

## LGR 30

### **ELECTRONIC FILING**

#### **(b) Electronic filing authorization, exception, service, and technology equipment.**

(1) The clerk may accept for filing an electronic document that complies with the court rules and the Electronic Filing Technical Standards. Electronic filing of documents and bench copies with the clerk using the Thurston County Clerk's eFile Service or an electronic service provider that uses the Clerk's eFile Service is permitted if the transmission of documents is done in a manner approved by the clerk. All electronically filed pleadings shall be formatted in accordance with the applicable rules governing formatting of paper pleadings, including GR 14.

(2) A document that is required by law to be filed in non-electronic media may not be electronically filed. The following documents must be filed in paper form, not electronically filed:

- (i) Original wills and codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents presented for filing during a court hearing or trial;
- (iv) Documents for filing in an aggravated murder case;
- (v) Interpleader or surplus funds petitions;
- (vi) Documents submitted for in camera review under GR 15; and
- (vii) Affidavits for writs of garnishment and writs of execution.

(3) Electronic Transmission from the Court.

(i) *Attorneys.* The court or clerk may electronically transmit notices, orders, or other documents to all attorneys using the electronic mailbox address shown on the Washington State Bar Association's online Attorney Directory. It is the responsibility of all attorneys to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(ii) *Other parties.* The court or clerk may electronically transmit notices, orders, or other documents to any party who has filed electronically or has agreed to accept electronic documents from the court by using the electronic address provided to the clerk. It is the responsibility of the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(4) Documents that are electronically filed do not need to be submitted to the clerk's office for filing on paper, unless paper is required under LCR 30(b)(2). However, parties are required to follow the local court rules regarding judge's copies, LCR 5(k).

#### **(c) Time for Filing, Confirmation, and Rejection.**

(1) An electronic document is considered filed with the clerk when it is received by the clerk's designated computer during the clerk's business hours. Any document electronically filed with the clerk by 5:00 p.m. Pacific Time on a ~~business~~court day shall be deemed filed with the clerk on that date. A document filed after 5:00 p.m. or on a non-~~business~~court day shall be considered filed on the next ~~business~~court day.

(3) The clerk may reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason therefore. ~~The clerk may also reject a document under its faulty documents policy, which can be found on the clerk's web site.~~

**(d) Authentication of Electronic Documents.**

(3) *Court Facilitated Electronically Captured Signatures* -- Use of electronic filing by a party or attorney shall constitute compliance with CR 11's signature requirement. Documents containing signatures of third-parties (for example, affidavits and stipulations) may also be filed electronically as set forth in GR 30(d)(2). A copy of the electronically filed document with signatures shall be maintained in paper or electronic form by the filing party and made available for inspection by other parties or the court upon request.

**(e) Filing fees, electronic filing fees.**

(1) All statutory filing fees shall be collected and paid for electronically filed documents according to the methods approved by the Thurston County Clerk.

[Adopted effective September 1, 2013; amended effective October 26, 2015, September 1, 2016, September 1, 2017; [September 1, 2021](#).]

## LCR 79

### BOOKS AND RECORDS KEPT BY THE CLERK

**(g) County Clerk Schedule of Charges.** The County Clerk will maintain a schedule of charges authorized by law for clerk's services. The schedule is available for public inspection and will be maintained in the clerk's office and on the clerk's website.

#### **(h) Files.**

(1) *Filing by Clerk of Court.* All original pleading or other papers with proper caption and cause number will be file stamped, docketed and secured in the legal file by the clerk in the order received.

(2) *Action Documents.* All pleadings that require action by the clerk, other than file stamping and docketing, shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the document.

(3) *Conformed Copies.* All requests to the clerk for a response to an inquiry about a court file or for return of conformed copies of pleadings must be accompanied by a self-addressed, stamped return envelope.

(4) *Sealed Papers.* The County Clerk shall seal and not permit examination of records sealed by court order or by operation of law (GR 15, GR 22). If sealed, papers may be unsealed only by court order, by motion and with notice, in conformity with GR 15.

#### **(i) Exhibits.**

(1) *Exhibit Files.* The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(2) *Exhibit Inspection.* Exhibits may be inspected in the clerk's office only in the presence of the County Clerk or a deputy clerk.

(3) *Court Records as Exhibits.* No original court record shall be admitted as an exhibit, but a copy may be admitted.

(4) *Substituted Copies of Exhibits.* For cause shown, the court may permit a copy of any document admitted in evidence to be substituted for the original.

(5) *Exhibit Packaging and Labeling.* Exhibits containing blood borne pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(A) Blood borne pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container. All items shall be labeled to identify the contents as potentially biologically hazardous material.

(B) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. Plainly visible labels shall identify the contents.

(C) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(D) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(E) Paper bags alone will not constitute proper packaging and zip ties are not considered secure trigger locks

(6) *Videotaped Depositions.* Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.

(7) *Unsuitable Materials as Exhibits.* Whenever there is presented to the clerk for filing any paper or material that the clerk determines to be improper or inappropriate for filing, the presenting party shall apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made part of the file, an order shall be entered converting the material to an exhibit, and the clerk shall retain the material as an exhibit to the cause. If the court determines that the material warrants being sealed, the court shall direct the presenting party to give notice to all parties to the cause and shall conduct a hearing on the court's motion to seal the material pursuant to GR 15.

~~(j) Withdrawal of Exhibits~~

~~(18) Form of Administrative Records.~~

(A) Format. Unless the court orders otherwise, administrative records shall be submitted in hard copy format and on a CD, consecutively paginated with Bates numbers in chronological order, according to the agency filing date, bound in volumes not to exceed 200 pages, and submitted with a table of contents of the administrative record.

(B) Electronic Records. Any party may present a motion to the assigned judge to request that the record is submitted in a different format, including electronic format. If filed electronically, the agency record shall be filed in a searchable format, to the greatest extent possible. An electronic record exceeding 50 MB shall be divided into volumes with each volume not exceeding 50 MB.

(C) Shortened Agency Record. Parties are encouraged to stipulate to shorten the agency record for purposes of judicial review under RCW 34.05.566 and General Order of Division II number 2018-1. If stipulated to by the parties under RCW 34.05.566(4), appeals from agency orders to the appeals courts shall be supported by shortened agency records. The shortened agency record shall:

- (i) Contain minimal duplication. Duplicate records should be limited to those necessary for review;
- (ii) Contain no copies of prior briefing, unless necessary to resolve the issues on review;
- (iii) Contain all oral and written rulings that are the subject of review; and
- (iv) Otherwise include all materials necessary for judicial review.

The court may require additions or corrections to the stipulated record as deemed necessary under RCW 34.05.566(7).

(j) Withdrawal of Exhibits.

~~(21) Exhibits; Temporary Withdrawal.~~ Exhibits may be withdrawn temporarily from the clerk's office only by:

- (A) The judge having the case under consideration.
- (B) Official court reporters for use in connection with their duties, without court order.
- (C) An attorney of record, upon court order.

The clerk shall enter into the Case Management System information about all exhibits, who is withdrawing the exhibit, and the date withdrawn. Upon return of the exhibit, the Case Management System shall be updated with the date and who returned the exhibit.

