LOCAL COURT RULES OF THE SUPERIOR COURT FOR LEWIS COUNTY

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The following are the Local Rules for the Superior Court of Lewis County. The Court may modify or suspend any of these Rules in any given case upon good cause being shown or upon the Court's own motion.

LOCAL ADMINISTRATIVE RULES (LAR)

LAR 1: PRESIDING JUDGE

1.1 Election. Pursuant to General Rule 29(a)(1), Rules of Court (GR 29(a)(1)), the elected Superior Court Judges shall elect a Presiding Judge and an Assistant Presiding Judge by majority vote at a meeting of the Judges to be held in October of odd numbered years.

1.2 Terms. The terms of the Presiding Judge and Assistant Presiding Judge shall be for two years beginning January 1 of the even numbered year after their election.

1.3 Vacancy. A vacancy in the office of the Presiding Judge shall be filled by the then Assistant Presiding Judge. A vacancy in the office of Assistant Presiding Judge shall be filled by majority vote of the elected Superior Court Judges at the first meeting of Judges to be held after the vacancy is known to exist. Judges filling vacancies shall serve until January 1 of the next even numbered year.

1.4 Duties and Responsibilities. The duties of the Presiding Judge and Assistant Presiding Judge shall be as provided in GR29, unless otherwise provided by written Court policy approved by a majority of the elected Judges of the Lewis County Superior Court.

[Adopted effective June 19, 2002; amended effective September 1, 2019]

LOCAL CIVIL RULES OF THE COURT (LCR)

LCR 1: COURT COMMISSIONER HEARING ADULT FELONY MATTERS

Court Commissioners appointed and qualified under Article 4, Section 23 of the Washington State Constitution are authorized to preside over, and consider all matters in adult felony proceedings as specified under RCW 2.24.040(15) including accepting pleas in all cases. [Adopted effective September 1, 2001.]

LCR 2: MOTIONS FOR REVISION OF COMMISSIONER RULINGS

A party filing a motion for revision of a ruling of a Court Commissioner shall note the motion for argument before the presiding judge such that, within 30 days of filing, the matter shall be considered and determined. Absent extraordinary circumstances, any motion for revision not heard within 30 days of filing shall be considered abandoned, stricken by the court and the commissioner's ruling affirmed.

(a) **Revision by Motion and Notice**. Revision shall be initiated by filing a motion with the Clerk of the Court within 10 days after entry of the order or judgment as provided in RCW 2.24.050. The motion must specify each portion of the Order for which revision is sought. The revision form shall designate a hearing date no later than 30 days after the filing of the motion. The Motion for Revision shall also be noted in accordance with Civil Rules 6 and 7. A copy of the motion for revision shall be served upon the other parties, or their counsel, if represented, within 10 days after the entry of the order or judgment and at least five court days before the hearing date. An additional three days notice shall be required if service is by mail.

(b) **Transcript Required**. At least four days prior to the hearing on the motion, the moving party shall file a transcript of the oral ruling of the Commissioner. The moving party shall obtain the transcript at their expense. A copy of the transcript shall, at least four days before the hearing, also be served upon the other parties and a bench copy furnished to the Judge who will hear the motion. A transcript will not be required if the matter was decided by letter decision, or if no oral decision was rendered. The transcript shall be prepared by an Official Court Reporter. Failure to comply with these requirements may result in denial of the motion.

[Adopted effective September 1, 2001; amended effective September 1, 2015; amended effective September 1, 2018]

LCR 3: DOCKETING AND CONFIRMING CIVIL MOTIONS

A. Motion Dockets

Motions to be argued shall be heard on the respective dockets as set forth in this rule. In the event any day scheduled for a motion docket is a legal holiday or a date when the court is unavailable for any reason, the date for **such docket shall be as scheduled by the Court Administrator.** Any motions pertaining to cases assigned to a specific judge shall be heard by that judge and such motion hearings shall be scheduled through the Court Administrator, unless such judge is the Motion Judge, in which event the motions shall be heard on the civil motion docket.

1. The civil motion docket and guardianship docket shall be held on Friday. All civil motions, relocations and motions for revision shall be heard on the civil docket.

2. The family law docket shall be heard on Wednesdays and Fridays.

3. The schedule for motion dockets and trial assignments shall be as Follows:

Wednesday	**Court Commissioner**
9:00 A.M.	Final Dissolutions
10:00 A.M.	Family Law Motion Docket

Friday	**Motion Department**
9:00 A.M.	Ex Parte, adoptions and other confidential matters
9:30 A.M.	Civil Motion Docket and Relocations
11:00 A.M.	Guardianship Docket

Friday	**Court Commissioner**
9:00 A.M.	Family Law Motion Docket

Friday	**Court Administrator**
8:30 A.M.	Trial Assignments

4. All motions shall be confirmed for argument through the Clerk's Office by 12:00 noon two court days prior to the scheduled argument. Confirmations shall be made by e-mailing the clerk at confirmations@lewiscountywa.gov . Motions not confirmed will not be stricken without consensus of both parties and the court.

[Adopted effective September 1, 2001; amended effective September 1, 2003; September 1, 2005; September 1, 2010; April 1, 2011; July 1, 2011; September 1, 2011, amended effective September 1, 2019.]

LCR 5: SERVICE AND FILING OF MOTIONS AND RESPONSES

A. Filing and Scheduling of Motions.

Notwithstanding any provision of CR 6(d) to the contrary, a party filing any motion shall serve and file such motion no later than seven (7) court days prior to the date noted for argument on the motion; e.g., by Wednesday 5:00 p.m. of the preceding week for a Friday docket; by Monday 5:00 p.m. of the preceding week for a Wednesday docket. Motions requiring a longer period of notice pursuant to court rule or statute shall be filed as required by the applicable court rule or statute.

All documents supporting the motion shall be filed and served with the motion.

Unless other arrangements are made with the Court Administrator, all motions shall be scheduled for the appropriate Wednesday or Friday Motion Docket and heard by the

Motion Judge or by the Court Commissioner. Unless other arrangements are made with the Court Administrator, hearings on any motion shall not include live testimony and argument may be limited in time.

A notice of issue or note for the motion docket identifying the nature of the motion, names of the parties, the names of the attorneys if any, and the date and time for argument on the motion shall be filed and served with the motion.

B. Response Documents

Any party opposing a motion, or any part thereof shall file all original responsive documents and serve copies upon all parties no later than 12:00 noon two court days prior to the scheduled date for argument on the motion; e.g., by noon Wednesday for a Friday docket; by noon Monday for a Wednesday docket.

C. Reply to Response Documents

All reply documents to the response documents as provided for in part B of this rule shall be filed and served on all parties no later than 12:00 noon one court day prior to the date set for argument on the motion, e.g., by noon Thursday for a Friday docket; by noon Tuesday for a Wednesday docket. No additional documents shall be filed or served after that date and time.

