

PIERCE COUNTY SUPERIOR COURT EX PARTE COURT POLICY

**EFFECTIVE DATE OF CURRENT
POLICY OR REVISION:**

June 12, 2023 (EC)

REVISION DATE:

**May 25, 2018
May 6, 2013 (Judges' Meeting)
April 22, 2013 (EC)
August 20, 2012 (Judges' Meeting)**

NOTE: COURT COMMISSIONERS AND COURT STAFF ARE PRECLUDED FROM GIVING LEGAL ADVICE. Please consult legal resources prior to coming to the Ex Parte Court.

1. SUBJECT:

Ex Parte Policy.

2. APPLICATION:

This policy applies to all parties and attorneys appearing in the Ex Parte Court, Ex Parte Mail and Mandatory Electronic Submissions. While the Commissioner in Ex Parte Courtroom may occasionally hear initial Ex Parte Civil Protection Order matters as needed, this policy does not apply to Ex Parte Civil Protection Order hearings under ch. 7.105 RCW.

3. PURPOSE:

To set clear and precise guidelines for parties and attorneys who appear before the Ex Parte Court or who submit orders by mail or Mandatory Electronic Submissions.

4. EX PARTE COURTROOM OPERATION:

A. Hours of Operation, Sign in Process and Procedures:

- The Ex Parte Court is open from 9:00 a.m. until 11:00 a.m. and from 1:30 p.m. until 3:30 p.m., Monday through Friday.
- Attorneys must sign in electronically in the Clerk's Office (Room 110) and self-represented parties must sign in the Commissioners Services Department (currently Room 110) using the dedicated computer kiosk, before going to the Ex Parte Courtroom. Once the electronic sign in is

complete, proceed into the Ex Parte Courtroom and wait for your case to be called by the Court Clerk.

- Attorneys will be given preference in presenting uncontested/agreed orders. Please indicate on the electronic Ex Parte Sign in Form if your matter is an uncontested/agreed matter.
- Requests for Immediate Restraining Orders and contested matters will not be heard after 10:30 a.m. or 3:00 p.m. except under extraordinary or emergent circumstances.
- Hearings are conducted in person and by zoom upon request. Zoom link:

Meeting ID 955 2901 1389

Passcode 956250

Link:

<https://piercecountywa.zoom.us/j/95529011389?pwd=d1lyWTd0V3FDKzZQTdlzVTdianRIQT09>

B. Matters HEARD in Ex Parte Court (unless subject to Mandatory Electronic Submission in Section 5)

- Agreed Orders already signed by both parties (unless subject to **Mandatory Electronic Submission**).
- Contested Motions for Family Law Immediate Restraining Orders that demonstrate an order is necessary to prevent irreparable harm if the order is not signed immediately. (The moving party must provide a declaration detailing the notice provided to the other party. If no notice is given, the court may: deny the request, reschedule the Ex Parte hearing to allow notice to the other party/attorney, or waive notice if court rule and statutory requirements are met.)
- Immediate Restraining Orders in Minor Guardianships where the minor's health, safety or welfare would be substantially harmed before a hearing with notice and, if an Immediate Order is entered, the court may set the return hearing in the Ex Parte Court no more than 5 court days later.
- If a contested hearing will last ten (10) minutes or more, the Ex Parte Court may assign the matter to another courtroom as follows:
 - Contested Family Law matters may be assigned to Commissioners sitting in designated Civil Divisions.
 - Non-Family Law matters that do not request injunctive relief shall be assigned to the Commissioner in Civil Division A.
- Petitions to Admit Wills to Probate, for Letters of Administration, Petitions to Reopen Estates and for Adjudication of Intestacy and Heirship. Need: verified petition, evidence of estate solvency, the birth date of the proposed personal representative/administrator, and if personal representative/administrator resides out of state a sworn statement that he/she has no felonies or crimes involving moral turpitude, a resident agent if proposed personal representative/administrator resides out of state, death certificate of decedent, whether there is a surviving spouse or minor children and if any children are the children of the decedent and

surviving spouse, consents and waivers from other heirs if there is no will addressing nonintervention powers and bond.