~~(32) Failure to Return Exhibits; Sanctions.~~ In the event that an attorney or other person fails to return within the time required an exhibit which was temporarily withdrawn, and fails to comply with the clerk's request for its return, the clerk may, without notice to the attorney or other person concerned, apply to the court for an order for the immediate return of such exhibit. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(43) Permanent Withdrawal of Exhibits. After final judgment and expiration of the time for appeal, the court may order the permanent withdrawal of an exhibit and delivery thereof to any party or other person entitled to possession.

(54) Return of Contraband Exhibits. When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the clerk as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. The clerk shall then deliver the contraband or substances and take from the law enforcement agency a receipt which shall be filed in the case. The clerk shall also file any certificate issued by an authorized federal or state agency and received by the clerk showing the nature of such contraband or substances.

(65) Return of Exhibits and Unopened Depositions. When a civil case is finally concluded, and upon stipulation of the parties or court order, the clerk may return all exhibits and unopened depositions, or destroy the same.

(76) Return of Administrative Records. When a case for review of an administrative record is finally completed, the clerk shall return the administrative record to the officer or agency certifying the same to the court, or, upon written authorization from the officer or agency, the clerk shall destroy the record certifying same to the court.

(87) Verbatim Report of Proceedings. A verbatim report of proceedings shall not be withdrawn from the County Clerk's office except by court order.

(98) Transcripts. A request for a copy of a transcript prepared by a court reporter in the possession of the County Clerk, shall be referred to the appropriate court reporter.

[Amended effective September 1, 1994, September 1, 2005; September 1, 2011, September 1, 2012, September 1, 2016; September 1, 2018; September 1, 2019; [September 1, 2021](#).]

## LSPR 94.00

### FAMILY AND JUVENILE COURT PROCEEDINGS

**(a) Proceedings in the Family and Juvenile Court.** The following categories of proceedings shall be heard at the Family and Juvenile Court:

(1) All actions under Title 26 RCW, including:

- (i) dissolution of marriages;
- (ii) dissolution of registered domestic partnerships;
- (iii) petitions concerning the validity of marriage;
- (iv) petitions concerning the validity of a registered domestic partnership;
- (v) paternity actions;
- (vi) ~~non-parental custody actions~~ [minor guardianships](#); and
- (vii) adoptions.

(2) All actions under Title 13 RCW, including:

- (i) dependency and related proceedings;
- (ii) termination of parental rights;
- (iii) juvenile offender actions;
- (iv) Youth at Risk proceedings; and
- (v) Children in Need of Services proceedings.

(3) Other actions, including:

- (i) domestic violence petitions (chapter 26.50 RCW);
- (ii) anti-harassment petitions that are heard by the superior court, rather than district court (RCW 10.14.150);
- (iii) Sexual Assault Protection petitions (chapter 7.90 RCW);
- (iv) truancy actions (chapter 28A.225 RCW);
- (v) actions arising from meretricious relationship;
- (vi) name change petitions that are heard by the superior court, rather than district court, because the person seeking a name change is a domestic violence victim and moves to seal the name change record (RCW 4.24.130(5)); and
- (vii) actions regarding the abuse of vulnerable adults (chapter 74.34 RCW);
- (viii) stalking
- (ix) extreme risk protection orders

(4) All actions under Title 11 RCW, including: probate, guardianship, and trusts shall be conducted at the Family and Juvenile Court, unless transferred to the main campus courthouse by court order. Trials on Title 11 RCW matters are heard at the main campus courthouse.

#### **(b) Location of Actions.**

(1) *Generally.* A case may be relocated from the main campus courthouse to Family and Juvenile Court, or vice versa, upon motion by a party by filing a motion and supporting declaration, or by a judge by entry of an order.

(2) *Reasons to Relocate an Action.* The following types of cases may be relocated from the main campus to the Family and Juvenile Court, if the court finds good cause for such a relocation:

- (i) actions for the division of marital property interests not previously distributed in a dissolution action;

- (ii) actions in which any party alleges a committed intimate relationship; and
- (ii) any other action involving a party or child with another case in Family and Juvenile Court.

**(c) Court Files, Hearings and Filing of Pleadings.**

(1) *Hearings*. Hearings in matters assigned to the Family and Juvenile Court shall be held at the Family and Juvenile Court building, unless otherwise directed by the Court.

(2) *Filing of Pleadings*. Initial pleadings commencing a case shall be filed at the courthouse to which that type of case is normally assigned. Only cases identified in sections (a)(1), (2), (3), and (4) may be commenced at the Family and Juvenile Court. All others must be commenced at the main campus courthouse. All subsequent pleadings in a case may be filed at either courthouse.

[Amended effective February 9, 1999; September 1, 2006; September 1, 2008; September 1, 2011; September 1, 2017; September 1, 2019; [September 1, 2021](#).]

## LSPR 94.03B

### **MOTION PRACTICE**

#### **(a) Court Calendars.**

(1) *Limits on Calendars.* The court may direct the clerk to limit the number of motions to be heard on a particular calendar. Motions may be scheduled on a full calendar only by court order. The clerk will inform the moving or petitioning party if a hearing is noted for a calendar that is already full.

#### (2) *Scheduling Hearings.*

(A) Calendar Information. The schedules for family law calendars and ex parte matters are available on the court's website and at the Family & Juvenile Court. The schedule for these calendars may be changed throughout the year. Parties and counsel who are not familiar with Thurston County practice are advised to confirm calendar schedules before setting matters for hearings. Incorrectly scheduled matters will not be scheduled or may be stricken if scheduled.

(B) Court Commissioners' Calendars. All motions in family law cases, except those identified below, shall be noted for hearing before the assigned court commissioner. Motions may not be noted for a hearing before filing the motion, briefs, and all supporting documents.

(C) Judges' Calendars. Motions for revision, dispositive motions, motions to continue trial, objections to relocation, and motions in cases where all court commissioners are unable to hear the case shall be noted for hearing before a judge.

(D) Change of Venue Motions. Motions for change of venue shall be heard by a judge unless, before the hearing, the parties to the case provide a written waiver of the ability to move for revision of the commissioner's decision. If a waiver is filed, a court commissioner may hear the motion for change of venue.

(E) Domestic Violence Cases. Parties petitioning for temporary protection orders in domestic violence cases shall be heard on a daily basis at a time specified at the time of filing. If the party can demonstrate a need for an earlier hearing, the matter may be heard pursuant to ex parte procedures.

#### **(b) Filing Requirements and Deadlines.**

(1) Motions, briefs, and all supporting documents must be filed and served before 5:00 p.m. six court days before the motion calendar day (for example, by 5:00 p.m. on Monday of the week preceding a Tuesday calendar). Motions may not be scheduled for a hearing before filing the motion and any declarations. Upon objection, motions that violate this requirement may be stricken or continued. This rule does not affect the notice requirements of the Civil Rules or any statute regarding dispositive motions.

(2) All responding documents must be filed and served before noon three court days before the motion calendar day (for example, by noon Thursday for a Tuesday calendar).

(3) All reply documents must be filed and served before noon, two court days preceding the motion calendar day (for example, by noon Friday for a Tuesday calendar). Upon objection, late filing of responding and reply documents may result in striking the documents or a continuance and terms.