D. Bench Copies

Bench copies of all motions, memoranda, responses and or replies, and all documents supporting such motions, responses or replies shall be delivered to the Judge or Court Commissioner who is to consider the motion, on the day they are filed. The name of the Judge or Court Commissioner and the date of the hearing for the matter shall be designated on the bench copies.

E. Affidavits and Declarations.

Affidavits and declarations in support of or in opposition to any motion or part thereof shall be made only on personal knowledge, shall set forth only such facts as would be admissible in evidence, and shall show affirmatively that the affiant or declarant is competent to testify to the specific matters set forth therein. Argument, comment, and nonexpert opinion shall be excluded from affidavits and declarations.

F. Hearing on short notice.

All orders shortening time shall include a provision for a service deadline upon the other party or parties.

G. Terms

Terms and sanctions may be imposed for failure to comply with this rule, including the striking of any documents filed in violation this rule.

(Adopted effective September 1, 2001. Amended effective September 1, 2003. Amended effective September 1, 2019)

LCR 7: PLEADINGS ALLOWED; FORM OF MOTIONS

A. Motions and Other Papers

1. *How Made.* Reapplication for order. When an order has been applied for and refused in whole or in part (unless without prejudice), or has been granted conditionally and the condition has not been performed, the same application for an order shall not be presented to another Judge or Commissioner. If a subsequent application is made upon a different statement of facts or law, it shall be shown by affidavit or certified statement what application was made, when and to what Judge or Commissioner, what order or decision was made thereon; and what new facts or law are claimed to be shown.

Failure to comply with this requirement shall, at the request of an opposing party or counsel, result in any order thus obtained being set aside and terms assessed against the counsel or party obtaining the order.

2. *Form.* All motions and responses or replies thereto shall be in writing, shall be typewritten, or hand printed and shall be presented on paper 8-1/2 by 11 inches in size, on paper containing a vertical line of numbers at the left margin, and shall be double spaced. No pleadings shall be filed or presented which are hand written in cursive form, unless a typed or hand printed version of such pleading is attached to such pleading. The court shall not consider any hand written or cursive pleading without such a typed or hand printed version attached, for any purpose.

3. *Required Provisions in Orders Mandating Personal Appearance.* In all proceedings wherein an order is to be issued requiring or mandating the personal attendance of a person or a party in open court, the order shall include the following words in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE AND PLACE STATED MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant shall be issued in such cases for the apprehension of the cited person if such language has been omitted.

4. *Failure to Appear.* If the party noting a motion fails to appear for the scheduled hearing, and the opposing party appears, the motion shall be denied or stricken. If the moving party appears and the opposing party does not appear the requested relief shall be granted, if warranted. If neither the moving nor the responding party appears, the motion shall be stricken.

5. *Motions for Reconsideration.*

A. Motions for reconsideration of rulings and all pleadings and documents in support thereof, must be filed and served on opposing counsel, or the opposing party, if unrepresented, and a copy delivered to the Judge or Commissioner making the ruling, within ten (10) days after entry of the judgment or order. Such pleadings shall set forth specific grounds for the reconsideration, and the arguments and authorities in support thereof.
B. The opposing party may, within ten (10) days after receipt of the motion, file and serve on the moving party, and the Judge or Commissioner making the ruling, pleadings and documents in opposition.
C. Each party shall prepare and include in the materials submitted, a proposed order sustaining their respective position on such motion.
D. Oral argument on a motion for reconsideration shall be scheduled only if so ordered by the Judge or Commissioner to whom the motion is submitted. In no case shall a motion for reconsideration be noted for hearing on the motion calendar unless ordered by the Judge or Commissioner to whom the matter has been submitted. Twenty days after a motion for reconsideration has been submitted and served upon the parties or their counsel as provided for in this rule, and no ruling has been made, either party may submit to the Judge or Commissioner a certification that the matter is ready for a ruling on the motion for reconsideration.

B. Filing of Documents

1. *Filing*: *Case Numbers.* Except in consolidated cases, no documents shall be filed with more than one case number, unless sufficient copies are simultaneously provided for each case. Where there are multiple case numbers and no copies provided, the clerk shall place the documents only in the first case number designated.

(Adopted effective September 1, 2001)

LCR 10: FAMILY LAW MOTIONS PAGE LIMITATION

(A) ***Generally***. Absent prior approval from the court as set forth in (G), all declarations and affidavits from a party, and any non-expert witnesses, in support of a motion, including any reply, shall be limited to a sum total of twenty (20) pages. All declarations and affidavits submitted in response to a motion shall be limited to a sum total of twenty (20) pages.

(B) ***Application***. This rule shall apply to all family law, paternity, and non-parental custody motions. No portion of this rule shall be construed to permit multiple motions noted for the same day and docket to avoid the page limit.

(C) ***Exhibits***. Exhibits that consist of declaration or affidavits shall count toward the above page limits. If parties and attorneys quote only the relevant parts of the emails, journals or depositions in a declaration, and attach the full version of the email, journal or deposition as an exhibit for context, the full version of the email, journal or deposition will not count against the page limit, if labeled as such for that limited purpose. All other exhibits attached to a declaration or affidavit shall be counted toward the page limit.

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

(E) ***Expert Report and Evaluations*****.** Declarations, affidavits, or reports from Guardian *Ad Litems* and expert witnesses shall not count toward the page limit.

(F) ***Miscellaneous Exceptions***. Copies of declarations or affidavits previously filed in a motion previously ruled upon and supplied solely as a convenience to the court in lieu of the court file shall not count toward the page limit.

(G) ***Authorization***. Upon motion of a party and for good cause shown, a party may seek authorization to exceed the page limit may do so on the ex parte calendar without notice to opposing counsel or a self-represented party.

[Adopted effective September 1, 2010.]

LCR 14: USE OF COLORED PAPER (Rescinded effective 9/1/17)

LCR 60(a): OMISSION OF LAW ENFORCEMENT INFORMATION FORM IN CASE TYPES 2, 3, AND 5

(1) **When Law Enforcement Information Form Required**. In type 2, 3 and 5 cases, a party seeking the issuance of a protection or antiharassment order under chapter 26.50 RCW or chapter 10.14 RCW must fill out a Law Enforcement Information (LEI) Form and submit it to the Court. The Court shall notify the party of this rule and may decline to issue the order in the absence of the LEI Form.

(2) **Procedure When Form Omitted**. The absence of a required LEI Form is an oversight that shall be corrected in the manner specified herein:

(a) *Attorney Procedure*. A clerk of this Court shall promptly notify the moving party's attorney that he or she must submit a completed LEI Form. If the attorney

does not provide the form within one (1) judicial day, the clerk shall employ the expedited procedure in subsection (2)(c).

