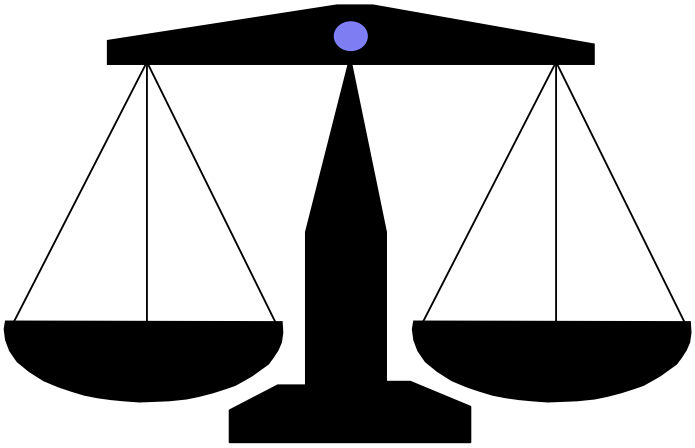
THE SUPERIOR COURT OF WASHINGTON IN AND FOR BENTON AND FRANKLIN COUNTIES



LOCAL RULES

JUDGES:

HONORABLE DAVID L. PETERSEN
HONORABLE JOSEPH M. BURROWES
HONORABLE DIANA N. RUFF
HONORABLE NORMA RODRIGUEZ
HONORABLE BRONSON J. BROWN
HONORABLE JACQUELINE I. STAM
HONORABLE JACQUELINE J. SHEA-BROWN

Effective January 1, 2026

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Effective 1/1/2026

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I. LOCAL ADMINISTRATIVE RULE (LAR)

Local Administrative Rule 4
PRESENTATION OF ORDERS AFTER DENIAL BY JUDICIAL OFFICER

A. **Reapplication for Order.** When an order has been applied for and denied in whole or in part, or has been granted conditionally and the condition has not been performed, the same application for an order must not be presented to any another judicial officer without advising the second judicial officer of the fact that the order was previously refused or conditioned.

[Adopted Effective September 1, 2018; Re-Formatted Effective September 1, 2023]

Local Administrative Rule 5
TRANSFER OF ADMINISTRATION OF JUVENILE DETENTION

A. Pursuant to RCW 13.04.035 and a unanimous vote of the judges of the Superior Court, and by agreement of Franklin County Board of County Commissioners through Resolution 2024-0333, and the Benton County Board of County Commissioners through Resolution 2024-3384, the Superior Court does hereby transfer administration of the Benton-Franklin County juvenile detention facility and juvenile detention services, pursuant to the Agreement Regarding the Provision of Juvenile Probation and Juvenile Detention Services in Benton & Franklin Counties dated December 18, 2024 to the executive branch of Benton County effective January 1, 2025. Such transfer does not include administration of probation services, which remains the responsibility of Benton & Franklin County Superior Court.

[Adopted Effective January 1, 2025]

II. LOCAL GENERAL RULES (LGR)

Local General Rule 1
WEBSITE

A. All references herein to "Website" are to the following Website and any subpage maintained therein: https://www.co.benton.wa.us/pview.aspx?id=55107

B. All references herein to "policy," "process(es)" or "procedure" can be found on the relevant subpage of the Website.

C. The Court's Website is searchable. Use the magnifying glass icon in the upper right corner of the Website to search by keyword for any subpage or document referenced herein if needed.

D. Any person needing access to the Website or eMotion can use the free public computer terminal in the lobby of the Benton County Justice Center, 7122 West Okanogan Place, Bldg. A, Kennewick, WA, or outside the Superior Court Clerk's office in the Franklin County Courthouse, 1016 North 4th Street, Pasco, WA, during courthouse hours.

[Adopted Effective September 1, 2024.]

Local General Rule 2
ELECTRONIC BENCH COPIES AND READ FIRSTS

A. "Bench copy" means all document(s) filed and properly served on all other party(ies) that a party wants a judicial officer to review before a hearing on a motion.

B. On all case types and for all matters except adult criminal matters, all bench copies, including any proposed order(s), shall be uploaded to eMotion (or jMotion for juvenile court matters) to the correct docket and for the correct docket date in accordance with the timelines noted in Local General Rule 2(B)(1)-(4). See Court Website for instructions on how to use and/or access to eMotion and/or jMotion.

1. If a party does not have access to eMotion/jMotion, hard copies of any bench copies must be delivered to Court Administration no less than three (3) court days prior to the hearing.

2. If a party does have access to eMotion/jMotion, bench copies must be filed no less than five (5) calendar days prior to the hearing. The Court encourages parties to upload bench copies to eMotion/jMotion as soon as possible to allow for adequate preparation time for the judicial officer. The sole exception to this rule applies to tenants only at show cause hearings in unlawful detainer matters.

3. Failure to upload bench copies to eMotion/jMotion or to provide hard copies of bench copies could result in a matter being continued or stricken at the discretion of the judicial officer.

4. If a matter is continued or re-noted, it is the responsibility of the parties to move their eMotion/jMotion documents to the new docket date on eMotion/jMotion.

C. For all adult civil motions (except Unlawful Detainer matters, and summary judgment matters), all domestic dockets except the *pro se* docket, and for the probate and guardianship dockets, the moving party for any matter must upload a "Read First" to eMotion

D. or provide a hard copy of a Read First to Court Administration if the party does not have access to eMotion, no less than five (5) calendar days prior to a hearing to confirm the matter on the docket. A "Read First" is a one-page document that tells the judicial officer whether the motion will be going as set, will be continued by agreement, if a continuance is requested, an agreed order will be presented, or if agreed upon Final Orders will be delivered to Court Administration. Failure to provide a Read First will result in that matter being stricken at the

discretion of the judicial officer. Read Firsts are not filed with the Clerk. A sample Read First form can be found on the Website.

