin area) and the case number should be just below the top margin on the right side of the document.

(D) Attendance at Seminar: In no case shall opposing parties be required to attend a seminar together.

(E) Number of and Length of Seminars: The provider shall develop a schedule of seminars, including weekends, that will accommodate individuals who work during the day and those who work during the evenings.

(F) Number of Participants: The provider shall propose a minimum and maximum number of participants for each seminar.

(G) Location of Seminars: The provider shall propose the location(s) of seminars to accommodate seminar attendees who will come from all areas of Pierce County.

(H) Evaluations: The provider shall conduct anonymous written evaluations at the end of each seminar. A report, in the format developed by the Court, summarizing the responses shall be given to the Committee monthly.

(I) Instructors: Changes in instructors shall not occur without approval by the Committee. Instructors shall not solicit business during the seminar.

[Amended effective September 1, 2016]

POLICY 6: Pierce County Superior Court Policies and Procedures for Administrative Records Requests

PIERCE COUNTY SUPERIOR COURT
Policies and Procedures for Administrative Records Requests

I. Policy

The Court will respond promptly to all administrative records requests submitted in accordance with this policy. This will be done in accordance with the letter and spirit of General Rule 31.1. (GR 31.1 Access to Administrative Records) and case law related to the disclosure of judicial records. The Court may from time to time amend this policy governing access to administrative records.

Case files may be obtained from the Clerk of the Court for Pierce County, Room 110 County City Building, 930 Tacoma Avenue South, Tacoma, WA 98402. Most juvenile case files are exempt from public disclosure. *Juvenile Court Services are located at 5501 6th Avenue, Tacoma, WA 98406.*

II. Procedures

A. **Written Request Form**: Requests for inspection or copies of Administrative Records must be submitted to the Public Records Officer on the provided form with all information completed. A copy of the form and related materials are available on the Pierce County Superior Court website.

B. Submit to the applicable Public Records Officer by US Mail, delivery or facsimile to:

Public Records Officer	or	Public Records Officer
Pierce County Superior Court		Pierce County Juvenile Court
930 Tacoma Avenue South, Suite 334		5501 6th Avenue
Tacoma, WA 98402		Tacoma, WA 98406
(253) 798-2991		(253) 798-7994
FAX: 253-798-2361		FAX: 253-798-7878
Email: PCSup_PRO@co.pierce.wa.us		Email: PCJuv_PRO@co.pierce.wa.us

C. Response: The Public Records Officer will provide an initial response to a written request for access to an administrative records within five working days (days that the court is open) of receipt. The response will acknowledge receipt of the request and provide a good-faith estimate of the time needed to respond to the request, including time needed to notify affected persons. The estimate may be revised later, if the Public Records Officer deems it necessary.

D. Communication: The Public Records Officer will communicate with the requester as necessary to clarify the records being requested. The Public Records Officer may also communicate with the requester in an effort to determine if the requester's need would be better served with a response other than the one actually requested. The requester must engage in an interactive communication process with the Public Records Officer or the response may be delayed or denied.

E. Substantive Response: The Public Records Officer will respond to the substance of the records request within the timeframe specified in the initial response or any extension, subject to exemptions. If the Public Records Officer is unable to fully comply in this timeframe, then the Public Records Officer will comply to the extent practicable and provide a new good faith estimate for responding to the remainder of the request. If the Public Records Officer does not fully satisfy the records request in the manner requested, a letter will be provided, justifying any deviation from the terms of the request.

F. Limitations: If a particular request is of a magnitude that the Public Records Officer cannot fully comply within a reasonable time due to constraints on the court's time, resources, and

personnel, the Public Records Officer will communicate this information to the requester. The Public Records Officer will attempt to reach agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the court's response, which may include a schedule of installment responses. If the Public Records Officer cannot reach agreement with the requester, s/he shall respond to the extent practicable and inform the requestor that the court has completed its response.

G. Denials: The Public Records Officer may deny a request if s/he determines that the request was made to harass or intimidate the court or its employees; fulfilling the request would likely threaten the safety or security of the court; fulfilling the request would likely threaten the safety of security of judicial officers, staff, family members, or any other person; fulfilling the request may assist criminal activity; or the requester has failed to communicate with the Public Records Officer as needed, has not paid costs as required, or appears to have abandoned the request.

III. Review of Records Decision

A. Internal Review

1. Deadline: A record requester may petition for internal review of the Public Records Officer's decision by submitting a written request on the provided form within 90 calendar days of the Public Records Officer's decision.
2. Internal Review Form: Requester must complete and submit the provided form by delivery or US Mail to "Public Records Appeal" at the address on the form.
3. Internal Review: Appeals of the Public Records Officer's decision will be reviewed by the Presiding Judge or designee. The Presiding Judge or designee will complete the internal review and provide a written response to the requestor within five business days of the date the request was received.

B. External Review – If the requester is not satisfied after the Internal Review, there are two alternatives available.

1. Civil Action in Court: After exhaustion of the Internal Review process, the requester may file a civil action in superior court to challenge the records decision. **GR 31.1**.d(4)(i) REVIEW VIA CIVIL ACTION IN COURT.
2. Informal Review by Visiting Judge: Unless objected to pursuant to **GR 31.1**(f)(3), the requester may ask for an informal review by a visiting judge. The review proceeding shall be informal and summary and the visiting judge's decision is part of the judicial function. **GR 31.1**.d(4)(ii).
3. Deadline: A request for external review must be submitted within 30 days of the issuance of the final decision following Internal Review.

C. Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded.

IV. Fees

A. A fee will not be charged to view administrative records, except the court charges for research to locate, obtain, or prepare the records at the rates provided in **GR 31.1**, which are currently the following:

Photocopying:	$.15 per page
Scanning, *including for preparation*:	$.15 per page
Staff time:	$30.00 per hour after the first hour (which is free)
Materials: (DVDs, USB drives, etc.)	at cost
Mailing:	at cost
Fee for particular type of record:	per specific court rule or statute

B. Deposits & Installments: If the Public Records Officer expects to incur costs in connection with responding to a records request, the requester will be notified. A deposit in an amount not to exceed the estimated cost of responding to the request will be required. If the request will be responded to on a partial or installment basis, the Public Records Officer will charge for each part of the request as it is provided. If an installment of records is not claimed or reviewed within 30 days, the Public Records Officer is not obligated to fulfill the balance of the request.

