

**SKAGIT COUNTY SUPERIOR COURT
LOCAL COURT RULES
2021-2022**

CHANGES ONLY

Part I: ADMINISTRATIVE RULES. (SCLAR)

Rule 0.2

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

PART II LOCAL GENERAL RULES (SCLGR)

RULE 11 COURT INTERPRETERS

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

RULE 2 Interpreter Request.

(a) Initial Request. All parties with Limited English Proficiency who need an interpreter to participate in court hearings shall complete the Request for Interpreter form located on the Superior Court webpage under the Forms section, and provide the form to Court Administration five (5) days before their court hearing.

(b) Change or Cancellation. If someone requesting an interpreter is continuing or canceling the hearing after having made the request for an interpreter under (a) above must immediately notify Court Administration to cancel or change the date for the interpreter's appointment.

RULE 30 ELECTRONIC FILING AND SERVICE

- (b) Electronic Filing Authorization, exception, service and technology equipment.
(4) Electronic Filing and Service. Attorneys and self-represented litigants may electronically file (e-file) all documents using the Clerk's online e-filing system unless this rule provides otherwise.
- (i) Documents That Shall Not Be E-Filed. The following documents must be filed in paper form and not e-filed:
 - (1) Certified records of proceedings for purposes of appeal;

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

RULE 33 REQUESTS FOR ACCOMODATION BY PERSONS WITH DISABILITIES

- (b) Process for Requesting Accommodation
 - (1) *Requests.* Individuals who have a disability and need assistance in order to fully and equally participate in Court hearings should promptly contact Superior Court Administration at (360) 416-1200 and follow the instructions provided by that office. Applicants should request the accommodation that will allow them to best participate in court programs, services, or activities. A reasonable accommodation could be, but is not limited to, an interpreter, a sign language interpreter; large print or high contrast documents and forms; hearings held by teleconference; extended time for hearings and recesses; or assistive listening and seeing devices; personal assistance or someone who can help present the case or claim to the Court.

PART III. CIVIL RULES (SCLCR)

RULE 3 PETITION TO RESTORE FIREARMS

- (a) Petitions to restore firearm rights shall be brought:
 - (1) in the underlying criminal or juvenile offender case that resulted in loss of firearm rights; or
 - (2) under a civil cause number pursuant to the civil rules.
- (b) Petitions for restoration of firearm rights based upon a mental health proceeding shall bear the burdens provided by statute, RCW 9.41.047, and shall constitute a waiver of privilege to mental health information to the extent necessary for the Court to address the petition. Any information received pursuant to such waiver shall not be disclosed to others, except to the extent necessary to address the petition.
- (b) A party filing a petition to restore firearms rights must serve the Skagit County Prosecutor, or his or her designee, at least 14 days before the scheduled hearing date. A petition that is not filed within the requirements of this rule will not be heard on the date noted for hearing.
- (c) Service on the county prosecutor or his or her designee shall be made by
 - (1) hand delivering a copy to the office of the prosecuting attorney and leaving it with the prosecutor, a deputy prosecutor, or staff employed by the prosecutor's office or
 - (2) by mail. If service is by mail the provisions of CR5 (b)(2)(A)&(B) shall apply.
- (d) The prosecutor may file a response to the petition to restore firearms rights. Any response in opposition to the petition must be filed and served at least three days before the scheduled hearing date.

RULE 6. TIME

(d)(2)(iv) *Proposed Orders.* A proposed order, which the Court may adopt, modify, or reject consistent with the decision of the Court, shall be provided pursuant to SCLCR 7(e)(3).

(A): [eliminated]

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

(b) Motions and Other Papers

5) *Remote Argument*. Oral argument on civil motions, including family law motions, may be heard remotely provided that the attorney or unrepresented party has clear audio and video. Information about connecting remotely is posted on the Court's website in the Daily Court Schedule:

www.skagitcounty.net/Departments/SuperiorCourt

(6) *Remote Testimony*. Remote testimony is allowed only with prior Court approval. Due to reliance on testimony, the following calendars are presumed to take place with parties appearing in person: fact findings, shelter cares, protection orders, and trials. If remote testimony is permitted by the Court, such testimony shall take place with clear audio and video.