E. The following case types are not required to file a Read First, but may file one at the discretion of any party for the convenience of the judicial officer assigned to that docket to assist with appropriate preparation for the docket: Unlawful detainer matters, Adoptions, Child Support Contempt, criminal, all juvenile matters, and the Benton County Minor Guardianship docket. A party who is *pro se* at the time of filing of a motion is not required to submit a Read First, but is strongly encouraged to do so.

[Adopted Effective September 1, 2024; Amended Effective September 1, 2025]

Local General Rule 3
BRIEFS AND MOTIONS

A. The following timelines apply for the filing and service of any Motion and/or supporting briefs or other materials in any case type for all adult matters except juvenile and adult criminal matters, unless otherwise specified differently herein, by statute, court order, or by general Court Rule (e.g., CR 56 motions, writs, Motions for Injunction, unlawful detainer matters, protection orders, or Motions for Immediate Restraining Orders):

1. For all motions and supporting materials, not less than twenty-one (21) calendar days prior to the hearing on the issue;
2. For all responsive briefs and materials, not less than eleven (11) calendar days prior to the hearing;
3. For any reply or strict reply by the moving party, not less than five (5) calendar days prior to the hearing.

B. For all civil and domestic dockets, parties shall designate their motion as an "under 10" or "over 10" depending on the length, in minutes, that the motion is expected to take. This designation shall be on the Note for Motion Docket.

C. Motions to Shorten Time to have a hearing on a motion sooner than twenty-one days must be brought in accordance with the policy on the Website. Motion hearings shall not be set sooner than the timelines permitted by these Rules without an order granting leave to shorten time.

[Adopted Effective September 1, 2024.]

Local General Rule 4
PROPOSED ORDERS AND ORDERS AFTER HEARING

A. Process for Presenting a Proposed Order Before a Hearing. When a party is required to provide a proposed Order before a hearing on any Motion, or elects to do so, parties shall do so in the following manner:

1. The moving party shall prepare and file and serve a Proposed Order along with the motion and provide a bench copy of the proposed order in accordance with Local General Rule 2. The opposing party shall file and serve their proposed order with their responsive materials and provide a bench copy as well.
2. For matters set on the Benton County and/or Franklin County Civil docket and Civil Summary Judgment docket (except unlawful detainer matters) only, the moving party and any party opposing a motion must email a Word version of any proposed order(s) to scproposedorders@co.benton.wa.us no later than three (3) calendar days before a hearing, and all parties must be copied on any email message sent to that email.
3. Proposed Orders for domestic cases (case types 3 and 5) are governed by Local Domestic Rule 4(B) below.

B. Process for Presenting Orders After an Oral Ruling at a Hearing. If an order is not signed at the hearing on a matter where the judicial officer has made an oral ruling on any issue, entry of the written order consistent with the judicial officer's ruling shall be as follows:

1. *Submission*.
    a. The prevailing party shall send a proposed order to each opposing counsel and/or unrepresented party no more than seven (7) calendar days after the hearing.
    b. If the prevailing party fails to submit a proposed order as required by subparagraph (i) above, the other party may do so in the same manner as if they were the prevailing party.

2. *Objections*.
    a. A party who did not prepare a proposed order may object to a proposed order. Any objection to a proposed order shall be:

        i. Delivered to each other party within (5) days after receipt of the proposed Order;
        ii. Be presented on pleading paper in accordance with GR 14; and
        iii. Include a proposed alternative Order.

3. *Response to Objections*.
    a. After receiving an objection to a proposed order or the expiration of time in which an objection to a proposed order may be raised, the party who initially prepared the proposed order shall:

i. Send the initial order, the proposed alternative order and the pleading outlining the objections to the Judicial Officer via Court Administration in hard copy;
ii. File the documents with the Clerk; and
iii. Serve a copy of the filing on all other parties.

4. *Entry of Order*

a. The judicial officer may enter a proposed order as proposed, modify a proposed order, enter their own order, or set a hearing to resolve objections to a proposed order.

b. If there are no timely objections received, the party who initially prepared the order shall send it to the Judicial Officer by bringing/delivering a hard copy to Court Administration.

C. This rule does not apply to criminal matters (adult or juvenile), or to entry of Final Orders in Domestic cases, which are governed by the Local Domestic Rules below.

[Adopted Effective September 1, 2024.]

Local General Rule 5
ELECTRONIC SERVICE FROM COURT AND CLERK

A. The Court and Clerk will send to all attorneys orders, notices, and other documents via email. The Court and Clerk will utilize the email address for attorneys with the Washington State Bar Association online Attorney Directory. Any self-represented party may opt-out of receiving electronic notice from the Court and Clerk by filing a Notice of Address Change (NTACA). The form is available at the Superior Court Administration office, Franklin County Clerk's office, or the Benton County Clerk's office.

[Adopted Effective September 1, 2024.]

Local General Rule 6
EX PARTE

A. No matter shall be presented on an ex parte basis unless notice has been given, or good faith efforts have been made to give notice, to all other parties prior to presentment at ex parte for a motion which is not agreed. This does not apply to ex parte applications for the following:

1. Civil Protection Orders;
2. Motions for Orders to Set Show Cause Hearing where no relief is sought other than setting a hearing;
3. Motions for Fee Waivers;

4. Motions for Indigency on Appeal;
5. Motions to Seal Expert Service Provider for criminal matters;
6. Motions for Immediate Restraining Orders;
7. Matters where breach of a prior agreement allows a party to move for relief ex parte without notice to the breaching party; or
8. Any matter where a party has a good faith belief that prior notice of presentment to the other party(ies) will result in actual physical or irreparable harm to the presenting party or a child of the presenting party.