- Orders of default that do not require notice to the opposing party, ***only if presented by a self-represented party.***
- Default Judgments, **presented by a self-represented party** provided the default judgment requirements listed on the **Judgment by Default checklist below** are followed. Default Judgments presented by attorneys are subject to **Mandatory Electronic Submission.**)
- Finalization of Dissolutions of Marriage, Domestic Partnerships, Invalidity of Marriage, Legal Separations, Parenting Plans/Residential Schedules, and Modifications presented by attorneys (If a party is self-represented, all agreed or default finalizations of Dissolutions of Marriages, Domestic Partnerships, Invalidity of Marriage, and Legal Separations must be scheduled on the Self-Represented/Pro Se Dissolution Friday morning docket.)
- All agreed or default finalizations of Parenting Plans/Residential Schedules and Modifications **for self-represented parties** are heard on the show cause docket
- Agreed Temporary Orders addressing Parenting Plans or Child Support for children.
- Agreed Orders Continuing Adequate Cause or Agreed Orders Finding Adequate Cause.
- Appointment of Guardian ad Litem in RCW 26.09 matters after the full retainer has been paid and proof of payment is provided to the court, and the scope order was previously entered. These orders may be presented by **Electronic Submission** as well.
- Appointment of Court Visitor or Attorney in guardianship or conservatorship matters (public and private pay cases). These orders may be presented by **Electronic Submission** as well.
- Orders to Shorten Time for hearings before Superior Court Commissioners.
- Emergency Orders restraining relocation of a child, granting temporary relocation, or final orders after objection period has passed, all pursuant to **RCW 26.09.405 – 560.**
- Motions to stay issuance of Writs of Restitution. Defendant may be required to post a bond. (The Declaration must detail the notice provided to the other party/attorney and the factual basis for a stay.)
- Filing fee waivers.
- Requests for and returns on Writs of Habeas Corpus

5. MANDATORY Electronic Submission of certain Orders:

- Pursuant to [PCLGR 30](#) certain orders presented by attorneys must be submitted electronically via the LINX website.
- Payment of the \$40 Electronic Submission filing fee is mandatory.
- Electronically Submitted orders may not be signed immediately. It may take up to a week before the Court has time to review and sign proposed documents, and the orders are scanned by the Superior Court Clerk's Office.

- The list of orders subject to mandatory electronic submission is included at the end of this policy and found on both the Superior Court's and Court Clerk's websites [Ex-Parte-Mandatory-Electronic-Orders \(piercecountywa.gov\)](http://www.piercecountywa.gov).
- For any order requesting the setting of a hearing before a Judge or Commissioner (e.g., Orders for Supplemental Proceedings, Orders to Show Cause), the hearing date must first be electronically scheduled in LINX by the moving party.

6. **PERMISSIVE Electronic Submission of certain Orders:**

- Certain orders presented by attorneys may be submitted by electronically via the LINX website
- Payment of the \$40 Electronic Submission filing fee is mandatory.
- Electronically Submitted orders may not be signed immediately. It may take up to a week before the Court has time to review and sign proposed documents, and the orders are scanned by the Superior Court Clerk's Office.
- The list of orders subject to mandatory and permissive electronic submission is included at the end of this policy and found on both the Superior Court's and Court Clerk's [Ex-Parte-Mandatory-Electronic-Orders \(piercecountywa.gov\)](http://www.piercecountywa.gov).
- For any order requesting the setting of a hearing before a Judge or Commissioner (e.g., Orders for Supplemental Proceedings, Order to Show Cause), the hearing date must first be electronically scheduled in LINX by the moving party.

7. **Matters NOT HEARD in the Ex Parte:**

- Civil Protection Orders, even if agreed, are processed by the Civil Protection Order Clerks and heard in courtroom 105 or 117. They are not submitted by electronic mail.
- Adoptions. The Ex Parte Adoption docket is held at Remann Hall. Call (253) 798-7973 for the Adoption Ex Parte presentation times. Orders appointing Adoption investigator are no longer required. The Adoption Investigator is assigned when the case is filed.
- Finalization of Dissolution of Marriage/Divorce, Domestic Partnerships or Legal Separation or Invalidation for self-represented parties. These matters must be scheduled on the self-represented/pro se dissolution docket. (Friday mornings).
- Finalization of Minor Guardianship matters, these matters shall be scheduled on the Minor Guardianship docket if agreed or finalized by default.
- Requests for civil injunctive relief. These matters shall go to the Presiding Judge pursuant to PCLR 65. The Ex Parte Court Clerk shall send an email to the Presiding Judge's JA that includes: case number, when the attorneys/parties are being sent, brief statement of the issue. The attorneys/parties are directed to the Calendar Coordinators or Presiding Judge as the responsive email directs.
- Criminal Matters.
- Requests to restore firearm rights. (These requests are scheduled before the Criminal Presiding Judge.)

CHECKLIST FOR JUDGMENTS BY DEFAULT

The following outline sets forth the standards the court will use when considering the entry of default judgments.

1. Proof of Service reviewed.

NOTE: if service by mail or publication, CR 55(f) requires a written declaration or affidavit verifying service.

NOTE: if service is more than one year prior, CR 55(b) (3) requires notice to be given to defendants/respondents before any default can be entered.

2. Affidavit of Non-Military Service or equivalent with DOD Manpower Status Report reviewed.

Was Notice to Dependents of Service members sent, or reference made to Dependents in Affidavit of Non-Military Service?

<https://scra.dmdc.osd.mil/scra/#/single-record>

3. Complaint reviewed.

- Is sum certain pled in complaint?
- Is complaint verified - or is there a declaration supporting the amount pled?
- If proposed judgment is different from the amount pled in the complaint, are those differences (not exceeding amount pled in complaint) explained in Formal Proof Declaration?

