

PCLGR 30 MANDATORY ELECTRONIC FILING

(a) Definitions - See [GR 30\(a\)](#)

(b) Electronic filing authorization - See [GR 30\(b\)\(1\)-\(4\)](#)

(5) **Electronic Filing Is Mandatory.** Unless this rule provides otherwise, attorneys are required to electronically file (e-file) all documents with the Clerk using the Clerk's e-filing system or an electronic service provider that uses the Clerk's e-filing system. Self-represented parties are not required to e-file documents but may contact the Clerk's Office to obtain a LINX account and password to enable e-filing.

(A) **Mandatory Fee on Orders.** Specified ex parte orders requiring a judicial officer's signature shall be submitted electronically using the Pierce County Clerk's e-filing system. Payment of the ex parte fee is mandatory except when presented on the record and in open court to the assigned judge or at the discretion of the court. The list of ex parte orders required to be e-filed is maintained by the Pierce County Clerk and can be found on the Pierce County Clerk's website.

(B) **Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;
- (iv) Documents presented for filing during a court hearing or trial including documents submitted for in camera review pursuant to [GR 15](#);
- (v) Foreign (out of state) Judgments;
- (vi) New cases or fee based documents filed with a request for an Order in Forma Pauperis or in accordance with [GR 34](#);

The above-exceptions documents must be filed in paper form.

(C) **Working Copies for E-Filed Documents.** Judicial working copies for e-filed documents may be electronically delivered to the Clerk using the Clerk's e-filing system. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents 200 pages or more in length shall be submitted in paper form only and shall be delivered pursuant to [PCLR 7\(a\)\(7\)](#) and [PCLR 7\(b\)\(1\)\(E\)](#).

(D) **Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. The waiver may be for a specific case or for a specific period of time determined by the Clerk. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver. An attorney shall have the ability to ask for a review by the Presiding Judge if the request for waiver is denied by the Clerk.

(E) **Non-Compliance with this Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk is authorized to reject the document and return it to the attorney for e-filing.

[Effective September 1, 2018+2017]

PCLR 3 COMMENCEMENT OF ACTION/CASE SCHEDULE

(a) **Civil (Non-Family) Cases Not Receiving a Scheduling Order upon Filing.** The following case types do **NOT** receive either an Order Setting Case Schedule ([Form A](#) as set forth in the Appendix) or an Order Assigning Case to Judicial Department and Setting Hearing Date ([Form B1/B2](#)) at filing:

- (1) Change of name;
- (2) Domestic violence ([Chapter 26.50 RCW](#));
- (3) Harassment ([Chapter 10.14 RCW](#));
- (4) UIFSA actions ([Chapter 26.21A](#));
- (5) Foreign judgments;
- (6) Abstract or transcript of judgment;
- (7) Civil commitment;
- (8) Proceedings under [Chapter 10.77 RCW](#) (Criminally Insane - Procedures);
- (9) Proceedings under [Chapter 70.96A RCW](#) (Treatment for Alcoholism, Intoxication, and Drug Addiction);

(b) **Civil (Non-Family) Cases Receiving a Mandatory Court Review Hearing Date upon Filing.** The following case types are ones for which the Clerk shall issue, at the time of filing, or for estate cases when an order appointing personal representative is filed, an Order Assigning Case to Judicial Department and Setting Hearing Date ([Form B1](#)), except as to certain estate matters as set forth in section (b)(4) below). The time frame for the Mandatory Court Review Hearings vary depending on the type of matter, as indicated below:

- (1) Case types to be reviewed 2 months after filing:**
- [Administrative Law Review](#)
 - [Criminal RALJ Appeal](#)
 - [DOL Revocation – Appeal](#)
 - [Lower Court Appeal – Civil](#)
 - [Lower Court Appeal – Infraction](#)
 - [Petition to Restore Rights](#)
 - [Petition to Restore Opportunities](#)
 - [Petition for Relief from Offender Registration Requirements](#)

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

- Absentee
- ~~[Administrative Law Review](#)~~
- Collection
- Commercial
- Compel/Confirm Binding Arbitration
- Confidential Intermediary
- ~~[Criminal RALJ Appeal](#)~~
- 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~~

Minor Settlement with or without guardianship

Miscellaneous

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

~~(2)~~(3) Case types to be reviewed 6 months after filing:

[None]

~~(3)~~(4) 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)

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

Estate/probate if full nonintervention powers are granted ([Form B2](#)).

The purpose of the mandatory court review hearing in these case types shall be to assess the progress of the case and assure that the matter is being prosecuted diligently to a conclusion. If necessary and where appropriate, the court may issue an Order Setting Case Schedule ([Form A](#)) to provide a trial date. 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.

(c) Civil (Non-Family) Cases Receiving an Order Setting Case Schedule at Filing. When a new civil, non-family case of a type not specifically identified in sections (a) or (b) above is filed or as otherwise provided in these rules, the clerk shall issue an Order Setting Case Schedule and shall provide one copy to the plaintiff/petitioner and one copy to the assigned judicial department. The plaintiff/petitioner shall serve a copy of the applicable Order on the defendant/respondent along with the initial pleadings; provided that if the initial pleading is served prior to filing, the plaintiff/petitioner shall within five (5) court days of filing serve the applicable Order. If the initial pleading is served by publication, the plaintiff/petitioner shall serve the applicable Order within five (5) court days of service of defendant's/respondent's first appearance. When the

applicable Order is served pursuant to this section, it may be served by regular mail with proof of mailing/service to be filed promptly in the form required by these rules, see [PCLR 5](#). The [Order Setting Case Schedule](#) shall contain the case heading and otherwise be as set forth in Appendix, [Form A](#).

(d) Family Law (Type 3) Cases. These cases are governed by PCLR 40(d). As set forth more fully in that rule, it depends on the particular type of family law case whether the matter receives an Order Setting Case Schedule or an Order Assigning Case to Judicial Department and Setting Hearing Date at the time of filing.

When a new Petition for Dissolution (with or without children) or a Petition to Establish a Residential Schedule/Parenting Plan is initiated, the clerk shall issue an Order Assigning Case to Judicial Department and Setting Hearing Date and shall provide one copy to the petitioner and one copy to the assigned judicial department. The Order Assigning Case to Judicial Department and Setting Hearing Date shall contain the case heading and otherwise be as set forth in Appendix, [Form I](#). See [PCLR 40\(d\)](#).

Certain other types of Family Law Cases such as Nonparental Custody Petitions and Petitions to Modify an Existing Parenting Plan shall be issued an Order Setting Case Schedule at filing pursuant to [PCLSPR 94.04\(f\)](#) and [\(g\)](#) and assigned to a department or to Family Court in accordance with existing court policy and practice.

In every newly initiated family law case or modification proceeding, the petitioner shall serve a copy of the applicable order on the respondent along with the initial pleadings; provided that if the initial pleading is served prior to filing, the petitioner shall within five (5) court days of filing serve the applicable order. If the initial pleading is served by publication, the petitioner shall serve the applicable order within five (5) court days of service of respondent's first appearance. When the applicable order is served pursuant to this section, it may be served by regular mail with proof of mailing/service to be filed promptly in the form required by these rules, see [PCLR 5](#).

(e) Amendment of Case Schedule. The court, either on motion of a party or on its own initiative, may modify any date in the Order Setting Case Schedule for good cause, including the track to which the case is assigned, except that the trial date may be changed only as provided in [PCLR 40\(g\)](#). If an Order Setting Case Schedule is modified or the track assignment is changed, the court shall prepare and file the Order Amending Case Schedule and promptly mail or provide it to the attorneys and self-represented parties. Cases which are transferred to mandatory arbitration pursuant to [PCLMAR 2.1](#) will have their existing case schedule stricken upon transfer. The assigned judicial department will then set a mandatory court review hearing to monitor the case status. Once a case is resolved, closed or dismissed, the assigned judicial department will cancel any pending mandatory court review hearing. A written request for a trial de novo shall cause a new Order Setting Case Schedule to be issued on an expedited track assignment (per PCLR 3(h) below) by the assigned judicial department when the request for trial de novo is filed pursuant to [PCLMAR 7.1](#).

(f) Service on Additional Parties Upon Joinder. A party who joins an additional party in an action shall be responsible for serving the additional party with the current Order Setting Case Schedule together with the first pleading served on the additional party.

(g) Form of Case Schedule.

(1) Original Case Schedule. The [Order Setting Case Schedule](#) is set forth in Appendix, [Form A](#).

(2) Amended Case Schedule. An Order Amending Case Schedule shall be in the same form as the original Order Setting Case Schedule; except that an Order Amending Case Schedule shall be entitled Order Amending Case Schedule and it need not include the Notice provisions. An Order Amending Case Schedule issued pursuant to [PCLR 40\(e\)\(4\)](#) 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.

(h) Track Assignment. Each case receiving an Order Setting Case Schedule at filing shall be assigned to a track as set forth in this rule.

