

LSPR 94.04 FAMILY LAW, PROBATE, GUARDIANSHIP AND ADOPTION CASES

1. FAMILY LAW, PROBATE, GUARDIANSHIP AND ADOPTION MOTION CALENDARS, CONFIRMATION PROCEDURES AND TIME LIMITS

1.1 *Motion Calendars.* There shall be the following motion calendars held according to the published schedule available at the courthouse or through the Mason County Superior Court Administrator's Office at http://www.masoncountywa.gov/superior_court:

- Adoption
- Probate and Guardianship
- Family Law (where at least one party is represented by an attorney at the time a matter is noted for hearing)
- Pro Se Family Law (where no party is represented by an attorney at the time a matter is noted for hearing)
- State Family Law (where the State is a party for purposes of establishing paternity and/or setting child support)
- Non-Parent Custody
- Ex Parte

The schedule for the above calendars may change. Parties and counsel are advised to review the current calendar schedules before noting matters for hearings. Incorrectly scheduled matters may be stricken.

1.2 *Confirmation Procedures.* For a contested matter to be heard by the court, the hearing must be confirmed as set forth below. This includes hearings scheduled by notice of issue, court order and hearings which are administratively continued.

- (a) Confirmation must be made by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@masoncountywa.gov, no later than 10:00 a.m. two (2) court days prior to the motion (examples: for a motion on Wednesday, confirmation must be by 10:00 a.m. on Monday; or for a motion on Friday, confirmation must be by 10:00 a.m. on Wednesday).
- (b) If the deadline for confirmation falls on a court holiday, confirmation shall be made before 10:00 a.m. on the last court day before the holiday.
- (c) Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing.
- (d) Matters not confirmed may be heard at the end of the calendar only at the discretion of the Court and upon agreement of all parties.

1.3 *Continuance of Confirmed Matters.* Matters confirmed in accordance with paragraph 1.2 are not subject to continuance, except with permission of the Court. If not heard, these matters shall be *stricken* and may be re-noted by the moving party.

1.4 *Time Limits.* Arguments on motions shall be limited to ten (10) minutes per side. Arguments which will exceed the time limit of this rule, if allowed by the Court, will ordinarily be placed at the end of the docket.

2. PLEADINGS, MOTIONS AND OTHER PAPERS

2.1 *Format.* All pleadings, motions and supporting documents shall use mandatory forms where applicable, follow the format required by GR 14 and meet the requirements of GR 31(e). If typed or computer printed, documents shall be in 12 point or larger type, single-sided and double-spaced. If handwritten, documents shall be single-sided, double-spaced and written legibly using black or dark blue ink. Illegible documents will not be considered.

3. CHILDREN'S STATEMENTS.

3.1 *Children's Statements.* Declarations by minors in family law matters are disfavored and the Court may, in its discretion, refuse to consider such declarations.

4. PAGE LIMITATIONS ON DECLARATIONS

4.1 *Generally.* Absent prior authorization from the Court as set forth in paragraph 4.7 below:

- (a) The entirety of all declarations and affidavits in support of motions, including any reply, shall be limited to a total of twenty-five (25) pages for all motions scheduled on the same date in a single case.
- (b) The entirety of all declarations and affidavits submitted in response to motions shall be limited to a total of twenty-five (25) pages for all motions scheduled on the same date in a single case.

4.2 *Applicable Cases.* This rule shall apply to all family law motions.

4.3 *Exhibits.* Exhibits that consist of declarations or affidavits shall count toward the above page limits. All other exhibits attached to a declaration or affidavit, including deposition excerpts, shall not be counted towards the page limit.

4.4 *Financial Declarations.* Financial declarations and financial documents do not count toward the page limit.

4.5 *Expert Reports and Evaluations.* Declarations, affidavits or reports from guardians ad litem and expert witnesses do not count toward the page limit.

4.6 *Miscellaneous Exceptions.* Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the Court in lieu of the court file do not count toward the page limit.

4.7 *Authorization.* A party seeking authorization to exceed the page limit shall do so by presenting a motion to exceed the page limit on the Ex Parte Docket, prior to a request to have the declaration(s) and/or affidavit(s) considered by the Court. The party asking to exceed page limits shall give notice to the opposing party. If necessary, notice may be by telephone. The moving party or attorney shall certify to the court in writing the efforts which have been made to give notice to the opposing party.

4.8 *Consequences of Non-Compliance.* If the Court finds that one or more parties have violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider materials that violate this rule.

5. PARENTING SEMINARS

5.1 *Applicable Cases.* This rule shall apply to all cases which require a custody decree, parenting plan, residential schedule or visitation order for minor children. No final custody decree, parenting plan, residential schedule or visitation order for minor children shall be entered without compliance with section 5.2, unless otherwise approved by the court.