4. Formal Proof (CR 55) Declaration/Affidavit reviewed.

Required elements:

- Competent witness
- Contract and/or Recent Billing Statement
- Proof of Assignment
- Interest Rate
- Explanation of judgment calculations, including, but not limited to:
 - start date and period of covered for accrued (prejudgment) interest;
 - adjustments for offsets and credits;
 - why interest rate different from contract rate; and
 - differences with principal balance on billing statement
 - extra charges – inspection etc.

5. Attorney Fee Declaration, if any, reviewed.

Fees and costs authorized and explained? Reference any provision in the contract or statute authoring attorney's fees. Fee request will be compared to any amount pled in complaint.

CHECKLIST FOR PROBATES

The following outline sets forth the standards the court will use when considering the entry of probates.

- Need verified petition
- Evidence of estate solvency and nature and value of assets (liquid, non liquid assets) and debts.
- Birth date of the proposed personal representative/administrator, and if personal representative/administrator resides out of state a sworn statement that he/she has no felonies or crimes involving moral turpitude
- Resident agent if proposed personal representative/administrator resides out of state.
- Death certificate of decedent.
- Whether there is a surviving spouse or minor children and if any children are the children of the decedent and surviving spouse.
- Consents and waivers from other heirs if there is no will addressing nonintervention powers and bond.

CHECKLIST FOR PETITIONS TO APPOINT SGAL FOR MINOR CHILD PCLSPR 98.16W

- State the amount of the proposed settlement in the Petition.
- The Order appointing SGAL may not set a limit on the hourly rate or limit the SGAL fees.
- The hearing to approve the settlement is NOT heard in Ex Parte but is heard on the probate, guardianship, unlawful detainer afternoon calendar.
- The attorneys, SGAL, parents and child must attend court in person or by zoom unless an Order Waiving their presence is obtained in advance.

Orders subject to mandatory electronic submission

- Case type 2:
 - Judgment on Answer of Garnishee Defendant
 - Order appointing Guardian Ad Litem
 - Order for Writ of Restitution
 - Order of Dismissal
 - Order of Dismissal with Prejudice
 - Order of Dismissal without Prejudice
 - Order of Dismissal *Partial*
 - Stipulated Judgment
 - Default Judgment
 - Order of Default
 - Judgment and Order for Writ of Restitution
 - Judgment and Decree of Foreclosure
 - Order Confirming Sale
 - Order Extending Judgment
 - Order to Show Cause
 - Order for Supplemental Proceedings
 - Order re: Service
 - Order for Publication
 - Order for Service of Summons by Publication
 - Order for Service by Mail
 - Confessions of Judgment
 - Order for Payments in Installments

- Case type 3:
 - Order of Default
 - Order of Dismissal
 - Order of Dismissal with Prejudice
 - Order of Dismissal without Prejudice
 - Order of Dismissal *Partial*
 - Order for Supplemental Proceedings
 - Order for Service of Summons by Publication
 - Order for Service by Mail
 - Order to Show Cause
 - Agreed Qualified Domestic Relation Orders (QDRO)

****ORDERS OPTIONAL FOR ELECTRONIC SUBMISSION****

- **Agreed Findings of Fact Conclusion of Law, Divorce Decree, Order of Child Support with Child Support Worksheets, Final Parenting Plan presented by attorney (without a trial occurring)**

- **Agreed Final Order and Findings for a Parenting Plan, Order of Child Support with Child Support Worksheets, Final Parenting Plan presented by attorney (without a trial occurring)**
 - **Order Appointing Guardian ad Litem**
 - **Agreed Temporary Order of Child Support with Child Support Worksheets**
 - **Final Order and Findings on Petition to Modify Child Support and Child Support Order with Child Support Worksheets**
 - **Order on Motion to Adjust Child Support and Child Support Order with Child Support Worksheets**
 - **Agreed Temporary Family Law Order**
 - **Ex Parte Order on Motion for Final Order Changing Parenting Plan-Moving with Children (Relocation)**
- **Case type 4:**
 - **Order of Default**
 - **Order of Dismissal**
 - **Order of Dismissal with Prejudice**
 - **Order of Dismissal without Prejudice**
 - **Order Confirming Sale**
 - **Order to DCYF to Release CPS Information**
 - **Bond**

****ORDERS OPTIONAL FOR ELECTRONIC SUBMISSION****

 - **Order Admitting Will to Probate**
 - **Order Appointing Personal Representative/Administrator**
 - **Order Granting Letters of Administration**
 - **Order Granting Non-Intervention Powers**
 - **Order Adjudicating Solvency**
 - **Order Appointing Guardian ad Litem**
 - **Order Appointing Court Visitor**
 - **Order Appointing Attorney**
 - **Order for Additional Guardian ad Litem (GAL) Hours or Fees**
 - **Order for Additional Court Visitor/Attorney Hours**