(7) *Remote Appearances*. The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. This includes refraining from interrupting others, engaging in lewd or inappropriate behavior, or otherwise disrupting the proceedings. All parties are expected to wear courtroom attire when appearing remotely.

(e) Motions Practice

(1) *Setting of Motion*. Motions under CR 56 and CR 57, and other motions that may be dispositive to the outcome of the matter, including but not limited to, motions made under CR 12(b)(1-7) at least in part and 12(c) shall be placed on the Dispositive Motion calendar and confirmed by 4:00 p.m. four (4) court days before the scheduled hearing pursuant to the procedure set forth in SCLCR 56/57. Any motion on the Dispositive Motion calendar that is not confirmed in accordance with this rule will be stricken. All other civil motions shall be placed on the Civil Motions calendar.

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

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

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

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

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

RULE 8 UNLAWFUL DETAINER ACTIONS

- (a)** Complaints for writs of restitution, money judgments, and other orders in residential, post-foreclosure, and manufactured and mobile home unlawful detainer actions will be granted only under the following conditions:
- (1) Owners or lessors of real property, or any duly appointed Attorney in fact, may properly be a plaintiff in an unlawful detainer action. All complaints must include the following:
 - (i) A copy of the rental agreement or lease upon which the tenancy is based, if any, shall be filed with the complaint. A complaint that involves a month-to-month tenancy that is the result of a conversion from a lease shall include a copy of the underlying lease.
 - (ii) Plaintiff owners of the real property must state ownership in the complaint and if the tenants participate in federal housing assistance programs or if the real property has a federally backed mortgage.
 - (iii) Plaintiff lessors and sublessors must state their status as lessor or sublessor in their complaint.
 - (iv) Duly appointed attorneys-in-fact of the property owners must state their status in the complaint and must file with the complaint a copy of the power of attorney so designating them.
 - (v) If the action is brought under the Residential Landlord Tenant Act and is based upon any reason other than exclusively nonpayment of rent, the plaintiff shall specifically plead the just cause exception under RCW 59.18 et. seq. to ending a residential tenancy and shall state with specificity the facts supporting such exception.
 - (vi) If the action is based upon a facility rules violation, a copy of the rules shall be attached.
 - (vii) If the property or housing unit is federally, state or tribally subsidized in any manner (including but not limited to Section 8 housing, Public Housing, Rural Development housing, or Low Income Tax Credit Program) the name of the program and nature of the subsidy shall be included in the complaint.
 - (viii) A certification that the plaintiff notified Skagit Legal Aid and the approved dispute resolution center prior to the filing of this action in the form of Attachment B which is attached to this rule.
 - (ii) A copy of the notices required under RCW 59.12, et seq. and any notice required pursuant to any standing order of this Court and proof of service or mailing of the aforementioned notices.
 - (2) A plaintiff seeking a writ of restitution must either schedule the matter for trial or schedule a Show Cause Hearing on the issuance of the writ, with proper notice to the defendant of the hearing and notice that failure to attend may result in a default judgment and writ of restitution.

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

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

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

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

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

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

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

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

ATTACHMENT A

IMPORTANT NOTICE TO TENANTS CONCERNING SCHEDULED COURT HEARING TO SHOW CAUSE AND HOW TO ACCESS LEGAL ASSISTANCE AND REMOTE PROCEEDINGS

This notice contains legal rights that you have under the law and Skagit County Superior Court Local Rules.

- State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter.
- You have the right to appear at the Show Cause hearing and present your side to the Court either in person or virtually in accordance with this Court's Local Rules.
- If you do not participate in your Show Cause hearing, the Sheriff could evict you.
- Your landlord is required to give you this addendum if they give you an "Order to Show Cause."

Remote Appearance

You may appear remotely provided that you have clear audio or video. Information about connecting remotely is posted on the Court's website in the Daily Court Schedule:

www.skagitcounty.net/Departments/SuperiorCourt

The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. This includes refraining from interrupting others, engaging in lewd or in appropriate behavior, or otherwise disrupting the proceedings. All parties are expected to wear courtroom appropriate attire when appearing remotely.