(4) A party applying for or responding to an application for child support, maintenance, attorney's fees, or other financial relief must serve and file with the motion a completed mandatory financial declaration form. The party shall also file and serve complete individual (or joint) tax returns for the past two calendar years together with all schedules, 1099's, W-2s, and similar statements of income; complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per



cent or greater; and all pay stubs showing income for the past six months or since January 1 of the current calendar year, whichever period is longer. If applying for child support, the party shall also prepare, serve and file Support Schedule Worksheets as appropriate. The parties or their attorneys may also file and serve a proposed Order of Child Support, provided that the proposed document be entitled "Proposed Child Support." The clerk will accept these proposals for filing, if entitled in this manner.

(5) *Judge's Copy.*

(A) A copy of all briefs, attachments and exhibits shall be provided to court administration at or before the time of filing the originals with the clerk.

(B) Each judge's copy shall be identified as the judge's copy and shall identify the date, time, and the judge or commissioner before whom the matter is scheduled to be heard in the top left-hand corner of the first page. Briefs with multiple attachments and exhibits that cannot be secured with a staple must be tabbed and in a binder.

Hearing date: _____
Hearing time: _____
Judge/Calendar: _____

(C) Judge's copies are not accepted by electronic means except as provided in this rule or if by order of the court

(D) If the brief or other material does not meet these guidelines, it is subject to not being considered.

**(c) Strikes and Continuances.** Parties must strike or continue all matters that will not be heard at least two court days before the hearing date, as provided in LCR 7.

**(d) Submission Requirements.**

(1) *Document Requirements.* All declarations and affidavits filed shall be legible and printed or typewritten in black or dark blue ink on paper suitable for scanning. Declarations and affidavits shall be one-sided only.

(2) *Page Limits.*

(A) Absent prior authorization from the court as set forth in (D) below, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions, including any reply, shall be limited to a sum total of 20 pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages. The court will disregard every page after the first 20 pages if the court has not authorized the party to exceed the page limit.

(B) Exhibits Included in Page Limits. All exhibits that consist of declarations or affidavits will count toward the above page limits, unless listed in (C) below or authorized as set forth in (D).

(C) Exhibits Not Included in Page Limits. The following are not included in the 20-page limit:

- (i) financial declarations and supporting financial documents;
- (ii) declarations, affidavits, or reports from guardians ad litem and expert witnesses;

(iii) copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience in lieu of the court file; and

(iv) if parties and attorneys quote only the relevant parts of the e-mails, journals, or depositions in the declaration or brief and attach the full version of e-mail, journal or deposition as an exhibit for context, the full version of the materials will not count against the page limit if labeled as such for that limited purpose.

(D) Authorization. A party seeking authorization to exceed the page limit may do so on the ex parte calendar with notice to opposing counsel or a self-represented party. Opposing counsel or the self-represented party may appear telephonically for the authorization hearing.

**(e) Hearings** - Time for Argument. Each side may be allowed up to ten minutes to argue a contested motion, including rebuttal.

[Adopted effective September 1, 2010. Amended effective September 1, 2011; September 1, 2013; September 1, 2014, September 1, 2015, September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2019; [September 1, 2021](#).]

## LSPR 94.03D

### SETTLEMENT AND PRETRIAL CONFERENCES

#### (a) Settlement Conferences.

(1) Requirement. All contested family law cases shall be set for settlement conference as set forth in the Court's Case Schedule Order (CSO) unless otherwise ordered by the Court. Upon filing of Request to Schedule Settlement Conference and Trial, the Court shall assign the earliest available dates. The case must be at issue before the settlement conference and trial setting. In dissolution actions, paternity, and ~~nonparental custody~~ minor guardianship actions, if a settlement conference setting has not been requested within four months from the date the action was filed, the Court may order a settlement conference and trial setting with notice to the parties or counsel of record.

#### (2) Scheduling.

(A) To initiate the setting of a settlement conference and trial, the moving party must file a Request to Schedule Settlement Conference and Trial form and set the matter on the administrative calendar for Settlement Conference and Trial Setting. The scheduling shall occur within 120 days of the filing of the first responsive pleading, unless required mediation has not been completed. The Request to Schedule Settlement Conference and Trial may be found on the Court's web site. The Request to Schedule Settlement Conference and Trial must be filed fourteen days before the date scheduled for the administrative calendar.

(B) The party responding to the Request to Schedule Settlement Conference and Trial setting must file a Response to Settlement Conference and Trial seven days before the date scheduled for the hearing. The Response to Settlement Conference and Trial form may be found on the Court's web site.

(C) A party may object that a case is not ready for a settlement conference and trial by filing and serving an objection no later than noon, three Court days preceding the date noted on the Notice. The matter shall then be referred to a judge to determine whether the case is ready for a settlement conference and trial. The Court may require a hearing. If the matter is determined to be ready for settlement conference and trial setting, the case will be returned to the case scheduler for settlement conference and trial assignment. Otherwise, the judge may order a date by which the case shall be made ready for settlement conference and trial setting. The Court may also determine, on its own motion, that the case is not ready for a settlement conference and trial.

(3) Attendance and Preparation Required. The parties and their attorneys shall personally attend the settlement conference unless other arrangements are approved by the Court prior to the settlement conference. At the settlement conference, each party shall be prepared to address the unresolved issues and negotiate settlement of the case in good faith.

(4) Mandatory Discovery. Parties shall exchange, as appropriate, the following documents no later than fourteen days before the conference. If a document is not produced, a brief explanation of why it is not produced is required:

(A) complete individual or joint tax returns for the past two calendar years, together with all schedules, 1099s and similar statements of income, and W-2s;

(B) complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per cent or greater;

(C) all pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is longer;

(D) a copy of the most recent statements and a copy of statements current as of the date of the parties' separation, of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, time payment accounts, credit cards, and other debt owed by or to the parties;

(E) the most recent employers' Employee Retirement Income Security Act (ERISA) statement and a statement of contributions since that statement of any pension plan of either party; the most recent statements, and statements as of the date of separation, for any Individual Retirement Account (IRA), Simplified Employee Pension plan (SEP), deferred compensation account, or other defined contribution "retirement" account;

(F) a written appraisal of any real estate and/or personal property of special, unusual, or extraordinary value, or a summary of the evidence that will be relied upon to value such items;

(G) the most recent National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, or other similar vehicle appraisal guide showing both average loan or wholesale and retail values for any automobiles;

(H) a summary of the source and tracing of any property asserted to be the separate property of either party;

(I) a statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans against its cash value;

(J) a written appraisal/business evaluation of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence that will be relied upon to value the same; and

(K) expert witnesses shall be disclosed no later than at the time of the discovery exchange.

(5) Settlement Conference Statement. Each party shall serve upon the other party and provide to the Court a settlement conference statement no later than fourteen calendar days prior to the settlement conference, unless the parties agree to a shorter period of time. The shorter period for exchange shall not be less than seven calendar days before the settlement conference. The settlement conference statement should be in a form similar to that contained on the Court's web site. Parties may supplement the information provided in the preferred form with a written statement further describing the issues.

(6) Sanctions. If a party fails to comply with the provisions of (3), (4), or (5) above, the Court may immediately impose sanctions not to exceed \$500.

(7) Other Documents. If child support or a parenting plan is at issue in the action, a proposed child support worksheet and a proposed final parenting plan shall be attached to the settlement conference statement of each party.

