

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 Neidzwski	January 2021
No. 4	2006	Hon. Thomas Verge	January 2021

PART III. CIVIL RULES (SCLCR)

RULES 1-5: [no proposed changes]

RULE 6. TIME

(d)(1) - (d)(2)(iii): [no proposed changes]

(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

(a) – (b)(4): [no proposed changes]

(b) Motions and Other Papers

(1) - (4): [no proposed changes]

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.

(c) - (d): [no proposed changes]

(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 Thursday, 9:30 calendar and confirmed by 4:00 p.m. Friday the week before the scheduled hearing pursuant to the procedure set forth in SCLCR 56/57. Any motion on the 9:30 a.m. Thursday 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 Thursday summary judgment 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.

(f) - (g): [no proposed changes]

RULE 8 UNLAWFUL DETAINER ACTIONS

[The Court will submit a supplemental proposed rule to comply with recently adopted legislation regarding landlord-tenant law and changes with the Housing Justice Project later this month, with sufficient time to allow a 30-day comment period. The Court invites members of the bar and the public to submit proposed rules regarding this local court rule.]

RULES 9 - 39: [no proposed changes]

RULE 40 ASSIGNMENT OF CASES

(a): [no proposed changes]

(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 in Appendix H for unrepresented litigants.

(2) – (5): [no proposed changes]

(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.

(d): [no changes are proposed]

(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 Webpage. 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.

RULES 41-42: [no proposed changes]

RULE 43 TAKING OF TESTIMONY

(a) Testimony

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

(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.

[There are no proposed changes to the remaining SCLCRs, from Rule 44 – 86.]

PART V. Special Proceedings (SCLSPR)

Rule 90.04.1 PARENTING SEMINARS

(a) - (e): [no proposed changes]

(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

(a)- (g): [no proposed changes]

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

(j) FINAL DISSOLUTION HEARINGS. [formerly (i) with no changes other than renumbering, current (j) will be eliminated]

(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. 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): [no proposed changes]

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.

(4): [no proposed changes]

(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.

94.04.5 EVIDENCE AND EXHIBITS IN FAMILY LAW: SPECIAL PROVISIONS: [no proposed changes]

Rule 98.16.1 GUARDIANSHIP MONITORING: [no proposed changes]

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.

Rule 98.16.3 PROBATE MATTERS NOT REQUIRING NOTICE: [proposed change to renumbering this section only, from 98.16.2 to 98.16.3]

PART VII. LOCAL CRIMINAL RULES

(Cited as SCLCrR)

RULES 1 - 3: [no proposed changes]

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.

RULES 4.2 – 4.9 [no proposed changes]

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.

(c) Child Hearsay Motion Hearings. [no proposed changes other than re-lettering]

RULE 8.4 SERVICE, FILING, AND SIGNING OF PAPERS

(a): [no proposed changes]

(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.

(c): [no proposed changes]

PART X: JUVENILE RULES [new part]

Dependency Proceedings

SHELTER CARE HEARINGS

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. The party scheduling the hearing shall provide all of the above entities and parties with a copy of the Petition, Summons, Motion, notice of hearing, and all other documents supporting the shelter care hearing at the time of filing.

(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.

(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 provide all discovery supporting the dependency petition filing to the parents and all provisionally appointed attorneys prior to the scheduled shelter care hearing.

LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER

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

(1) Hearing. A status hearing shall be set within 30 days of the first shelter care hearing, unless by the agreement on the record or in writing of all parties or the order of the Court.

(2) New Issues. 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. The party seeking 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 shall give written notice to the Court and other parties by noon the day 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 file written statement of issues with the court report and/or proposed order under the timing rules set forth in SCLCR 7(d). 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 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.

(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), 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. The order continuing the hearing beyond 75 days shall identify with specificity the exceptional circumstances found by the Court.

LJuCR 3.9 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. Proposed orders shall be provided according to SCLCR (e)(3).

(b) Statement of Issues. The legal parties shall file written statement of issues with the court report and/or proposed order under the timing rules set forth in SCLCR 7(d). 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 provisions in SCLCR 7(e)(4).

(d) 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.

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.

Part XI. INTERPRETERS AND/OR ADA ACCOMODATIONS [new part]

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. Accommodations.

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.

Rule 3. 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.

Proposed by Melissa Beaton, Skagit County Clerk:

1. PETITION TO RESTORE FIREARMS

(a) Petitions to restore firearm rights shall be brought under a civil cause number pursuant to the civil rules.

(b) A party filing a petition to restore firearms rights must serve the Skagit County Prosecutor, or his or her designee, at least 15 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

(i) 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

(ii) 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. A response to the petition shall be filed and served at least two days before the scheduled hearing date.

2. ELECTRONIC FILING AND SERVICE

a) Electronic Filing Authorization & Exception.

(1) Electronic Filing. 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. The nine day court rule applies.

b) Documents That Shall Not Be E-Filed. The following documents must be filed in paper form and not e-filed:

(1) Original wills and codicils, including will only and new probate cases that include original wills or codicils;

(2) Certified records of proceedings for purposes of appeal;

(3) Documents of foreign governments under official seal including foreign and out of state adoption documents and judgments;

(4) Administrative Law Review (ALR) Petitions;

(5) Interpleader or Surplus Funds Petitions;

- (6) Documents presented for filing during a court hearing or trial including documents submitted for in-camera review;
- (7) New cases or fee-based documents filed with an Order to Waive Fees or in accordance with GR 34.
- (8) Comments: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.