Legal Help

State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you.

please contact the Eviction Defense Screening Line
By phone at 855-657-8387
Apply Online at <https://nwjustice.org/apply-online>

For additional resources, please call the CLEAR Advice and Referral line at **1-888-201-1014** weekdays between 9:15 a.m. – 12:15 p.m. or the CLEAR Senior line at **1-888-381-7111** for seniors age 60 and up. You will be screened for eligibility: legal representation is not guaranteed.

Any person should qualify who, at any stage of a court proceeding, either

(a) Receives one of the following types of public assistance:

- Temporary assistance for needy families,
- aged, blind, or disabled assistance benefits,
- medical care services under RCW 74.09.035,
- pregnant women assistance benefits,
- poverty-related veterans' benefits,
- food stamps or food stamp benefits transferred electronically,
- refugee resettlement benefits,
- medicaid, or
- supplemental security income;

or

(b) Receiving an annual income, after taxes, of 200 percent or less of the current federally established poverty level.

If you are unable to contact CLEAR, you may contact the Housing Justice Project operated by Skagit Legal Aid. The clinic operates either in person or virtually during each court unlawful detainer calendar s. You can reach the local Housing Justice Project at (360) 230-8100.

You may also visit WashingtonLawHelp.org for up to date information on landlord/tenant law.

Individuals with Disabilities or Limited English Proficiency

If you have a disability or do not primarily speak English and need assistance in order to fully and equally participate in your Show Cause hearing, you should promptly contact the Superior Court Administrator's office and follow the provided instructions by calling (360) 416-1200 or in-person at the Court Administrator's office (2nd floor courthouse), and then follow the provided instructions.

Applicants should request the accommodation that will allow them to best participate in court programs, services, or activities. A reasonable accommodation could be, but is not limited to:

- an interpreter,

- a sign language interpreter;
- large print or high contrast documents and forms;
- hearings held by teleconference;
- extended time for hearings and recesses; or
- assistive listening and seeing devices;
- personal assistance or someone who can help present the case or claim to the Court.

All parties with Limited English Proficiency who need an interpreter to participate in court hearings shall complete the Request for Interpreter form served contemporaneously with this Important Notice and available on the Superior Court Administrator's office.

ATTACHMENT B

Certification of Property Owner, Landlord, or Counsel

I certify and declare under penalty of perjury under the laws of the state of Washington that on _____(the date prior to filing), that I e-mailed/mailed notice of my intent to file a Complaint in Unlawful Detainer against Tenant _____(insert Tenant's name) along with the Tenant's last known contact information (i.e. address(es), telephone number(s) and e-mail(s), and preferred language to communicate) to the approved dispute resolution center and Skagit Legal Aid..

RULE 40 ASSIGNMENT OF CASES

(b) Methods

(1) *Form of Request.* The trial assignment calendar shall be held on each Monday at 9:30 a.m. Notes for this calendar shall be filed and served on all parties at least nine (9) court days before the trial assignment calendar. Counsel should not be present for this calendar, but should proceed according to the remainder of this rule. Trial dates shall be assigned by the Court Administrator pursuant to requests made in accordance with CR 40, using the form for unrepresented litigants under the Forms tab on the Superior Court website.

(c) Pre-Trial Conference.

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

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

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

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

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

RULE 43 TAKING OF TESTIMONY

(a) Testimony

- (3) *Exhibits.* When a documentary exhibit is used at trial during witness examination counsel shall provide extra copies of the exhibit to opposing counsel and the court in accordance with SCLCR 40(f).
- (4) *Remote Testimony.* Witnesses may only testify remotely with prior permission of the Court and with clear audio and video connections. They must label themselves by their legal name when connecting remotely and remain in the virtual waiting room until it is their turn to provide testimony.
- (5) *Presence at Trial Prior to Testimony.* Absent pre-approval of the Court, any non-party witnesses, regardless of whether appearing remotely or in-person, may not observe the trial until their testimony is complete and they are released from subpoena.