(1) Expedited Cases. Expedited cases shall have a discovery cutoff of 20 weeks and trial in 26 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. Depositions of persons other than the parties shall require court permission. Interrogatories shall be limited to twenty-five (25) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions. Any case in which it is expected there will be no more than a total of four (4) witnesses shall be presumptively an expedited track case.

(2) Standard Cases. Standard cases shall have a discovery cutoff of 45 weeks and trial in 52 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. There shall be no limitations with respect to depositions, except as otherwise ordered pursuant to the state civil rules. Interrogatories shall be limited to thirty-five (35) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions. Actions for breach of contract, personal injury, title to land, construction claims involving questions of workmanship and discrimination claims shall presumptively be standard track cases. Any case wherein it is expected there will be no more than a total of twelve (12) witnesses shall be presumptively a standard track case.

(3) Complex Cases. Complex cases shall have a discovery cutoff of 67 weeks and trial in 78 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. There shall be no limitations with respect to depositions, except as otherwise ordered pursuant to the state civil rules. Interrogatories shall be limited to thirty-five (35) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admission. Medical or professional malpractice, product liability and class action claims shall presumptively be complex track cases.

(4) Dissolution Cases. All dissolutions shall presumptively be a family law track at filing. If not resolved within 122 days of filing, the case will be assigned to the dissolution track by the assigned Judicial Department and an Order Setting Case Schedule will be created. Dissolution cases shall have a discovery cutoff of 30 weeks and a trial in 36 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. There shall be no limitations with respect to depositions except as otherwise ordered pursuant to the civil rules. Interrogatories shall be limited to one hundred (100) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions.

(5) LUPA Cases. All LUPA cases shall be LUPA track cases.

(6) Collaborative Law Cases. In the event that represented parties mutually agree to participate in Collaborative Law, they shall present to the assigned judicial department the Order and Joint Notice of Participation in Collaborative Law as set forth in the Appendix, **Form P**, and obtain a mandatory status conference date. The parties shall no longer have to comply with the Order Setting Case Schedule Requirements of **PCLR 3**. If the case does not resolve by the mandatory status conference date, the mandatory status conference shall be held to advise the Court of the progress. Counsel and the court may agree to continue the status conference if participation in the Collaborative Law process is ongoing. Failure to comply may lead to dismissal of the case.

(i) Time Intervals for Cases Receiving an Order Setting Case Schedule. The events and time intervals included in the original Order Setting Case Schedule shall be measured in weeks from the date of filing or assignment of a Case Schedule as follows:

CASE SCHEDULE AND TRACK ASSIGNMENT-Measured in Weeks:

	EXPEDITED	STANDARD	COMPLEX	DISSOLUTION
Confirmation of Service	2	4	6	3
Confirmation of Joinder of Parties, Claims and Defenses *	8	17	26	
Jury Demand *	9	18	27	
Status Conference (contact court for specific date) **Mandatory appearance date set when case schedule is issued.	10	21	32	28**
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	12	25	38	18
Defendant's/Respondent's Disclosure of Primary Witnesses	15	29	42	21
Disclosure of Rebuttal Witnesses	17	36	57	23
Deadline for filing motion to Adjust Trial Date	19	40	60	25
Discovery Cutoff	20	45	67	30
Exchange of Witness and Exhibit Lists and Documentary Exhibits	21	47	70	32
Deadline for Hearing Dispositive Pretrial Motions *	22	48	72	
Joint Statement of Evidence	22	48	72	32
Alternative Dispute Resolution to be held before	23	48	72	32

	EXPEDITED	STANDARD	COMPLEX	DISSOLUTION
Pretrial Conference (contact Court for specific date)	25	50	75	35
Trial	26	52	78	36

* Does not apply to dissolution cases.

LUPA CASE SCHEDULE:

CASE EVENT	DEADLINE
Petition for Review of Land Use Decision Filed and Schedule Issued (RCW 36.70C.040)	
DEADLINE to contact assigned Judge to confirm Initial hearing (RCW 36.70C.080)	7 days after Petition is filed
DEADLINE to Stipulate or File Motion for Change of Hearing Date or Adjustment of Schedule (RCW 36.70C.080(1) ; RCW 36.70C.090)	28 days after Petition is filed
Initial Hearing on Jurisdictional and Preliminary Matters (FRIDAYS ONLY) (RCW 36.70C.080)	40 days after Petition is filed
DEADLINE to file Certified Copy of Local Jurisdiction Record (RCW 36.70C.110)	45 days after Initial Hearing
DEADLINE to file Brief of Petitioner (RCW 36.70C.080(4))	20 days after deadline to file Record
DEADLINE to file Brief of Respondent (RCW 36.70C.080(4))	40 days after deadline to file Record
DEADLINE to file Reply Briefs (RCW 36.70C.080(4))	50 days after deadline to file Record
Review Hearing/Trial Date – (RCW 36.70C.090)	Within 60 days of the date set for submitting the Record

Trial by Affidavit.

(1) Affidavit. Parties may agree to submit unresolved issues to the assigned judicial department by affidavit. This shall be determined at the discretion of the assigned judicial department at the status conference or as determined by agreement of the parties and approval of the assigned judicial department. If the request for trial by affidavit is granted the self-represented parties or their attorneys shall file and serve a form entitled **Trial By Affidavit Certificate**, as set forth in Appendix, **Form C**. The assigned judicial department shall issue an Order Amending Case Schedule.

(2) Trial and Notice. If the matter is to be submitted on affidavit, the parties shall be given a trial date approximately 20 weeks from filing. Fourteen (14) days prior to the trial date the parties shall serve and file their affidavits. Rebuttal affidavits, if any, shall be served and filed no later than seven (7) days prior to trial. Surrebuttal affidavits, if any, shall be filed and served two (2) days before the trial. Working copies of all affidavits shall be provided to the assigned judicial department. Affidavits filed beyond these deadlines shall not be considered.

(3) Priority. Matters set for trial by affidavit may take priority over other matters set for the same day. On the day of trial, unless otherwise ordered, each side shall have one-half hour to argue their respective positions to the court.

(4) Case Schedule. Once a matter is set for trial by affidavit, the self-represented parties and attorneys shall no longer be bound by the Order Setting Case Schedule, except for the new trial date in the Order Amending Case Schedule issued by the Judicial Assistant.

(j) Monitoring. Each judicial department of the Superior Court, the Superior Court Administrator's Office, and at such time as the Presiding Judge may direct, the Clerk of the Court shall monitor cases to determine compliance with these rules.

(k) Enforcement. The assigned judicial department, on its own initiative or on motion of a party, may impose sanctions or terms for failure to comply with the Order Setting Case Schedule established by these rules. If the court finds that an attorney or self-represented party has failed to comply with the Order Setting Case Schedule and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the court may impose such other sanctions as justice requires. As used in this rule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

[Amended effective September 1, 2018~~4~~, 2017]

PCLR 7 MOTIONS: JUDGES AND COMMISSIONERS

(a) Judges' Motions and Trial Assignments

(1) When Heard. All motions, except motions during trial or those motions heard by the Commissioners as set forth below shall be heard on the assigned judicial department's motion calendar. All discovery motions shall be heard before the assigned judicial department. No contested summary judgment motions, motions to dismiss, or other such motions which might effectively terminate a case shall be heard, except by the assigned judicial department, unless otherwise directed by the Presiding Judge or by the assigned judicial department. Motions are heard on Friday mornings at 9:00 a.m., unless specially set by the assigned judicial department. In the event a Friday is a non-judicial day, motions shall be heard on the judicial day immediately preceding the Friday.

(2) Recess Schedule. Motions and assignments regularly scheduled for a time when a judicial department is at recess shall be heard in the manner and in accordance with the schedule determined by the Judges.

(3) Scheduling Motions and Trial Assignments.

(A) Motions. Motions shall be scheduled for hearing by filing a Note for Motion Docket, in a form approved by the court, and containing all information required by such form. The Note for Motion Docket shall be filed with the motion and supporting documents and served upon the opposing party at the same time. The Note for Motion Docket, motion and supporting documents shall be filed with the Clerk, and served on the opposing party no later than the close of business on the ~~seventh~~^{seventh} court day before the day set for hearing. For example, if the motion is scheduled for a Friday, it shall be filed by the close of business on the ~~Thursday~~^{Thursday-Wednesday} of the week before the hearing date unless there is an intervening court holiday. This rule shall not relieve the moving party from any greater notice or filing requirements established by law or

court rule. See [PCLR 7\(c\)\(1\)\(2\) & \(3\)](#) regarding Motions for Reconsideration to be heard before a judge. See also [PCLSPR 98.20](#) regarding periodic guardianship hearings.

(B) Trial Assignments. If the attorneys or any self-represented party fails to appear on the date set for assignment of a trial date, the case shall be dismissed without prejudice unless the assignment of a trial date has been previously obtained or the case has been fully resolved with the entry of all final documents.