B. Orders in any case type, including Final Orders in domestic relations cases, which have been signed by all parties or stipulated may be presented on an ex parte basis, and will be signed at the discretion of the judicial officer.

C. An attestation indicating whether any judicial officer has been recused or disqualified from any matter shall accompany all matters presented on an ex parte basis. Attestations are available in the respective Clerk's offices or on the Court Website.

[Adopted Effective September 1, 2024.]

Local General Rule 7
AMENDING CASE SCHEDULE ORDERS/CONTINUING TRIALS

A. No Order amending an existing Case Schedule Order shall be signed on an ex parte basis unless the procedures provided on the Court Website have been followed, and the Certificate of Pre-Approved Trial Dates is attached to the Order. See Website for form and procedure to amend an existing Case Schedule Order.

B. Juvenile dependency matters are not required to obtain a Certificate of Pre-Approved Trial Dates prior to moving for an amended Case Schedule Order.

C. Any motion for an order to continue a trial that has already been called ready for trial and does not have an existing case schedule order must obtain trial dates from the judicial assistant before submission. The moving party must submit their motion for continuance along with a certificate of pre-approved trial dates issued by the judicial assistant in accordance with the procedures provided for on the Website.

[Adopted Effective September 1, 2024; Amended Effective September 1, 2025]

Local General Rule 8
SANCTIONS

A. On any matter and any case type, where a party violates these rules, or any court rule, procedure or process then in effect, the Court may order the attorney or party to pay monetary sanctions to the Clerk of the Court, or terms to any other party who has incurred expense as a result of the violation, or both; in addition, the Court may impose such other sanctions as justice requires. This rule does not limit the authority of the judicial officer under any other Court Rule or law to impose sanctions for discovery violations. The Court may decline to impose any sanction or terms for good cause shown. A status hearing will be set when sanctions are ordered to ensure timely payment or appeal of the order.

B. "Terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the violation; the term "monetary sanctions" means a financial penalty payable to the Clerk of the Court or any party; the term "other sanctions" includes but is not limited to the exclusion of evidence.

[Adopted Effective April 9, 2002; Amended Effective September 1, 2010; September 1, 2020; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local General Rule 9
ELECTRONIC SIGNATURES AND FILING

A. As authorized by Supreme Court Order No. 25700-B-596 (July 16, 2019), Benton & Franklin Counties Superior Court waives GR 30(d) requiring: (1) the issuance of a user ID and password to electronically file documents with the court or clerk; (2) that a party who has filed electronically or has provided the clerk with their email address must give consent to accept electronic transmissions from the court.

B. Electronic signatures which comply with GR 30(a)(4) are acceptable for filing.

[Adopted Effective September 1, 2022; Amended & Re-Formatted Effective September 1, 2023; Re-numbered Effective September 1, 2024]

Local General Rule 10
AUTHORIZED TRANSCRIPTIONISTS

A. Those wishing to become authorized transcriptionists must complete and submit, with all supporting documents, a transcriptionist Application, which can be obtained from Court Administration or on the Court's Website.

B. A list of authorized transcriptionists can be found at the Court's Website.

[Adopted Effective September 1, 2016, September 1, 2022; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local General Rule 11
REVISIONS AND RECONSIDERATIONS

A. Procedure for Revision or Reconsideration

1. *Motion Content and Service Deadlines.* A party seeking revision of a Court Commissioner's ruling pursuant to RCW 2.24.050, or reconsideration pursuant to CR 59, shall file and serve a Motion for Revision or Motion for Reconsideration within ten (10) days of entry of the written order with the Clerk. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision or reconsideration is sought. A transcript of the hearing is not required but can be submitted at the discretion of the moving or opposing party. A copy of the motion shall be provided to all other parties to the proceedings, except as otherwise provided by law, and to Court Administration by e-mail at Reconsideration-Revision@co.benton.wa.us, (emails must include all parties/attorneys included, unless otherwise provided by law) who shall refer the motion to the appropriate judicial officer. Include a proposed order in Microsoft WORD format, subject to your technology access. The opposing party has ten (10) days after service of the motion to file and serve opposing documents and a proposed order, on:

    a. opposing counsel or the opposing party if not represented at the time of filing of the motion; and
    b. to Court Administration by email at Reconsideration-Revision@co.benton.wa.us. The 10-day period may be extended an additional ten (10) days for a total of twenty (20) days either by the court for good cause or by the parties' written stipulation.

2. *Review is De Novo for Motions for Revision.* Review of the Commissioner's order shall be de novo based on the pleadings submitted and without oral argument unless requested by the reviewing Judge.

3. *Effect of Order During Pendency of a Motion for Revision or Reconsideration.* The judicial officer's written order shall remain effective unless and until stayed by the judicial officer pending proceedings related to the motion for revision or reconsideration.

[Adopted September 1, 2003; September 1, 2021; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

III. LOCAL CIVIL RULES (LCR)

Local Civil Rule 1.1
NOTICE REQUIRED IN SHOW CAUSE HEARINGS FOR CONTEMPT

A. Necessary Provision in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt. In all supplemental proceedings wherein an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order must include the following words in capital letters:

> YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE, AND PLACE THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant will be issued in such cases for the arrest of the cited person if such language has been omitted.

[Adopted Effective April 1, 1986; Amended Effective August 1, 1990; September 1, 2002; September 1, 2009; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2020; September 1, 2021; September 1, 2022; Amended & Re-Formatted Effective September 1, 2023; Amended and Re-numbered Effective September 1, 2024]

Local Civil Rule 16
PRETRIAL PROCEDURE

A. Settlement Conferences. In all cases governed by a Civil Case Schedule Order, the Court shall schedule a settlement conference. A list of cases not governed by a Civil Case Schedule Order can be found on the Court's website.