RULE 56 SUMMARY JUDGEMENT

- (2) It shall be the responsibility of the moving party to confirm all motions for Summary Judgement on the Dispositive Motion calendar by 4:00 p.m. four (4) court days before the scheduled hearing.

RULE 57 DECLATORY JUDGEMENTS

- (2) It shall be the responsibility of the moving party to confirm all motions for Summary Judgement on the Dispositive Motion calendar by 4:00 p.m. four (4) court days before the scheduled hearing.

PART V. SPECIAL PROCEEDINGS (SCLSPR)

PART V. SPECIAL PROCEEDINGS (SCLSPR)

Rule 90.04.1 PARENTING SEMINARS

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

Rule 94.04.2 FILINGS IN FAMILY LAW CASES

(h) Page Limitation. Absent prior authorization from the Court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions shall be limited to a sum total of fifteen (15) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum of fifteen (15) pages. The entirety of all declarations and affidavits submitted in reply shall be limited to a sum total of five (5) pages. No single declaration may exceed five (5) pages. All declarations and affidavits must be legibly hand printed or typed in at least twelve (12) point type, and 1½ space format. All pages, including declarations and affidavits shall be sequentially numbered.

(1) *Exhibits.* Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavits shall not be counted toward the page limit.

(2) *Electronic Exchanges.* If the declarations or affidavits quote or reference electronic exchanges (e-mails, text messages, etc...), the source and date of the exchange shall be included. The full version of the electronic communication may be attached as an exhibit for context only and will not count against the page limit if labeled as such for that limited purpose. If the text or email exchange is not quoted or referenced in the declarations, the messages will not be read and will be stricken.

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

(4) *Expert Reports and Evaluations.* Declarations, affidavits, and reports from Family Court Investigation, guardians ad litem, police reports, substance use evaluations, psychological evaluations and other expert witnesses do not count toward the page limitation.

(5) *Children's Statements.* Declarations by minors or children of the parties are strongly disfavored.

(6) *Parenting Plans.* All motions requesting entry of a parenting plan, residential schedule or other order regarding child placement, shall be accompanied by a proposed parenting plan and declaration in support of parenting plan. The proposed parenting plan or other proposed orders shall not count toward the page limit.

(7) *Financial Requests.* Motions requesting child support must be accompanied by a child support worksheets. Motions requesting child support or maintenance shall be accompanied by a financial declaration, proof of income of the parties including the party's most recent pay

or income information and tax returns with all attachments. Financial records required in this section shall not count toward the page limits.

(8) *Prior Authorization.* Parties requesting expansion of the page limits set forth above must have prior Court approval before exceeding those limits. This shall be accomplished by filing a written request that explains with specificity the reason why the page limitations need to be exceeded and how many additional pages are requested to be submitted. This request may be made on a regularly scheduled domestic motions calendar or ex parte, with at least one court day's advance notice to all legal parties, prior to presentation of the request.

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

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

(i) Oral Argument in Domestic Motions. Oral argument shall be limited to five (5) minutes per side for all domestic motions. The Court may, in its own discretion, increase or reduce the time for oral argument. All oral argument shall be limited to matters noted for that day's motion and contained in the record. Any party addressing the court shall either appear in person or remotely with clear audio and video enabled. Testimony, if authorized, shall take place in-person absent pre-approval from the Court.

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

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

94.04.3 JUDICIAL INFORMATION BACKGROUND CHECKS

Prior to presenting a *permanent or final* parenting plan to the court, the party or parties presenting the final parenting plan shall submit a completed judicial information service (JIS) background check form to Skagit County Superior Court Administration. This form is located on the Superior Court webpage under the Forms section. Such request must be submitted no less than three court days prior to the date of presentation of the final parenting plan and shall include the hearing date of the order presentation.

Rule 94.04.4 FAMILY LAW TRIAL REQUEST, CONFIRMATION, AND PRE-TRIAL PROCEDURES

(d) Family Law Trial Request

(1) *Trial Assignment.* The trial assignment calendar shall be held on each Monday at 9:30 a.m. Notes for this calendar shall be filed and served on all parties, including the guardian ad litem if one has been appointed, at least nine (9) court days before the trial assignment calendar. Parties should not be present for this calendar, but should proceed according to the remainder of this rule. Trial dates shall be assigned by the Court Administrator pursuant to requests made in accordance with CR 40.