(8) Negotiations Before Settlement Conference. After the settlement conference statements are served, the parties are encouraged to negotiate and exchange additional documentation. Parties may file supplemental settlement conference statements at any time prior to the settlement conference if the party's analysis or proposal to resolve all issues has changed after reviewing the other party's settlement conference statement. If the parties are able to resolve all issues prior to the settlement conference, they should appear at the conference prepared to present testimony and enter final orders completing the case or to put the settlement agreement on the record.

(9) Completion. At the completion of a settlement conference, the Court shall schedule a hearing for presentation of final papers if settlement is achieved, schedule a continuation of the settlement conference if warranted and time is available, or schedule the matter for trial.

(10) Negotiations After Settlement Conference. If the settlement conference does not result in complete resolution of the case, each party shall submit to the other a written settlement proposal

addressing all unresolved issues. This offer shall be submitted within 30 days after the settlement conference, but not less than 21 days before trial.

**(b) Pretrial Matters**

(1) Requirement. All parties to family law (RCW titles 26.09, ~~26.10~~[11.130](#), and 26.26) actions shall file a completed pretrial report no later than 30 days before the assigned trial date. All parties to dependency actions shall file a pretrial report no later than 14 days before the assigned trial week. Parties shall use the Court's Pre-Trial Report form which may be found in the forms appendix and on the Court's website. This rule does not apply to juvenile offender proceedings.

(2) Scheduling. The Court may schedule a pre-trial conference and parties may request a pre-trial conference by motion in appropriate cases. If the Court orders a pre-trial conference, all attorneys and parties are required to attend unless the Court excuses their attendance in advance. Parties wishing to be excused from attending the pre-trial conference must file a motion to be heard on the judge's motion calendar.

(3) Subjects for the Pre-Trial Report. The pretrial report shall address:

- (A) the length of the trial, including opening and closing argument;
- (B) confirmation of witnesses and coordination of scheduling;
- (C) identification of exhibits and agreement on admission where possible; and
- (D) discussion of anticipated pretrial motions or problems.

[Adopted effective September 1, 2010. Amended effective September 1, 2011; September 1, 2013; September 1, 2018; January 13, 2020; [September 1, 2021](#).]

## LSPR 94.03F

### INFORMAL FAMILY LAW TRIALS

#### **(a) Scope.**

(1) Generally. Informal Family Law Trials (IFLT) may be held to resolve all issues in original actions or modifications for dissolution of marriage, paternity, parenting plans, child support, and ~~non-parental custody~~ minor guardianships.

(2) How a case is set for Informal Family Law Trial. The parties must state in writing at the close of an unsuccessful settlement conference, on a form provided by the Court, whether they elect to proceed with an IFLT or a traditional trial. The Court may refuse to allow the parties to utilize the IFLT procedure at any time and may also direct that a case proceed with a traditional trial even after an IFLT has commenced, but before the Court has ruled. A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT provided that this motion is filed not less than seven calendar days before the week of trial. Additionally, a party who has previously requested a traditional family law trial may file a motion to opt out of the traditional trial provided that this motion is filed not less than seven calendar days before the week of trial. This motion shall be scheduled on the judge's motion calendar. This time period may be modified or waived by the Court upon a showing of good cause. A change in the type of trial to be held may result in a change in the trial date.

#### **(b) Procedure.** The IFLT will be conducted as follows:

- (1) At the settlement conference, for an IFLT the parties will be asked to affirm that:
  - (A) They understand the rules and procedures of the IFLT process; and,
  - (B) They are agreeing to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the IFLT process.
  - (C) The case does not need more than one day to be heard.
- (2) The Court may ask the parties or their lawyers for a brief summary of the issues to be decided.
- (3) The moving party will speak to the Court under oath concerning all issues in dispute. The party is not questioned by lawyers, but may be questioned by the Court to develop evidence required by any statute or rule.
- (4) The Court will ask the moving party (or the moving party's attorney if the party is represented) whether there are any other areas the party wishes the Court to ask about. The Court will ask questions of the identified areas if requested and relevant.
- (5) The process above is then repeated for the other party.
- (6) If a Guardian ad Litem was appointed (GAL), the GAL will be questioned under oath by the Court.
- (7) Expert reports will be entered into evidence as the Court's exhibit. If either party requests and arranges, the expert will be sworn and then questioned by counsel, the parties, and/or the Court.
- (8) The parties may offer any documents they wish for the Court to consider. The Court will determine what weight, if any, to give each document. The Court may order the record to be supplemented. Letters or other submissions by the parties' children that are intended to suggest custody or parenting preferences will not be considered.
- (9) The parties will then be offered the opportunity to respond briefly to the testimony of the other party.
- (10) The parties (or a party's attorney if the party is represented) will be offered the opportunity to make a brief closing argument.

(11) At the conclusion of the case, the Court shall give a ruling. The Court may take the matter under advisement, but best efforts will be made to issue prompt rulings.

(12) The Court retains jurisdiction to modify these procedures as justice and fundamental fairness requires.

[Adopted effective September 1, 2017. Amended effective January 13, 2020; [September 1, 2021](#).]

## LSPR 94.03G

### FAMILY COURT CASE SCHEDULES

**(a) It is the intent of this rule that all cases at Family & Juvenile Court be heard in a timely fashion and guided by the policy of a Unified Family & Juvenile Court. It is with those policies in mind that the following rules shall apply.**

**(b) Cases Governed by Case Schedules.** Unless otherwise provided in these rules or ordered by the Court, all actions commenced in Family & Juvenile Court shall be issued a Case Schedule Notice by the Clerk at the time of filing.

**(c) Cases Not Governed by Case Schedules.** Unless otherwise ordered by the Court, the following cases shall not be issued a Case Schedule Notice under this rule upon filing of an initial pleading:

- (1) Domestic violence protection (RCW chapter 26.50);
- (2) Anti-harassment protection (RCW chapter 10.14);
- (3) Child support modification/adjustment;
- (4) Sexual Assault Protection;
- (5) Vulnerable Adult Protection;
- (6) Guardianship & Probate;
- (7) Juvenile (civil and offender);
- (8) Dependency;
- (9) Adoption

**(d) Case Schedule Notice.** Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new family law case file is opened, the Clerk shall prepare and file a Case Schedule Notice and deliver the Case Schedule Notice to the party who filed the initial pleading.

- (1) Initial Pleading Electronically Filed. When an initial pleading is electronically filed the Clerk shall provide an electronic copy of the Case Schedule Notice by email to the party filing the initial pleading at the time a case number is assigned.
- (2) Initial Pleading Filed in Paper Form. When an initial pleading is filed in paper form, the Clerk shall provide at no charge two hard copies of the Case Schedule Notice to the party filing the initial pleading.

**(e) Service of Case Schedule Notice.**

- (1) The party filing the initial pleading shall serve a copy of the Case Schedule Notice to all other parties, along with the summons and petition and other documents required by these rules; provided if the party filing the initial pleading serves another party with the summons and petition before filing the initial pleading with the Court, the party filing the initial pleading shall serve the other party with the Case Schedule Notice no later than five (5) days after the Case Schedule Notice is prepared and filed by the Clerk. If the initial pleading is served by publication, the plaintiff/petitioner shall serve this Order within five (5) days of service of the other party's first appearance.
- (2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

**(f) Contents of Case Schedule Notice.** The actions and mandatory completion dates set forth in the Case



Schedule Notice shall be determined based on whether the case involves a child.