(4) Failure to File or Serve - Sanctions. If the motion, supporting documents and Note for Motion Docket are not all filed with the clerk, the court may strike the motion. No motion shall be heard unless proof of service upon the opposing party is filed or there is an admission of such service by the opposing party. The court may also, in its discretion, impose terms upon the offending party.

(5) Opposing Papers. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon; ~~two~~three court days before the date the motion is scheduled for hearing.

(6) Reply. Any papers in strict reply shall be served no later than 12:00 noon; ~~two~~one court days before the date the motion is scheduled for hearing.

(7) Working Copies. The assigned judicial department shall be furnished with a working copy of all motion papers. The working copies shall be delivered either directly to the judicial department or to the Court Administrator's office. Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided to the assigned judicial department. All working copies are to be delivered no later than the date and time they are required to be served on opposing parties. The working copies of papers in support or opposition shall be marked on the upper right corner of the first page with the date of hearing and the name of the Judge. A fax or email transmittal of working copies shall not be acceptable delivery.

(8) Page Limits. The initial motion and opposing memorandum shall not exceed twelve (12) pages without authorization of the court; reply memoranda shall not exceed five (5) pages without the authority of the court. Provided, however, for Motions for Summary Judgment pursuant to [CR 56](#) the parties' moving and opposing memoranda shall not exceed twenty-four (24) pages without authorization of the court; reply memoranda shall not exceed twelve (12) pages without authority of the court.

(9) Confirmation of Motions. All motions shall be confirmed by the moving party during the week of the hearing, but no later than 12:00 noon two court days prior to the hearing. Attorneys and any self-represented party shall confirm motions by contacting the judicial assistant of the assigned judicial department or electronically, through the internet by those with LINX accounts and PIN (Personal Identification Numbers), in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing. The court may strike motions that are not timely confirmed.

(10) Procedures for Hearing. The cases on the motion docket for each motion day shall be called and oral argument may be presented. Motions may be continued by the court, at the court's discretion, for hearing at other specified times. The trial court may, in its discretion or for good cause shown, waive oral argument for civil motions. Motions requiring more than ten (10) minutes for argument may be placed at the end of the calendar.

(11) Motions for Summary Judgment

(A) Confirmation of Motions. In the event a motion for summary judgment pursuant to [CR 56](#) is to be argued, the moving party shall notify the assigned judicial department during the week of the hearing, but no later than 12:00 noon; two (2) court days prior to the hearing; otherwise the motion shall be stricken. No hearing upon a motion for summary judgment shall be continued except upon the explicit order of the assigned Judge. Any summary judgment motion that is continued shall be reconfirmed as set forth above.

(B) Testimony. If testimony transcribed at any pretrial deposition is used in support of or in opposition to a motion for summary judgment, such testimony shall be presented by affidavit containing excerpts of the testimony relied upon by the party using such testimony, with reference to the line and the page of source.

(C) Page Limits. See [PCLR 7\(a\)\(8\)](#) regarding Motion for Summary Judgment page limits.

(12) Motions for Revision of a Commissioner's Order or Judgment (this rule does not apply to CR 54(b) revision motions). At the time a motion for revision is filed, the moving party shall provide the reviewing court copies of all documents submitted by all parties that were considered by the Court Commissioner in making the decision sought to be revised.

(A) Timing. Within 10 days of the entry of a written order or judgment by a Court Commissioner, either party may file a motion for revision. Such motion shall be scheduled for argument on the assigned judicial department's next available motion date but no sooner than six working days from the Commissioner's written order or judgment sought to be revised, unless upon an order shortening time, and no later than 30 days except for good cause shown.

(B) Validity of Commissioner's Orders. All orders granted by a Court Commissioner shall remain valid and in effect pending the outcome of the motion for revision, unless stayed pending the outcome of a motion for revision by the Court Commissioner granting the order, the Presiding Judge or the assigned Judicial Department to whom the motion for revision has been assigned.

(C) Content of Motion. All motions and cross-motions shall state with specificity any portion of the Commissioner's order or judgment sought to be revised, identifying those portions by paragraph or page and line numbers. Any portion not so specified shall be binding as if no revision motion has been made.

(D) Costs and Fees. The judicial department has the right to award reasonable costs or attorneys fees where allowed on all motions for revision without the necessity of a written motion.

(E) Transcript Required. When seeking revision of a ruling of a Court Commissioner which was based upon testimony, such testimony shall be transcribed in accordance with [RAP 9.2\(e\) and \(f\)](#).

(13) Juvenile Court Orders and Judgments. Revision of orders and judgments made by a Court Commissioner sitting in the Juvenile Court Division shall be heard by a Judge sitting in the Juvenile Court Division.

(b) Commissioners' Motions

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

(A) Working Copies No Longer Required. ~~For all Civil Divisions, working copies shall no longer be submitted. Except for the State's cases on the Prosecutor's afternoon calendar in Civil Division C, every attorney and self-represented party shall submit in advance a Hearing Information Form; if family law use the Family Law Hearing Information Form (Form T) described in (E) below, if other civil matters use the Civil Hearing Information Form (Form U) described in (F) below. Failure to timely provide the appropriate Hearing Information Form may result in the hearing being stricken or continued.~~ **Family Court.** ~~Court 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 shall be heard, if possible, 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 applications for show cause orders, motions for temporary orders, petitions to modify child support, initial determination of adequate cause and show cause hearings on Petitions to Modify Parenting Plans and Non-parental Custody Petitions, initial temporary relocation hearings, probates, trust and guardianship matters (except for annual periodic reviews and initial hearings under TEDRA if live testimony is to be presented or the hearing will likely last

longer than twenty minutes, which are heard by the Judicial Department assigned on its Friday motion docket), minor settlements, unlawful detainer actions, applications for appointment of a receiver, ~~injunctive relief and~~ restraining orders, defaults eligible for presentation in the Ex Parte Department wherein no notice is required, supplemental proceedings, paternity actions, contested show cause proceedings, domestic violence, vulnerable adult protection hearings, initial and uncontested sexual assault protection hearings, anti-harassment and anti-stalking protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, parenting plans and uncontested/default self-represented party dissolutions, and ex parte matters. Court Commissioners do not hear discovery motions.

(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 and by clicking on "Civil & Family Law Court Divisions". 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. Incorrectly scheduled matters shall be stricken.

(D) How Motions Initiated. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office for all ~~the~~ Commissioner's' dockets held at the County-City Building, 930 Tacoma Avenue South, Tacoma, WA 98402, except for the self-represented dissolution docket, domestic violence, vulnerable adult protection orders and sexual assault protection orders. See also PCLSPR 94.04 regarding family law motions, PCLSPR 98.04 regarding Estates and Probates, PCLSPR 98.16W regarding Settlements of Minors and Incapacitated Persons, PCLSPR 98.18 regarding Court Created Trusts and PCLSPR 98.20 regarding Guardianships for specific procedures about these types of motions on the Commissioners' dockets. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. **Waiver of Requirement to E-file.** See PCLGR 30(b)(5)(C).

(i) Docketing for Morning Show Cause Calendars. Matters heard on the show cause calendar at 9:00 a.m. shall be docketed by electronically filing and scheduling in accordance with PCLR 7(b)(1)(D) a Note for Commissioner's Calendar at least fourteen (14) calendar days before the hearing, simultaneously with a motion and/or notice of hearing and any supporting pleadings, unless this is a renote of a motion or notice of hearing previously filed in which event only the Note for Commissioner's Calendar shall be e-filed. The morning show cause cases heard shall be limited in number. Case caps shall be calculated in LINX based on the number of cases rather than the Note for Commissioner's Calendar. Leave may be granted by a duly appointed Commissioner, not a Commissioner Pro Tem, to exceed the number of cases heard on any given day in that Commissioner's Division.

(ii) Counter Motions ~~f~~For Morning Show Cause Calendars. In the event there is an existing motion and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by electronically filing and scheduling in accordance with PCLR 7(b)(1)(D) a Note for Commissioner's Calendar, as long as the counter motion and all supporting pleadings are filed and served at least fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause for the counter motion shall be signed by the Ex Parte Department.

~~(#)~~(iii) Confirmation of Show Cause Calendar Motions. All motions docketed for the morning show cause calendars shall be confirmed by the moving party not later than 12:00 noon two (2) court days prior to the hearing. ~~Attorneys and any self-represented party shall confirm motions by contacting the commissioner services department or electronically, through the internet by those with LINX accounts and PIN (Personal Identification Numbers), in accordance with the procedures adopted by the Pierce County~~

Superior Court Clerk's Office. Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing. The court may strike motions that are not timely confirmed.

(E) Family Law Hearing Information Form (Form T). Working Copies. For matters docketed on the morning show cause calendars in Commissioner Divisions A, B, and C whether by Note for Commissioner's Calendar or by the Order Setting Case Schedule, ~~and for probate, guardianship and minor settlement cases on the Commissioner Division A afternoon calendar,~~ a Family Law Hearing Information Form (Form T) shall be filed and served listing the Commissioners shall be furnished with working copies of all motions, or petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, sealed financial source documents, sealed confidential reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing. Working copies ~~Pleadings~~ for the morning show cause calendars are subject to page limits pursuant to [PCLSPR 94.04\(c\)\(4\)](#).