5.2 *Mandatory Attendance.* All parties involved in cases governed by this rule shall complete an approved parenting seminar, except parties who have previously attended such a parenting seminar within the last two years. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

5.3 *Seminar Providers.* A list of approved parenting seminars shall be available from the Superior Court Administrator, Family Law Facilitator and Clerk of the Court. If a parenting seminar is not included on the list, then the Court, upon proper motion, may allow other seminars to fulfill this requirement on a case-by-case basis.

5.4 *Timing.* Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within ninety (90) days after service of a petition.

5.5 *Proof of Completion.* Parties shall file a certificate of completion or other documentation showing proof of completion of the parenting seminar as soon as possible after completion.

5.6 *Fees.* Each party attending a seminar shall pay a fee charged by the approved provider.

5.7 *Special Consideration/Waivers.* Pursuant to RCW 26.12.172:

- (a) Opposing parties shall not be required to attend seminars together.
- (b) Upon a showing of domestic violence or abuse which would not require

mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either:

- (i) Waive the requirement of completion of the seminar; or
 - (ii) Accept an alternative, voluntary parenting seminar.
- (c) The Court may otherwise waive the seminar requirement or extend the time for attendance of the seminar for good cause shown.

5.8 *Failure to Attend/Sanctions.* Willful refusal to participate in a parenting seminar or willful delay in completing the parenting seminar by any party may constitute contempt of court and may result in sanctions including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule.

6. TEMPORARY ORDERS IN CASES INVOLVING CHILDREN - DISCRETIONARY JUDICIAL ACCESS BROWSER SYSTEM (JABS)/JUDICIAL INFORMATION SYSTEM (JIS) SEARCH.

6.1 In all Temporary Order hearings regarding the adoption or modification of Parenting Plans or Residential Schedules, the Court shall inquire with all parties whether there is a request for the Court to determine the existence of any information and proceedings relevant to the placement of the child(ren) that are available in the JABS or JIS databases. If a party requests the Court to review JABS/JIS records, then the Court shall allow the other party or parties to the case to be heard before deciding whether such review would be legally appropriate. The Court should specifically describe the records that it has reviewed or will review, as opposed to generally stating that it will review JABS/JIS records. Following the court's review, the Court shall describe the substance of such records. Any review of JABS/JIS records conducted by the Court shall be limited to reviews conducted in accordance with the Court's decision after all parties to the case have had an opportunity to be heard.

7. FAMILY LAW TRIALS

7.1 In all trials in family law matters, each party shall file and serve on the opposing party and the court by 9:00 a.m. three court days prior to the trial, a written Family Law Information Form. The Family Law Information Form is available on the Superior Court website at http://www.masoncountywa.gov/superior_court.

7.2 The following forms shall also be filed and served along with the Family Law Information Form:

- (a) Financial Declaration (Washington Form FL All Family 131) whenever there is a dispute about the award of Spousal Support and/or child support.
- (b) Child Support Worksheet (WA Form WSCSS) whenever there is a dispute about the amount of child support owing.

- (c) Proposed Parenting Plan (WA Form FL All Family 140) whenever there is a dispute about the custodial arrangements regarding a child.

7.3 *Informal Family Law Trials.* The parties shall follow the provisions of GR 40 for all Informal Family Law Trials.

8. PRESENTATION OF NON-CONTESTED FINAL ORDERS

8.1 All final decrees, final orders and any accompanying Findings of Fact/Conclusions of Law, Parenting Plans, Orders of Child Support and Child Support Worksheets presented to the Court shall be reviewed for form and completeness before presentation. The review shall be performed by an attorney of record in the case, a Limited License Legal Technician, the Courthouse Facilitator, the Thurston County Volunteer Legal Clinic or an attorney not of record who approves the pleadings as to form and completeness. A Guardian ad Litem's approval of the parenting plan shall meet the review requirement for the parenting plan.

8.2 *Uncontested Final Orders.*

- (a) Divorces and Legal Separations. At least one party shall appear to provide oral testimony about the final order of divorce or legal separation at the time of presentation of final orders, unless a *Declaration in Lieu of formal Proof for: Final Divorce Order* is signed by one party to the case, available online at <https://masoncountywa.gov/superior-court/court-forms.php>.
- (b) Final Orders without Children. Final Orders without children may be presented Ex Parte, in accordance with LSPR 98.01, or on the appropriate Domestic Relations Docket.
- (c) Final Orders with Children. All Final Orders involving children shall be presented on the appropriate Domestic Relations Docket.

10. REQUIRED LANGUAGE FOR OATH OF PERSONAL REPRESENTATIVE/ ADMINISTRATOR

10.1 The following additional language shall be included in all oaths of a proposed Personal Representative/Administrator of an estate provided pursuant to RCW 11.28.170:

“I am qualified under RCW 11.36.010 to serve as a Personal Representative as I am not a corporation, a minor, a person of unsound mind, or a person who has been convicted of any felony or of any crime involving moral turpitude.”

[Adopted effective 9-1-2006; amended effective 9-1-2010; 9-1-2012; 9-1-2013; 9-1-2014;

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