1. *Preparation for Conference*

   a. No later than the date listed on the civil case schedule order for submission of the Settlement Position Statement, all parties shall prepare a settlement position statement which shall be submitted to the Court via eMotion or hard copies delivered to Court Administration. Settlement position statements shall not be filed in the court file. No party shall be required to provide a copy of the position statement to any other party, but may provide a copy if so desired. The position statement shall include the following:

      i. A brief non-argumentative summary of the case;

ii. A statement of whether liability is admitted, and if not, the plaintiff's theory or theories of liability and the defendant's theory or theories on non-liability;

iii. A list of all items of special damages claimed by the plaintiff and a statement of whether any or all of those are admitted by the defendant;

iv. An explanation of the general damages, including a summary of the nature and extent of any claimed disability or impairment; and

v. A statement of what settlement offers have been made thus far, if any.

b. The position statement is to be a summary only and shall not exceed five (5) pages. The summary should take the form of a letter.

2. *Parties to Be Available*

a. The parties and counsel shall attend the settlement conference in person unless they have been given prior permission to attend by Webex or telephone. Information on how to seek permission to attend by Webex or telephone is found on the Court's Website.

b. *Representative of Insurer and Guardians ad Litem*: Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference, but a representative of the insurer of said parties shall be available by telephone or in person with sufficient authority to bind the insurer to a settlement. Guardians ad Litem shall be available by telephone or appear in person.

3. *Proceedings Privileged.* Settlement conferences shall be privileged and not reported or recorded. No party shall be bound to any agreement(s) unless a settlement is reached. When a settlement has been reached, the judicial officer may in his/her discretion order the settlement agreement in whole, or, in case of a partial agreement, then the terms thereof, to be reported or recorded.

4. *Judicial officer disqualified for trial.* The Judicial officer presiding over a settlement conference shall be disqualified from acting as the trial judicial officer in that matter, as well as any subsequent summary judgment motions, unless all parties agree otherwise in writing.

B. If a matter is settled outside of court and a settlement conference is no longer needed, parties are required to notify the Civil Judicial Assistant for Court Administration of settlement of the matter at least five (5) days prior to their settlement conference date so that the settlement conference can be stricken, and a Notice of Settlement must be filed at least five (5) days prior to the settlement conference.

C. Pretrial Conferences. In all cases governed by a Civil Case Schedule Order, the Court shall schedule a pretrial conference hearing which counsel shall attend in person unless they have been given prior permission to attend by Webex or telephone. Information on how to seek permission to attend by Webex or telephone is found on the Court's Website. The parties must jointly prepare a Trial Management Report prior to the conference hearing.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2000; September 1, 2002; September 1, 2003; September 1, 2007; September 1, 2009; September 1, 2011; September 1, 2012; September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2020; September 1, 2021; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

Local Civil Rule 42
CONSOLIDATION; SEPARATE TRIALS

A. Consolidated Cases for Trial Only. When two or more cases are consolidated for trial only, an original Order to Consolidate, reflecting the cause number to be used as the lead case in which all subsequent documents will be filed, shall be submitted in each case. Consolidated cases shall be presumed to be consolidated for trial only, unless otherwise indicated.

B. Consolidated Cases. When two or more cases are consolidated, an Order to Consolidate reflecting the cause number to be used as the lead case and all other numbers relevant to the consolidation shall be submitted in each relevant case.

[Adopted Effective August 1, 1990; Amended Effective September 1, 2007; Re-Formatted Effective September 1, 2023]

Local Civil Rule 52
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Unless the judicial officer presiding over a matter directs that entry of Findings of Fact and Conclusions of Law are to be handled differently, the Findings, Conclusions and Judgment or Order shall be entered in the following manner:

1. *Application*. This rule only applies to the entry of Findings of Fact and Conclusions of Law when the same are required under CR 52 and does not apply to entry of orders or judgments or orders unless Findings of Fact and Conclusions of Law are required.

2. *Submission.* Not more than fifteen (15) days after the decision is rendered, the prevailing party shall submit Findings of Fact and Conclusions of Law and shall deliver

the same, together with the Proposed Judgment or Order, to the opposing counsel or opposing party if not represented by counsel. If the prevailing party fails to submit proposed findings in a timely manner, the other party may do so, and shall thereupon note the matter for presentment, giving the prevailing party at least seven (7) court days' notice of the hearing.

3. *Objections.* A non-prevailing party objecting to the Findings, Conclusions or Judgment or Order shall, within fifteen (15) days after receipt of the same, deliver to opposing counsel or unrepresented party two (2) copies of the objections thereto in writing, and the proposed substitutions. Upon receipt of the objections, the opposing counsel or unrepresented party shall deliver the proposed Findings, Conclusions and proposed Judgment or Order, together with one (1) copy of the objections and the proposed substitutions received from opposing counsel, to the presiding judicial officer through Court Administration.

   a. If there are no objections received within the fifteen (15) day period aforesaid, counsel may forward the submittal to the judicial officer who shall, within ten (10) days thereafter, either (a) sign the proposed Findings of Fact, Conclusions of Law and Judgment or Order and forward to the Clerk for filing with conformed copies to all counsel, or (b) return the Findings of Fact, Conclusions of Law and Judgment or Order, if deficient, to all counsel noting the Court's requested changes or additions thereto.

   b. The Court has discretion to order a hearing to be set on the issues of contested Findings of Fact, Conclusions of Law and Judgment or Order.

