

## **PCLR 0.3 COMMISSIONERS**

**(a) Duties.** Court Commissioners shall perform duties as assigned by the court. Full-time Court Commissioners have all powers conferred by law, including the authority to accept pleas in criminal matters. The Commissioners preside over and decide matters presented in the following divisions:

**(1) Civil Divisions A, B, C and Ex Parte.** The Commissioners hear and decide all matters brought before these divisions as set forth below. There are four civil Court Commissioners in divisions A, B, C and Ex Parte.

**(A) Family Court.** The Commissioners hear and decide matters arising in Family Court as set forth in [PCLSPR 94.04\(c\)](#). All cases involving children shall be assigned to a Commissioner at the time of the first motion and all later motions will be heard by that assigned Commissioner while on Family Court rotation, unless exclusive jurisdiction is retained by a specific judicial officer.

**(B) Subject Matter.** The function of these civil divisions is to hear family law motions, petitions to modify child support, initial determination of adequate cause on Petitions to Modify Parenting Plans and Nonparental Custody Petitions, initial relocation hearings, probates, trust and guardianship matters (except for annual periodic reviews which are heard by the assigned judicial department on its Friday motion docket), minor settlements, transfer of structured settlement payment rights, unlawful detainer actions, applications for appointment of a receiver, injunctive relief and restraining orders, replevin actions, defaults eligible for presentation in the Ex Parte Department wherein no notice is required (including uncontested finalization of dissolution, legal separation and invalidity with attorney representation), supplemental proceedings, paternity actions, adoptions (limited to the appointment of an adoption investigator), contested show cause proceedings, domestic violence, vulnerable adult protection hearings, and sexual assault protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, and uncontested/default self-represented party dissolutions, and ex parte matters.

**(C) Schedule.** The [Schedule of Commissioners' Calendars](#) for each division is contained in Appendix, [Form Q](#) and at the Pierce County Superior Court website: [www.co.pierce.wa.us/superiorcourt](http://www.co.pierce.wa.us/superiorcourt) and by clicking on "Civil & Family Law".

The Schedule of the Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties and counsel are advised to verify calendar schedules before noting matters for hearing and by viewing the Pierce County Superior Court website for any revisions to the Commissioners' Calendars.

**(2) Juvenile Division.** The Commissioners hear and decide matters arising under the juvenile laws and other matters at the request of the Presiding Juvenile Court Judge, including finalization of adoptions.

**(3) Civil Mental Health Division.** Commissioners, as assigned, hear matters arising in this division as set forth in [PCLR 0.2\(c\)\(4\)](#), except where a jury trial is requested. Jury trials are assigned to one of the judicial departments by the Court Administrator.

**(4) Criminal Division.** In the event a Commissioner is assigned to this Division, this Commissioner hears and decides matters authorized pursuant to [Chapter 2.24 RCW](#).

**(b) Direction.** Commissioners discharge their duties under the general direction of the Presiding Judge, except when serving in the Juvenile Court Division, during which time they are under the general direction of the Presiding Juvenile Court Judge.

**(c) Rotation of Commissioner Duties.** The above duties rotate among the Commissioners in accordance with a schedule adopted by the Executive Committee. Information as to their current duty assignments can be obtained from the Court Administrator's Office.

### PCLR 3 COMMENCEMENT OF ACTION/CASE SCHEDULE

(a) **Scope.** This rule shall apply to all civil cases including family law cases once an [Order Setting Case Schedule](#) as set forth in Appendix, [Form A](#) has been issued pursuant to [PCLR 40\(d\)](#), except for:

(1) Cases in mandatory arbitration after they have been transferred to arbitration pursuant to [PCLMAR 2.1](#). A written request for a trial de novo shall cause a new Order Setting Case Schedule to be issued by the assigned judicial department when the request for trial de novo is filed pursuant to [PCLMAR 7.1](#);

(2) Change of name;

(3) Adoption;

(4) Domestic violence ([Chapter 26.50 RCW](#));

(5) Harassment ([Chapter 10.14 RCW](#));

(6) UIFSA actions ([Chapter 26.21A](#));

(7) Review of action taken by administrative agency, except Land Use Petition Actions (LUPA) filed pursuant to [Ch. 36.70C RCW](#), which shall be assigned a Case Schedule pursuant to (g) below;

(8) Appeals from courts of limited jurisdiction, except de novo appeals from courts of limited jurisdiction which shall be assigned an Order Setting Case Schedule by the assigned judicial department when filed;

(9) Foreign judgments;

(10) Abstract or transcript of judgment;

(11) Civil commitment;

(12) Proceedings under [Chapter 10.77 RCW](#) (Criminally Insane);

(13) Proceedings under [Chapter 70.96A RCW](#);

(14) The following case types for which the Clerk shall issue, at the time of filing or when an order appointing personal representative is filed, an Order Assigning Case to Judicial Department and Setting Hearing Date as indicated:

(A) Case types to be reviewed 4 months after filing:

Absentee

Administrative Law Review

Confidential name change

Collection

Commercial

Compel/Confirm Binding Arbitration

Confidential Intermediary

Deposit of Surplus Funds

DOL Revocation – Appeal

Foreclosure

Guardianship, Limited Guardianship, Special Needs Trust and Trust, except for annual periodic reviews of guardianships and trusts which are heard by the assigned Judicial Department on its Friday motion docket, and contested guardianships which shall be assigned a Case Schedule when a trial date is requested;

