



Bob Ferguson

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June 10, 2021

Skagit County Superior Court Clerk
205 W Kincaid, Room 103
Mount Vernon, WA 98273

Pursuant to the invitation by Presiding Judge Riquelme for response to the Superior Court's proposed rule changes, the Office of the Attorney General, through the Bellingham Regional Service Assistant Attorneys General, submits the following comments:

PART X: JUVENILE RULES
LJuCR 2.3

(a)(1) The AAGs request the last sentence of this paragraph be changed to read, "The party scheduling the hearing shall provide ~~all of the above entities and parties~~ **Court Administration, Clerk of Court, Attorney General's Office, Guardian ad Litem program, Public Defender's Office, Office of Assigned Counsel and any attorneys assigned prior to filing** with a copy of the Petition, Summons, Motion and notice of hearing, ~~and all other documents supporting the shelter care hearing~~ at the time of filing.

- *For cause, service of the petition, summons, motion and notice of hearing on parents, guardians, children, tribal entities and other necessary parties is covered under RCW 13.34.070 and RCW 13.38.070 and otherwise conflicts with the proposed rule.*
- *For cause, the provision of "documents supporting the shelter care hearing" is covered in (a)(4).*

(a)(2) The AAGs request the following sentence to be added after sentence 3: *If a provisional appointment order is not signed at the time the petition is filed, the **Skagit County Public Defender shall notify the Attorney General's Office within one hour of provisional appointments of parent attorney in order to ensure timely provision of discovery.***

(a)(4) The AAGs request the following changes: The Department shall provide **electronically** all discovery supporting the dependency petition filling to ~~the parents and~~ all provisionally appointed attorneys **and the Guardian ad Litem office** prior to the scheduled shelter care

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hearing. **Whenever a parent appears without a provisionally appointed attorney, such discovery shall be provided directly to the parent at the shelter care hearing.**

LJuCR 2.5

(a)(1) The AAGs request the following changes: **A review of shelter care status hearing shall be set within 30 days of the first shelter care hearing, unless otherwise ordered by the court. the agreement on the record or in writing of all parties or the order of the Court.**

- *For cause, RCW 13.34.065(7)(a) would authorize continued placement in shelter care beyond 30 days without a hearing, but requires a court order.*

(a)(2) The AAGs request the following changes: ***New Issues for 30-day Hearing. Reasonable advance written notice shall be given to the Court and other parties of the new issues any party seeks to raise at the 30-day status hearing. If a The party seeking seeks to modify terms or enforce compliance of a shelter care order, that party seeking to modify terms or enforce compliance with the terms of the shelter care order shall given provide written notice to the Court and other parties of all proposed issues by noon the two days day before the hearing.***

LJuCR 2.9

(b) The AAGs propose the following change to the first sentence: The legal parties shall **provide to all parties and file a written statement of issues with in response to the court report and/or proposed order under the timing rules set forth in SCLCR 7(d) at least 7 days prior to the hearing.**

- *For cause, this meets the requirements of RCW 13.34.136(2)*

(c) The AAGs request working copies to be provided electronically to the Court and all parties.

LJuCR 3.4

(c)(1) The AAGs request that confirmation be by phone or email to court administration.

(c)(2) The AAGs propose the following clause to be added to the end of the sentence, **“unless otherwise scheduled by the Court.”**

(c)(3) The AAGs proposed the following changes: Any request for continuance of the fact-finding hearing shall be made in writing, filed under the timing rules set forth in SCLCR 6(d)(2), **or by agreement of all parties**, and shall identify the 75th day from the filing of the petition. A

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motion to continue beyond the 75th day shall be supported by a declaration of exceptional circumstances, **or as otherwise permitted by the court.** (no further change requested).

LJuCR 3.9

The AAGs propose deleting this section entirely as it appears to be a duplicate of proposed LJuCR 2.9.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Lisa M. LaGuardia". The signature is written in a cursive style and is positioned to the left of a vertical line.

Lisa LaGuardia
AAG, WSBA #29888