4. *Intent.* It is the intent of this rule that Findings of Fact, Conclusions of Law and Judgment or Order will be settled and filed as soon as possible, and that such matters shall not be noted on the Motion Docket; provided however, that if the Findings of Fact, Conclusions of Law and Judgment or Order are not settled within sixty (60) days after the Court's oral or written decision, either party may note entry of the Findings of Fact, Conclusions of Law and Judgment on the Motion Docket.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2011; September 2, 2014; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Rule 56
SUMMARY JUDGMENT

A. Motion and Proceedings.

1. *Briefs.* Briefs, or memorandum of points and authorities, shall be mandatory with respect to all motions for summary judgment. The original is to be filed with the

Superior Court Clerk and properly served on all other parties. Bench copies shall be submitted in accordance with LGR 2.

2. *Continuance and Confirmation.* Any motion to continue a Motion for Summary Judgment/Partial Summary Judgment for any reason, including reasons stated in CR 56(f), shall be scheduled to be heard at least one week before the scheduled date of the summary judgment hearing.

3. The moving party to a Motion for Summary Judgment shall confirm the Motion in accordance with the procedures provided for on the Website. Failure to confirm a Motion for Summary Judgment will result in that Motion being stricken.

4. The Clerk shall not allow more than two (2) Summary Judgment hearings to be confirmed for any one date. If there are two Summary Judgement matters confirmed for a date, only one (1) Over Ten matter shall be set. If a hearing date has only one (1) Summary Judgement matter set, the Clerk may set no more than two (2) Over Ten matters to that hearing date. No Summary Judgment and Over Ten docket shall have more than three (3) total matters set for hearing.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2006; September 1, 2009; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2017; September 1, 2020; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Rule 64
SEIZURE OF PERSON OR PROPERTY

A. All bench warrants issued in a civil proceeding shall be valid for one year from the date of issuance, unless quashed earlier. All such warrants issued in a civil proceeding shall contain substantially the following language: This warrant shall expire at the end of one year from the date of issuance.

[Adopted Effective August 1, 1990; Amended Effective September 1, 2003; Re-Formatted Effective September 1, 2023]

Local Civil Rule 77
SUPERIOR COURTS AND JUDICIAL OFFICERS

A. **Court Hours.** Court will be in session, unless otherwise ordered, on all judicial days except Saturdays and Sundays. Court hours will be from 8:00 a.m. to 4:30 p.m., except the Court shall be closed for lunch from 12:00 p.m. to 1:00 p.m. The hours of operation for both the Benton and Franklin County Clerks of the Court can be found on their respective Websites. All parties and counsel shall be present in court at 8:30 a.m. on the first day of a jury trial.

In criminal cases, defense counsel shall have the defendant in court at 8:30 a.m. the first day of trial unless the defendant is in custody.

B. The Court Administration office shall be open 8:00 a.m. to 4:00 p.m., except the office shall be closed for lunch from 12:00 p.m. to 1:00 p.m. Notifications of emergency court closures or delays due to inclement weather will be posted on the Court's Website on the "Inclement Weather" page as soon as possible following notification by each County of any delay or closure due to inclement weather. Other important and urgent updates can be found on the "What's New" page of the court's website.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2004; September 1, 2005; September 1, 2009; September 1, 2011; September 1, 2018; September 1, 2021; September 1, 2022; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

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.

4. *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 calendar years; (3) partnership and corporate tax returns, if any, for the past two calendar years, to include all schedules and attachments; (4) wage stubs for the past six 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

B. or telephone for good cause can be found on the Website.

C. **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.

V. LOCAL SPECIAL PROCEEDINGS RULES (LSPR)

Local Special Proceedings Rule 98.18W
COURT-CREATED TRUSTS

A. Special Needs Trusts and Trusts governed by SPR 98.16W shall be approved in accord with the procedure as set forth on the Court's Website.

[Adopted Effective September 1, 2009; September 1, 2022; Amended & Re-Formatted Effect September 1, 2023; Amended Effective September 1, 2024]

Local Special Proceedings Rule 98.19W
CONSERVATORSHIP & ADULT GUARDIANSHIP INITIAL AND PERIODIC REPORTING – FORMS

A. **Forms.** Parties are required to use the state guardianship/conservatorship forms as available.
See: https://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#Guardianship. The court may provide additional forms for local practice. See Website for approved additional forms. Do not delete language from the standard State forms. Parties may bold or underline additional language and strike (by lining through) inapplicable language.

[Adopted Effective September 1, 2009; Amended September 1, 2013; September 1, 2015; September 1, 2016; September 1, 2021; September 1, 2022; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Special Proceedings Rule 98.21W
EMERGENCY MINOR GUARDIANSHIP & MINOR GUARDIANSHIP MATTERS

A. **Forms**. Parties are required to use the state forms for Emergency / Minor Guardianship and Conservatorship matters. The court may provide additional forms for local practice.

B. When an initial Petition for an Emergency Minor Guardianship or Minor Guardianship is filed, the Clerk shall issue "Local Court Instructions" and provide a copy to the Petitioner at the time of filing. Petitioner shall serve the "Local Court Instructions" on all parties requiring service. See Local Court Instructions form as prescribed by the Court and available on the Website.

[Adopted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

Local Special Proceedings Rule 98.30W
UNLAWFUL DETAINER CASES – EVICTION RESOLUTION PROGRAM

A. Note for Motion Docket. Any party desiring to bring any issue of law on for hearing pursuant to RCW 59.12 or RCW 59.20 shall file with the Clerk and served on all opposing parties or counsel if represented, not later than ten (10) calendar days prior to the hearing, a note for the motion docket which shall include the nature of the motion to be heard

[Adopted Effective September 1, 2021; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

VI. LOCAL CIVIL ARBITRATION RULES (LCAR)

Local Civil Arbitration Rule 2.1
TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

A. **Transfer of Arbitration**. In every civil case, following the commencement of the action, but not later than the date set forth in the case schedule order to file a statement of arbitrability, any party may complete a statement of arbitrability and file the same with payment of the filing fee to the Clerk. The Statement of Arbitrability form can be found on the Court's Website.