(b) *Pro Se Procedure*. If the moving party is pro se, the Clerk may notify him or her or may immediately employ the expedited procedure in subsection (2)(c) without notice.

(c) *Expedited procedure*. When authorized herein, a Court clerk shall access court records (including confidential records per GR 22(h)(1)(a)) and produce an LEI Form containing only the following:

(i) For the restrained party: the name, sex, address, race, and at least one numerical identifier (birthdate, FBI number, social security number, or driver's license number); and

(ii) For the protected party: the name, address, and either birthdate or social security number;

(3) **Fee for Expedited Procedure**. If a clerk employs the expedited procedure in subsection (2)(c), it shall charge the notified person a fee of fifty (50) dollars. *See* RCW 36.18.016(24). Persons who were not notified may not be charged. Any person so charged may apply to the Court for waiver of the fee on grounds of hardship or good cause for the failure to supply the LEI Form in a timely manner.

(4) **No Blank Entries**. If, when filling out an LEI Form, a party or clerk does not know and cannot practically obtain information required therein, the party or clerk shall write "Unknown" in the blank.

[Adopted effective September 1, 2016]

LCR 79: BOOKS AND RECORDS KEPT BY CLERK

(1) **Rejection of Unsuitable Materials**.
(A) *Original court record*. Whenever there is presented to the clerk for filing in a cause, any paper or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his/her file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines the paper or materials should not be made a part of the original court file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court, except to the parties or their attorneys of record.

(B) *Materials filed not evidence unless ordered*. Exhibits filed pursuant to subsection (A) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

[Adopted effective September 1, 2015]

LOCAL GUARDIAN AD LITEM GRIEVANCE RULES (LRGAL)

LRGAL 1.1: GUARDIAN AD LITEM COMPLAINT REVIEW COMMITTEE

There shall be a complaint review committee (hereinafter referred to as the "Committee"), consisting of a Superior Court Judge, as designated by the Presiding Judge, the Superior Court Administrator, and a representative of the Lewis County Bar Association designated by its President, to administer complaints about guardians ad litems involved in Title 11, 13 and 26 RCW.

[Adopted effective September 1, 2002]

LRGAL 1.2: SUBMISSION OF COMPLAINTS

All complaints shall be in writing, signed by at least one individual with their address and phone number, and shall be submitted to the Superior Court Administrator.
[Adopted effective September 1, 2002]

LRGAL 1.3: REVIEW OF COMPLAINT

Upon receipt of a written complaint, the Superior Court Administrator shall convene the Complaint Review Committee with ten (10) business days to review the complaint. Upon review of the complaint, the Committee shall either:

A. Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances the Committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony. In such cases the Committee and its members shall perform its role in such a manner as to assure that the trial judge or court commissioner remains uninformed as to the complaint; or

B. Make a finding that the complaint has no merit on its face, and decline to review it and so inform the complaining party; or

C. Make a finding that the complaint does appear to have merit and request a written response from the guardian ad litem within ten (10) business day, detailing the specific issues in the complaint to which the committee desires a response. The Committee shall provide the guardian ad litem with a copy of the original complaint. A guardian ad litem's failure to respond within the required ten (10) business days shall result in the immediate suspension of the guardian ad litem from all registries. In considering whether

the complaint has merit, the Committee shall consider whether the complaint alleges the guardian ad litem has:

1. Violated the Rules of Professional Conduct;
2. Misrepresented his or her qualifications to serve as a guardian ad litem;
3. Not met the annual training requirements set forth in the Registry requirements;
4. Breached the confidentiality of the parties;
5. Falsified information in a report to the Court or in testimony before the Court;
6. Failed to report abuse of a child;
7. Communicated with the a judge/commissioner ex-parte, except as allowed by (such as an emergency restraining order);
8. Purported to represent the Court in a public form without prior approval of the Presiding Judge;
9. Violated state or local laws, rules, or this policy in the person's capacity as guardian ad litem;
10. Taken or failed to take any other action which would reasonably place the suitability of the person to serve as guardian ad litem in question;
11. Failed to keep information confidential from non-parties or disclosed protected information to a party;
12. Intentionally lied or presented information in a false light to the Court, another party or a third party;
13. Failed to report abuse of a child as required by RCW 26.44;
14. Talked about a case for which the guardian ad litem was appointed to the media or public without the permission of all parties and/or the Court

[Adopted effective September 1, 2002]

LRGAL 1.4: RESPONSE AND FINDINGS

Upon receipt of a written response to a complaint from the guardian ad litem, the Complaint Review Committee shall, within ten (10) business days, make a finding s to each of the issues delineated in the Committee's written request to the guardian ad litem that based on the response, there is either no merit to the issue, or that there is merit to the issue. In any case where the Committee finds that there is merit to an issue, the Committee may conduct further investigation, including the examination of witnesses, documents, and such other evidence as the Committee may, in the exercise of their discretion chose to examine. The Committee may extend the time for entering findings of fact during such examination, provided however, that no such extension shall exceed thirty (30) days, beyond the date the Committee determines that there is merit to any issue.

[Adopted effective September 1, 2002]

LRGAL 1.5: CONFIDENTIALITY

A. A complaint shall be deemed confidential for all purposes unless the Committee has determined that it has merit under LCRGAL 1.3 C.

B. Any record of complaints filed which are not deemed by the committee to have merit shall be confidential and shall not be disclosed except by court order.

[Adopted effective September 1, 2002]

LRGAL 1.6: COMPLAINT PROCESSING TIME STANDARDS

A. Complaint shall be resolved within twenty five (25) days of the date of receipt of the written complaint if a case is pending.
B. Complaints shall be resolved within sixty (60) days of the date or receipt of the written complaint if the complaint is filed subsequent to the conclusion of the case.
C. The complaint and the guardian ad litem shall be notified in writing of the Committee's decision within ten (10) business days of the entry of the Committee's findings and decision being signed.

D. Complaints filed under this rule must be filed within three (3) years from the date of the occurrence of the matters complained of. The Committee shall find complaints filed after this time not to have cause to proceed. This limitation applies to all complaints, whether filed during the pendency or after the conclusion of a case.

[Adopted effective September 1, 2002)

LRGAL 1.7: SANCTIONS

The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the guardian ad litem to additional testing, recommend to the Presiding Judge that the Court, on its own motion, remove the guardian ad litem from the instant case, or suspend or remove the guardian ad litem from the registry. In considering a response, the Committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the guardian ad litem from a particular case, or suspension or removal from a registry. If a guardian ad litem is listed on more than one registry, at the discretion of the Committee, the suspension or removal may apply to each registry on which the guardian ad litem is listed. When a guardian ad litem is removed from a registry pursuant to the disposition of a grievance, the Court shall send notice of such removal to the Administrator of the Courts.