~~Working copies are encouraged but not mandatory for all other dockets conducted in Civil Divisions A, B and C and at the discretion of the court, cases may be continued to require their submission.~~

(F) Civil Hearing Information Form. For matters docketed on the afternoon probate/trust, guardianship, unlawful detainer, sale of structured settlement, minor settlement, vulnerable adult protection order, parentage, and domestic violence protection order calendars in Commissioner Civil Divisions A, B and C, a Civil Hearing Information Form (Form U) shall be filed and served listing ~~of~~ all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing. The Prosecutor's afternoon calendars in Civil Division C are excepted from the requirement to furnish the Civil Hearing Information Form.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in [PCLGR 30\(b\)\(5\)\(C\)](#), no later than 12:00 noon two (2) court days prior to the scheduled hearing. Proposed orders are addressed in (G) below.

(G) Procedures for Hearing Proposed Orders. ~~In all family law and unlawful detainer matters, A~~ attorneys and self-represented parties shall have proposed orders prepared for presentation to the court at the time of the hearing ~~family law show cause matters. For probate, trust, guardianship and minor settlement cases, proposed orders shall be included with working copies provided when submitting the Civil Hearing Information Form (Form U).~~

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

(c) Motions held before Judges or Commissioners

(1) Motions for Reconsideration. A Motion for Reconsideration shall be heard by the Judge or Commissioner who initially ruled on the motion or to the Presiding Judge or his/her designee upon a showing of good cause. Temporary assignment of the Judge or Commissioner to a location other than the courthouse shall not be considered good cause. No Motions for Reconsideration of Pro Tem Commissioners' rulings are permitted.

(2) Time for Motions for Reconsideration. A Motion for Reconsideration shall be ~~noted and~~ filed ~~not later than within~~ 10 days and noted for hearing within 30 days after entry of the judgment, decree, or order. The motion shall be noted on the civil motion docket of the Judge or Commissioner that heard the original motion. ~~The motion will be noted not sooner than 30 but not later than 40 days after the entry of the judgment, decree or order, unless the court directs otherwise. Though noted on the civil motion docket, no~~

hearing on the motion will be held unless specifically requested by the Court, as per PCLR 7(c)(3). A proposed order shall be delivered along with working copies in accordance with [PCLR 7\(a\)\(7\)](#) or [7\(b\)\(1\)\(E\)](#).

(3) Disposition of Motion for Reconsideration. ~~Motions for Reconsideration before a Judge or Commissioner shall be submitted on briefs and affidavits of the moving party only. No responses shall be required or submitted by the opposing party and there shall be no oral argument permitted unless the Judge or Commissioner so directs. The court shall notify the parties whether: (1) the Motion for Reconsideration has been denied and the hearing stricken; or (2) oral argument and/or responsive pleadings are required. No response to a motion for reconsideration shall be filed unless requested by the Court. No motion for reconsideration will be granted without such a request. If a response is called for, a reply may be filed within two days of service of the response. Motions for Reconsideration will be decided on briefs and affidavits only, unless the Court requests oral argument. In that event, the Court will contact the parties to set a hearing date.~~

(4) Motion and Order to Shorten Time.

(A) Motions to Shorten Time. All Motions to Shorten Time shall be in writing and supported by declaration or affidavit that (a) states the reasons why the matter should be heard on shortened time and (b) sets forth the manner and method by which notice, or attempted notice, was provided to all other parties regarding presentation of the Motion to Shorten Time. If the moving party has been unable to notify all parties of the Motion to Shorten Time, it is within the judicial officer's discretion to proceed with the Motion to Shorten Time. The court file shall be presented with the Motion to Shorten Time, declaration or affidavit, and the proposed Order.

(B) Judicial Department Motions. If the underlying motion is to be heard by a Judge, the Motion to Shorten Time and the underlying motion shall be presented to the assigned judicial department. If the assigned judicial department is not available to consider the Motion to Shorten Time, the matter shall be presented to the Presiding Judge for consideration. If the Presiding Judge is not available, the moving party shall contact Superior Court Administration for additional information as to which Judge can hear the Motion to Shorten Time.

(C) Commissioner Motions. If the underlying motion is to be heard by a Commissioner, the Motion to Shorten Time and the underlying motion shall be presented to the Ex Parte Division. The Motion to Shorten Time shall be heard by a duly appointed Court Commissioner and not a Commissioner Pro Tem. If granted, a copy of the Order Shortening Time and Note for Commissioner Docket shall be given to the Commissioner Services Department.

(D) Notice. The party requesting the Order to Shorten Time shall notify all opposing parties of the Motion to Shorten Time and the time and location of its presentation. Any party opposing the Motion to Shorten Time shall appear or respond by declaration or affidavit setting forth the basis of the opposition. Failure to appear or respond to the Motion to Shorten Time does not preclude a party from requesting terms.

(E) Service. If the Motion to Shorten Time is approved by the appropriate judicial officer, the party shall provide a copy of the pleadings relating to the Motion to Shorten Time as well as to the underlying motion, to all parties as soon as possible or as otherwise directed by the Court.

(5) Reapplication. No party shall reargue the same motion to a different judicial officer without showing by affidavit, what motion was previously made, when and to which judicial officer, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judicial officer.

(6) Temporary Restraining Orders and Injunctive Relief. See [PCLR 65](#).

[Amended effective September 1, 2018⁷]

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 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.

(f) Change of Judge ([Affidavits of Prejudice](#)[Notice of Disqualification](#)).

(1) Judges. To seek disqualification of a judge, a [motion and affidavit of prejudice](#) [Notice and Order on Request of Disqualification of Judge \(Form V\)](#) shall be presented to the Judge against whom the [affidavit notice of disqualification](#) is made. It shall be in conformity with [RCW 4.12.040](#) and [4.12.050](#), and be

~~presented pursuant to RCW 4.12.050 and before the judge who is hearing the case or, if the judge is unavailable, to the court clerk. Upon being presented with a notice of disqualification motion and affidavit, the judge shall sign a request for reassignment and direct the parties to report to the Court Administrator for assignment the notice and order on request of disqualification of judge and, if necessary, transfer the action to a different judicial department, and, if necessary, receipt of an amended case schedule from the new judicial department.~~

~~(2) Commissioners. Affidavits of prejudice. A notice of disqualification with reference to Court Commissioners shall not be recognized, the remedy of a party being a motion for revision under RCW 2.24.050.~~

~~(g) Change of Trial Date.~~

~~(1) Cases Not Governed by an Order Setting Case Schedule. In cases not governed by an Order Setting Case Schedule pursuant to PCLR 3, a motion to continue a case already on the trial calendar shall be in writing, supported by an affidavit or declaration under penalty of perjury showing sufficient grounds therefore. If a motion for continuance is granted, the court may impose terms and conditions on the moving party and may set a new trial date. The moving party shall present a written order for entry.~~

~~(2) Cases Governed by an Order Setting Case Schedule.~~

~~(A) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by an Order Setting Case Schedule pursuant to PCLR 3, the trial date may be adjusted, prior to the Deadline for Filing Motions to Adjust Trial Date, by written agreement of counsel and the parties and the court or by court order upon motion by a party, but only to a date no more than 30 days before or 30 days after the trial date listed in the original Order Setting Case Schedule, or as otherwise ordered by the court. The new trial date shall not be selected without first consulting with the judicial department's judicial assistant in order to accommodate the court's calendar. On the court's own motion prior to the Deadline for Filing Motions to Adjust Trial Date the trial date may be adjusted to a date no more than 120 days before or 120 days after the trial date listed in the original Order Setting Case Schedule to accommodate the court's civil and criminal calendars and to attempt to insure trial on the day scheduled.~~

~~(B) Continuance of Trial Date. A request to change the trial date to a date more than 30 days before or after the original trial date shall be made by motion and will not be granted unless the motion is supported by a showing of good cause. The new trial date shall not be selected without first consulting with the judicial department's judicial assistant in order to accommodate the Court's calendar. If a motion to change the trial date is made after the Deadline to Adjust Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A continuance may be granted subject to such conditions as justice requires. If an attorney moves for a continuance of the trial date under this subsection, the motion shall not be considered unless it is signed by both the attorney and the client or it contains a certification from the attorney that the client has been advised of the motion to continue the trial date as well as the basis for the motion and that the client agrees with the motion to continue.~~

~~(C) Notice of Change of Trial Date. In the event a party is not present at the time of hearing the motion to change the trial date, the party or parties requesting the change shall serve the absent party or parties with a conformed copy of the Order Amending Case Schedule within five (5) days.~~

[Amended effective September 1, 2018⁸⁴]

PCLSPR 94.04 FAMILY LAW PROCEEDINGS

(a) Uncontested Applications for Marital Dissolution, Decree of Invalidity or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships.