C. Advance Payment: Payment by exact cash, cashier's check, or money order is required before a request or an installment of a request will be completed.

Adopted by Order of Superior Court January 4, 2016.

■ APPENDIX OF CIVIL RULE FORMS

FORM A Order Setting Case Schedule
FORM B (1) Order Assigning Case to Judicial Department – Sixty-Month Estate Review
FORM B (2) Order Assigning Case to Judicial Department – Twelve-Month Estate Review
FORM C Trial by Affidavit Certificate
FORM D Confirmation of Service
FORM E Domestic Relations Information Form
FORM F Confirmation of Joinder of Parties, Claims and Defenses
FORM G Notice of Settlement of All Claims Against All Parties
FORM H Joint Notice of Reconciliation
FORM I Order Assigning Case to Judicial Department
FORM J Notice of Change of Address
FORM K Declaration of Proposed Trustee
FORM L Trust Summary
FORM M Declaration of Proposed Guardian (non-certified)
FORM N Declaration of Proposed Guardian (certified)
FORM O Guardianship Summary
FORM P Order and Joint Notice of Participation in Collaborative Law
FORM Q Schedule of Commissioners' Calendars
FORM R Motion to Waive Mandatory Settlement Conferences
FORM S Statement of Arbitrability

(These forms are examples only. All pleadings filed with the court must comply with the format requirements of **GR 14(a)**.)

FORM A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**NO.** **ORDER SETTING CASE SCHEDULE** Type of Case: Track Assignment: Assigned to Judicial Department: Docket Code: ORSCS Length of Trial

Confirmation of Service
Confirmation of Joinder of Parties, Claims and Defenses
Jury Demand
Status Conference (Contact Court for Specific Date)
Plaintiff's Disclosure of Primary Witnesses
Defendant's Disclosure of Primary Witnesses
Disclosure of Rebuttal Witnesses
Deadline for Filing Motion to Adjust Trial Date
Discovery Cutoff
Exchange of Witness and Exhibit Lists and Documentary Exhibits
Deadline for Hearing Dispositive Pretrial Motions
Joint Statement of Evidence
Pretrial Conference (Contact Court for Specific Date)
Trial

Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 a.m. on the date of trial.

NOTICE TO PLAINTIFF/PETITIONER

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition: Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first response/appearance. If the case has not been filed, but an initial pleading is served, the Case Schedule shall be served within five (5) court days of filing.
See PCLR 3.

NOTICE TO ALL PARTIES

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 3 does not apply while the case is in arbitration.

DATED: _____ Judge_____
Department_____

Revised 12/1/2016

FORM B (1)

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

NO. **XX-4-XXXXX-X**

ORDER ASSIGNING CASE TO JUDICIAL DEPARTMENT AND SETTING REVIEW HEARING DATE (PCLR3/PCLR40)

Judge: **[Name]**
Department: **[Dept No.]**
Docket Code: **ORACD**

Mandatory Hearing Date: Per PCLR 3(a)(14)(D)

Failure to appear on this date may result in closure of the case by the court.

Notice to Petitioner(s):

* Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department on all parties entitled to notice of this action.

* The timing of this mandatory review hearing assumes that Non-intervention powers will be/have been granted. The purpose of the mandatory hearing date is to review whether the matter has been completed. If a Declaration of Completion is filed prior to the mandatory review hearing date, that date will be stricken by the court.

* If non-intervention powers are not granted, a bond is required, a probate Guardian ad Litem is appointed, the personal representative is removed or resigns, or the estate is later declared insolvent, then you are required to immediately bring this issue to the attention of the judicial officer of the department to which it is assigned to obtain a different mandatory hearing date than the one listed above.

Dated: _____ _____

JUDGE
Department #

FORM B (2)

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

NO. **XX-4-XXXXX-X**

ORDER ASSIGNING CASE TO JUDICIAL DEPARTMENT AND SETTING REVIEW HEARING DATE (PCLR3/PCLR40)

Judge: **[Name]**
Department: **[Dept. No.]**
Docket Code: **ORACD**

Mandatory Hearing Date: Per PCLR 3(a)(14)(C)

Failure to appear on this date may result in closure of the case by the court.

Notice to Petitioner(s):

* Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department on all parties entitled to notice of this action.

* Under RCW 11.76.010 the petitioner shall file an annual status report with the court prior to the hearing date.

* The purpose of the mandatory hearing date is to review whether the matter has been completed. If a Decree of Distribution and/or Order Closing Estate is filed prior to the mandatory review hearing date, that date will be stricken by the court.

Dated: _____

_____
JUDGE
Department #

FORM C
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **TRIAL BY AFFIDAVIT CERTIFICATE** Docket Code: CTBA

I understand that I have the right to a trial by presenting oral testimony to the Judge or jury and that by agreeing to this alternative procedure, the trial will be limited to submission of written affidavits only and argument by counsel or a party pro se. The argument is limited to one half hour per side.

By using this alternative procedure, Trial by Affidavit, all information of a factual nature will be submitted in written affidavit form.

I am aware that by agreeing to trial by affidavit, I will receive an accelerated trial date in about twenty (20) weeks rather than the normal trial date (26 - 36 weeks). I am aware this is a voluntary procedure and I am under no obligation to agree to trial by affidavit. I understand these options and have chosen and agreed to trial by affidavit.

DATED: _____ _____
Client

Witness: _____ _____
Client

_____
Attorney of Record, WSBA #

Revised 09/09

FORM D
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **CONFIRMATION OF SERVICE** Docket Code: CS, CSSRV

CS ☐ All the named defendants/ petitioners/respondents have been served, have joined or have accepted service in writing. (Check if appropriate; otherwise, check the box below.)

CSSRV ☐ One or more named defendants have not yet been served. (If this box is checked, an additional confirmation of service must be filed pursuant to subsection (b) when service is obtained and the following information provided.