[Adopted effective September 1, 2002]

LRGAL 1.8: REQUEST FOR RECONSIDERATION BY GUARDIAN AD LITEM

A guardian ad litem may, within five (5) business days of receipt of notification that he or she have been suspended or removed from a registry, request a hearing to review the Committee's decision. The Presiding Judge shall designate a hearing officer, to preside over and conduct such review. The sole purpose of the review shall be to review the appropriateness of the suspension or removal from the registry. The hearing officer shall review the written record of the instant case and any prior complaints upon which the Committee relied and hear oral argument from the guardian ad litem and a representative of the Committee. Said hearing shall be conducted within twenty (20) days of receipt of a request for the hearing.

[Adopted effective September 1, 2002]

LRGAL 1.9: MAINTAINING RECORDS OF GRIEVANCES

The Superior Court Administrator shall maintain a record of grievances filed and of any sanctions issued pursuant to the grievance procedure.

[Adopted effective September 1, 2002)

LOCAL RULE ON GUARDIAN AD LITEM REGISTRY POLICY

LRGAL 2.1: GENERAL POLICY

Any individual desiring to serve as a Guardian ad Litem (GAL) in any matter pertaining to Adoptions, Family Law matters, Probates and Trusts, must be listed on the Guardian ad Litem (GAL) Registry maintained by the Lewis County Superior Court Administrator. A separate registry shall maintained by the Lewis County Juvenile Court Administrator for Title 13 GALS and Volunteer GALS, the program administered by the Juvenile Court.

The Court Administrator shall maintain and administer the GAL registries as provided herein and shall maintain application forms and background information records pertaining to each person applying to be listed on Title 11 and 26 registries. Persons listed on any registries shall reapply and provide additional background information annually by January 31. All application and background information, with the exception of personal identifying information in family law cases and pending complaints shall be available for public inspection.

Persons shall be selected to serve on each registry at the discretion of the Court, giving due consideration to: (1) having a sufficient number of GALS available to fulfill the

requests of litigants for appointments: (2) achieving and maintaining diversity; and (3) retaining panels of persons with substantial experience and special knowledge with each given field. In the event that more qualified applicants apply than may be needed or would benefit any of the separate programs, all applicants may not be selected for the registry.

The Court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency. Training programs may be cosponsored or offered by the State or County Bar Associations under the oversight of the Court or offered or sponsored by other counties under the oversight of their courts.

Each registry may be constituted periodically after an open application period has been publicly announced. The Court may allow additional applicants to be added to any registry periodically.

The Court Administrator may impose an application processing fee and may charge a fee for any and all training programs.

[Adopted effective September 1, 2002.]

LRGAL 2.2: SPECIFIC REGISTRY REQUIREMENTS

A. Adoption Registry

Education and Experience Requirements:

a. *Attorneys*

1) Member of the Washington State Bar Association in good standing; and

2) Two years of experience in the practice of law including at least three (3) completed adoptions.

b. *Non Attorneys*

1) Bachelor level degree in any of the following fields: social work, psychology, counseling, nursing, medicine, or equivalent field or equivalent work or personal experience in the areas of child, adolescent or family counseling or casework; or

2) Certified by the State of Washington as a social worker, mental health therapist or marriage and family counselor, or licensed as a psychologist, nurse, or physician in good standing;

B. Guardianship Registry

Education and Experience Requirements

a. *Attorneys*

1) Member of the Washington State Bar Association in good standing; and

2) Minimum two years of practice of law.

b. *Non Attorneys*

1) Five years experience in the following: Needs of the impaired, elderly people, physical disabilities, mental illness, developmental disabilities, and/or other areas relevant to the needs of incapacitated persons; and

2) For initial placement on the registry, completion of any training required by RCW 11.88.090 as amended.

C. Family Law Registry

Education and Experience Requirements

a. *Attorneys*

1) Member of the Washington State Bar Association in good standing; and

2) Two years of experience in the practice of law including a minimum of 10 completed dependency and/or dissolution cases with children to include post-resolution custody modifications; or

3) Meet the requirements C (b) 1) or 2) below.

b. *Non Attorneys*

1) Bachelor level degree in any of the following fields: social work, psychology, counseling, nursing, medicine or equivalent field or equivalent work or personal experience in the areas of child, adolescent, or family counseling or casework; or

2) Certified by the State of Washington as a social worker, mental health therapist, or marriage and family counselor, or licensed as a psychologist, nurse, physician in good standing; or

3) Such other educational or employment experience that is acceptable to the court.

c. *Parentage Cases/Out of State Guardian ad Litem*

In RCW 26.26 actions, a relative of the minor mother or father may be appointed who has complied with the requirements of RCW 26.12.175 and who is otherwise suitable.

In RCW 26.33 actions involving the need for an out-of-state GAL, a non-registry GAL may be appointed so long as the appointed GAL complies with the requirements of RCW 26.12.

D. Training

1. For initial placement on the registries, all guardians shall complete all training and continued training that is required by statute, State or County court rules.

E. Appointments

1. Guardianships: Any person listed on the registry may be agreed to by the parties or a party may serve a written request upon the Superior Court Administrator's office, who shall appoint a GAL whose name next appears on the registry on a rotational basis in accordance with RCW 11.88.090(3)(a) subject to that person's acceptance of the appointment.

2. Family Law: Absent a joint recommendation from the parties of a person listed on the family law registry who has been approved by the Court, the

3. GAL shall be appointed pursuant to RCW 26.12.177(2)(b).

4. Adoptions: Any person listed on the adoption registry may be appointed upon stipulation of the parties and the agreement of the GAL to accept the case. Absent an agreement, the Court Administrator shall select the name of a GAL from the registry on a rotational basis, which GAL shall be appointed by the Court, subject to the GAL's agreement to accept the case.

F. Application

Each person requesting to be listed on any Guardian ad Litem registry shall annually submit an application on the current form provided by the Court and maintained by the Court Adminisdtrator.[Adopted effective September 1, 2002; Amended effective September 1, 2010]

LRGAL 2.4: RETENTION ON REGISTRIES

1. Persons on the registries shall promptly inform the Court of any temporary unavailability to serve, or their intent to resign from the

registry.

2. A person shall remain on the registry unless the person fails to maintain a current application with attachments or the person is removed or suspended because of the grievance procedure.

3. A person may be denied listing on, or may be temporarily suspended from the registry for any reason that places the suitability of the person to act as a GAL in question.

4. A GAL who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the Superior Court Administrator, who shall reassign such cases.

