

DOMESTIC RELATIONS

IV. LOCAL DOMESTIC RULES (LDR)

These rules supersede civil rules unless stated otherwise herein.

Local Domestic Rule 1 GENERAL RULES

- A. Applicability.** These Local Domestic Rules shall apply to proceedings under RCW Title 26 and non-statutory family law proceedings (*e.g.*, committed intimate relationship, defacto parentage, etc.) pending or filed on or after September 1, 2025.
- B. Update of Address.** Each party must update their mailing address with the County Clerk's office immediately upon a change of address. The mailing address provided does not have to be the same as the residence of a party, but it must be an address where the party agrees to receive mail. The change of address must also be mailed or otherwise provided to the opposing party within seventy-two (72) hours of the address change. This requirement is in addition to, not a substitute for, any other Rule or Law regarding notice, including the Relocation Act.
- C. Issues Regarding Venue/Jurisdiction.** If venue or jurisdiction is an issue, either party may apply to the Court for an expedited hearing on this issue, which shall be heard promptly prior to a hearing on the merits.
1. *Hearing Requirement.* If a Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) hearing is required, both parties shall complete and file a UCCJEA information form. The parties must also provide a copy to the Domestic Judicial Assistant in Court Administration. *See* UCCJEA Information Form on the Website.
- D. Automatic Temporary Restraining Order.** The Clerk of the Court shall issue an Automatic Temporary Restraining Order in all domestic matters except child support actions. *See* Automatic Temporary Restraining Order on the Website.
1. *Effective Date.* The petitioner is subject to the order from the time of its entry upon filing of the summons and petition. The petitioner shall cause a copy of the Automatic Temporary Restraining Order to be served on each respondent. Each respondent is subject to the order from the time that it is served.
- E. Domestic Case Scheduling Order.** When an initial pleading is filed in a new case, the Domestic Judicial Assistant will prepare a Domestic Case Schedule Order and the Superior Court Clerk will issue and file the Domestic Case Scheduling Order and will provide one copy to the party filing the initial pleading (except for Petitions to Modify Child Support). A Domestic Case Scheduling Order will be issued by the Domestic Judicial Assistant upon establishment of adequate cause for Motion/Petition to Modify/Change a Parenting

Plan/Residential Schedule. A list of cases not governed by a Domestic Case Schedule Order can be found on the Court's website.

1. *Service.* The party filing the initial pleading shall promptly provide a copy of the Domestic Case Scheduling Order to all other parties within ten (10) days of receiving the same from the Clerk.
2. *Modifying an Existing Case Schedule Order.* The Court, either on motion of a party, or on its own initiative, may modify the Domestic Case Scheduling Order for good cause. The procedure for modifying an existing case schedule order can be found on the Court's Website.
3. *Form of Order.* Mandatory court appearances are noted in **bold** on the Scheduling Order. Failure to appear at a mandatory court appearance could result in an order of default being entered against the non-appearing party, sanctions, terms or other relief as justice may require.

Disclosures. By the deadline set forth in the Domestic Case Scheduling Order, the parties shall file and serve the opposing party with a copy the following documents: (1) proposed Child Support Worksheets (if applicable); (2) tax returns and W-2 statements for the past two (2) calendar years; (3) partnership and corporate tax returns, if any, for the past two (2) calendar years, to include all schedules and attachments; (4) wage stubs for the past six (6) months or since January 1 of the calendar year, whichever period is greater; and (5) declaration of Financial Documents Given to Opposing Party (available on the Court Website). Failure to file and give to the opposing party or their attorney the Declaration of Financial Documents may subject the non-complying party and/or their attorney to sanctions or other equitable relief.

5. All parties must comply with the domestic case schedule order.

F. Mandatory Parenting Seminars. In all new cases involving children, all parties shall complete a parenting seminar conducted by a Court-approved provider. A list of approved providers may be found on the Court's Website. Parties are not required to attend a seminar together.

1. *Timing.* Parties shall complete an approved parenting seminar prior to entry of a permanent parenting or residential plan and file a copy of the certificate of completion of the course with the Clerk and serve the same on the other party. The Court may waive a party's attendance at such seminar or extend the time required for good cause. Parents are encouraged to complete the parenting seminar as soon as possible following filing of an action which involves children. The Court will not enter final orders regarding children if both parents have not completed the mandatory parenting seminar except for good cause.
2. *Cost.* Each party attending a seminar shall pay a fee charged by the approved provider, which may be waived for indigent parties.