(1) Case Involving a Child. When an initial pleading in a case involving a child is filed, the Case Schedule Notice shall set forth actions and mandatory completion dates based on the following schedule:

(i) No later than 30 days after filing of the initial pleading, each party shall attend Orientation unless waived by Court order as otherwise provided by these rules;

(ii) No later than 45 days after filing of the initial pleading, each party shall attend the parenting class, "Consider the Children;"

(iii) No later than 20 days after service of the initial pleading on the other party (60 days after service if served outside of Washington State; 90 days if served by mail pursuant to Court order), the other party shall file with the Clerk and serve on the initiating party a Response to Petition;

(iv) No later than 90 days after filing of the initial pleading, the parties shall have a confirmed date scheduled for mandatory mediation as otherwise required by these rules;

(v) No later than 120 days after filing of the initial pleading, the parties, or one of them, must file a motion to appoint a Guardian ad Litem, if one is requested, and note it to be heard within 14 days of the date the motion is filed; and

(vi) No later than 120 days after filing of the initial pleading and provided a Response to Petition has been filed, the party who filed the initial pleading shall file a Request to Schedule Settlement Conference & Trial on the required form.

(vii) No later than 7 days before the Settlement Conference & Trial Setting administrative calendar, the other party shall file and serve on the initiating party a Response to Request to Schedule Settlement Conference and Trial.

(2) Case not Involving a Child. When an initial pleading in a case not involving a child is filed, the Case Schedule Notice shall set forth actions and mandatory completion dates based on the following schedule:

(i) No later than 20 days after service of the initial pleading on the other party (60 days after service if served outside of Washington State; 90 days if served by mail pursuant to Court order), the other party shall file with the Clerk and serve on the initiating party a Response to Petition;

(ii) No later than 120 days after filing of the initial pleading and provided a Response to Petition has been filed, the party who filed the initial pleading shall file and serve on the other party a Request to Schedule Settlement Conference & Trial on the required form.

**(g) Case Schedule Order.** Except as otherwise provided in these rules or ordered by the Court, upon receipt of the Request to Schedule Settlement Conference and Trial and Response thereto, Court Administration shall prepare and file a Case Schedule Order and provide a copy to each of the parties.

**(h) Contents of Case Schedule Order.**

(1) The Case Schedule Order shall set forth the times and dates for the settlement conference, trial confirmation hearing and trial. Settlement conference shall be scheduled to occur approximately eight (8) weeks prior to trial. Trial confirmation shall take place approximately 11 days before trial.

(2) The Case Schedule Order shall set forth actions and mandatory completion dates based on the following schedule:

(i) Except as otherwise provided in these rules, the parties shall exchange Settlement Conference Statements no less than 14 days before settlement conference;

(ii) Provided issues remain at the end of settlement conference, the parties shall fill out and file a Family

Law Trial Selection Form immediately upon the conclusion of settlement conference;

(iii) No later than noon (12:00 p.m.) the day after settlement conference, each party shall provide to the other party and file with the Clerk all of his/her expected witnesses on the required Witness List form. As to each witness, each party shall state the name, address, phone number and email contact information for each witness, the length and topic of the witness's expected testimony, and whether the witness is a fact or expert witness. The only exception is for witnesses whose testimony cannot reasonably be anticipated before receipt of the other party's witness list; each witness who cannot be listed ahead of time shall be disclosed promptly upon anticipating the need for the witness to testify.

(iv) No less than six (6) weeks prior to the first day of the week trial is scheduled to commence, all discovery shall be completed except as otherwise ordered by the Court;

(v) For family law cases, no less than 30 days prior to the first day of the week trial is scheduled to commence, each party shall file, serve on the other party and provide to Court Administration a Pre-trial Statement on the prescribed form. For dependency cases, a Pre-Trial Statement should be submitted no less than 14 days prior to the first day of the week trial is scheduled to commence; and

(vi) No less than by noon two Court days prior to the week of trial, the parties shall exchange trial briefs, proposed exhibits, and proposed final orders as required elsewhere in these rules.

**(i) Amendment of Case Schedules.** The Court, either on its own initiative or on motion of a party for good cause shown, may issue an amended Case Schedule Notice or Case Schedule Order. If a party by motion requests an amendment of a Case Schedule, the motion shall include a proposed Amended Case Schedule and that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The hearing for motion to amend Case Schedule Notice or Case Schedule Order shall be scheduled on the Judge's Motion Calendar. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation except with approval of the assigned Judge, except as provided below:

(1) The deadline for disclosure of possible primary witnesses may be extended by written stipulation of all parties without the necessity of a Court order for an additional period not to exceed 14 days without first applying for approval of the Court, provided that the stipulation contains the following provision: "No party may assert this delay in the disclosure of witnesses as a basis for a continuance of the established trial date."

(2) The discovery deadline may be extended by written stipulation of all parties without the necessity of a Court order for an additional period not to exceed 14 days without first applying for approval of the Court, provided that the stipulation contains the following provision: "No party may assert this extension of the Discovery Cutoff as a basis for a continuance of the established trial date."

**(j) Enforcement; Sanctions; Dismissal; Terms.**

(1) Failure to comply with the Case Schedules may be grounds for imposition of sanctions, and terms, including but not limited to dismissal or exclusion of evidence or witnesses at trial.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedules established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedules and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court,

or terms to any other party who has incurred expense as a result of the failure to comply, or both. In addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedules, “terms” means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term “monetary sanctions” means a financial penalty payable to the Court; the term “other sanctions” includes but is not limited to the exclusion of evidence.

[Adopted effective January 13, 2020. [Amended effective September 1, 2021.](#)]

## LSPR 94.04

### FINALIZING FAMILY LAW ACTIONS

#### **(a) Uncontested Dissolutions.**

(1) Calendar. Any uncontested dissolution action may be brought on for final hearing by noting it for the calendar for final dissolutions with attorneys or the calendar for final dissolutions without attorneys, as appropriate.

(2) Note for Final Dissolution Calendar. A notice of hearing for the calendar for final dissolutions must be filed with the clerk no later than six court days before the hearing on the calendar for final dissolutions.

(3) Self-Represented Parties. Self-represented parties are encouraged to note the matter for final hearing and to provide proposed final papers to the clerk more than thirty days before the hearing. Matters shall be placed on this calendar only if the file shows the following:

(A) The petitioner's opponent has joined in the petition for dissolution of marriage; or

(B) The respondent has agreed in writing to entry of the proposed final papers; or

(C) An order of default has been entered or is appropriate and available for entry at the time of hearing.

**(b) Final Testimony.** In cases in which neither party is represented by an attorney (LSPR 94.04(c)(5)), brief testimony shall be required before entry of a Decree of Dissolution of Marriage, a Decree of Dissolution of Registered Domestic Partnership, a Decree of Legal Separation, a Declaration Concerning Validity of Marriage, a Declaration Concerning Validity of Registered Domestic Partnership, a Judgment and Order Establishing Residential Schedule and Child Support, a ~~Non-parental Custody Decree or a Judgment~~ **Minor Guardianship Findings and Order**, and Order Determining Parentage. The testimony shall be scheduled on the following calendars:

(1) Dissolution of Marriage, Dissolution of Register Domestic Partnership Legal Separation, Declaration Concerning Validity of Marriage, Declaration Concerning Validity of Registered Domestic Partnership, or Judgment and Order Establishing Residential Schedule and Child Support: Final Dissolution Calendar, with or without attorneys as appropriate.