(1) Presentation of Final Documents. At the time of final hearing upon any uncontested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or

domestic partnership, the attorney for the applicant or the self-represented party shall present to the court for signature appropriate Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage, Final Divorce Order (Dissolution Decree), Order of Child Support Order, Child Support Worksheets, Residential Time Summary and Parenting Plan/Residential Schedule, if applicable.

(2) Hearings to Finalize with Attorneys. For parties represented by counsel, all of these types of proceedings are conducted Monday through Friday in the Ex Parte Division. The location of this calendar is contained in the Schedule of Commissioners' Calendars, Appendix, Form Q, attached to these rules. The Commissioners' Calendars may be changed without formal republication of these rules or appendices.

At the time of hearing, if the Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage are signed under penalty of perjury by the Petitioner in the form set forth below and there has been no appearance by the Respondent, no personal appearance by the Petitioner is required. In the event there has been an appearance by the Respondent, but the Respondent agrees to the entry of the final papers as proposed, neither party need personally appear except through his/her attorney, provided that both the Petitioner and Respondent have signed the Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage under penalty of perjury in the form set forth below. If Respondent has previously signed a Joinder, only the verification of Petitioner is required.

Declaration(s) under penalty of perjury shall be as follows:

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am the Petitioner in this case and I have read the foregoing -Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage, Final Divorce Order (Dissolution Decree), ~~the Order of~~ Child Support Order, Child Support Worksheets, and Parenting Plan (if applicable), and they are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the Petition. The support requested, if any, is in compliance with the Child Support Schedule. The wife/other domestic partner is not pregnant and no other children have been born to the wife/other domestic partner since the date of marriage that have not been disclosed in the Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage and Final Parenting Plan. The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.

Signed at _____, _____ on _____.
City State Date

Petitioner's Signature

And if agreed by Respondent, add the following declaration:

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am the Respondent in this case and I have read the foregoing Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage, Final Divorce Order (Dissolution Decree), ~~the Order of~~ Child Support Order, Child Support Worksheets, and Parenting Plan (if applicable), and they are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the petition. The support requested, if any, is in compliance with the Child Support Schedule. The wife/other domestic partner is not pregnant and no other children have been born to the wife/other domestic partner since the date of marriage that have not been disclosed in the Findings ~~of Fact~~ and Conclusions ~~of Law~~ about a Marriage and Final

Parenting Plan. The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.

Signed at _____, _____ on _____.
City State Date

Respondent's Signature

(3) Hearings to Finalize without Attorney Representation. Uncontested/default dissolutions invalidity or legal separation, committed intimate relationships (meretricious relationships) or domestic partnerships for self-represented parties are conducted every Friday morning. The moving party shall docket these matters by filing a Note for Commissioner's Calendar - Uncontested Docket six court days before the hearing date, subject to case limits. The location and exact time of this calendar is contained in the [Schedule of Commissioners' Calendars](#), Appendix, [Form Q](#), attached to these rules. The Commissioners' Calendars may be changed without formal republication of these rules or appendices.

(4) Reconciliation

(A) Notice of Reconciliation. In the event the parties reconcile or mutually agree they wish to attempt a reconciliation, they shall jointly file in the Clerk's Office a [Joint Notice of Reconciliation](#) as set forth in Appendix, [Form H](#), and the parties shall no longer have to comply with the Order Setting Case Schedule requirements of [PCLR 3](#); provided that the matter shall automatically be dismissed by the court six months from the date of the notice unless an amended petition has been filed.

(B) Amended Petition. In all dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or domestic partnership actions where the parties have reconciled, and the reconciliation fails, an amended petition shall be filed and personally served unless otherwise authorized.

(b) Contested Matters. Before all final hearings or trials in contested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or domestic partnership cases, each party shall file and serve on the opposing party a [Domestic Relations Information Form](#) approved by the Court. See Appendix, [Form E](#). The Domestic Relations Information Form shall be filed and served two (2) court days prior to the scheduled final hearing or trial. Such information shall be verified under oath.

(c) Family Law Motions.

(1) How Initiated. All motions (except discovery motions which are heard on the Judges' motion docket) shall be docketed by filing a Note for Commissioner's Calendar at least fourteen (14) calendar days before the hearing, simultaneously with a Motion and Notice of Hearing and any supporting pleadings, unless this is a re-note of a motion or notice for hearing previously filed, in which event only the Note for Commissioner's Calendar shall be filed. The hearing shall be heard on the basis of affidavit and/or declaration. All parties and attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. Cases heard shall be limited in number. Case caps shall be calculated in LINX based on the number of cases rather than the Note for Commissioner's Calendar. Leave may be granted by a duly appointed Commissioner, not a Commissioner Pro Tem, to exceed the number of cases heard on any given day in that Commissioner's Division. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(2) Counter Motions. In the event there is an existing motion or adequate cause hearing and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of

the court by e-filing a Note for Commissioner's Calendar, as long as the counter motion and all supporting pleadings are filed and served a minimum of fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause shall be timely presented to the Ex Parte Department. The Note for Commissioner's Calendar shall be electronically filed and scheduled in accordance with [PCLSPR 94.04\(c\)\(1\)](#).

(3) Notice and Hearing. Copies of the motion, counter motion, e-filed Note for Commissioner's Calendar, Notice of Adequate Cause, if applicable, together with all supporting documents including affidavits, declarations, certified statements, exhibits, and any other materials to be considered by the court, shall be served on all counsel and any self-represented party at least fourteen (14) calendar days before the hearing. Response documents, including briefs or memoranda, if any, shall be filed with the Clerk and copies served on all parties and attorneys no later than 12:00 noon four (4) court days prior to the hearing time; and documents in strict reply to the motion shall be similarly filed and served no later than 12:00 noon two (2) court days prior to the hearing.

~~Working Copies/Proposed Orders. Copies of the motion, counter motion, e-filed Note for Commissioner's Calendar, together with all supporting documents including affidavits, declarations, certified statements, documents in strict reply and response documents, including briefs or memoranda and a copy of proposed orders shall be delivered to the Commissioners Service Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in [PCLGR 30\(b\)\(5\)\(B\)](#). A copy of the e-filed Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. All parties shall mark "Working Copies" in the upper right hand corner and indicate the name of the calendar, the date and time of the hearing and who is delivering the papers (moving party or opposing party).~~

~~Both the moving party and the responding party shall file their Family Law Hearing Information Forms (Form T) by using the Clerk's electronic filing process as defined in [PCLGR 30\(b\)\(5\)\(C\)](#), no later than 12:00 noon two (2) court days prior to the scheduled hearing. Proposed orders are addressed in (8) below.~~

(5) Page Limits

(A) Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions (except financial declarations), including any reply, shall be limited to a sum total of 20 pages for all motions scheduled for the same date. Prior authorization to exceed page limits under [PCLSPR 94.04\(c\)\(5\)](#) shall initially be presented to the Ex Parte Department and that Department shall determine whether the matter needs to be referred to the assigned Commissioner. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages for all motions scheduled for the same date. In those cases having more than one moving party, the entirety of all declarations and affidavits from each party in support of their respective motions (except financial declarations), shall be limited to a sum total of 20 pages per side.

(B) Exhibits. Exhibits that consist of declarations or affidavits of party's witnesses shall count towards the above page limits. All other exhibits attached to a declaration or affidavit shall be limited to 10 pages.

(C) Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

(D) Expert Reports and Evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Parenting Investigators, Guardians ad Litem, Family Court Services (FCS), expert witnesses, police reports and out-of-state backgrounds checks do not count toward the page limit.

(E) Miscellaneous Exceptions. The following do not count towards the page limit:

- (i) Copies of orders, 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;

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- (ii) Copies of orders, declarations, or affidavits previously filed in other cases, or from cases in other counties;
- (iii) Deposition excerpts;
- (iv) **GR 17** affidavits/declarations regarding fax signature; and
- (v) Cover sheets setting forth a caption for an attached document or declaration, however, the attached document or declaration shall count in accordance with this rule.

(6) Confirmations. The moving party shall confirm the motion with the Commissioner Services Department in person or by telephone no later than by 12:00 noon two (2) court days prior to the hearing; otherwise the matter shall be stricken. Motions may also be confirmed and stricken electronically, in accordance with the time deadlines set forth herein, by those with LINX accounts and PIN (Personal Identification Numbers) in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by persons physically confined under a court order shall be deemed confirmed at filing.

(7) Courtroom Assigned. The monitors located on the first and second floor lobbies of the County City Building list which court has been assigned to hear confirmed motions. Attorneys and self-represented parties may also check the assigned courtroom by accessing the Pierce County Superior Court website: <https://linxonline.co.pierce.wa.us/linxweb/Main.cfm> and viewing the calendar of proceedings.

(8) Presentation of Court Orders. In all family law matters, attorneys and self-represented parties shall have proposed orders prepared for presentation to the court at the time of the hearing. All counsel or self-represented parties are responsible for preparing and presenting court orders (using mandatory Family Law pattern forms if applicable) at the conclusion of the motion and shall remain in attendance in the court until the appropriate order(s) has been signed by counsel, all parties and the court.

