

PROCESS FOR SUBMITTING FAMILY & JUVENILE COURT NON-EMERGENCY EX PARTE MATTERS TO BE DECIDED WITHOUT A HEARING

**IN EFFECT DURING COVID-19 REDUCED OPERATIONS
(this version in use between May 18, 2020 and at least until August 31, 2020)**

What is the Process for Presenting Ex Parte Orders that do not involve emergencies?

The Court has created three calendar sessions for presenting to the court **non-emergency agreed** ex parte orders:

- Family Law Agreed Ex Parte Orders – Fridays at 8:00 a.m.
- State Family Law Agreed Ex Parte Orders – Wednesdays at 8:00 a.m.
- Probate & Guardianship Ex Parte Motions – Mondays at 8:00 a.m.

Although the calendars are listed at 8:00 a.m., **there is no court hearing for these requests.** The paperwork will be reviewed without a hearing.

Why is this Process Starting?

The court is following Emergency Orders from Governor Inslee, Washington Supreme Court Chief Justice Stephens, and the Thurston County Superior Court. Under these orders, the court continues to be limited to reduced operations. Reduced operations are in place to protect public health and safety and to support mandatory social distancing (for both court users and court staff). Operating reduced calendars and conducting most calendars by remote means (phone or video) allows the court to keep the public, court professionals, and staff away from the courthouse as much as possible.

The court has created this process to address non-emergency ex parte and agreed matters, while still making sure that the court has capacity to address other matters and protect public health. The court identified what may be scheduled on these calendars by considering court-user needs, court capacity, and the fact that the

current instability in the community has limited some people's access to resources available during normal times, such as public libraries.

What Can Be Scheduled on These Calendars?

You can schedule your matter on one of these calendar sessions only if it is normally heard at Family & Juvenile Court **and** it is:

1. An order that is agreed to by every party, or
2. A motion that does not require notice to any other party or person, or
3. A motion by a Title 11 guardian to approve a periodic report (such as an annual report or triennial report) that was sent with proper notice to everyone entitled to notice.

Motions for default may not be scheduled on these calendars.

How do I Present My Motion or Order on One of these Calendars?

There are a few things you need to do to make sure your case is scheduled and ready to be decided on one of these calendars.

1. If you are presenting a proposed **agreed order**, make sure it has everything that you need. It must be signed by every party or their legal representative. (If a party's signature is not required on the specific proposed agreed order, the motion or a declaration must state that the client's signature is not required but confirm that the client approved.) Parties are encouraged to use the GR 30 process for electronic signatures.
2. File the correct "**Notice of Hearing**" form at least four business days before the calendar is scheduled. Use this form: **Notice of Hearing for Ex Parte and Emergency Motions During Covid-19 Protocols** [<https://www.thurstoncountywa.gov/clerk/Pages/forms-available.aspx>].
3. On the form, you will check the box for either:
 - a. Family Law Agreed Orders – Decided Without a Hearing,
 - b. State Family Law Agree Orders – Decided Without a Hearing, or

- c. Probate & Guardianship Ex Parte Motions – Decided Without a Hearing.
4. File your motion, proposed order, and any other paperwork that you want the Court to consider at least four business days before the calendar date. If there are future hearings scheduled in the case, the proposed order needs to specifically state whether the future hearing should be stricken.
5. For **final orders with children in family law cases**, the moving party must also request a Judicial Information Systems (JIS) background check to be run for the parties. The “Criminal History Background Check Request” form [<https://www.thurstoncountywa.gov/sc/scdocuments/Criminal%20History%20Background%20check%20request.pdf>] can be located on our website under the court forms page and shall be emailed to court administration at the same time the matter is filed and scheduled (see form for instructions).
6. In order to finalize a family law action by agreement, the parties are still required to comply with the provisions of LSPR 94.04, except as provided in this paragraph. [<https://www.thurstoncountywa.gov/sc/Pages/court-rules-detail.aspx?ID=83>]. The Court is, at this time, under the authority of Thurston County Superior Court Emergency Orders (filed in Thurston County Cause No. 20-2-00001-3), suspending the requirement that a matter involving only self-represented parties must provide oral testimony to finalize their matter. Instead of providing oral testimony, the filing party (whether represented or not) must file the verification document referenced in LSPR 94.04(c)(5) in order to finalize a matter. [<https://www.thurstoncountywa.gov/sc/scdocuments/Verification.pdf>]

What are the deadlines?

Four business days before the calendar date, the moving party must file their notice of hearing, motion, proposed order, any supporting paperwork that you want the court to consider, and email the JIS Check Request Form if necessary (see above). If there are responses, they must be filed at least two business days before the calendar date. (Responses are not expected for the majority of matters because they are agreed matters.)

If you are mailing paperwork, make sure you allow time for it to be received and processed by the Clerk's Office.

How do I File Paperwork or Get Help?

The clerk's office is closed to in-person filings, so you must file your paperwork through e-filing or by mail. Make sure you send everything early enough, so it is received by the deadlines. Clerk's office facilitators may be able to help self-represented parties. To make an appointment with a facilitator, call 360-786-5430.

How will the Court Decide the Matters?

The court will review the matters & proposed orders on these calendars **without a hearing**. The court will review the matters on or after the date that the matter is scheduled. Please understand that your request may not be decided right away.

The court will either: (1) approve and sign the proposed order; or (2) deny the proposed order. The court's decision will be filed in the clerk's electronic system, called Odyssey. No other notice of the court's decision will be provided to the parties.

If the court denies the request or declines to sign the orders, the court may explain why. If the problem can be fixed, a party may schedule the case again with an amended proposed order using the same process.

The court will respond to matters set on this calendar as promptly as resources and the Covid-19 situation allows. Please do not call or email court administration to check on the status of your request.

How do I Find Out the Status of My Request?

Understand that your matter may not be decided right away. Parties should check Odyssey Portal at <https://odysseyportal.courts.wa.gov/odyportal> to see whether a court order has been entered. Parties should not contact court administration to check on the status of any matters that are scheduled through this process. If you do not have Odyssey Portal you can request copies of documents by emailing county_clerk@co.thurston.wa.us .