Injunction

Interpleader

Lower Court Appeal – Civil

Lower Court Appeal – Infraction

Minor Settlement with or without guardianship

Miscellaneous ~~type 2 (civil)~~

Petition for Writ  
Proceedings for isolation and quarantine  
Seizure of Property from Commission of Crime  
Seizure of Property Resulting from Crime  
Subpoenas  
Unlawful Detainer  
Writ of Habeas Corpus  
Writ of Mandamus  
Writ of Review

(B) Case types to be reviewed 6 months after filing:

Criminal RALJ Appeal

(C) Case types to be reviewed 12 months after filing:

Adoption

Child Support or Maintenance Modifications

Estate/probate if court supervision is required (e.g. bond required, either a guardian or guardian ad litem is appointed to represent a minor or incompetent heir, or estate insolvent) or is otherwise governed by [RCW 11.76.010](#), except any will contest or litigation matter arising in a probate case shall be assigned an Order Setting Case Schedule when the Petition to Contest the Will is filed or the estate is sued.

Paternity Parent Determination

[Trust and Estate Dispute Resolution Act \(TEDRA\)](#)

(D) Case types to be reviewed 60 months after filing:

Estate/probate if full nonintervention powers are granted.

The purpose of the hearing in these cases shall be to assess the progress of the case and assure that the matter is being prosecuted diligently to a conclusion. If necessary, a trial date may be assigned. Failure to attend the hearing may result, when appropriate, in dismissal of the case without prejudice or closure of the matter without further notice. In paternity matters, it may result in a resolution of the case without dismissal.

## **PCLR 40 ASSIGNMENTS OF CASES TO JUDICIAL DEPARTMENTS**

**(a) Presiding Judge in Charge.** Assignment of cases shall be the responsibility of the Court Administrator under the supervision of the Presiding Judge.

**(b) Authority of Judicial Departments.** The case shall be assigned to a judicial department at the time of filing and once so assigned shall remain in such judicial department for all future proceedings unless returned to the Court Administrator by the Trial Judge for reassignment. The assigned judicial department will hear such pretrial motions as are subsequently noted. Each judicial department maintains its own hearing and trial docket.

**(c) Trial Dates.** Except in those cases governed by an Order Setting Case Schedule pursuant to [PCLR 3](#), following the filing of a lawsuit or appeal from a court of limited jurisdiction, the matter shall be set for trial upon request of counsel. A [Note for Trial Setting](#) shall be filed at least six (6) court days prior to the date fixed for assignment to bring the matter before the court. In cases governed by an Order Setting Case Schedule pursuant to [PCLR 3](#), the trial date shall be listed in the Order Setting Case Schedule. The trial date may be changed only as provided in section [\(g\)](#) of this rule.

**(d) Trial Dates - Family Law Cases.** When a new family law case is filed, except for nonparental custody petitions and petitions to modify a parenting plan or petition for parenting plan/child support, a petitioner in a family law case shall be provided with an Order Assigning Case to Judicial Department by the clerk. This order shall (1) assign the case to a trial judicial department and (2) set a date by which a trial date shall be obtained. The [Order Assigning Case to Judicial Department](#) shall contain the case heading and otherwise be as set forth in Appendix, [Form I](#).

On the assignment for trial date, either party may appear before the assigned judicial department to obtain an Order Setting Case Schedule. Whichever party obtains the Order Setting Case Schedule shall serve a copy of the Case Schedule on all other parties. Pursuant to [PCLR 5](#), the original of the [Confirmation of Service](#), in Appendix, [Form D](#) shall be filed with the Pierce County Clerk no later than the date designated in the Order Setting Case Schedule, with a copy delivered to the judicial department to which the case is assigned. Assignment of the trial date shall conform to the dissolution track, [PCLR 3\(g\)](#).

If neither party appears on the date set for assignment for trial date, the case shall be dismissed without prejudice.

Once a response to the petition has been filed, any party may request the assignment of a trial date by filing a note for assignment at least six (6) court days prior to the date fixed for assignment to bring the matter before the court.

Nonparental Custody Petitions and Petitions to Modify Parenting Plan shall be assigned to Family Court and issued an Order Setting Case Schedule at filing pursuant to [PCLSPR 94.04\(f\)](#) and [\(g\)](#).

**(e) Reassignment for Inability to Hear.**

**(1) Preassigned Matter.** If the assigned judicial department is unable to hear a preassigned matter, the Court ~~shall~~may transfer that case to the Court Administrator for reassignment.

**(2) Trial Date.** In the event the judicial department is unable to hear a case on the date set because of a conflicting schedule, the case may be transferred to the Court Administrator for reassignment.

**(3) Remain Available.** While awaiting such reassignment, litigants and their witnesses shall remain available until such time as they are excused by the Court Administrator or designee.

**(4) No Available Judicial Department.** If it is not possible for the Court Administrator to reassign a case due to the lack of an available judicial department, the case shall be returned to the previously assigned trial department. The court shall issue an Order Amending Case Schedule which shall only contain the following dates: Joint Statement of Evidence, Pretrial Conference and Trial Date. Additional dates may be added to the Order Amending Case Schedule upon order of the court.