3. *Failure to Comply.* Willful refusal to timely participate in a parenting seminar may constitute contempt and subject the contemnor to terms including but not limited to: imposition of monetary terms, striking of pleadings, limiting non-complying parent's visitation, or denial of affirmative relief to a party not in compliance with this Rule.

**Local Domestic Rule 2
GUARDIAN AD LITEMS (GALs)**

- A. **Guardian ad Litem/County Paid GAL.** Upon motion of the parties or on the Court's own motion, the Court may appoint a Guardian ad Litem (GAL) or a County Paid GAL. All Guardians ad Litem shall be in good standing on the Benton and Franklin Counties Superior Court Guardian ad Litem Registry. A list of court-approved Guardians ad Litem can be found on the Website. See Website for more information on Guardian ad Litem/County Paid GAL processes.

**Local Domestic Rule 3
MEDIATION**

- A. **Mediation Required for All Disputed Issues.** All disputed issues, including petitions alleging Committed Intimate Relationships, shall be submitted to mandatory mediation except for child support and post-secondary support. Matters involving allegations of domestic violence or child abuse are exempt from the requirement to mediate pursuant to RCW 26.09.016. Mediation shall be completed pursuant to the Domestic Case Scheduling Order. Mediation may be waived only by the Court in a written order after a motion and hearing demonstrating good cause.
- B. **Attendance.** Attendance by the parties at mediation sessions is mandatory. Mediation shall include the parties (and their counsel) only, but may, by written agreement of the parties and the mediator, at least 24 hours before the mediation, include other persons.
- C. **Declaration of Completion.** Within seven (7) days of completion, a declaration of completion shall be filed by the mediator. The mediator shall advise the Court only whether an agreement has been reached by the parties or not.
- D. **Confidentiality.** The work product of the mediator and all communications during mediation shall be privileged and not subject to compulsory disclosure. The mediator shall not appear or testify in any court proceedings. However, if the mediator believes that one party has acted in bad faith, the mediator is permitted (but not required) to disclose the acts of bad faith to the Court in a written declaration, sworn under penalty of perjury.

Local Domestic Rule 4
DOMESTIC LAW MOTIONS

- A. Domestic Law Motions.** Domestic law motions shall be scheduled on the domestic law dockets in Benton and Franklin Counties in accordance with the docket schedule approved by the Superior Court judges. Docket days and times are available through the Superior Court Administration Office and also on the Court’s website.
1. *Timelines for Filing Motions:* The timelines for filing a motion, response, and strict reply are noted above in Local General Rule 3. The Court will not consider any issues raised for the first time in the strict reply document. The Court, either on its own or after an objection, will determine whether an averment, argument, or evidence is a new issue for purposes of this Rule, thereby striking it from consideration.
 2. *Confirmation/Strike Process:* Motions must be confirmed by the moving party no later than 3:00 p.m. five (5) calendar days prior to the hearing or the motion will be stricken or continued at the Court’s discretion. “Confirmed” means completing and filing on eMotion a “Read First” (See Local General Rule 2). If the moving party fails to appear after confirming the motion, the Court may strike the motion, deny the motion, impose terms, and/or order any other relief the court deems appropriate. If the responding party fails to appear, the Court may grant the relief requested.
 3. *Which docket do I set my hearing on?*
 - a. See the Court’s Website for information on which domestic docket to set a hearing in Benton or Franklin County under the “Case Type Information” tab from the homepage.
 4. *Time for Argument:* The Court shall have complete discretion to administer the docket as justice so requires, including ruling on motions without oral argument, with limited oral argument, or expanded oral argument, or in the ordinary course as follows:
 - a. Each side on the Over 10 docket is allowed seven (7) minutes for argument.
 - b. Each side on the Under 10 docket is allowed three (3) minutes for argument.
 - c. Each side on the Over 20 docket is allowed fifteen (15) minutes for argument.
 - d. Court shall notify litigants in advance of a ruling without oral argument by indicating it on the docket if time permits, otherwise, the Court shall notify the litigants at roll call at the start of the docket.
 5. *Page Limits:* Absent prior authorization from the Court, the moving party (litigant filing the motion requesting relief) shall be limited to twenty-five (25) pages and the responding party shall be limited to twenty (20) pages, per motion. Failure to comply with this Rule is sanctionable; the Court, in its discretion, may impose terms, strike all pleadings of that noncomplying party, or any other relief the Court deems appropriate. Motions to exceed the page limit shall be made in writing, at least one (1) week before

the hearing on the merits. The following documents do not count towards the page limit:

- a. cover pages (declaration of counsel cover page, fax cover page, etc.);
 - b. financial declarations;
 - c. child support worksheets and attachments;
 - d. financial documents (including but not limited to paystubs, W-2s, bank records, and tax returns and attachments);
 - e. Information on Temporary Parenting Plan form;
 - f. expert reports and evaluations (including declarations, affidavits, and reports from Family Court Investigator, Guardians ad Litem and/or a Parenting Evaluator);
 - g. school records/letters, grade reports, school attendance reports; and
 - h. pleadings from other filed cases, (*e.g.*, Petition for Domestic Violence Protection Order; however, if the pleading is a declaration or affidavit from another court case, then those pages shall count towards the page limit), and copies of pleadings clearly marked as previously filed for a motion already ruled upon and supplied only as a convenience.
6. *Pleading format*: All declarations and affidavits must comply with General Rule 14 (format for pleadings and other papers), be legibly hand-printed or typed in at least twelve (12) point type.
7. *eMotion and bench copies*: Bench copies must be provided in accordance with LGR 2 above.
8. *Reopening motions*: No party shall remake the same motion to a different Judge or Commissioner without identifying the motion previously made, including when it was made, to which judicial officer it was made, what the order or decision was, and any new facts or other circumstances that would lawfully justify seeking a different ruling from the previous Judge or Commissioner.

- B. Proposed Orders. Proposed Orders.** In all domestic matters, except those on the pro se docket, proposed orders must be uploaded to eMotion and submitted to Court Administration in accordance with established processes and procedures on the court's website.

Local Domestic Rule 5 AGREED FINAL ORDERS

- A. Final Orders.** For agreed final orders/default orders, ready-to-sign orders shall be submitted to Court Administration (paper form only) by 3:00 p.m. five (5) court days prior to the hearing. The parties shall use the Final Order Submission cover sheet available on the Website. No Final Orders will be accepted via eMotion or email.

Local Domestic Rule 6
MANDATORY SETTLEMENT & PRETRIAL CONFERENCES

- A. Combined Settlement and Pretrial Conferences.** See Court Website for procedures and processes related to Domestic Settlement and Pre-Trial Conferences and the two forms (Position Statement and Order Re: Pretrial Statement) that shall be submitted as outlined in the Case Schedule Order. Failure to timely submit the required Position Statement and Order Re: Pretrial Statement (required immediately after an unsuccessful settlement conference) may result in the imposition of monetary sanctions. In-person attendance at settlement conference and pretrial conference is mandatory for all parties and their counsel, if represented, unless prior approval for appearance by Webex or by telephone is obtained from a judicial officer for good cause. Information on how to obtain permission to appear by Webex or telephone for good cause can be found on the Website.
- B. Order Striking Settlement Conference/CR2A Agreements.** This process is for entering final orders when a settlement/pretrial conference and trial are stricken due to the entry of a CR2A Agreement.
- 1. Striking Hearings.** If a CR2A agreement is entered, the settlement/pretrial conference and trial shall be stricken. The striking of hearings must be accompanied by an order to strike and entry of finals within 60 days.
 - 2. Entry of Finals.** Final orders shall be entered not more than 60 days after the originally scheduled settlement conference date.
 - 3. Court Action for Non-Compliance.** If no response is received and no final orders are entered within the designated timeframe, the court shall schedule a hearing. The hearing will be set for entry of finals or dismissal of the matter, with notice to all parties. The hearing shall be placed on the appropriate docket.

Local Domestic Rule 7
TRIAL READINESS

Trial Readiness Hearing. No attorney shall call ready for trial on any matter which conflicts with another trial already set for that attorney absent exigent circumstances. At the time of a trial readiness hearing, attorney(s) shall notify the presiding judicial officer of any conflicts with any other trial setting to avoid being double-set for trial.