5. A person's retention on the registry shall be review upon the Court's receipt of a complaint regarding performance in office or the Court's receipt of adverse information regarding the suitability of a person serve as a GAL. Complaints shall be reviewed in accordance with the grievance procedure.

[Adopted September 1, 2002]

LOCAL MANDATORY PARENTING SEMINAR RULES

LMPSR 1.1: PARENTING SEMINARS

A. The parents, petitioners, and respondents shall complete a parenting seminar approved by the Court in all cases filed under RCW Chapters 26.09, 26.10, and 26.26, which require a parenting or residential plan or custody order for minor children, including marital dissolutions, legal separations, paternity residential plans, non-parent custody actions, any action where one or both of the parties is under the age of eighteen (18) years, and any action in which the Court makes a discretionary finding that a parenting seminar would be in the best interest of the children. The Court may also order additional persons involved in the parenting of the minor children to attend the parenting seminar.

B. Major Modifications of Parenting/Residential Plans or Custody Orders: All parents, petitioners, and respondents involved in a major modification of a parenting or residential plan or custody order need to have attended the parenting seminar at least once since the original case was filed before the court will enter modified parenting or residential plans or custody orders. A copy of the attendance certificate shall be filed with the Clerk of the Court.

[Adopted effective September 1, 1995; Amended effective September 1, 2007]

LMPSR 2.1: TIME OF ATTENDANCE

All parties required by this rule to participate in a parenting seminar shall complete a Court approved seminar within sixty (60) days of filing of the action if the party is the Petitioner, or sixty (60) days of filing an appearance or a response, whichever is first, if the party is the Respondent. In paternity actions wherein the State of Washington is the Petitioner, attendance shall be required within sixty (60) days after paternity has been established and a parenting plan has been requested. In all cases in which attendance is ordered by the Court and not mandated by this rule, the parenting seminar shall be completed within sixty (60) days of the date of the court order being entered.
(Adopted effective September 1, 1995)

LMPSR 2.2: CERTIFICATION OF COMPLETION

Successful completion of the seminar shall be evidenced by a certificate of attendance provided by the person or agency providing the seminar and filed with the Court.
(Adopted effective September 1, 1995)

LMPSR 3.1: FEES

Every party attending a parenting seminar shall pay the fee charged by the Court approved provider. The provider may waive the fee for an indigent party.

(Adopted effective September 1, 1995)

LMPSR 4.1: SPECIAL CONSIDERATION/WAIVER

A. In no case shall opposing parties be required to attend a parenting seminar together.
B. Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191(1), or upon a showing that a parent's attendance at a seminar is not in the children's best interest pursuant to RCW Chapter 26.12, the Court shall either (1) waive the requirement of completion of the seminar, or (2) allow participation in an alternative voluntary parenting seminar for battered spouses.
C. The Court may waiver the seminar requirement for good cause shown.

(Adopted effective September 1, 1995)

LMPSR 5.1: FAILURE TO COMPLY/SANCTIONS

Willful failure to participate 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 these rules. Nonparticipation or default by one

party does not excuse participation by any other party. Refusal, delay or default by a Respondent will not delay the action. Petitioner's refusal or delay shall prevent the case from being set for trial or the entry of any final order concerning a parenting/residential plan or custody order, except in cases where there is a co-petitioner or counter petitioner who is in full compliance. Other than one motion made by either party for temporary orders that is filed within sixty (60) days of the filing of a petition requesting a parenting plan, residential plan or custody order, neither Petitioner nor Respondent shall be allowed to continue to seek affirmative relief in the pending action or any subsequent action between the same parties until the seminar has been successfully completed and a copy of the attendance certificate is filed with the Clerk of the Court. Agreement by the parties as to a final order on a parenting plan, residential plan, or custody order shall not excuse participation in the seminars by both parties. The Court may waive the seminar requirement for good cause shown.

[Adopted effective September 1, 1995; Amended effective September 1, 2007]

LMPSR 6.1: STANDARDS

Standards for parenting seminars shall be established by the Court and all providers shall be approved by the Court.
(Adopted effective September 1, 1995)

LOCAL MANDATORY MEDIATION RULES FOR CHILD CUSTODY AND VISITATION ISSUES (LMMR)

LMMR1: CHILD CUSTODY PROCEEDING DEFINED

For purposes of this rule, a child custody proceeding shall be defined as any proceeding before the court in which custody or visitation is contested, except Juvenile Court or dependency proceedings.
(Adopted effective April 1, 1995. Amended effective September 1, 2003)

LMMR 2: FAMILY COURT SERVICES DEFINED .

[Adopted effective April 1, 1995; Rescinded September 1, 2019.]

LMMR 3: MEDIATION REQUIRED

Unless prohibited by law, all custody or visitation disputes shall be submitted to mandatory mediation before proceeding to trial. The mediation requirement may be waived by the Court for good cause shown. A motion for waiver shall be noted before the Court Commissioner. An Order Waiving Mediation shall be filed with the Court prior to the case being set for trial.

[Adopted effective September 1, 2003]

LMMR 4: CONTINUING SUPERIOR COURT JURISDICTION

The requirement of mediation shall not prevent the Court or Court Commissioner from entering temporary orders.

[Adopted effective April 1, 1995.]

LMMR 5: NOTING FOR MEDIATION AND TRIAL SETTING

Upon the filing of a Response to the Petition which contests child custody or visitation, making the proceeding subject to these rules, the Petitioner shall immediately note the proceeding for mandatory mediation and trial setting on forms prescribed by the Court. The form for mandatory mediation shall be entitled "Order to Transfer to Mandatory Mediation", shall be substantially in the form in Appendix A to these rules, and shall be signed by the attorney for each party and each party appearing *pro se* prior to presentation to the Court for approval. The form for trial setting shall be the standard Notice of Issue available in the Lewis County Clerk's Office.

The refusal by an attorney or pro se party to sign the Order to Transfer to Mediation shall not delay a transfer to Family Court Services or trial setting. Such refusal to sign shall be noted on the Order to Transfer to Mandatory Mediation.

[Adopted effective September 1, 2003]

LMMR 6: APPOINTMENT OF MEDIATOR

Mediation services are provided on a fee basis by Center for Constructive Resolution and Conversation. The parties may agree to use another qualified mediator subject to court approval.

[Adopted effective April 1, 1995, amended effective September 1, 2019.]

LMMR 7: AUTHORITY OF MEDIATOR

The mediator shall determine the time and place of mediation. In appropriate cases, the mediator shall determine the duration of mediation and have the authority to terminate the mediation prior to completion.

[Adopted effective April 1, 1995, amended effective September 1, 2019]

LMMR 8: ATTENDANCE

Mediation sessions shall normally include the parties only, but may, by agreement of the parties, include other persons. Attendance at mediation sessions is mandatory.