B. **Assignment to Arbitrator.** Not less than ninety (90) days following filing and service on all parties subject to arbitration, a list of five proposed arbitrators will be furnished to all parties. A master list of arbitrators will be available at the Court's Website.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998; September 1, 1999; September 1, 2002; September 1, 2003; September 1, 2011; September 1, 2015; September 1, 2021; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Arbitration Rule 3.1
ARBITRATORS

A. **Qualifications of Arbitrator.** There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A list showing the names of

arbitrators available to hear cases and the application of an individual arbitrator will be available, for public inspection, in Court Administration upon written request. The arbitration presiding judicial officer may also remove an arbitrator from the list of arbitrators available to hear cases. Unless otherwise stipulated, an arbitrator must be a member of the Washington State Bar for five (5) years or a retired judicial officer.

1. *Application*. A person desiring to serve as an arbitrator shall complete an application, oath of arbitrator, and attestation as prescribed by Court Administration. The oath of office on the form prescribed by the Court must be completed and signed by the arbitration presiding judicial officer prior to an applicant being placed on the panel.

2. *Refusal; Disqualification*. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify Court Administration within three (3) court days of receipt of the notice of appointment 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(c) governing the disqualification of Judicial officers. If disqualified, the arbitrator must immediately return all materials in a case to Court Administration. A party may challenge the qualifications of an arbitrator by motion to the Court if the motion is made within ten (10) court days of the appointment of the arbitrator.

[Adopted Effective September 1, 1996; September 1, 2003; September 1, 2011; September 1, 2021; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Arbitration Rule 4.2
PROCEDURES AFTER ASSIGNMENT

A. Discovery. The following interrogatories are the only interrogatories which may be submitted to any party:

1. State the amount of general damages being claimed;

2. State each item of special damages being claimed and the amount thereof;

3. List the name, address, and telephone number of each person having knowledge of any facts regarding liability;

4. List the name, address, and telephone number of each person having knowledge of any facts regarding damages claimed;

5. List the name, address, and telephone number of each expert witness you intend to call at the arbitration hearing. For each expert, state the subject matter on which the expert is expected to testify; state the substance of the

facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion;

6. If you are claiming bodily injury damages, please describe your present physical condition as the same relates to the incident giving rise to your complaint and being specific as to the area(s) of your body you claim was injured;

7. If you are claiming bodily injury damages, please list the name, address, and telephone number of each and every health care provider with whom you treated, consulted with, or were examined by: (a) in the ten (10) years preceding the incident giving rise to your complaint; and (b) from the date of said incident to the present date;

8. Identify the existence of and the contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment; and any documents affecting coverage (such as denying coverage, extending coverage, or reserving rights) from or on behalf of such person to the covered person or the covered person's representative. For purposes of this section, an application for insurance shall not be treated as part of an insurance agreement; and

9. Identify all parties who you contend have not been properly served with the summons and complaint.

B. Discovery produced pursuant to this subsection shall not be disclosed to the arbitrator except in cases where there are bona fide issues of coverage, offset and setoff submitted to the arbitrator for determination. Upon request, all records reflecting the treatments, consultations, and examinations must be produced unless the requester is provided a medical authorization sufficient to allow the requester to obtain independent access to said records at his or her own expense. Alternatively, the requesting party may also request records through depositions upon written questions as allowed by CR 31.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998; September 1, 2003; September 1, 2010; September 1, 2011; September 1, 2018; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Arbitration Rule 7.1
TRIAL DE NOVO

A. Request for Trial De Novo – Calendar – Jury Demand.

1. *Appeal Period – Attorney Fees*. In any case in which a party makes a motion for attorney fees, the 20-day period for trial de novo shall not commence until the arbitrator has filed and served either the amended award or the written denial thereof.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998; September 1, 2000; September 1, 2003; September 1, 2015; September 1, 2019; September 1, 2021; September 1, 2022; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

VII. LOCAL CRIMINAL RULES (LCrR)

Local Criminal Rule 1
REVIEW OF SEALED AFFIDAVITS AND SEARCH WARRANTS

A. **Review.** The court may review orders sealing search warrants and/or affidavits in support thereof at any time upon the request of the prosecuting attorney or upon motion of the court.

B. **Notice to and Response from Prosecuting Attorney.** In each case in which the court reviews a previously entered order sealing a search warrant and/or affidavit in support thereof, the prosecuting attorney will be provided at least fourteen (14) days prior written notice of such review. Prior to such review the prosecuting attorney may submit to the court a memorandum generally setting forth the state's position with regard to unsealing all portions of or none of the sealed affidavit and/or search warrant.

C. **Filing of Responsive Memoranda.** The original of any memorandum submitted pursuant to subsection (B) will be filed, unsealed, with the order sealing the affidavit and/or search warrant, and the prosecuting attorney will provide a bench copy to the court via eMotion or hard copy provided to Court Administration. The court will consider any requests by the State to seal all or portions of any affidavits or declarations filed in support of the State's memorandum, and, if granted, enter an appropriate order.

D. **Order on Review.** After considering the State's position and reviewing *in camera* the order and the affidavit and/or search warrant sealed pursuant thereto, the court will enter an order that (a) the affidavit and/or search warrant continue to be sealed as previously ordered, (b) designated portions of the affidavit and/or search warrant continue to be sealed and that the remainder thereof be unsealed, or (c) the affidavit and/or search warrant be unsealed.

[Adopted Effective September 1, 2004; Re-Formatted Effective September 1, 2023; Amended and Re-numbered Effective September 1, 2024]

Local Criminal Rule 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

A. **Services Other than Counsel.** Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the Franklin County Office of Public Defense for Franklin County matters and to the Benton County Office of Public Defense for Benton County matters. Where services are denied in whole or in part, the defendant may move for *de novo* review to the Presiding Judicial officer.