The following defendants have been served or accepted service: _____
_____

The following defendants have not yet been served: _____
_____

Reasons why service has not been obtained: _____
_____

How service will be obtained: _____
_____

Date by which service is expected to be obtained: _____

No other named defendants remain to be served.

A status conference is requested regarding: _____
_____

Family Law Cases only (PCLR 40(d): The following petitioner/respondent has been served or accepted service of the Order Assigning Case to Judicial Department:_____
_____

If Service has not been made, state the reasons why and the date by which service will be accomplished:
_____
_____

Date_____ Attorney or Party_____
WSBA # _____

Revised 09/10

FORM E
(Click above to link to PDF fillable form)

DOMESTIC RELATIONS INFORMATION FORM: Form E (PCLR 16 and PCLSPR 94.04; 9/10)

Date: _____ ☐ Husband ☐ Petitioner

Cause No.: _____ ☐ Wife ☐ Respondent

PARTIES:

PETITIONER		***RESPONDENT***	
Name:	Age:	Name	Age:
Address:		Address:	

Date of Marriage/Domestic Partnership/Cohabitation:	Date of Separation:

DEPENDENT CHILDREN:

Name	***Age***	**This Marriage**	**Prior Marriage**	**Percent Residential Time**		***Since***
				Petitioner %	**Respondent %**	

CHILD SUPPORT:1.

	NET INCOME	SUPPORT
Petitioner:	$	
Respondent:	$	

2. Tax Exemptions allocated as follows: _____
3. Exceptional support considerations: _____
4. Child Support presently being paid $_____ per month; since _____
5. Summary of proposed residential arrangements for the children:

_____

_____

_____

_____

MAINTENANCE:

1. _____ per month, duration: _____
2. Presently being paid: $_____ per month, for _____ months.

PETITIONER INCOME:

Employer/Other Source	Length	Gross Income	Net Income
		Total Income	

RESPONDENT INCOME:

Employer/Other Source	Length	Gross Income	Net Income
		Total Income	

FACTORS RELATING TO AWARD OF MAINTENANCE:

_____

_____

_____

_____

IF ATTORNEY FEES ARE AT ISSUE:

1.	Incurred to Date	$	Paid To Date	$
2.	Ordered to Date	$	Paid to Date	$
3.	Requested to Date	$	Estimate to Trial	$

PROPERTY DIVISION:

ASSETS:	Fair Market Value	Debt Owed	Net to Petitioner	Net to Respondent
Real Estate:				
Home	$	$	$	$
Other Real Property	$	$	$	$
	$	$	$	$
Vehicles (Year/Make):				
	$	$	$	$
	$	$	$	$
Household Goods	$	$	$	$
Tools/Equipment	$	$	$	$
Recreational/Hobby Equipment	$	$	$	$
Business/Profession:				
Petitioner	$	$	$	$
Respondent	$	$	$	$
Investments	$	$	$	$
Life Insurance Cash Value	$	$	$	$
Retirement:				
Petitioner	$	$	$	$
Respondent	$	$	$	$
IRA's, TSP's, 401-K's, etc.:				
Petitioner	$	$	$	$
Respondent	$	$	$	$
Receivables	$	$	$	$
Other Assets:				
	$	$	$	$
	$	$	$	$
	$	$	$	$
Debts:	($)	($)	($)	($)
TOTALS	$	$	$	$
Equalization:	$	- $	divided by two (2)	= $

Domestic Relations Information Form (Rev. 9/10)

Form E (PCLR 16 and PCLSPR 94.04)

Proposed Percentage Division: _____ % to Petitioner _____ % to Respondent

Effects of Proposed Division: $_____ to Petitioner $_____ to Respondent

A copy of this form shall be served on opposing counsel/party and trial Judge not later than 2 working days prior to trial. The original shall be filed with the Clerk's Office. When this form is used for Settlement Conference purposes under PCLR 16, do not file the original with the Clerk's Office.)

YOU MUST ATTACH:

1. **Proposed Child Support Order, Support Worksheets and current pay stubs. Form WPF DR 01-050.**
2. **Completed Financial Declaration. Form WPF DR 01-055**
3. **Proposed Parenting Plan, if disputed.**

Form F
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **CONFIRMATION OF JOINDER OF PARTIES, CLAIMS AND DEFENSES** Docket Code: CJ, CJN

CJNSC ☐ The parties make the following joint representations:
(IF THIS BOX IS CHECKED, THERE WILL NOT BE A STATUS CONFERENCE)

1. No additional parties will be joined.
2. All parties have been served or have accepted service.
3. All mandatory pleadings have been filed.
4. No additional claims or defenses will be raised.
5. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other subsequent deadlines in the Case Schedule.
6. All parties have cooperated in completing this report.

(**IF THIS CASE IS SUBJECT TO MANDATORY ARBITRATION, PLEASE FILE A STATEMENT OF ARBITRABILITY**)

CJ ☐ The parties do not join in making the foregoing representation, as explained below (if appropriate, check both the box at left and every applicable box below);
(IF THE BOX ADJACENT TO THE PRECEDING SENTENCE IS CHECKED, THERE **WILL** *BE A STATUS CONFERENCE, WHICH ALL PARTIES OR THEIR ATTORNEYS MUST ATTEND.*)

- ☐ An additional party will be joined.
- ☐ A party remains to be served.
- ☐ A mandatory pleading remains to be filed.
- ☐ An additional claim or defense will be raised.
- ☐ One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other subsequent deadlines in the Case Schedule.
- ☐ Other explanation:

_____
_____
_____

In order to obtain the court's direction in the matters described above, the parties will appear at an Initial Status Conference, the date of which (as stated in the Case Schedule) is:

_____

_____ _____
Date Attorney for Plaintiff/Party Pro Se
WSBA #_____

Revised 9/16

FORM G
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES** Docket Code: NTSSTD

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 90 days after the written notice of settlement is filed, the case shall be dismissed by the court.

_____ _____

Date Attorney for_____

WSBA # : _____

Revised 09/09

FORM H
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **JOINT NOTICE OF RECONCILIATION** PCLSPR 94.04 (a)(5)(A) DOCKET CODE: JNR

Notice is hereby given that both parties in the above-identified matter have either reconciled or mutually agree they wish to attempt a reconciliation. All future dates reflected in the Order Setting Case Schedule shall be cancelled by the Court.