[Adopted effective April 1, 1995.]

LMMR 9: DECLARATION OF COMPLETION

Within seven (7) days of completion, a Certificate of Mediation Completion shall be filed by the mediator. Counsel and the parties shall be advised by the mediator, on a separate document attached to the Certificate of Mediation Completion, of the results and recommendations of the mediator.

[Adopted effective April 1, 1995.]

LMMR 10: PAYMENT

Mediation shall be paid equally by the parties, unless either or both parties are declared to be indigent or partially indigent. Financial declarations shall be executed by each party and a Court determination of the financial status shall be made prior to the commencement of mediation for consideration of indigency.

[Adopted effective April 1, 1995. Amended effective September 1, 2003, Amended effective September 1, 2019.]

LMMR 11: MEDIATION UNSUCCESSFUL

If the parties fail to reach an agreement in mediation, an investigation may be ordered. The investigator shall not be the same person who mediated the case. Upon completion of the investigation, written recommendations shall be filed with the court.

[Adopted effective April 1, 1995.]

LMMR 12: CONFIDENTIALITY

The work product of the mediator and all communications during mediation shall be privileged and not subject to compulsory disclosure. The mediator shall not appear or testify in any court proceedings.

[Adopted effective April 1, 1995.]

LOCAL MANDATORY ARBITRATION RULES OF THE SUPERIOR COURT FOR LEWIS COUNTY, STATE OF WASHINGTON

I. SCOPE AND PURPOSE OF RULES

LMAR 1.1: APPLICATION OF RULES- PURPOSE AND DEFINITIONS

(a) Purpose. The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of $100,000.00 or less. Claims in which the sole relief sought is the establishment, modification or termination of maintenance or child support payments shall not be subject to mandatory arbitration unless stipulated to in writing by the parties or otherwise ordered by the court. The Mandatory Arbitration rules as supplemented by these local rules are not designed to address every question, which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) Administration. The arbitration department shall consist of the Court Administrator or Assistant Court Administrator, or such other person designated by the Superior Court Judges. The arbitration department shall supervise arbitration under these rules and perform any additional duties, which may be delegated.

[Adopted effective November 6, 1992; Amended effective October 1, 1994, amended effective September 1, 2007; Amended effective September 1, 2017; Amended effective September 1, 2018]

LMAR 1.3: RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES – MOTIONS

All motions before the court relating to mandatory arbitration shall be noted on the civil motions calendar except as otherwise provided in these arbitration rules.

[Adopted effective November 6, 1992.]

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATION

LMAR 2.1: TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case the party filing the note for trial assignment shall upon the form provided by the court, complete a statement of arbitrability, and serve it upon opposing counsel or party, if not represented by counsel. Prior to the trial-setting date, any party disagreeing with the statement of arbitrability or willing to stipulate to arbitration shall serve and file a response to the statement or arbitrability as filed, upon the form prescribed by the court. In the absence of such a response, the statement of arbitrability shall be deemed correct, and the case shall be set for arbitration. Cases transferred to the arbitration calendar shall be stricken from the trial calendar. Unless otherwise ordered by the court, no trial date shall be assigned in cases, which are subject to arbitration.

If a party asserts that it's claim exceeds $100,000.00, or seeks relief other than a money judgment, the case is not subject to arbitration, except by stipulation.

(b) Failure to file-amendments. A party failing to serve and file an original response within the time prescribed may do so later only upon leave of court. A party may amend the statement of arbitrability or response thereto at any time prior to assignment of an arbitrator or assignment of a trial date and thereafter only by leave of court for good cause shown.

[Adopted effective November 6, 1992, amended effective September 1, 2007; Amended effective September 1, 2018]

LMAR 2.3: ASSIGNMENT TO ARBITRATOR

(a) Generally; Stipulations. When a case is set for arbitration, a list of five proposed arbitrators shall be furnished to the parties. A list of other approved arbitrators shall be furnished upon request. The parties are encouraged to stipulate to an arbitrator. In the absence of the stipulation within 14 days after a case is transferred to arbitration, the arbitrator shall be chosen from among the five proposed arbitrators in the manner defined by this rule.

1. *Response by Parties.* Within 14 days after a list of proposed arbitrators is furnished to the parties, each party shall nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, and arbitrator nominated by both parties shall be appointed. If no arbitrator has been nominated by both parties, an arbitrator shall be appointed from among those not stricken by either party.

2. *Response by Only One Party.* If only one party responds within 14 days, and arbitrator shall be appointed from that party's response.

3. *No Response*. If neither party responds within 14 days, the arbitrator shall be randomly appointed from the five proposed arbitrators.

4. *Additional Arbitrators for Additional Parties.* If there are more than two adverse parties, all represented by different counsel, two additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the arbitration department, subject to review by the Presiding Judge.

[Adopted effective November 6, 1992.]

III. ARBITRATORS

LMAR 3.1: QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Superior Court Judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of arbitrators available to hear cases and the information sheets shall be available for public inspection in the Court Administrator's office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the arbitration department immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(C) governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the arbitration department.

[Adopted effective November 6, 1992.]

LMAR 3.2: AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the

Clerk of the Court, with proof of service on each party. The aggrieved party shall have 10 days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within 10 days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

(b) Award attorney's fees as authorized by these rules, by contract or by law.

[Adopted effective November 6, 1992.]

IV. PROCEDURES AFTER ASSIGNMENT

LMAR 4.2: DISCOVERY

In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Civil Rules except that motions concerning discovery shall be determined by the arbitrator.

[Adopted effective November 6, 1992]

V. HEARING

LMAR 5.1: NOTICE OF HEARING-TIME AND PLACE-CONTINUANCE

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the arbitration department.

[Adopted effective November 6, 1992

LMAR 5.2: PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the Clerk of the Court.

[Adopted effective November 6, 1992.]

LMAR 5.3: CONDUCT OF HEARING-WITNESSES-RULES OF EVIDENCE

(a) Recording. The hearing may be recorded electronically or otherwise by any party at that party's expense.

[Adopted effective November 6, 1992.]

VI. AWARD

LMAR 6.1: FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the court.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Adopted effective November 6, 1992.]

LMAR 6.2: FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 may be presented to the Presiding Judge, ex parte. The arbitrator shall give the parties notice of any extension granted.
[Adopted effective November 6, 1992.]

LMAR 6.3: JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Presiding Judge, by any party, on notice in accordance with MAR 6.3.
[Adopted effective November 6, 1992.]

VII. GENERAL PROVISIONS

LMAR 8.1: STIPULATIONS-EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation and order of the court, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

[Adopted effective November 6, 1992.]

LMAR 8.4 TITLE AND CITATION

These rules are known and cited as the Lewis County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

[Adopted effective November 6, 1992.]