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

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

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

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

(e) Pre-Trial Conference

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

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

(3) *Mandatory Mediation on Domestic Matters.* Prior to the pre-trial conference, mediation must be completed according to SCLSPR 94.04.2(c)-(g) or waived by Court order. Failure to complete mediation prior to the pre-trial conference will result in the trial being stricken. A certificate of mediation shall be filed with the Clerk. Certification of completed mediation must be filed prior to the pre-trial conference or the matter is subject to being stricken by the Court.

(f) Submission of Exhibits, Motions In Limine, Trial Briefs, Depositions, and Proposed Final Orders

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

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

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

(4) *Remote Parties or Witnesses.* In cases where one or more parties will appear remotely for trial, the original set of exhibits shall be accompanied by a completed Exhibit Notebook Certification, located on the Superior Court webpage under the Forms section.. All copies of the certification shall be accompanied by a copy of the Exhibit Notebook Certification. Where one or more witnesses will appear remotely, exhibits that witness may be expected to refer to during questioning shall be provided by noon the day before each witness's testimony to that witness. Exceptions may be made for exhibits used in rebuttal or for impeachment of that witness, in which case screen sharing or other arrangements may be used to display the exhibits in question to the witness with leave of the Court.

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

RULE 98.16.2 MINOR GUARDIANSHIP CASES

(a) Filing Fee. Payment of filing fees shall be governed by RCW 11.130.170. "Relative" shall be defined pursuant to RCW 13.34.030(22).

(b) Modifications of Final RCW 26.10 Orders. Effective January 1, 2021, any party wishing to modify or change a final order under a Non-Parental Custody matter filed under RCW 26.10 who did not commence said modification prior to December 31, 2020 shall follow the procedures set forth in RCW 11.130.240 and pay any required filing fees as set by the Clerk.

(c) Emergency Motions. The return hearing for all emergency orders issued under RCW 11.130.225 shall be held on the next regular domestic motions calendar (Monday at 9:00 am or Friday at 9:00 a.m.), regardless of whether the parties are represented.

(d) Hearings. All minor guardianship matters filed under RCW 11.130 shall be heard on the domestic motions calendars on the dates and times directed by the Court calendar, and shall follow all filing rules set forth in SCLSPR 94.04.2 and SCLCR 6 with hearings on Fridays at 9:00 am for represented parties and Mondays at 9:00 am for self-represented parties. The parties shall utilize the note for calendar set forth on the Skagit County Superior Court website.

(e) Attorney Appointments Under RCW 11.130.200. Any party seeking appointment of an attorney under RCW 11.130.200 shall file a motion for appointment of an attorney (GDN ALL 021). Such motion may be made on the ex parte calendar. Upon Court approval, the party must then contact the Office of Assigned Counsel to be screened for eligibility for assigned counsel. The Office of Assigned Counsel shall maintain a list of qualified attorneys. The appointment shall be by rotation and assigned by the Office of Assigned Counsel.

(f) Background / JIS Checks Under RCW 11.130.210. Prior to any request for a temporary order, including emergency orders under RCW 11.130.215, the Petitioner shall file a JIS request form with the Clerk under seal, and provide a copy to Court Administration, providing the names and dates of birth of the following parties: (1) Petitioner(s); (2) any adult residing the Petitioner's home; (3) Minor's Parent(s); (4) Any adult residing in the Parents' homes; (5) proposed guardian(s); (6) any adult residing in the proposed guardian's home. Any additional party requesting intervention or who has a right to notice in the proceeding shall ensure a JIS request is provided to the Clerk and Court Administration for all adults in their home.

PART VII. LOCAL CRIMINAL RULES (SCLCrR)

PART VII. LOCAL CRIMINAL RULES (Cited as SCLCrR)

RULE 4. PROCEDURES PRIOR TO TRIAL

RULE 4.1. APPEARANCES

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

(b) Remote Appearances.