(2) Parentage: State Parentage/Support Calendar or Family Law Motion Calendar, with or without attorneys as appropriate.

(3) ~~Non-parental Custody: Non-parental Custody Calendar.~~ **Minor Guardianship: Minor Guardianship Calendar.**

Testimony may also be presented at a settlement conference or a trial.

#### **(c) Entry of Decree.**

(1) Time of Presenting Documents for Signature. At the time of hearing of an uncontested dissolution case, the necessary documents to be signed must be presented to the court for signature. If signed, they shall be filed with the clerk. For good cause, the court may extend the time for presentation.

(2) Review of Final Pleadings. All final decrees, final orders and any accompanying Findings of Fact/Conclusions of Law, Parenting Plans, Orders of Child Support and Child Support Worksheets for family law cases shall be reviewed for form and completeness by a legal professional before presentation to a judicial officer. Legal professional means an attorney, Limited License Legal Technician, courthouse facilitator, or a legal aid volunteer. **Review for minor guardianships by a courthouse facilitator is subject to the availability of a courthouse facilitator to perform this function.** Motions for



(s) \_\_\_\_\_  
Notary Public for the State of Washington,  
residing at \_\_\_\_\_. My commission expires \_\_\_\_\_.

(6) *Mailing of Final Documents.* Following the entry of final documents by default in a family law matter, the moving party or attorney for the moving party shall immediately deliver or mail to the other party, at his or her last known address, a conformed copy of all final pleadings.

~~(d) **Non-Parental Custody Actions.** In all actions for non-parental custody, at the time the Temporary Order is entered, the court shall set a review hearing six (6) months from the entry of the Temporary Order. If a matter is not ready to be finalized at the six (6) month review hearing, then the matter shall immediately be set for a settlement conference.~~

## LSPR 98.16W

### ESTATES – GUARDIANSHIP – SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

**(b) Petition.** A petition for settlement of a claim governed by LPR 98.16W shall be filed as a case type 2 and assigned to a trial judge unless the petitioner also asks to establish a guardianship, conservatorship, or trust, in which case the matter shall be filed as a case type 4 and heard at Family & Juvenile Court. Petitions that are filed as case type 2 matters shall be noted on the Friday Motion Calendar of the assigned judge, absent good cause for immediate action. The court may excuse the appearance of counsel at its discretion. Judge's copies of the guardian ad litem's or independent counsel's report and the petition for approval of the settlement shall be submitted to the court not later than noon seven calendar days before the scheduled hearing.

**(a) Hearing. Appointment, Role and Termination of the Settlement Guardian ad Litem; Exceptions to Appointment.**

(1) The party who is petitioning for approval of a settlement under this rule must nominate a Settlement Guardian ad Litem and present the nominee's qualifications to the court. The motion to appoint a SGAL may be presented ex parte.

~~—(2) Petitions for approval of settlements shall be noted on the Friday Motion Calendar of the assigned judge, absent good cause for immediate action. The court may excuse the appearance of counsel at its discretion.~~

~~—(3) Judge's copies of the guardian ad litem's or independent counsel's report and the petition for approval of the settlement shall be submitted to the court not later than noon seven calendar days before the scheduled hearing.~~

## LGALR 5

### **APPOINTMENTS OF GUARDIAN AD LITEMS ~~APPOINTMENT PROCEDURES~~**

#### **(a) Equitable Distribution of Workload.**

##### **(a1) Appointment of Guardians ad Litem – Title 26.**

**(1A)** *Joint Recommendation.* The parties or their attorneys may agree to jointly recommend a GAL from the registry. The court may adopt the joint recommendation or require the parties to use the procedures set forth in **(2B)**, below.

**(2B)** *By Rotation.* If the parties are not in agreement to a GAL from the registry, then the court will direct the parties to contact the Registry Manager for a list of the next three names from the GAL registry.

**(A)i)** If after reviewing the three names the parties agree upon a GAL from the list, then they may present an Order of Appointment to the court for approval by stipulation.

**(B)ii)** If after reviewing the three names the parties cannot agree, each party may strike one name from the list of three. The court will appoint as GAL the first remaining name on the strike list. The Registry Manager will notify the parties or attorneys of the GAL appointed. If the court chooses a GAL other than from the list provided to the parties, then the court shall make findings on the record.

**(3C)** *Failure of Guardian ad Litem to Accept Appointment.* A GAL chosen to serve by stipulation or from the rotational list who chooses not to serve shall go to the bottom of the rotational list.

**(4D)** *Indigent Parties.* If either of the parties are found to be indigent, then the court shall determine whether to appoint the Family Court Investigator or a GAL from the registry at whole or partial county expense. The court may require either or both parties to contribute to the cost of the GAL investigation.

**(b2) Appointment of Guardians ad Litem – Title 11.** Appointment of GALs in Title 11 RCW cases **for adult respondents** is by a strict rotation selection. The party seeking appointment of a GAL shall contact the Registry Manager for the next name on the register. The party shall be responsible for contacting that GAL to determine if the GAL is able to take the case. If the GAL is unavailable for whatever reason, the party shall contact the Registry Manager for the next name on the register. When an order appointing a Title 11 GAL **for an adult respondent** does not specify the maximum hours or fees that the GAL is authorized to expend, the maximum shall be 10 hours, unless the court authorizes more hours or fees by court order before they are expended.

**(c3) Appointment of Guardians ad Litem – Title 13.** These GAL rules do not apply to appointment or management of Title 13 RCW GALs or CASAs. The CASA program is managed separately.

**(d) Procedure to Address Complaints from Guardians ad Litem.** ~~Complaints from guardians ad litem~~ **GALs** regarding registry or appointment matters shall be made in writing and be addressed to the ~~GAL Coordinator~~ **Superior Court Administrator**. A response to the complaint shall be provided within fifteen working days of receipt of the complaint.

[Adopted effective September 1, 2002. Amended as emergency rule December 30, 2003, Thurston County Local Court Rules – 2019 – Page 64 April 2, 2004. Amended effective September 1, 2004, September 1, 2007; September 1, 2019; **September 1, 2021.**]



## LGALR 7

### ~~GUARDIAN AD LITEM GRIEVANCE AND COMPLAINT PROCEDURES~~

#### **(k) General Terms.**

(1) *Complaint Review Board.* A Thurston County Complaint Review Board (the Board) is created. The Board shall consist of the Superior Court Administrator or designee, two Thurston County citizens, a member of the Thurston County Bar Association (selected by the County Bar), and one guardian ad litem who is active on the Thurston County Guardian ad Litem registry and who has not received any sanctions pursuant to a guardian ad litem complaint procedure in the past three years, selected by court administration. The guardian ad litem representative shall be from the applicable Title 11, Title 13 or 26, or CASA registry. Service on the board is a voluntary service for the good of the community, and is made without receipt of any additional compensation from this service on the board.