B. **Upon Appeal.** In cases involving appeals from another court to the Superior Court in which the defendant wishes counsel to be appointed in the Superior Court on the basis of indigence, the following will apply:

1. The trial attorney shall be responsible for:

    a. Perfecting the appeal to the Superior Court;
    b. Noting the issue of appointment of counsel upon the next criminal motion docket following the perfection of the appeal;
    c. Preparing an affidavit of indigence;
    d. Representing the defendant at such hearing; and
    e. The defendant shall be present at the hearing upon the motion to establish indigence.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2003; September 1, 2009; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Criminal Rule 3.4
COURT APPEARANCE OF DEFENDANTS

A. All preliminary and timely arrangements for the court appearances of any defendant held in custody shall be the responsibility of the Prosecutor in charge of the case.

B. Appearance by the defendant is mandatory at any Pre-Trial hearing if the defendant is calling ready for trial, and at any Trial Readiness/Trial Priority hearings, because appearance by the Defendant at such hearing(s) is necessary to advance a defendant's case and for the orderly and efficient administration of court resources. "Appearance" means in person, or by Webex, unless ordered to appear in person by the court. Failure of a defendant to appear at any hearing, including Trial Readiness/Trial Priority, could result in a "Failure to Appear" to be noted by the Clerk, a bench warrant to be issued, and/or the matter to be reset to the regular criminal docket to reset trial dates at the discretion of the judicial officer. This local court rule shall not be construed to limit the authority of a judicial officer to order the in-person appearance of any defendant for any hearing for good cause pursuant to CrR 3.4(d).

[Adopted Effective April 1, 1986; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

Local Criminal Rule 3.5
CRIMINAL MOTION DOCKET

A. All motions filed pursuant to CrR 3.5 or CrR 3.6 shall be noted on the Criminal Motion docket in the respective County where the matter is filed. Matters noted on the Criminal Motion docket must be confirmed by the moving party in accordance with the procedure on the Court's Website.

B. The moving party shall serve and file a brief and witness list, if applicable, for any CrR 3.6 matters, or a witness list for any CrR 3.5 hearings, at the same time as filing the Note for Motion Docket. The responding party shall serve and file any response and/or witness list no later than two (2) court days before the hearing. Bench copies shall be provided in accordance with LCrR 8.11.

C. It is the expectation of the Court that CrR 3.5 and/or CrR 3.6 matters and/or any pre-trial motions which do not have to be heard by the trial judge will be heard prior to the start of trial. Failure to resolve CrR 3.5 and/or CrR 3.6 matters prior to the Trial Readiness hearing could result in the trial being continued at the discretion of the judicial officer.

D. For a complete list of what matters can be noted on the Criminal Motion docket, see the Court's Website. Failure to confirm a matter in accordance with the Court's procedure will result in the matter being stricken.

[Adopted Effective September 1, 2024; Amended Effective January 1, 2026]

Local Criminal Rule 4.5
OMNIBUS HEARINGS

A. General Provisions.

1. If all parties agree that an omnibus hearing would not be beneficial, then prior to the Omnibus hearing date, the Omnibus Order shall be presented ex parte along with a stipulation and order striking the Omnibus hearing which shall be signed by the prosecuting attorney and defense counsel or the *pro se* defendant.

[Adopted Effective April 1, 1986, Amended Effective September 1, 2011; September 1, 2018; September 1, 2019; September 1, 2021; February 1, 2023; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Criminal Rule 4.11
CRIMINAL SPECIAL SET HEARINGS

A. **General Provisions.** No request by a party for a special setting in a criminal matter will be considered unless the parties have jointly emailed specialsets@co.benton.wa.us and have followed the Special Set Process as outlined on the Website.

[Adopted Effective September 1, 2021; Amended & Re-Formatted Effective September 1, 2023; Amended and Re-numbered Effective September 1, 2024]

Local Criminal Rule 4.12
EXPEDITED CONSIDERATION OF MOTIONS

A. As necessary, to expedite the business of the court and in order to ensure the best use of judicial and court resources, criminal matters may be noted on a shortened-time basis on the daily preliminary docket, provided the note for motion docket cites to this rule.

[Adopted Effective September 1, 2017; Re-Formatted Effective September 1, 2023; Re-numbered Effective September 1, 2024; Amended Effective September 1, 2025]

Local Criminal Rule 8.11
BENCH COPIES FOR ADULT CRIMINAL MATTERS

A. Not less than twenty-four (24) hours prior to any special set matter including sentencings, to any motion hearing, and/or any matter where the Department of Corrections or any treatment provider has filed any reports necessary for such hearing, including Pre-Sentencing Investigation reports, treatment compliance reports, or violation report(s), the moving party shall upload to eMotion bench copies of any document that either party intends to rely upon for the hearing, including bench copies of any briefing, memorandum of law, affidavits, reports, victim impact statements, etc. If a party does not have access to eMotion, hard copies of all bench copies must be provided to Court Administration no less than twenty-four (24) hours prior to the hearing.

[Adopted Effective September 1, 2024]

VIII. LOCAL JUVENILE COURT RULES (LJuCr)

Local Juvenile Court Rule 1.8
PUBLICATION

A. **Generally.** Any party may file with the Clerk of the Court a Motion and Affidavit requesting an Order for the publication of Notice and/or Summons.

B. **Procedure.** Upon the issuing of an Order to publish with the Clerk of Court, the Clerk shall forward the notice and summons and order for publication to the newspaper that is named in said order. Upon receipt of an Affidavit of Publication, the Clerk shall file the original affidavit and provide copies to appropriate parties.