FURTHER, both parties understand that this case shall automatically be dismissed by the Court six (6) months from the date of this Notice unless an Amended Petition has been filed with the Clerk of the Court prior to that date.

_____ _____
DATE Petitioner Pro Se/Attorney
WSBA #:_____

_____ _____
DATE Respondent Pro Se/Attorney
WSBA #:_____

Revised 9/09

FORM I

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	CAUSE NO. **ORDER ASSIGNING CASE TO JUDICIAL DEPARTMENT** Docket Code: AST

In accordance with PCLR 40(d), this case is hereby assigned to Department _____, Judge_____

Notice to Petitioner:
Once the case has been filed, the petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department on the respondent(s) with the summons and petition. Provided, however, that in those cases where service is by publication, the petitioner shall serve a copy of this Order Assigning Case to Judicial Department to within five (5) court days of service of the respondent's first response/appearance. If the case has not been filed, but an initial pleading is served, a copy of this Order Assigning Case to Judicial Department shall be served within five (5) court days of filing. PCLR 3(b)

Trial Date:
A trial date may be obtained pursuant to PCLR 40(d) by filing a 'Note of Issue' for assignment of a trial date by noon at least six (6) court days prior to the date fixed for assignment of the trial date. PCLR 40(d)

If a trial date is not obtained pursuant to PCLR 40(d), failure to appear on this date will result in dismissal of the case by the Court. PCLR 40(d)

Assignment to set Trial Date _____
(Date and Time)
At that time the Court will provide you with a Case Schedule which shall include the trial date. Failure to appear on this date will result in dismissal of the case by the Court. PCLR 40(d)
Certificate of Completion of Mandatory Parenting Seminar due from both parties by _____.
See PCLSPR 94.05(c)

Uncontested Dissolutions/Settlements:
If this case is agreed upon by both petitioner(s) and respondent(s) who are represented by attorneys, you are not required to wait for the trial date in order to settle your case; after appropriate time requirements have been met, final pleadings may be presented in Ex Parte. If you are self represented and settle your case and the appropriate time requirements have been met, you may file a "Note for Pro Se/Self Represented Dissolution Calendar" to appear before a Court Commissioner for entry of final papers.

Date _____ _____
(Judge Signature and Department Number)

Amended effective 9/1/2010

FORM J
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **NOTICE OF CHANGE OF ADDRESS** DOCKET CODE: NTACA

NOTICE IS HEREBY GIVEN that the address/contact information for the attorney and/or party identified below is changed to the following:

NAME: _____

NEW ADDRESS: _____

_____

EMAIL ADDRESS: _____

HOME PHONE NUMBER: _____

CELL PHONE NUMBER: _____

EFFECTIVE: _____

IN THIS CASE, I AM THE: (select only one)

___ Plaintiff/Petitioner ____Defendant/Respondent

___Attorney for _____WSBA #_____

DATED:_____ **SIGNATURE**: _____

PRINT NAME: _____

FORM K

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

In the [NAME] of:	**CAUSE NO.** **DECLARATION OF PROPOSED TRUSTEE**

1) Identification of Trustee.
Name of Proposed Trustee:
WSBA/CPG#:
Mailing Address of Proposed Trustee:
Street Address (if different):
City/State/Zip:
Telephone Number: Fax Number:
Email Address:

2) Certified Status. The proposed Trustee is professionally licensed in the State of Washington as: a ☐ lawyer, ☐ guardian, ☐ trustee, or ☐ other (identify:_____). Attached as Exhibit A to this Declaration is a summary listing the educational programs (*pertaining to fiduciary matters*) which the proposed Trustee and its employees have attended during the past twelve (12) months.

3) Business Form. The form in which the proposed Trustee does business is:
☐ sole proprietor ☐ trust company ☐ bank
☐ corporation ☐ non-profit corporation ☐ other: _____

4) Identification of Principals of Proposed Trustee. List the name of each member of the board of directors, officer, and owner of the business of the proposed Trustee and their title:

5) Relationship to Allegedly Incapacitated Person. The proposed Trustee has the following relationship with the Incapacitated Person:

6) Trustee's Organizational Structure.

(a) Date the proposed Trustee began doing business:

(b) Allocation of job responsibilities:
(*Brochures or other printed materials may be attached as an Exhibit in response to this question*.)

7) Criminal Background Checks. Does the proposed Trustee conduct criminal background checks pursuant to RCW 43.43.832 on all employees or volunteers who will or may have unsupervised access to the trust beneficiary? ☐ Yes ☐ No

8) Criminal and Disciplinary History. Provide the following information for the proposed Trustee <u>and</u> for each of its principals and employees:

(a) Circumstances leading to removal as a Trustee or as a fiduciary for breach of fiduciary duty or for any other reason:

(b) Criminal proceedings for a felony or misdemeanor involving moral turpitude, which resulted in a finding or plea of guilty (*attach an explanation as an exhibit explaining why this individual is employed by the proposed Trustee*):

(c) Civil proceedings in which there was a finding of dishonesty, misappropriation of funds, breach of fiduciary duty, or mistreatment of any person (*identify any civil proceedings where there was a settlement, even if such settlement was without specific findings by the Court*):

(d) Reported disciplinary proceedings by a disciplinary body or licensing agency that resulted in a finding of misconduct (*including proceedings by a professional organization such as a state bar association, a medical disciplinary review board, etc.*):

9) Protection of Trust Funds. The proposed Trustee has insurance coverage or security from the following forms at the following policy limits as of _____,20_

a) **Errors and Omissions Insurance:**

i) Insurance Company: _____

ii) Policy Limits: $_____

b) **Employee Dishonesty Insurance:**

i) Insurance Company: _____

ii) Policy Limits: $_____

c) **General Surety Bond:**

i) Bonding Company: _____

ii) Amount: $_____

10) Assets Under Management. As of _____,20____, the total value of all of the assets administered by the Trustee is: $_____, and the total value of all assets separately bonded or held in blocked accounts is: $_____

11) Case Load. As of _____,20____the proposed Trustee administers [*insert text-number*] trusts, and serves as a non-trustee fiduciary (e.g. Guardian, Attorney in Fact, Custodian) for _____ individuals

12) Compensation and Reimbursement. The proposed Trustee' compensation schedule is as follows (*include the different hourly rates for various services and an estimated fee in this matter if possible*):

13) Experience. The proposed Trustee's experience with similar Trusts *(for example, similar amount of assets, the family circumstances of the trust beneficiary, the proximity of the proposed Trustee to the residence of the trust beneficiary, and any relevant information*) is:

14) Asset Management. The proposed Trustee intends to manage the trust as follows:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that to the best of my knowledge the statements above are true and correct.