(2) *Application of Rules.* These rules shall apply to guardians ad litem and ~~Court Appointed Special Advocates (CASAs)~~ Dependency Guardians ad Litem (DGAL) appointed on any case heard by this court under Titles 11, 13, and 26 of the Revised Code of Washington (RCW).

(3) *Filing of Complaint.* Any person may file a complaint against a guardian ad litem or DGAL. The complaint must be submitted in writing and filed with the Superior Court Administrator under Titles 11, 13 and 26. The complaint must state the specific guardian ad litem or DGAL act or failure to act of concern to the complaining person and shall include the following information:

- (A) The name, mailing address, telephone number, and e-mail address of the person filing the complaint;
- (B) The status of any underlying case including the case number and case name;
- (C) Whether the complaining person told the guardian ad litem or DGAL about the complaint;
- (D) What action, if any, the guardian ad litem or DGAL has taken to address the complaint;
- (E) Which section(s) of the Thurston County Superior Court Guardian ad Litem Code of Conduct was violated and the specific facts involved for each violation. A copy of the Code of Conduct is available from the Superior Court Administrator or the ~~CASA~~ DGAL Program Coordinator.
- (F) Which provision(s) in the Order of Appointment the complaining person feels the guardian ad litem or DGAL has violated and the specific facts supporting each alleged violation;
- (G) What the complaining person would like done to fix the problem which is the subject of the complaint.

The complaint shall not exceed ten pages in length without prior permission for an overlength complaint having been given by the Superior Court Administrator or designee. The complaint may be accompanied by exhibits and attachments without limitation on length.

(4) *Limitation on Filing Complaints.* Complaints filed under this rule must be filed within one year from the date of occurrence of the matters complained of.

(5) *Removal.* If the guardian ad litem or DGAL is removed from the Court registry, the Court shall enter findings of fact and an order of removal. Upon removing a guardian ad litem from the registry, the Court shall forward a copy of the Order to the Office for the Administrator of the Courts for circulation to other counties.

(6) *Confidentiality.* The complaint, the Board's meeting minutes and communications, and the Board's initial decision, shall be kept confidential from everyone but the complaining person, unless the Board finds cause to proceed with the complaint. Any requests to disclose information from complaint or guardian ad litem files or DGAL are subject to redaction of case identifying information, including party

names and case numbers; any information that could endanger a victim of domestic violence; and any information prohibited by law from disclosure.

(A) No cause to proceed. If the Board finds no cause to proceed with the complaint, no record of the complaint will be kept in the guardian ad litem's or DGAL's file, although a copy may be kept in separate complaint files with safeguards for confidentiality. After three years, the complaint documents shall be destroyed, with a notation in the file including the names of the complaining person and guardian ad litem or DGAL, the filing date of the complaint, and that the Board found no cause to proceed with the complaint. However, if a complaining person discloses to a third party that a complaint has been filed, the guardian ad litem or DGAL may see a copy of the complaint and the Board's decision in the matter and may file a written response to be placed in the confidential file.

(B) Cause to proceed. If the Board finds cause to proceed, the complaint and all relating documents shall be kept in a guardian ad litem or DGAL complaint file, including copies of the initial and final decisions, and any judicial decisions regarding the complaint.

(7) *Extension of Timelines*. Timelines stated herein can be extended by the ~~Board~~ Superior Court Administrator or by a Judicial Officer for good cause.

#### **(I) Grievance Procedure.**

(1) *Motion in Court*. At any time, a party may bring a motion in court to address the issues raised by a complaint pursuant to LGAL 7(a).

(A) Such a motion shall be heard by a Judicial Officer other than the one making rulings in the underlying case(s) at issue in the complaint. A Judicial Officer who has heard a motion regarding a guardian ad litem or DGAL complaint shall not make further rulings in the case except those necessary to resolve the issues raised in the ~~guardian ad litem~~ complaint.

(B) If such a motion is brought by the complaining party during or after a complaint has been filed with the Board, the party shall disclose to the Court the status of the Board's involvement. A decision by the Board is not binding on the Judicial Officer.

(2) *Initial Review by Board*. Within 10 court days after the Superior Court Administrator receives the written complaint, the Board shall review the complaint and make an initial determination of whether there is cause to proceed.

(A) The initial decision shall be in writing and state whether the Board finds cause to proceed with the complaint and the reasons for that decision.

(B) The Board shall mail the initial decision to the complaining person within 10 court days after receipt of the complaint ~~by the appropriate administrative officer~~.

(C) At its discretion, the Board may request additional information from the complaining person. The Board may also extend the time to respond if needed. The extension shall not be for more than a total of 10 additional court days. The failure of a complaining person to provide more information requested by the Board may be a factor in whether the Board finds cause to proceed.

(D) If the Superior Court Administrator determines that the complaint concerns a case currently pending before the court, the Superior Court Administrator shall refer the complaint to the Family Court Chief Judge in Title 11, 13 and 26 RCW cases ~~and to the Presiding Judge in Title 11 RCW cases~~, and shall so inform the complaining person in writing.

(3) *Review of Determination of No Cause to Proceed*. If the Board finds no cause to proceed, the complaining person may seek review of that decision by bringing a motion before a Judicial Officer consistent with the provisions of this rule.

(4) *Procedure Following Determination of Cause to Proceed*. If the Board finds there is cause to

proceed, the Board shall notify the guardian ad litem or DGAL in writing at the same time the complaining person is notified of the Board's finding of cause to proceed. The notice to the guardian ad litem or DGAL shall include a copy of the complaint and a copy of the Board's initial decision.

(A) The guardian ad litem or DGAL shall respond in writing to the Board within 15 days of the mailing of the decision.

(B) The guardian ad litem or DGAL shall mail a copy of the guardian ad litem's response to the complaining person.

(5) *Board's Authority Following Determination of Cause to Proceed.* After reviewing the guardian ad litem's or DGAL's response, and any replies, the Board shall have the authority to do the following:

(A) find that, based on the information provided, the guardian ad litem or DGAL did not violate applicable laws, rules, or policies;

(B) issue a written reprimand;

(C) issue an advisory letter to the guardian ad litem or DGAL summarizing concerns ~~for the guardian ad litem~~ and to take notice and/or address;

(D) refer the guardian ad litem or DGAL to additional training;

(E) require the guardian ad litem or DGAL to take corrective action to remedy the matters complained about or mitigate the harm caused by those matters;

(F) require the guardian ad litem or DGAL to bring or support a motion to add, seal, or remove information to/in/from the court file or to/in/from the ~~guardian ad litem~~ report;

(G) recommend to the Judicial Officer hearing an underlying case that it remove the guardian ad litem or DGAL from the case; and/or

(H) recommend to the Court that the guardian ad litem or DGAL be removed or suspended from the registry;

(6) *Decision.* Following consideration of all material submitted, the Board shall issue its final decision within 10 court days following receipt of the guardian ad litem's or DGAL's response or passage of the time allowed for response.

(A) The Board shall mail the final decision to the complaining person, the guardian ad litem or DGAL, and all parties in any underlying case.

(B) The Court shall ensure that the final decision is placed in the guardian ad litem's or DGAL's file and the ~~guardian ad litem~~ complaint file.

(7) *Judicial Review of Board Decisions.*

(A) Two methods of Review. There shall be two methods for seeking judicial review of a Board decision.

