

Mandatory ADR No Longer Required In Non Parental Custody Matters

By Judge Elizabeth P. Martin
Department 16, Pierce County Superior Court

At their November meeting, the Superior Court Judges approved a change in policy and eventual rule change exempting Non-Parental Custody cases from the mandatory settlement conference requirement of PCLR 16 (b). This change will take effect January 1, 2013, although the actual language of the rule will not be changed until September 1, 2013.

If you already have a judicial settlement conference set in a Non-Parental Custody matter, that settlement conference remains as scheduled. For all new matters filed after January 1, 2013, the Case Scheduling Order will reflect the elimination of the settlement conference requirement. For pending Non-Parental Custody cases, as of January 1, 2013, the trial judge will no longer schedule a non-compliance hearing for failing to set a settlement conference.

Although settlement conferences/ADR will no longer be mandatory in Non-Parental Custody cases, any party still desiring some form of ADR, whether it be judicial settlement conference or mediation, may request such by motion to the assigned trial judge or if agreed, by stipulation.

If you have any questions or concerns about this new policy, please contact me at supcrtdept16@co.pierce.wa.us or by phone at 253-798-6630.