(9) Limits of Argument. The court may direct counsel or self-represented parties to appropriate issues set forth in the motion and may place strict limits on the time for argument.

(d) Settlement Conferences. See **PCLR 16(c)**. Settlement conferences are mandatory in dissolution cases, paternity cases, other family law cases and post dissolution petitions for modification (petition to change a parenting plan, residential schedule or custody order) when the parenting plan or residential schedule is at issue. Settlement conferences are not mandatory for cases addressing only child support and/or division of property and assets and family law cases in which a waiver was granted pursuant to **PCLR 16(c)(2)(H)** or is exempt under **PCLR 16**.

(e) Guardian ad Litem in Parenting/Custody Cases: Limitations on Appointments, Hours and Fees.

(1) Appointment of Guardian ad Litem. The appointment of a guardian ad litem/~~parenting investigator~~ in cases involving the residential placement of minor children shall be made by court order. The guardian ad litem shall be provided a copy of the Order Setting Case Schedule, and any amendments thereto entered throughout the course of the case. If there are less than 90 days to the date of trial, any Order for Appointment of a Guardian ad Litem/~~Parenting Investigator~~ shall include the trial date and shall only be signed by the assigned judicial department.

(2) Hours and Fees.

(A) Retainer/Additional Fees. When an order authorizing appointment of a guardian ad litem from the **RCW 26.09** Certified Registry is signed, a \$1125.00 initial retainer fee shall be paid to the Clerk of the Court, unless for good cause shown a greater amount is ordered by the Court at the time of the appointment of a guardian ad litem and is reflected in the order.

The guardian ad litem's time shall be paid from this retainer at the rate of \$75.00 per hour. When the retainer is exhausted, the guardian ad litem shall request payment of additional fees; it is the responsibility of the parties, not the Guardian ad Litem, to properly file, serve and note a motion requesting additional fees

~~before from~~ the assigned Family Court Judge. No additional fees shall be allowed without prior authorization of the assigned Family Court Judge.

(B) State ~~Paternity-Parentage~~ Actions. Section (2) (A) does not apply to State initiated ~~paternity-parentage~~ contract cases.

(3) Administrative Policy. Pierce County Superior Court's current Administrative Policy re: [Guardian ad Litem Registry for Pierce County Family Law Proceedings](#) and [Code of Conduct](#) are set forth in Part VI, Administrative Policies, [Policies 1](#) and [2](#). Found at: www.co.pierce.wa.us/superiorcourt and by clicking on "Local Rules."

(4) Case Assignment. Upon the court authorizing the appointment of a guardian ad litem ~~parenting investigator~~, the case shall be reassigned to Family Court, except for those cases where the Guardian ad Litem (GAL) is only appointed for the purpose of parentage or minority.

(f) Nonparental Custody Proceedings

(1) How Initiated. An action for custody of a child brought by a nonparent is commenced by the filing of a Summons, Petition, Petitioner's ~~Notice of Motion for~~ Adequate Cause, and Order Directing DCFS/CPS to Release Information on the mandatory forms under a new cause number and may not be commenced under an existing dissolution, paternity or other case.

(2) Case Schedule. Upon filing, the Clerk's Office shall issue an [Order Setting Case Schedule](#). Refer to Appendix, [Form A](#).

(3) Requirements. The petitioner(s) shall obtain a Washington State Patrol and Child Protective Services (CPS) background checks on themselves and all adult household members. The petitioner(s) shall obtain an Order ~~Finding-on~~ Adequate Cause on the Commissioner's dockets on or before the court hearing date specified in the Order Setting Case Schedule or the petition shall be dismissed without further notice. The petitioners and respondents shall attend the mandatory Impact on Children seminar. A settlement conference, or other dispute resolution process, is required prior to trial, unless waived by the Court; see [PCLR 16\(c\)](#).

(4) Case Assignment. All Nonparental Custody actions shall be assigned to Family Court.

(5) Finalization. Nonparental Custody actions to be finalized, by agreement or by default, shall be calendared on the Commissioners' Motion/Show Cause docket or on the motion calendar of the assigned Family Court Department. Such matters shall not be heard in the Ex Parte Division. Pro Tem Commissioners are not authorized to finalize any nonparental custody actions.

(g) Petition to Modify Parenting Plan/Residential Schedule

(1) How Initiated. An action for modification of a final parenting plan/residential schedule is commenced by the filing of a Summons, Petition ~~for Modification of Custody to~~ [Change a Parenting Plan](#), Proposed Parenting Plan/Residential Schedule, and Petitioner's ~~Notice of Motion for~~ Adequate Cause on the mandatory forms under the existing dissolution, paternity, or other case.

(2) Case Schedule. Upon filing, the Clerk's Office shall issue an [Order Setting Case Schedule](#). Refer to Appendix, [Form A](#).

(3) Requirements. The petitioner(s) shall obtain an Order ~~Finding-on~~ Adequate Cause on the Commissioners' dockets on or before the court hearing date specified in the Order Setting Case Schedule or the petition will be dismissed without further notice. The petitioner(s) and respondent(s) shall attend the mandatory Impact on Children seminar. A settlement conference, or other dispute resolution process, is required prior to trial, unless waived by the Court; see [PLCR 16\(c\)](#).

(4) Case Assignment. All Petitions to ~~Modify-Change a~~ Parenting Plan/Residential Schedule shall be assigned to Family Court.

(h) Relocation of Children

(1) How Initiated. An action for Relocation of Children is commenced by the filing of an Objection ~~to Relocation about Moving with Child~~ under the existing dissolution, paternity, or other case. Prior to the trial,

any hearing regarding the Objection to ~~Relocation about Moving with Child~~ or temporary relocation shall be heard on the Commissioners' Show Cause/Motion docket.

(2) Case Schedule. The Clerk's office shall issue an Order Assigning Case to Family Court and set a date on the assigned Family Court's next available motion calendar (not less than six days from filing) for an assignment for trial date.

(3) Case Assignment. All Objections to Relocation shall be assigned to Family Court.

[Amended effective September 1, 2018⁷]

PCLSPR 98.04 -- ESTATES – PROBATE – NOTICES

(a) Presentation. The initial presentation of an order appointing a personal representative or administrator in a testate or intestate estate may be presented to the Court Commissioner in the Ex Parte Division. This appointment shall be at the discretion of the court and in the event the court determines that notice shall be given, may direct the petitioner to make said presentation on the Commissioner's Probate calendar conducted in Civil Division A.

(b) Notice and Hearing. All hearings shall be scheduled with a Note for Commissioner's Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. The Note shall be filed at least ~~sixseven~~ (67) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon three (3) court days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two (2) court days before the date the motion is scheduled for hearing.

~~**(c) Working Copies/Proposed Orders.** All parties shall be responsible for ensuring working copies and proposed orders are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing or by using the Clerk's electronic working copy delivery process as defined in PCLGR 30(b)(5)(B). A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner's Service Department. In the upper right hand corner mark "Working Copies" the name of the calendar, the date and time of the hearing and indicate who is providing the copies (moving party or opposing party). A Guardian ad Litem shall be responsible for providing a working copy of his/her report. Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.~~ **Civil Hearing Information Form/Proposed Orders.** For matters docketed on the probate/trust, guardianship, unlawful detainer, and minor settlement calendar in Commissioner Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing. Failure to timely provide the appropriate Hearing Information Form may result in the hearing being stricken or continued.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in PCLGR 30(b)(5)(C) no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket.

~~(e)~~ For probate, trust, guardianship, and minor settlement cases, proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be presented to the court at the time of the hearing.

(d) Bonds. All bonds required of personal representatives/administrators shall be signed by the principal and shall contain the address of the surety.

(e) Probate Homesteads/Prior Claims. In all cases where a petition for allowance in lieu of homestead or in addition thereto is filed by the surviving spouse, receipts evidencing the payment of funeral expenses, expenses of last sickness, and of administration, including fees of appraisers, or a signed written statement by the creditor that such payment has been provided for, shall be filed at or before the time of the hearing on said petition.

(f) Oaths. The personal representative(s)/administrator(s) name shall be typed or printed on the oath as it appears in the order. The oath shall conform to the requirements as set forth in [RCW 11.28.170](#) and [RCW 11.36.010](#). When a personal representative/administrator changes his or her name, he or she shall obtain an order for new letters and file an oath under the new name in order to receive new letters. The expiration date of the letters shall remain the same unless changed by the new order.

(g) Order Appointing Personal Representative/Administrator. The order shall contain the name(s) for the personal representative(s)/administrator(s) as it appears in the oath.

(h) Notification of Change of Address. Any person appointed as Personal Representative or Administrator of an estate shall file a notice of change of address with the court within thirty (30) days of the change.

Waiver of Requirement to E-file. See [PCLGR 30\(b\)\(5\)\(C\)](#).