Local Domestic Rule 8
TRIAL

- A. Assets and debts.** If distribution of assets and/or debts is an issue, each party shall, no less than two (2) days before trial, serve the other party and upload to eMotion (or provide to Court Administration if the party is unable to use eMotion), a list of assets and debts known to the party and that party's good faith position as to the fair market value of each. The parties shall also designate the asset or debt as community property or separate property

and shall state their position as to what they believe the final distribution of the assets and/or debts should be.

- B. Trial brief.** If a party intends to submit a trial brief, the party shall file and serve a trial brief no less than two (2) court days before trial begins detailing the legal points and authorities related to the issues to be resolved at trial. A bench copy of the trial brief must be uploaded to eMotion or a hard copy delivered to Court Administration no less than two (2) court days prior to the start of trial.
- C. Procedure at conclusion of trial.** Unless directed otherwise by the trial judicial officer, see procedure on Court's Website.
- D. Informal Trial.** Pursuant to Washington State General Rule 40, parties may mutually consent to an informal trial for some or all issues as permitted by the Rule. A copy of the Family Law Informal Trial Selection (IFLT) must be submitted to the Benton and Franklin Counties Superior Court at sccourtmanagement@co.benton.wa.us at the time of filing the IFLT with the clerk but not less than 30 days prior to trial. For information on how to request an Informal Trial, see the Court's Website.

Local Domestic Rule 9 POST-DECREE MATTERS

- A. Modification of Final Divorce Orders/Dissolution Decree.** Any motions filed after a case has been closed (that is, a case that is post-decree and final orders have been entered) requesting to vacate, change, modify, or clarify a Final Divorce Order or Dissolution Decree shall require an Order to Show Cause to set the motion hearing.
- B.** As part of any petition to modify spousal maintenance, unless the party is disputing cause/adequate cause to modify, each party shall disclose within sixty (60) days of filing the petition and response their year-to-date paystubs as well as tax returns for the preceding two (2) years.
- C. Modification of Final Order of Child Support.** If a petition is filed to modify any order, judgment, or decree as to support of minor children only, then it shall be heard upon affidavit only, unless either party has obtained leave of Court to hear said matter upon oral testimony, in which event the notice of hearing shall so provide. As part of any petition to modify child support, unless the party is disputing cause/adequate cause to modify, each party shall disclose within sixty (60) days of filing the petition and response their year-to-date paystubs as well as tax returns for the preceding two (2) years.

The rules herein have in total been previously modified as follows:

[Adopted Effective January 1, 1997; Amended Effective September 1, 1999; September 1, 2018; September 1, 2019] [Adopted Effective September 1, 2007; Amended Effective September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2017; September 1, 2018; September 1, 2019] [Adopted Effective September 1, 1998; Amended effective September 1, 2008; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2016; September

1, 2018; September 1, 2019; September 1, 2021; September 1, 2022; February 1, 2023; Amended & Re-Formatted Effective September 1, 2023; Amended, Re-Formatted and Re-numbered Effective September 1, 2024; Amended Effective September 1, 2025]

**Local Domestic Rule 10
CHANGE OF NAME OF STEPCHILD**

- A. When a change of name to that of a stepparent is sought for a child under eighteen (18) years of age, notice must be given to the natural parent(s) in the manner of giving notice to a non-consenting parent in an adoption, and in addition, written consent will be required of any child over fourteen (14) years of age, unless good cause is shown as to why such notice should not be given.

[Adopted Effective April 1, 1986; Re-formatted and renumbered effective September 1, 2024]

**Local Domestic Rule 11
DE FACTO PARENTING PROCEEDINGS**

- A. All petitions adjudicating a claim of de facto parentage under RCW 26.26A.440 require Court Review. To initiate the Court Review process, do not note the matter for a hearing on a docket; instead, when service and timing requirements are satisfied, submit FL Parentage Form 343 (Request for Court Review – De Facto Parentage) on the ex parte docket. Request for Court Review shall be delivered to the judicial officer assigned to the docket presiding over the case. Upon After receipt of Form #343, the assigned judicial officer shall complete the Order After Review of Petition (Form #344) and determine the appropriate course of action, which may include setting the matter for an expedited hearing to determine standing, setting the case for trial, dismissing the petition, or any other action permitted by law.
- B. If the matter is set for trial, the court shall issue a Case Schedule Order, outlining deadlines for filings, discovery, and hearings in accordance with local court procedures.
- C. All proceedings under this rule shall comply with RCW 26.26A.440 regarding adjudication of de facto parentage.