LMAR 8.6: COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, however, that said compensation shall not exceed $1,500.00 for any case unless prior approval is granted by the Presiding Judge. The Presiding Judge shall determine the amount of compensation to be paid. No county payment shall be made unless and until funding is provided by the Lewis County Commissioners.

[Adopted effective November 6, 1992; amended effective September 1, 2019.]

LOCAL MANDATORY SETTLEMENT CONFERENCE RULES (LMSCR)

LMSCR 1: SETTLEMENT CONFERENCES IN FAMILY LAW CASES

(A) Requirement. Unless otherwise ordered by the Court, all family law cases, including those brought pursuant to RCW 26.09, 26.10, 26.26 or 26.60, in which the parties are not in agreement as to the terms of any parenting plan, order for placement of or visitation with a child, the determination of child support as part of a parenting plan or order for placement of or visitation with a child, the division of property, division of debts and liabilities, or a claim by any party for post decree maintenance or spousal support, shall, prior to being assigned a trial date, be set for a settlement conference. Prior to setting for a settlement conference, the case shall be "at issue," with all interested parties having filed answers or responses. Upon filing a notice for a settlement conference, the Court Administrator shall assign the soonest available date.

(B) Scheduling.

(1) To obtain a date for a settlement conference, the moving party must file a notice of issue for a settlement conference and certify that the respondent and all other interested parties have filed responses to the petition or complaint, that mediation as required has been attended or waived by the court, and note the matter on the Court Administrator's assignment calendar. The notice of issue must be filed and served at

least seven (7) court days prior to the date scheduled for the assignment to be made.

(2) All interested parties or their counsel shall attend the assignment meeting with the Court Administrator, and shall provide a list of unavailable dates. Once a date for settlement conference has been assigned, the date may be changed or continued only by the court for good cause shown.

(C) Attendance and Preparation Required. All parties and their counsel shall personally attend the settlement conference unless other arrangements have been made with the court in advance of the settlement conference date. At the settlement conference, all parties shall make a good faith effort to fully discuss and settle all unresolved issues in dispute and negotiate in good faith. Failure to do so shall be grounds for imposition of terms.

(D) Settlement Conference Statement. The parties or their counsel shall deliver to the court and any opposing parties a settlement conference statement no later than fourteen (14) days prior to the settlement conference date. The settlement conference statement shall be in such form as required by the court and shall be available from the Court Administrator in electronic format or hard copy. Every party shall attach to the settlement conference statement or include with it the following information in hard copy:

(1) Complete individual (or joint) tax returns for the past two calendar years with all schedules, IRS form 1099's, W-2's, and similar statements of income.
(2) Complete partnership and/or corporate tax returns for the past two years, including all schedules and attachments for any entity by whom any of the parties may be employed as an officer or director, be a member of or in which any party has an interest of 5% or more of the capital stock.
(3) All pay stubs for the past six months or since January 1 or the current calendar year, whichever period is longer
(4) Copies of the most recent statement and copies of the statements current as of the date of separation of balances due upon any mortgages, real estate purchase or sale contracts, deeds of trust and the underlying obligation secured by them, installment purchases contracts, time payment agreements or accounts, credit card accounts and all other debt owed by or to the parties.
(5) The most recent employers' ERISA or other retirement statement, together with a statement of contributions since the date of that statement of any pension or retirement plan of any party, the most recent statement together with a list of contributions since the date of

that statement for any IRA, SEP, deferred compensation account or other defined contribution "retirement" account.

(6) A written appraisal or its equivalent for any and all real property and all personal property of special, unusual or extraordinary value, or a detailed summary of the evidence to be relied upon as to the value of such items. The parties may stipulate to a comparative market analysis for any real estate, provided there is no disagreement as to the value of the real property.

(7) The most recent NADA Official Used Car Guide or other similar vehicle appraisal guide showing both average loan or wholesale and retail values for any automobiles.

(8) A summary of the source and tracing of any property asserted or claimed to be the separate property of any party.

(9) A statement from each life insurance company issuing a policy of the insurance on the life of any party showing the cash surrender value of the policy and any outstanding loans against its cash value.

(10) A written appraisal or business evaluation of any proprietorship, partnership or closely held corporation of any party, or a summary of the evidence to be relied upon as to value of the same.

(11) A list of expert witnesses to be called at trial, a summary of their qualifications or C.V. as well as a summary of their anticipated testimony.

(12) Any other documents which any party believes to be relevant or material to the issues remaining in dispute between the parties, together with a written explanation of the relevance and materiality of the documents.

(13) If the issues in dispute concern a parenting plan or order of placement of or for visitation with any child, a copy of a proposed parenting plan or order for such placement or visitation.

(E) Sanctions for noncompliance. Failure of any party to comply with the settlement conference rules described above may result in the imposition of sanctions in the sum of not more than $500.00 upon the non-complying party.

(F) Other issues and Documents. If child support is an issue of a dispute pertaining to a parenting plan, order of placement or visitation for a child, proposed child support worksheets in the form required, together with any required forms for determination of a deviation from the scheduled amount of child support.

(G) Negotiations Prior to Settlement Conference. After settlement conference statements are served, the parties are encouraged to negotiate and exchange additional documents. Any party may file and serve supplemental settlement conference statements prior to the scheduled settlement conference if the party's analysis or proposal to resolve the issues has changed after reviewing another party's settlement conference statement. If the parties resolve all

issues prior to the settlement conference, they should appear at the settlement conference prepared to place the settlement on the record and/or enter final orders completing the action. If the parties resolve some of the issues in dispute, they should be prepared to discuss the issues remaining at the settlement conference.

(H) **Completion**. At the conclusion of the settlement conference, if the parties reach a settlement, the court shall schedule a hearing for presentment of final orders. If the parties desire to continue discussing the issues, the court may schedule a continuance of the settlement conference if warranted and time is available.

(I) **Proceedings after Settlement Conference**. If the parties do not reach a complete settlement of all issues in dispute, the matter shall proceed to trial as to the issues remaining in dispute. Any party may submit to any other party proposals for resolution of the remaining issues in dispute up the date of trial.

[Adopted effective September 1, 2010.]

LOCAL SPECIAL PROCEEDINGS RULES (LSPR)

LSPR 98.05: GUARDIANSHIP ORDERS AND REPORTS

(a) **Appointment of Guardian**. The initial Order of Appointment of a Guardian shall clearly specify the due date for filing the Inventory, Budget, Personal Care Plan and the first Annual Report, and shall schedule the hearing for approval of the Inventory, Budget, and Personal Care Plan in conformity with subsection (d) at the top of the Order in substantially the following form:

Due Date for Inventory, Budget & Personal Care Plan:_____ Court Hearing for Review for Inventory, Budget & Care Plan _____, 20_____ at 11:00 a.m. Reporting Period for Annual Report: _____, 20_____ to _____, 20____ Due Date for First Annual Report: _____, 20_____ Court Hearing for Annual Review:_____, 20_____ at 11:00 a.m.