C. **Costs.** The costs of publication shall be borne by the county in which the underlying case was filed. Nothing in this Rule shall prevent the court from ordering a party to reimburse the county for the costs of publication.

[Adopted Effective April 1, 1988; Amended Effective September 1, 2013; September 1, 2021; Re-Formatted Effective September 1, 2023]

Local Juvenile Court Rule 1.12
BRIEFS AND OTHER DOCUMENTS

A. All original pleadings, including motions, briefs, proposed findings of fact and conclusions of law and proposed judgments, pertaining to dependency (but excluding initial petitions for Shelter Care), termination, Title 13 guardianship, and juvenile offender proceedings shall be served and filed with the respective Superior Court Clerk not less than five (5) calendar days prior to the hearing, unless an Order to Shorten Time has been signed, or other timelines apply by statute or court rule. The originals of all social worker court reports and GAL Reports shall be filed with the Superior Court Clerk and bench copies submitted to the Court via uploading to jMotion. In juvenile offender matters, a copy will also be given to Juvenile Legal Processing Unit. When hearings are continued, it is the responsibility of the parties to amend the hearing date in jMotion associated with all bench copies submitted electronically.

B. Parties without access to a computer and/or the Internet shall deliver bench copies to the Benton Franklin Counties Juvenile Court Legal Process Staff, 5606 W. Canal Place, Suite 106, Kennewick, WA 99336. All bench copies must be submitted not later than 9:00 a.m. one court day prior to the scheduled hearing, proceeding or trial.

C. Pursuant to GR 30(b)(4) participants in dependency, termination and guardianship cases are deemed to electronically accept service of all documents as of the time and date the documents are uploaded to jMotion. This does not preclude parties from serving documents as authorized in CR 5. This shall not apply to service of original process.

[Adopted Effective September 1, 2012; Amended Effective September 1, 2013; September 1, 2015; September 1, 2016; September 1, 2021; September 1, 2023; Amended Effective September 1, 2023]

Local Juvenile Court Rule 1.13
LEGAL PROCESSING UNIT

A. Participants in dependency, termination, and guardianship cases are required to contact the Benton-Franklin Counties Juvenile Court Legal Processing Unit (LPU) Staff, 5606 W. Canal Place, Suite 106, Kennewick, WA 99336, to request available court dates for the setting of a motion hearing. Parties shall submit a copy of the motion and the note for docket (with a date that LPU provided) to the Benton-Franklin Counties Juvenile Court Legal Process Staff upon filing with the appropriate clerk's office, and upload copy(ies) to jMotion to the appropriate date and docket.

[Adopted Effective September 1, 2022; Amended Effective September 1, 2024]

SHELTER CARE PROCEEDINGS

Local Juvenile Court Rule 2.3
SHELTER CARE HEARINGS – NOTICE TO ATTORNEY GENERAL

A. **Generally.** Juvenile court staff shall immediately notify the Attorney General's office of any dependency cases initiated by an individual or agency other than the Department of Social and Health Services.

[Adopted Effective April 1, 1988; Amended Effective September 1, 2006; September 1, 2021; September 1, 2023; Amended Effective September 1, 2024]

Local Juvenile Court Rule 7.15
MOTIONS – JUVENILE OFFENSE PROCEEDINGS

A. **Generally.** Motions, including motions to suppress evidence, motion regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the Court.

B. Except for motions to amend Conditions of Release, all motions shall be filed together with a brief and/or declaration which shall include a summary of the facts upon which the motions are based, not later than five (5) days before the hearing. Reply briefs shall be served and filed with the Court no later than 9:00 a.m. two (2) court days before the hearing.

C. Motions to Amend Conditions of Release shall be filed, along with a Note for Docket and a brief and/or declaration which shall include a summary of the facts upon which the motion is based not less than 72 hours before the hearing unless the Court finds emergent circumstances involving serious threat to safety of the community or the Respondent requiring an immediate hearing.

[Adopted Effective April 1, 1988; September 1, 2023; Amended Effective September 1, 2024]

Local Juvenile Court Rule 7.18
VIOLATIONS OF COMMUNITY SUPERVISION

A. **Generally.** Probation counselors shall have the authority to file with the respective Clerk of the Court a motion and affidavit alleging a violation of community supervision.

B. **Procedure.** Once the motion and affidavit alleging a violation of community supervision has been filed, the probation counselor shall contact the appropriate juvenile court unit to ensure the matter is scheduled and all appropriate parties are notified of the hearing date, time and place.

1. The probation counselor shall prepare a written report of the alleged violations. Copies will be provided to all appropriate parties no later than one (1) day prior to the hearing.

2. The probation counselor shall be present at such hearing to respond to questions concerning the matter.

[Adopted Effective April 1, 1988; Amended Effective September 1, 2013; September 1, 2021; September 1, 2023; Amended Effective September 1, 2024]

Local Juvenile Court Rule 9.4
REQUIREMENTS OF NON-LAWYER GUARDIAN AD LITEM

A. **Certification.** No guardian ad litem shall be appointed to a child until that GAL has successfully completed an approved training course supervised by the court and administered an oath of office by the court. A guardian ad litem shall be free of influence from anyone interested in the result of the proceeding.

B. **Reports.** In all proceedings, the guardian ad litem shall submit a written report to the court addressing all relevant factors and making a recommendation to the court as to an appropriate disposition in the best interests of the child. All reports submitted by a guardian ad litem will be provided to the court and parties no later than ten (10) calendar days prior to the scheduled hearing. A report received within five (5) calendar days of a hearing may constitute good cause of a continuance if a party requests a continuance.

[Adopted Effective April 1, 1988; Amended Effective September 1, 2008; September 1, 2015; September 1, 2016; September 1, 2021; Amended Effective September 1, 2024]