Signed at _____, Washington

This _____ day of _____, 20____.

Signature of Proposed Trustee	Printed Name of Proposed Trustee
Address	Telephone/Fax Number
City, State, Zip Code	Email Address

(Effective 9/1/06)

FORM L

TRUST SUMMARY

Date Trustee Appointed: _____

Date of Next Hearing: _____

Current Bond Amount: $ _____

Blocking Required: Yes ☐ No ☐

Beneficiary	Trustee
Name: Address: City, State and postal code *Phone:*	Name: Address: City, State and postal code *Phone:* *Facsimile:*

Interested Parties	Address & Phone	Relation to Beneficiary

Effective 9/1/06)

FORM M

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

In Re the Guardianship of: [Name] An Incapacitated Person.	**CAUSE NO.** **DECLARATION OF PROPOSED GUARDIAN (Non-Certified)**

(1) Personal Information.
Name of Proposed Guardian:
Mailing Address of Proposed Guardian:
Street Address (if different):
City/State/Zip:
Telephone Number: Fax Number:
Email Address:
If the proposed Guardian does not reside in Washington, provide the name, address, phone and email for the proposed Guardian's resident agent:

(2) Non-Professional Status. I am not charging fees for carrying out the duties of court-appointed guardian of three or more incapacitated persons. I acknowledge that before I may receive fees for serving as a Guardian for three or more persons, I am required to be certified in the State of Washington. See RCW § 11.88.008.

(3) Business Form. If appointed, I will serve as a Guardian as an individual and not as an entity or representative of a business entity, such as a trust company or non-profit corporation.

(4) Background and Experience Helpful to Service as Guardian. I have the following background, education training and experience, which may be helpful in my service as Guardian:

(5) Licenses held:

(6) Relationship to Alleged Incapacitated Person. I have the following relationship to the Alleged Incapacitated Person (*such as family member, friend, etc.*):

(7) Prior History as Fiduciary or Guardian.
(a) I have served in a fiduciary capacity (*such as an attorney-in-fact pursuant to power of attorney, a trustee, an executor, an administrator, or a Guardian*).
☐ Yes ☐ No
(b) I have been removed as a fiduciary.
☐ Yes ☐ No
If the answer above is "Yes," describe the circumstances leading to your removal as a Guardian or as a fiduciary.

(8) Criminal History. RCW 11.88.020(3) expressly provides that no person is qualified to serve as a Guardian if he or she has been "convicted of a felony or of a misdemeanor involving moral turpitude,"

(*a crime involving dishonesty, misappropriation of funds, breach of fiduciary duty, or mistreatment of any person*).

I have been convicted of such a crime

☐ Yes ☐ No

If the answer to the question is "Yes," identify all such convictions dated, and whether or not your civil rights have been restored.

(9) Civil Proceedings. Describe any civil or administrative proceeding in which there was a finding that you had engaged in dishonesty, misappropriation of funds, breach of fiduciary duty, or mistreatment of any person. Also identify any proceeding(s) where there was a settlement, even if such settlement was without specific findings by the Court.

(10) Disciplinary Proceedings. Describe any disciplinary proceeding against you by any applicable disciplinary body or licensing agency that resulted in a finding of misconduct. This would include any proceedings by a professional organization such as a state bar association, a medical disciplinary review board and the like:

(11) Ability to Secure Bond. In some cases, it is necessary for the Guardian to secure a bond, which is insurance coverage providing protection to the Incapacitated Person in the event of financial loss or personal harm caused by the negligent or intentional conduct of the proposed Guardian. Is there any reason (*such as bankruptcy or poor credit record*) why you would have difficulty obtaining a Guardian's bond. If yes, please explain:

(12) Compensation and Reimbursement. State whether you intend to request hourly compensation for your services and describe the expenses (e.g. mileage, postage copies charges, etc.) for which you expect to be reimbursed.

(13) Summary of Guardian Duties: The below signed proposed Guardian understands and agrees that:

My duties as Guardian are more fully described in:

(1) the Court Order that appoints me,

(2) the statutes of the State of Washington – (for example see the Revised Code of Washington (RCW) at Chapters 11.88 & 11.92 and specifically 11.92.042 and 11.92.043 RCW.)

(3) the case law.

I should consult with my attorney if I have any questions. I am presumed to understand my duties and responsibilities. I can be held personally responsible if I do not properly carry out my duties as Guardian.

As Guardian, I act in a fiduciary capacity in my dealings on behalf of the Incapacitated Person. This means that as the Guardian, I am required to put the interests of the Incapacitated Person ahead of my personal interests in all transactions, as well as any transaction in which my interests and the interests of the Incapacitated Person may be in conflict.

Additionally, if I have been appointed Guardian of the Estate, I am charged with the responsibility of acting as a reasonably prudent person in dealing with the investment and conservation of the assets of the Incapacitated Person and to avoid self dealing.

For health care decisions, "Before any person authorized to provide informed consent on behalf of a patient not competent to consent exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests." RCW § 7.70.065(3)

If my personal beliefs could be in conflict with the interests of the Alleged Incapacitated Person, I must first do what I believe the Incapacitated Person would do if competent. If that cannot be determined, either because of lack of knowledge or because the Incapacitated Person has always been disabled, I may act in the manner that I believe is in the best interest of the Alleged Incapacitated Person. I understand that at any time I can seek direction from the court if there is any question of what is in the best interest of the Alleged Incapacitated Person.