[Amended effective September 1, 2018⁶]

PCLSPR 98.16W -- SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) Presentation. The presentation of an order to appoint an attorney to serve as the proposed Settlement Guardian ad Litem shall be presented to the Court Commissioner in the Ex Parte Division. This appointment shall be at the discretion of the court and no proposed order presented shall include a preselected name nor address the fees/cost of the court appointed Settlement Guardian ad Litem.

(b) Qualifications. The qualifications of an attorney to serve as the Settlement Guardian ad Litem shall be in compliance with [SPR 98.16W\(d\)](#). The Settlement Guardian ad Litem report shall include the following information:

(1) the number of years the attorney has been in practice in the State of WA;

(2) a summary of the type of practice of the attorney for at least the last five (5) years;

(3) an affirmation that the attorney does not have any conflict of interest as contemplated in [SPR 98.16.W\(d\)](#); and whether the attorney is aware of any pending Bar Association disciplinary proceedings or of any criminal charges that have been filed against his/her; and

(4) whether the attorney has any relationship with the involved parents, guardians, insurers or other attorneys in the case; and

(5) a statement as to whether or not there has been compliance with [RCW 4.24.010](#), specifically, the notice requirements to a parent who is not named as a plaintiff.

(c) Attendance at Hearings. The presence of the Settlement Guardian ad Litem, custodial parent or legal custodian, and the affected person is required unless waived by the Court in advance of the hearing for good cause shown, pursuant to an Order obtained from the Commissioner in Civil Division A₇ or the Ex Parte Division, ~~in advance of the hearing for good cause shown.~~

~~(d) PLEASANTON, WASHINGTON COUNTY SUPERIOR COURT, CIVIL DIVISION A, PROBATE TRUST, GUARDIANSHIP, UNLAWFUL DETAINER, AND MINOR SETTLEMENT CALENDAR IN COMMISSIONER CIVIL DIVISION A, A CIVIL HEARING INFORMATION FORM (FORM U) SHALL BE FILED AND SERVED LISTING ALL MOTIONS, PETITIONS, AND SUPPORTING DOCUMENTS, INCLUDING AFFIDAVITS, DECLARATIONS, CERTIFIED STATEMENTS, GUARDIAN AD LITEM REPORTS, RESPONSE AND REPLY DOCUMENTS THE ATTORNEYS OR SELF-REPRESENTED PARTIES WANT THE COURT TO REVIEW FOR THE HEARING. FAILURE TO TIMELY PROVIDE THE APPROPRIATE HEARING INFORMATION FORM MAY RESULT IN THE HEARING BEING STRICKEN OR CONTINUED.~~

using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. The Note shall be filed at least ~~six~~ **seven (7)** court days prior to the scheduled hearing date. Consistent with **RCW 4.24.010**, notice of said motion shall be given to a parent who was not originally named as a plaintiff or is no longer a custodian of the minor or incapacitated person. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

The Court Commissioner may set special hearings at other times if complex or unusual issues may be present.

(e) Civil Hearing Information Form/Proposed Orders. For matters docketed on the probate/trust, guardianship, unlawful detainer, and minor settlement calendar in Commissioner Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing. Failure to timely provide the appropriate Hearing Information Form may result in the hearing being stricken or continued.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in PCLGR 30(b)(5)(C) no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket.

For probate, trust, guardianship, and minor settlement cases (model form Order Approving Minor Settlement is found in the Appendix, Form W), proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be presented to the court at the time of the hearing.

(f) Multiple Minors. In the event the filed claim involves multiple minors, separate proposed court orders shall be presented to the court addressing each individual minor. Each proposed Order shall also include reference to the day, month and year of the minor's eighteenth (18th) birthday.

(g) Structured Annuity Settlements. Unless waived by the Court for good cause shown, the following language shall be inserted into any court order approving a structured annuity settlement involving a minor or incapacitated person:

"Neither the minor nor incapacitated person, nor his estate, nor any subsequent beneficiary or recipient of any payments or any part of any payments under this structured settlement shall have the right to accelerate, commute or otherwise reduce to present value or to a lump sum any of the payments or any part of the payments due under this structured annuity settlement or this order unless by later motion good cause has been shown to lift or modify these restrictions.

No payment under the structured settlement annuity contract or this order shall be transferred as defined in **RCW 19.205.010(18)**, accelerated, deferred, increased or decreased, or anticipated, sold, mortgaged, assigned or encumbered in any manner by the minor or incapacitated person or any other recipient of the payments unless by later motion good cause has been shown to lift or modify these restrictions."

(h) Receipt of Deposit of Funds. Unless waived by the Court for good cause shown, a verification of blocked account and receipt of deposit of funds into either the Registry of the Court or such institution as the court order directs shall be filed within forty-five (45) days by independent counsel for the minor or incapacitated person, counsel for the insurance carrier, or by the court appointed Settlement Guardian ad

Litem should there be no independent counsel on behalf of the minor or incapacitated person. In all cases, except where waived for good cause, the form of Receipt used shall be as set forth in Appendix, Form X. In the event a party other than the Settlement Guardian ad Litem deposits the funds, they shall provide a copy of the receipt of deposit and verification of blocked account to the Settlement Guardian ad Litem. Failure to comply with this provision may subject the parties to a noncompliance hearing and the assessment of terms.

(i) Discharge of Settlement Guardian ad Litem. No court appointed Settlement Guardian ad Litem shall be considered discharged by the court until a receipt of deposit of funds has been filed as set forth above.

(j) Disbursements. All motions relating to disbursements from the court approved settlement proceeds of a minor or incapacitated person prior to their eighteenth (18th) birthday shall be scheduled by e-filing a Note for Commissioner's Calendar, scheduling the hearing in Civil Division A and the parties shall comply with all requirements set forth in subsection **(e)** above.

(k) Fees/Costs. All fees and costs requested by the attorney for the minor and/or court appointed Settlement Guardian ad Litem are subject to court approval.

Waiver of Requirement to E-file. See [PCLGR 30\(b\)\(5\)\(C\)](#).

[Amended effective September 1, 2018⁴]

PCLSPR 98.18 – COURT CREATED TRUSTS

(a) Scope of Rule. This rule shall apply to any trust created by the court, including but not limited to trusts created pursuant to [PCLSPR 98.16W](#), [RCW 11.88](#) and [RCW 11.92](#), such as special needs trusts and settlement trusts.

(b) Drafting of Trust Instrument. A trust instrument shall only be drafted after a written guardian ad litem recommendation and/or a court order that specifies the relevant terms of such trust, unless the requirement of such recommendation or court order is waived by the court for good cause.

(c) Guardian ad Litem/Guardian. The court shall only order a court-created trust upon the written recommendation of a qualified guardian ad litem or guardian, unless the requirement of a guardian ad litem or guardian is specifically waived by the court for good cause. Based on the facts and circumstances, the court may authorize the petitioner, the guardian ad litem or guardian to hire trust counsel to evaluate any proposed trust instrument, to draft a trust instrument or any other duties as enumerated by the court.

The guardian ad litem's or guardian's report shall:

- (1)** Identify why a court-created trust is in the best interests of the beneficiary;
- (2)** Specifically identify any other roles expected of a trustee or trust advisory committee member in the life of the beneficiary -(e.g. this requirement would include caregivers, professional advisors, family or others who might receive direct or independent economic benefit from trust expenditures); and
- (3)** Specifically recommend why a Trust Advisory Committee is appropriate or not appropriate if proposed by petitioner.

(d) Special Master. In its discretion, the court may appoint a Special Master to provide independent analysis to the court with regard to the proposed trust instrument or provide such assistance as ordered by the court.

(e) Declaration of Proposed Trustee. Prior to appointment, each trustee shall file with the court a [Declaration of Proposed Trustee](#) as set forth in Appendix, [Form K](#) unless waived by the court. If the proposed trustee is a bank or trust company, no Declaration shall be required, except if the court or the guardian ad litem determines that a Declaration shall be filed with the court. At the hearing for appointment, the fee schedule shall be disclosed.

(f) Notice and Hearing. All hearings shall be scheduled with a Note for Commissioner's Calendar using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. The Note shall be e-filed at least ~~six~~^{seven} (7) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon, three (3) court days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two (2) court days before the date the motion is scheduled for hearing. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(g) Attendance at Hearings. The presence of the Guardian ad Litem, Guardian, Special Master and the affected person is required unless waived by the Court pursuant to an Order obtained from the Commissioner in Civil Division A in advance of the hearing for good cause shown.

(h) Civil Hearing Information Form/Proposed Orders. For matters docketed on the probate/trust, guardianship, unlawful detainer, and minor settlement calendar in Commissioner Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in PCLGR 30(b)(5)(C) no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket.

~~**(h)** For probate, trust, guardianship, and minor settlement cases, proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be~~

(i) Order Approving/Declaring Trust. Within thirty (30) days, the Order Approving/Declaring the Trust shall be filed in a court file with a guardianship cause number to allow the court to track the matter. Likewise, the trust instrument shall be filed under the same cause number. Any guardian ad litem shall not be discharged until such filing has occurred.