The Order of Appointment shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the order.

(b) **Voting Rights**. Pursuant to RCW 11.88.010(5), all orders of appointment of guardian shall address whether the alleged incapacitated person retains capacity to

meaningfully excise the right to vote. If the incapacitated person's capacity deteriorates after appointment of a guardian, such that the capacity to exercise the right to vote is in question, this issue may be raised by motion at any time.

(c) **Proof of Security**. Within five (5) days of securing a required bond or of blocking withdrawals from an account, proof of the same shall be filed with the court.

(d) **Inventory, Budget and Personal Care Plan**

(1) *Due Dates*. The Inventory, Budget and Personal Care Plan for an incapacitated person shall be filed within 90 days from the date of appointment of a Guardian.

(2) *Court Hearing.* A hearing for the Court to review the Inventory, Budget and Personal Care Plan shall be scheduled to occur within 14 days after the due date of the reports. At this hearing, the Court shall determine whether any required bond has been posted or accounts blocked, and review whether a bond or blocked account is required. If, after review, the Court finds the reports acceptable, the Court shall enter an order approving the inventory and care plan, and authorizing expenditures in accordance with the budget.

(e) **Annual Reports**

(1) *Reporting Period and Due Date*. The Guardian shall file an Annual Report on behalf of the incapacitated person annually, unless other intervals are approved in advance by the Court. Unless modified by court order, the reporting period for each annual report shall be determined from the date of appointment of the Guardian. Each annual report shall be filed within 90 days after the ending date of the reporting period.

(2) *Report Summary*. Each annual report shall begin with a Summary of Annual Report substantially in the form included in the Appendix to these Rules. The Summary shall clearly identify the reporting period covered by the report and the due date for filing the next annual report.

(3) *Court Hearing*. A hearing for the Court to review the first annual report shall be scheduled to occur within 14 days after the due date of the report. At this hearing the Court shall review whether required bonds are in place, accounts are blocked, or whether such security should be required. If, after review, the court is satisfied the actions of the guardian have been proper, the court shall enter an order approving the report. This same procedure shall be followed for annual reports following the first annual report unless waived by the court.

(4) *Order Approving Report*. The guardian shall prepare and present any order approving report. The order approving an annual report shall identify the due date for the next report and the reporting period to be covered by that report in substantially the following form:

Reporting Period for Next Report:

_____, 20_____ to _____, 20_____

Due Date for Next Report:_____, 20_____

Court Hearing for Annual Review:_____ , 20_____ at 11:00 a.m.

The Order Approving Report shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the order.

(f) **Review Hearings**

(1) *Delinquency*. In the event an initial, annual, or tri-annual report has not been timely filed or scheduled for Court review as required by this rule, the Court may issue to the Guardian an Order to Show Cause to compel the filing of the report or appearance at a hearing to review the report.

(2) *Hearing Schedule*. Review hearings shall be scheduled on the Friday guardianship calendar.

(3) *Sanctions*. At the review hearing, the court may approve filed reports, compel reports to be filed, impose sanctions, and take other action as necessary to protect the interests of the incapacitated person, including initiating the process for appointing a new guardian.

[Adopted effective September 1, 2010.]

APPENDIX A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LEWIS COUNTY

In Re the	)	
	)	
Petitioner,	)	No.
	)	
and	)	ORDER TO TRANSFER TO
	)	MANDATORY MEDIATION
	)	(ORTF)
	)	
Respondent,	)	

THIS MATTER having come on regularly for hearing and it appearing that there are custody or visitation issues requiring mandatory mediation pursuant to LMMR 3, Local Rules for Superior Court, now, therefore,

IT IS HEREBY ORDERED as follows:

1.1 This matter shall be transferred to [ ] Center for Constructive Resolution and Conversation [ ] _____ for mandatory mediation.

1.2 The cost of mediation services shall be paid as follows:

By the Petitioner _____%
By the Respondent _____%
At County expense _____%

1.3 The parties shall cooperate and make themselves available in any reasonable manner deemed necessary by the Mediation Provider for the purposes of this Order.

DATED this ____ of _____, 20____.

_____
Judge/Commissioner

Presented by:

_____
Attorney for: [ ] Petitioner

Approved as to form/
Presentation Waived

_____
Attorney for: [ ] Respondent

THE FOLLOWING INFORMATION SHALL BE EITHER PRINTED OR TYPED:

Petitioner's Address:	Respondent"s Address:
_____	_____
_____	_____
Home Telephone:	Home Telephone:
_____	_____
Work Telephone:	Work Telephone:

Order to Transfer to Mandatory
Mediation

APPENDIX B

SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF LEWIS

In the Matter of the Guardianship of: An Incapacitated Person.	No. GUARDIANSHIP SUMMARY FOR ANNUAL REPORT

Reporting Period for This Report:
_____, 20____ to _____, 20____

Incapacitated Person Name: _____ Address: _____ _____ Daytime Phone: _____	**Attorney for Guardianship** Name: _____ Address: _____ _____ Daytime Phone: _____ Email: _____

Date of Appointment: _____ Frequency of Report: ☐ 1 year ☐ 3 year

Type of Guardianship: (check all that apply)

☐ Full Guardianship of Person ☐ Limited Guardianship of Person

☐ Full Guardianship of Estate ☐ Limited Guardianship of Estate

Personal Care Plan filed: ☐ Yes ☐ No ☐ Not Required

Inventory of Estate filed: ☐ Yes ☐ No ☐ Not Required

Amount of Bond in place: $ _____

Blocked Account receipts filed: ☐ Yes ☐ No ☐ Not Required

VA or DSHS served with report: ☐ Yes ☐ No ☐ Not Required

Standby Guardian

Name: _____

Address: _____

_____

Daytime Phone: _____

Email: _____

Other Person Requiring Notice

Name: _____

Address: _____

_____

Daytime Phone: _____

Email: _____

Alternate Standby Guardian

Name: _____

Address: _____

_____

Daytime Phone: _____

Email: _____

Other Person Requiring Notice

Name: _____

Address: _____

_____

Daytime Phone: _____

Email: _____

Other Person Requiring Notice

Name: _____

Address: _____

_____

Daytime Phone: _____

Email: _____

Other Person Requiring Notice

Name: _____

Address: _____

_____

Daytime Phone: _____

Email: _____

I declare under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.

Dated this _____ day of _____, 20_____.

Signed at: City: _____, State: _____

_____

Signature of Guardian or Attorney