Any attorney that I retain to assist me in this guardianship proceeding will have independent responsibilities and obligations to the Court. The attorney-client privilege may not extend to information regarding misfeasance or malfeasance of a fiduciary. The attorney-client privilege may not extend to information given by me, the Guardian, to my attorney, for any failure to follow the laws of a court-appointed Guardian.

If I am appointed the Guardian of the Person or Guardian of the Estate I must:

- file a Designation of Standby Guardian with the Court;
- keep the Court informed of any change in my name, address, or bonding status; and
- file a Change of Circumstance Report within thirty (30) days of any change of location, major or permanent changes in health or finances, or of the death of the Incapacitated Person.
- file a Final Accounting within ninety (90) days after the termination of a guardianship. 11.92.053 RCW, see also 11.88.140 RCW.

If I am appointed the Guardian of the Estate I must also:

- keep the Incapacitated Person's funds separate from my own, in a separate guardianship bank account;
- make all payments in a timely manner and with a method so there is a record of all transactions that can be verified by the Court at the time of each annual accounting (e.g. checking account);
- file, within ninety (90) days of my appointment, an Inventory of the assets in the guardianship estate, and a Budget authorizing disbursements; and
- file, within ninety (90) days of the anniversary date of my appointment (as shown on the Letters of Guardianship), an Accounting showing the receipts and disbursements made on behalf of the Incapacitated Person during the previous accounting period.

If I am appointed the Guardian of the Person I must also:

- file, within ninety (90) days of my appointment, a Personal Care Plan describing the care needs of the Incapacitated Person with the court; and
- file, within ninety (90) days of the anniversary date of my appointment, a Status Report describing the care and condition of the Incapacitated Person during the previous accounting period.

If I am appointed the Guardian of the Person or Guardian of the Estate I cannot:

- spend, sell, borrow, loan, invest or give away ANY of the Incapacitated Person's property (including money), without a court order;
- spend, loan, invest, or give away any of the Incapacitated Person's principal or income for any purpose without a court order;
- borrow money on behalf of the Incapacitated Person, without a court order;
- use the Incapacitated Person's money for myself or my needs, without a court order;
- pay myself a fee from the Incapacitated Person's money, without the filing of a verified petition for payment of fees with an Affidavit detailing the time spent, services provided, and compensation requested attached thereto, and a corresponding court order approving said petition; or
- force the Incapacitated Person to live ANYWHERE, including a mental institution or nursing home facility.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that to the best of my knowledge the statements above are true and correct.

Signed at _____, Washington

This _____ day of _____, 20____.

Signature of Proposed Guardian	Printed Name of Proposed Guardian,
Address	Telephone/Fax Number
City, State, Zip Code	Email Address

Effective 9/1/06

FORM N

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

In Re the Guardianship of: [Name] An Incapacitated Person.	**CAUSE NO.** **DECLARATION OF PROPOSED GUARDIAN (Certified)**

1) Personal Information.
Name of Proposed Guardian:
Certified Professional Guardian #:
Mailing Address of Proposed Guardian:
Street Address (if different):
City/State/Zip:
Telephone Number: Fax Number:
Email Address:

2) Certified Status. The proposed Guardian is a certified professional Guardian in the State of Washington. Attached as Exhibit A to this Declaration is a summary listing the educational programs (*pertaining to Guardianships or fiduciary matters*) which the proposed Guardian and its employees have attended during the past twelve (12) months.

3) Business Form. The form in which the proposed Guardian does business is:
☐ sole proprietor ☐ partnership ☐ trust company
☐ corporation ☐ non-profit corporation

4) Identification of Principals of Proposed Guardian. List the name of each member of the board of directors, officer, and owner of the business of the proposed Guardian and their title:

5) Individual Certified Guardians. List each certified Guardian in the employ of the Guardian who may have responsibilities in this case and the individual certified Guardian who will have supervising responsibility in this case.

6) Relationship to Alleged Incapacitated Person. The proposed Guardian has the following relationship with the Incapacitated Person:

7) Guardian's Organizational Structure.

(1) Date the proposed Guardian began doing business:

(2) Allocation of job responsibilities:

(*Brochures or other printed materials may be attached as an Exhibit in response to this question*.)

8) Criminal Background Checks. Does the proposed Guardian conduct criminal background checks pursuant to RCW 43.43.832 on all employees or volunteers who will or may have unsupervised access to the Incapacitated Person? ☐ Yes ☐ No

9) Criminal and Disciplinary History. Provide the following information for the proposed Guardian and for each of its principals and employees who are certified professional Guardians. However, do NOT include employees who are neither principals nor certified Guardians:

(1) Circumstances leading to removal as a Guardian or as a fiduciary for breach of fiduciary duty or for any other reason:

(2) Criminal proceedings for a felony or misdemeanor involving moral turpitude, which resulted in a finding or plea of guilty (*attach an explanation as an exhibit explaining why this individual is employed by the proposed Guardian*):

(3) Civil proceedings in which there was a finding of dishonesty, misappropriation of funds, breach of fiduciary duty, or mistreatment of any person (*identify any civil proceedings where there was a settlement, even if such settlement was without specific findings by the Court*):

(4) Reported disciplinary proceedings by a disciplinary body or licensing agency that resulted in a finding of misconduct (*including proceedings by a professional organization such as a state bar association, a medical disciplinary review board, etc.*):

10) Bond/Insurance. The proposed Guardian has insurance coverage or security from the following forms at the following policy limits as of _____20__:

a) **Errors and Omissions Insurance:**

i) Insurance Company: _____

ii) Policy Limits: $_____

b) **Employee Dishonesty Insurance:**

i) Insurance Company: _____

ii) Policy Limits: $_____

c) **General Surety Bond:**

i) Bonding Company: _____

ii) Amount: $_____

11) Assets Under Management. The total value of all of the assets that proposed Guardian has under management as of _____, 20____ is: $_____

12) Compensation and Reimbursement. The proposed Guardian's compensation schedule is as follows (*include the different hourly rates for various services*):

13) Experience. The proposed Guardian's experience with similar Guardianships *(for example, similar amount of assets, the family circumstances of the Incapacitated Person, the proximity of the proposed Guardian to the residence of the Alleged Incapacitated Person, and any relevant information*) is:

14) Case Load. As of _____,20____the proposed Guardian is the Court appointed Guardian for [*insert text-number*] of total individuals, and serves as a non-guardian fiduciary (e.g. Trustee, Attorney in Fact, Custodian) for _____ number of total individuals.