(j) Fees/Costs. All fees and costs requested by the attorney for the minor and/or court appointed Settlement Guardian ad Litem are subject to court approval.

(k) Review Hearings. Upon signing the Order Approving/Declaring the Trust, the court shall specify the report interval for the first periodic report and accounting. At the time the Order Approving/Declaring the Trust is filed with the clerk's office, the clerk shall schedule the date for the initial review hearing on the assigned judicial department's Friday motion docket, not more than 120 days after the anniversary date of the Order. Trusts shall be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall be filed within 90 days after the anniversary date of the trust's creation.

Review hearings on subsequent periodic reports and accountings shall be automatically scheduled by the court and heard on the assigned judicial department's Friday motion docket not more than 120 days after the anniversary date of the trust's creation. Any change to the scheduled review date shall be noted before the assigned department. Review hearings on final reports and accountings shall be noted and heard on the assigned judicial department's Friday motion docket.

(l) **Trust Summary.** A [Trust Summary](#), as set forth in Appendix, [Form L](#) shall be completed and placed directly below the case caption or on a separate cover page on all orders creating a trust and orders approving a trustee's periodic report or accounting.

(m) **Delinquency Calendar.** The assigned judicial department shall track all trust cases which require court review. ~~The department and shall notify the assigned judicial department trustee and counsel of cases where periodic reports and accountings are delinquent. The department shall delinquent and~~ direct the trustee and counsel to appear at a hearing where sanctions may be imposed or the trustee removed. The department may appoint a guardian ad litem to investigate and report back to the court as to whether the trustee should be removed or other protections put in place for the benefit of the trust beneficiary.

Waiver of Requirement to E-file. See [PCLGR 30\(b\)\(5\)\(C\)](#).

[Amended effective September 44, 2018⁴]

PCLSPR 98.20 – GUARDIANSHIPS

(a) **Presentation of Order Appointing Guardian ad Litem.** The initial Order appointing a Guardian ad Litem shall be presented to the Court Commissioner in the Ex Parte Division upon the filing of a Petition for Guardianship. The Clerk of the Court in the Ex Parte Division shall maintain the [RCW 11.88](#) Registry and shall select the next Guardian ad Litem on the list for insertion into the Order Appointing Guardian ad Litem, unless the alleged incapacitated person is indigent in which event the selection shall be made from those Guardians ad Litem who have contracted to serve in this capacity with Pierce County Superior Court.

(b) **Notice and Hearing.** The following matters shall be noted for hearing at least six (6) court days in advance and heard on the Guardianship docket in Civil Division A:

- (1) All guardianship matters involving the approval of initial reports, interim accounts or the expenditure of funds prior to the appointment of a Guardian;
- (2) All hearings on the appointment of a Guardian of the Person and/or Estate;
- (3) Motions for confirmation of sale of real estate; or
- (4) Any other matters in which the court is requested to find that certain procedural steps have been taken.

All hearings shall be scheduled with a Note for Commissioner's Calendar. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. ~~The Note shall be filed at least seven (7) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon three (3) court days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two (2) court days before the date the motion is scheduled for hearing.~~The Note shall be filed at least six (6) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

(c) **Civil Hearing Information Form/Proposed Orders.** For matters docketed on the probate/trust, guardianship, unlawful detainer, and minor settlement calendar in Commissioner Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting

documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in PCLGR 30(b)(5)(C) no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket.

~~(e) For probate, trust, guardianship, and minor settlement cases, proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be~~

(d) Declaration of Proposed Guardian. Prior to appointment, a **Declaration of Proposed Guardian** shall be filed with the Court as set forth in Appendix, **Forms M or N**, unless waived by the Court. If the proposed guardian is a bank or trust company, no declaration shall be required, except if the Court or the Guardian ad Litem determines that a Declaration shall be filed with the Court. At the hearing for appointment, the fee schedule for the bank or trust company shall be disclosed.

(e) Review Hearings. Upon signing the Order Appointing Guardian the court will specify: (i) the report interval for the first periodic report and accounting, and (ii) whether a review hearing will be required on the Inventory.

At the time the Order Appointing Guardian is filed, the Clerk's Office shall schedule the date for the *initial* review hearing on the assigned judicial department's Friday motion docket, not more than 120 days after the anniversary date of the guardian's appointment. Guardianships shall be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall be filed and a working copy provided to the assigned judicial department within 90 days after the anniversary date of the guardian's appointment. Anyone e-filing the periodic report and accounting shall be responsible for ensuring the working copies are timely provided to the assigned judicial department.

Review hearings on *subsequent* periodic reports and accountings shall be automatically scheduled by the court and heard on the assigned judicial department's Friday motion docket not more than 120 days after the anniversary date of the guardian's appointment. Any change to the scheduled review date shall be noted before the assigned judicial department. Review hearings on the final report and accounting must be noted and heard on the judicial assigned department's Friday motion docket. Working copies of the final report and accounting shall be provided to the assigned judicial department at the time the final report and accounting are filed. Anyone e-filing the final report and accounting shall be responsible for ensuring the working copies are timely provided to the assigned judicial department. A fax or email transmittal of working copies shall not be acceptable delivery.

(f) Guardianship Summary. A **Guardianship Summary**, as set forth in **Form O** shall be completed and placed directly below the case caption or on a separate cover page on all Orders Appointing a Guardian and Orders Approving a Guardian's Periodic Report or Accounting.

(g) Delinquency Calendar. The assigned judicial department shall track all guardianship cases which require court review. ~~and The department shall notify the court guardian and counsel of cases where periodic reports and accountings are delinquent. The department may and~~ direct the guardian, and counsel to appear at a hearing where sanctions may be imposed and/or the guardian removed. The department may appoint a guardian ad litem to investigate and report back to the court as to whether the guardian should be removed or other protections put in place for the benefit of the incapacitated person.

(h) Expiring Letters of Guardianship. The Clerk's Office shall issue Letters of Guardianship to the appointed guardian. The Letters shall expire on the 120th day after the anniversary date of the guardian's appointment, unless a different date is ordered by the court. A guardian has no authority to act on behalf of the incapacitated person without valid Letters of Guardianship.

(i) **Oaths.** The guardian name(s) shall be typed or printed on the oath as it appears in the order. When a guardian changes his or her name he or she shall obtain an order for new letters and file an oath under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by new court order.

(j) **Vulnerable Adult Protection Petitions.** Any petition protecting a vulnerable adult shall be filed as a civil matter separate from any guardianship matter. If there is an existing guardianship case when the Vulnerable Adult Petition is filed, a copy of any Protection order shall be placed in that file.

(k) **Loss of Voting Rights.** In accordance with [RCW 11.88.010\(5\)](#), if an incapacitated person loses the right to vote, the Order Appointing Guardian or Approving Report shall include a specific finding on the loss of the right to vote. The Guardian shall also submit a Notice of Loss of Voting Rights to the court that includes the name, address and date of birth of the incapacitated person and that directs the Clerk to forward the Notice of Loss of Voting Rights to the County Auditor. In the event the guardianship is terminated by a determination of competency of the individual, the court shall direct the Clerk to send to the County Auditor a certified copy of the Order Restoring Voting Rights including the same personal identifiers as the Notice of Loss of Voting Rights.

(l) **Mandatory Forms.** In the event a statewide mandatory guardianship form exists, these forms shall be utilized. If no state wide form exists, then the Pierce County Mandatory Guardianship forms shall be utilized. Both the mandatory and pattern guardianship forms can be obtained on Pierce County Superior Court's website: www.co.pierce.wa.us/superiorcourt or the Pierce County Superior Court Law Library. These forms are subject to future updates, corrections, amendments or other alterations and notice of these changes shall be placed on Superior Court's website and are available at: www.courts.wa.gov/forms/.

Waiver of Requirement to E-file. See [PCLGR 30\(b\)\(5\)\(C\)](#).

[Amended effective September 1, 2014⁸]

PCLMAR 3 – ARBITRATORS

3.1 Qualifications

(a) **Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on a form prescribed by the court. A copy of said completed sheet is available upon request by any party and will be mailed to a requesting party at the party's own expense. 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. An arbitrator must be a member of the Washington State Bar Association and have been admitted to the bar for a minimum of 5 years and provide an affidavit or declaration certifying completion of a minimum of three credits of Washington State Bar Association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator or an affidavit or declaration certifying that they have acted as an arbitrator five or more times previously. Pierce County Superior Court shall waive the three continuing legal education credits for arbitrators who have acted as an arbitrator five or more times previously.

(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 presiding Judge or designee 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\(D\)](#), governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the presiding Judge or designee.

3.2 Authority of Arbitrators. An arbitrator has the authority to:

(a) **Payment of Expense/Attorney Fees.** Require a party or attorney, advising such party, or both, to pay the reasonable expenses, including attorney 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 superior court, with proof of service of a party 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) Basis of Attorney Fee Award. Award attorney fees, as authorized by these rules, by a contract or by law.

[Amended effective September 1, 2018⁰²]