(i) Appeal. The right to appeal a decision of the Board finding misconduct shall be available only to the guardian ad litem or DGAL, and only in cases where the decision of the Board recommends removal or suspension of the ~~guardian ad litem~~ individual from the registry.

(ii) Discretionary Review. Decisions of the Board which do not recommend suspension or removal from the registry are subject to review by the Court only through discretionary review. Discretionary review will be accepted only in cases involving significant questions of law or allegations that there was no substantial evidence in the record to support a material finding of fact upon which the decision of the Board was based. Either a guardian ad litem or DGAL or a complaining person may seek discretionary review of a Board decision.

(B) Procedure on Filing Review. Judicial review of a Board decision must be commenced by filing a petition for judicial review with the clerk of the court and serving the petition on the Superior Court

Administrator, all parties to the underlying action, the complaining person, and the guardian ad litem or DGAL. Filing and service must be obtained within 20 days of the mailing date of the final decision by the Board. The Superior Court Administrator shall assign the petition for judicial review to a Judicial Officer who has not heard matters in any underlying case at issue in the complaint.

(i) Costs. The person seeking judicial review shall be responsible for any filing fees, and costs associated with producing the record for review.

(C) Response and Argument.

(i) Appeal. Any response to an appeal of right shall be filed within 10 days of the filing and service of a notice of appeal of right. Oral arguments will be scheduled by the Judicial Officer.

(ii) Discretionary review. No response is required, and no oral argument will be had unless otherwise directed by the Judicial Officer. If written response or oral argument is directed, the briefing schedule and the date for argument will be set by the Judicial Officer.

(C) Scope of Review. The Judicial Officer shall review the written record and any oral argument, if permitted, to determine whether the guardian ad litem or DGAL violated any applicable laws, rules, and/or policies and if so, the appropriate remedy. The Judicial Officer shall issue findings and a decision on the issues in the complaint based on an independent review of the record.

(D) Consideration of Prior Complaints. If the Judicial Officer determines that a violation occurred, the Judicial Officer may, in fashioning a remedy, consider any prior complaints against the guardian ad litem or DGAL where the Board found cause to proceed.

[Emergency rule effective June 8, 2000. Amended effective September 8, 2000, September 1, 2003, September 1, 2004, September 1, 2005; September 1, 2019; September 1, 2021.]

## LGALR 8

### GUARDIAN AD LITEM REGISTRIES

**(a) Maintenance of Registries.** The Family and Juvenile Court shall maintain and administer guardian ad litem (GAL) registries for actions under Title 26 RCW and for actions Title 11 RCW. One registry shall be for GALs authorized for appointments on behalf of minors; the other registry shall be GALs authorized for appointments on behalf of adults who are respondents in Title 11 cases. Both registries shall be managed by court staff a Registry Manager at Family and Juvenile Court.

**(b) Maintenance of Guardian ad Litem Files.** The Family and Juvenile Court shall maintain a file for each GAL listed on a current registry. The GAL's application form, writing sample, resume or curriculum vitae, and other records pertaining to the GAL shall be maintained in his or her file. These documents shall be available for public inspection.

**(c) Guardian ad Litem Registry Committee.** The Guardian ad Litem Registry Committee shall consist of the Family Court Program Manager ~~GAL Coordinator~~ and two other individuals designated by the Chief Judge at Family and Juvenile Court. The Chief Judge shall have discretion to appoint two separate Registry Committees for GALs for Minors and GALs for Adults ~~Title 26 and Title 11~~ GALs. The Registry Committee shall be responsible for approving any applicant's request to be placed on the GAL Registries, shall ensure that an interview with GAL applicants is conducted and shall conduct an annual review of each GAL as set forth below in LGALR 11(b).

## LGALR 10

### CONTINUING REQUIREMENTS FOR ~~TITLE 26 AND TITLE 11 RCW~~ GUARDIANS AD LITEM

**(a) ~~Title 26 RCW~~ Guardians Ad Litem for Minors.**

(1) *Continuing Training.* The court may periodically sponsor or approve training programs that ~~Title 26 guardians ad litem (GALs)~~ GALs for Minors are required to attend to maintain and improve their level of proficiency. Local continuing training may be offered periodically, and the curricula may include: instruction using examples of reports, pleadings, and fee agreements; billing procedure and format information; court procedures; information on local resources; and other topics from the state curriculum.

(2) *Annual Update.* Any person who is currently listed on the ~~Title 26 GAL~~ GALs for Minors or the GALs for Adults Registry and who desires to remain on the registry shall provide an annual update by February 28 of each year by completing the annual update form and the criminal background check authorization, as well as providing an updated resume or curriculum vitae. The annual update form and updated resume or curriculum vitae shall be available for public inspection.

**(b) ~~Title 11 RCW~~ Guardians Ad Litem Guardians ad Litem for Adults and DGALs**

(1) *Continuing Requirements.* By February 28 in even numbered years, GALs for Adults and DGALs shall provide an update to the court on a form provided by the court. The update shall include:

(A) current resume;

(B) signed criminal background check authorization;

(C) proof of attendance at eight hours of continuing education related to guardianship work during the past two calendar years; and

(D) disclosure of any complaints related to the GAL's work during the past two calendar years in any jurisdiction.

(2) *Failure to Fulfill Continuing Requirements.* A GAL may be dropped from the registry for failure to meet the continuing requirements above.

**(c) Leave from the Registry.** A GAL on a registry shall notify the court of periods in which he or she is unavailable to accept appointments.

[Adopted effective September 1, 2007; amended effective September 1, 2010; September 1, 2017; September 1, 2021.]

## LGALR 11

### **EVALUATION OF GUARDIAN AD LITEM WORK.**

**(a) Case Evaluations.** When a guardian ad litem (GAL) is discharged from a case, every attorney and self-represented party and judicial officer involved in the case is encouraged to submit an evaluation of the GAL on a form approved by the court. The completed evaluations will be returned to the Family Court Program Manager or Court Administration at Family and Juvenile Court. The GAL may review and respond to the evaluations in writing. Any responses shall be placed in the GAL's file. The purpose of these evaluation forms is to assist the court in maintaining a registry of qualified GALs.

**(b) Annual Evaluations.** The Registry Committee shall review the complete file of every GAL in February of each year.

(1) *Presenting Issues.* The Registry Committee shall determine if there are specific concerns from the evaluations that should be addressed with each GAL and shall issue a written report regarding any specific concerns. If a written report is issued, the GAL will have seven days to respond in writing to the report. The Registry Committee shall then conduct an in-person review with the GAL to discuss the report and appropriate remedial actions, if any, the GAL should take. The Registry Committee may (A) allow the GAL to remain on the registry with no further action; (B) suspend the GAL from the registry, subject to the individual completing requirements as set forth by the committee; or (C) remove the GAL from the registry. The GAL shall be notified in writing within seven days of the in-person review. In the event the committee recommends removal from the registry, the GAL shall have ten days to appeal the decision in writing to the Chief Judge at Family and Juvenile Court. A written decision on the appeal from the Chief Judge shall be issued within fourteen days of receipt of the appeal.

(2) *No Presenting Issues.* If no specific concerns are identified for a GAL, then a written report and in-person review is not required.

[Adopted effective September 1, 2010. Amended effective September 1, 2017; September 1, 2021.]