15) Summary of Guardian Duties: The below signed proposed Guardian understands and agrees that:

My duties as Guardian are more fully described in:

(1) the Court Order that appoints me,

(2) the statutes of the State of Washington – (for example see the Revised Code of Washington (RCW) at Chapters 11.88 & 11.92 and specifically 11.92.042 and 11.92.043 RCW.)

(3) the case law.

I should consult with my attorney if I have any questions about my duties and responsibilities. I am presumed to understand my duties and responsibilities. I can be held personally responsible if I do not properly carry out my duties as Guardian.

As Guardian, I act in a fiduciary capacity in my dealings on behalf of the Incapacitated Person. This means that as the Guardian, I am required to put the interests of the Incapacitated Person ahead of my personal interests in all transactions as well as any transaction in which my interests and the interests of the Incapacitated Party may be in conflict.

Additionally, if I have been appointed Guardian of the Estate, I am charged with the responsibility of acting as a reasonably prudent person in dealing with the investment and conservation of the assets of the Incapacitated Person; and to avoid self dealing.

Any attorney that I retain to assist me in this guardianship proceeding will have independent responsibilities and obligations to the Court. The attorney-client privilege may not extend to information regarding misfeasance or malfeasance of a fiduciary.

If I am appointed the Guardian of the Person or Guardian of the Estate I <u>must</u>:

- file a <u>Designation of Standby Guardian</u> with the Court;
- keep the Court informed of any change in my name, address, or bonding status; and
- file a <u>Change of Circumstance Report</u> within thirty (30) days of any change of location, major or permanent changes in health or finances, or of the death of the Incapacitated Person.
- file a <u>Final Accounting</u> within ninety (90) days after the termination of a guardianship. 11.92.053 RCW, see also 11.88.140 RCW

If I am appointed the Guardian of the Estate I <u>must</u> also:

- keep the Incapacitated Person's funds separate from my own, in a separate guardianship bank account;
- make all payments in a timely manner and with a method so there is a record of all transactions that can be verified by the Court at the time of each annual accounting (e.g. checking account);
- file, within ninety (90) days of my appointment, an <u>Inventory</u> of the assets in the guardianship estate, and a Budget authorizing disbursements; and
- file, within ninety (90) days of the anniversary date of my appointment (as shown on the Letters of Guardianship), an <u>Accounting</u> showing the receipts and disbursements made on behalf of the Incapacitated Person during the previous accounting period.

If I am appointed the Guardian of the Person I must also:

- file, within ninety (90) days of my appointment, a Personal Care Plan describing the care needs of the Incapacitated Person with the court; and
- file, within ninety (90) days of the anniversary date of my appointment, a Status Report describing the care and condition of the Incapacitated Person during the previous accounting period.

If I am appointed the Guardian of the Person or Guardian of the Estate I cannot:

- spend, sell, borrow, loan, invest or give away ANY of the Incapacitated Person's property (including money), without a court order;
- spend, loan, invest, or give away any of the Incapacitated Person's principal or income for any purpose without a court order;
- borrow money on behalf of the Incapacitated Person, without a court order;
- use the Incapacitated Person's money for myself or my needs, without a court order;
- pay myself a fee from the Incapacitated Person's money, without the filing of a verified petition for payment of fees with an Affidavit detailing the time spent, services provided, and compensation requested attached thereto, and a corresponding court order approving said petition; or
- force the Incapacitated Person to live ANYWHERE, including a mental institution or nursing home facility.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that to the best of my knowledge the statements above are true and correct.

Signed at _____, Washington

This _____ day of _____, 20 _____.

Signature of Certified Professional Guardian	Printed Name of Certified Professional Guardian, WSBA/CPG#
Address	Telephone/Fax Number
City, State, Zip Code	Email Address

Effective 9/1/06

FORM O

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

In Re the Guardianship of: [Name] An Incapacitated Person.	**CAUSE NO.** **GUARDIANSHIP SUMMARY**

Date Guardian Appointed: _____
Date of Next Hearing: _____
Current Bond Amount: $ _____
Blocking Required: Yes ☐ No ☐
Due Date for Inventory: _____
Due Date for Care Plan: _____
Loss of Voting Rights Yes ☐ No ☐

Incapacitated Person (IP)	**Guardian of: ☐ Estate ☐ Person**
Name: Address: Phone:	Name: Address: Phone: Facsimile:

Standby Guardian	**Address & Phone:**	**Relation to IP**

Interested Parties	**Address & Phone:**	**Relation to IP**

I declare under the penalty of perjury that the above information is true and correct. I agree that if any of the above information changes, I will notify the court of that change within ten days of the change.

Dated this_____ day of _____, _____ at _____
(day) (month) (year) (City & State)

_____
Signature

_____
Print

Effective 9/1/06

FORM P
(Click above to link to PDF fillable form)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**NO.** **ORDER AND JOINT NOTICE OF PARTICIPATION IN COLLABORATIVE LAW**

Notice is hereby given that both parties in the above-identified matter mutually agree that they wish to participate in Collaborative Law. All future dates reflected in the Order Setting Case Schedule shall be cancelled by the Court.

FURTHER, both parties understand that should this case not resolve within six (6) months from the date of this Notice, the parties shall appear before the Court on the following date for a mandatory status conference to advise the Court of the progress in this matter.

MANDATORY HEARING DATE:_____.
Counsel and the Court may agree to continue the status conference to a later date if participation in the Collaborative Law process is ongoing as the status conference date approaches.

Done in Open Court this _____day of _____, 20_____.