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

(2) *Audio and Video Required.*

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

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

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

(3) *Courtroom Decorum.* The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. This includes refraining from interrupting others, engaging in lewd or inappropriate behavior, or otherwise disrupting the proceedings. All parties are expected to wear courtroom attire when appearing remotely over video.

RULE 4.10 TRIAL CONFIRMATION

(a) Pre-Trial Confirmation Form. By Tuesday the week before trial, any party wishing to confirm the case for trial must send a completed *Pre-Trial Confirmation Form*, located on the Superior Court webpage under the Forms section, to Court Administration.

(b) Confirmation Hearing. Absent special circumstances, the Court will stack all trials that confirm for trial. The parties will receive the final stacking order by 9:00 a.m. one court day before the scheduled trial or at the confirmation calendar if that Friday is a court holiday.

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

RULE 8.2 MOTIONS IN LIMINE

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

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

RULE 8.4 SERVICE, FILING, AND SIGNING OF PAPERS

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

PART VIII. RULES OF APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (SCLRAL.J)

RULE 8.5 CONFIRMATION OF ORAL ARGUMENT

(a) It shall be the responsibility of the petitioner to confirm oral argument on the Dispositive Motion calendar by 4:00 p.m. four (4) court days before the scheduled hearing.

PART X. JUVENILE RULES (SCLJuCR)

LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) NOTICE OF RIGHT TO SHELTER CARE HEARING

(1) *Scheduling and Notice.* A shelter care hearing may be set by court order or by filing a notice of hearing with the Clerk. The party scheduling the hearing shall notify Court Administration, Clerk of Court, Attorney General's Office, Guardian ad Litem program, Public Defender's Office Juvenile Division, Office of Assigned Counsel, and all other parties, including parents or any attorneys assigned prior to scheduling. At the time of filing, the party scheduling the hearing shall provide each of the above entities and parties with a copy of the petition, summons, motion, and notice of hearing.

(2) *Provisional Appointment of Attorney.* The Court shall afford each parent a provisional attorney to represent them at the shelter care hearing. As such, the Office of Public Defense, via the Skagit

County Public Defender, shall coordinate two (2) attorneys to appear on each shelter care calendar. Skagit County Public Defender shall ensure those attorneys have a copy of the petition. The provisional attorney shall appear at the same time the parents have been informed the hearing will begin. At the time calendared, the Court will permit a 30-minute period for the attorneys and parents to communicate prior to the hearing, if said communications have not already taken place. 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 appointment of parent's counsel to ensure timely provision of discovery.

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

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

LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER

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

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

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

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

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

LJuCR 2.9 REVIEW HEARING

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

(b) Statement of Issues. The legal parties shall provide to all parties and file a written statement of issues in response to the court report and/or proposed order at least seven (7) days prior to the hearing.

This rule does not limit a parent's rights under RCW 13.34.120 to submit a response up to 24 hours before the hearing.

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

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

LJuCr 3.4 NOTICE AND SUMMONS - SCHEDULING OF FACT FINDING HEARING

(c) Scheduling of Hearing.

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

LJuCr 3.12 DEPENDENCY COURT MOTIONS

(a) Motions Format and Procedures.

- (1) *Timing.* All motions shall be filed under the timing rules set forth in SCLCR 6(d)(2).
- (2) *Scheduling.* All dependency and termination motions shall be heard on the dependency calendar unless special set by the Court.
- (3) *Filing Format.* Motions must be in writing and dated and signed by the attorney or self-represented party. All declarations and affidavits must be legibly hand printed or typed in at least twelve (12)-point type, 1½ space format with 1 inch margins on all sides. All pages, including declarations and affidavits shall be sequentially numbered.
- (4) *Oral Argument.* Oral argument shall be limited to five (5) minutes per side for all motions. The Court may in its own discretion increase or reduce the time for oral argument. All oral argument shall be limited to matters noted for that day's motion and contained in the record.
- (5) *Testimony.* Motions shall be heard on written declaration testimony only. All supporting declarations shall be filed and served with the motion and note for calendar. Motions shall be heard without oral testimony of the parties, including the social worker, social worker supervisor or parents, unless prior authorization from the court is received, in writing, with notice to all legal parties.

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

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