_____
JUDGE

_____ _____
DATE Petitioner's Attorney
WSBA #

_____ _____
DATE Respondent's Attorney
WSBA #

Effective 9/1/2010

FORM Q

COMMISSIONERS' CALENDARS:

CIVIL DIVISION A (Courtroom 2A)					
TIME	**MONDAY**	**TUESDAY**	**WEDNESDAY**	**THURSDAY**	**FRIDAY**
9:30–12:00	Show Cause	Show Cause	Show Cause	Show Cause	Prosecutor's Docket
12:00-1:00	Closed	Closed	Closed	Closed	Closed
1:30-4:30	Probate Guardianship Vulnerable Adult Minor Settlement Supp Proceedings Unlawful Detainer	Probate Guardianship Vulnerable Adult Minor Settlement Supp Proceedings Unlawful Detainer	Probate Guardianship Vulnerable Adult Minor Settlement Supp Proceedings Unlawful Detainer	Probate Guardianship Vulnerable Adult Minor Settlement Supp Proceedings Unlawful Detainer	Probate Guardianship Vulnerable Adult Minor Settlement Supp Proceedings Unlawful Detainer

CIVIL DIVISION B (Courtroom 117)					
TIME	**MONDAY**	**TUESDAY**	**WEDNESDAY**	**THURSDAY**	**FRIDAY**
9:30–Noon	Show Cause	Show Cause	Show Cause	Show Cause	Self Represented Uncontested Dissolutions
12:00-1:00	Closed	Closed	Closed	Closed	Closed
1:00–4:30pm	Domestic Violence Sexual Assault	Domestic Violence Sexual Assault	Domestic Violence Sexual Assault	Domestic Violence Sexual Assault	Domestic Violence Sexual Assault

CIVIL DIVISION C (Courtroom 407)					
TIME	**MONDAY**	**TUESDAY**	**WEDNESDAY**	**THURSDAY**	**FRIDAY**
9:30–Noon	Show Cause	Show Cause	Show Cause	Show Cause	Self Represented Uncontested Dissolutions
12:00-1:00	Closed	Closed	Closed	Closed	Closed
1:30–4:30	Family Support Modification	Paternity	Family Support Modification	Paternity	Family Support Modification

EXPARTE DEPARTMENT (Courtroom 105)					
TIME	**MONDAY**	**TUESDAY**	**WEDNESDAY**	**THURSDAY**	**FRIDAY**
9:00-11:30	Exparte Presentations	Exparte Presentations	Exparte Presentations	Exparte Presentations	Exparte Presentations
12:00-1:30	Closed	Closed	Closed	Closed	Closed
1:30-3:30	Exparte Presentations	Exparte Presentations	Exparte Presentations	Exparte Presentations	Exparte Presentations

COMMISSIONERS CALENDARS/HOURS MAY BE REVISED—CHECK WEBSITE:
www.co.pierce.wa.us/superiorcourt

FORM R

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

CASE NAME	**CAUSE NO.** **MOTION TO WAIVE MANDATORY SETTLEMENT CONFERENCE**

I, _____, **Petitioner/Respondent** , request the Court waive the requirement for mandatory Settlement conference for the following reason(s):

- ❑ A domestic violence restraining order or protection order (excluding Ex-Parte orders) involving the parties has been entered by a court within the previous twelve (12) months. A copy of the order is attached to this motion. (If an order is not attached, provide the name of the case, case number, county in which the order is issued, the date of issuance):
  _____
  _____

- ❑ A domestic violence no contact order exists pursuant to RCW 10.99, and has been in effect within the past twelve (12) months. A copy of the order is attached to this motion. (If an order is not attached, provide the name of the case, case number, county in which the order is issued, the date of issuance):
  _____
  _____
  _____

- ❑ There is a history of domestic abuse between the parties. Because of that history of abuse I believe I am in danger of physical or emotional abuse in connection with the mediation session or it would interfere with arm's-length mediation. Describe history of domestic abuse:
  _____
  _____
  _____

- ❑ There is a history of child abuse that has occurred involving at least one of the parties and one or more of the children subject to the family law matter. Describe history of abuse:
  _____
  _____
  _____

- ❑ I seek a waiver for other reasons (Set forth reasons:) _____
  _____
  _____

My Name:

_____

Address: _____

_____

_____

Other Party/Attorney's Name:

_____

Address: _____

_____

_____

_____ (check here) **I CERTIFY THAT THE STATEMENTS IN THIS MOTION ARE TRUE AND CORRECT, AND I HAVE MAILED A COPY OF THIS MOTION TO THE OTHER PARTY'S ATTORNEY OR TO THE OTHER PARTY IF UNREPRESENTED BY AN ATTORNEY .**

DATED this _____ day of _____, 20_____.

_____

Signature of Attorney or Party filing Motion if unrepresented by an attorney

FORM S

SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

Plaintiff(s), and Defendant(s).	**No. _____** **STATEMENT OF ARBITRABILITY**

CASE CATEGORY:

NAME:	**NAME**
ADDRESS:	**ADDRESS**:

CERTIFICATE OF ARBITRABILITY

☐ This case is subject to arbitration because the sole relief sought is a money judgment and involves no claim in excess of Fifty Thousand Dollars ($50,000), exclusive of attorney fees, interest and costs.

☐ This case is not subject to mandatory arbitration because:
- ☐ Plaintiff's claim exceeds Fifty Thousand Dollars ($50,000).
- ☐ Plaintiff seeks relief other than a money judgment.
- ☐ Defendant's counter or cross claim exceeds Fifty Thousand Dollars ($50,000)
- ☐ Defendant's counter or cross claim seeks relief other than a money judgment.

☐ The undersigned contends that its claim exceeds Fifty Thousand Dollars ($50,000), but hereby waives any claim in excess of Fifty Thousand Dollars ($50,000) for the purpose of arbitration.

CERTIFICATE OF READINESS

The undersigned attorney **certifies** that:
1. All parties have been joined and served;
2. All parties have received a copy of the Case Schedule;
3. All answers and other mandatory pleadings have been filed and served; and
4. No additional claims or defenses will be raised.

ARBITRATION AWARD

NOTE: In cases where an Arbitration Award is filed and there is no timely request for trial *de novo*, either a judgment on arbitration award or an order dismissing all claims against all parties must be entered within 90 days of the filing of the Arbitration Award. Failure to do so shall result in the case being dismissed by the court.

(PAGE FOR ADDITIONAL ATTORNEYS)