

ADMINISTRATIVE PROCESSES & PROCEDURES EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

ADMINISTRATIVE & ASSISTANT PRESIDING

ADMINISTRATIVE PRESIDING JUDGE

ASSISTANT ADMINISTRATIVE PRESIDING JUDGE

- A. **Election.** The administrative presiding judge and assistant administrative presiding judge shall be elected by a majority vote of the judges. Said elections shall occur at the Fall Judicial Retreat in even numbered years to be effective in the following odd numbered years.
- B. **Term.** The administrative presiding judge and assistant administrative presiding judge shall each serve for a term of two years. The terms of the presiding judge and assistant presiding judge shall commence January 1st following the election through December 31st of the second year of the term.
- C. **Vacancies.**
 - 1. Administrative Presiding Judge. In the event of a vacancy in the office of the administrative presiding judge prior to the completion of the two-year term of the administrative presiding judge, the assistant administrative presiding judge shall serve as administrative presiding judge for the remainder of the un-expired term.
 - 2. Assistant Administrative Presiding Judge. In the event of a vacancy in the office of the assistant administrative presiding judge prior to the completion of the two (2) year term of the assistant administrative presiding judge, a new assistant administrative presiding judge shall be elected by a majority vote of the judges at the next regularly scheduled judge's meeting. The newly elected assistant administrative presiding judge shall serve for the remainder of the un-expired term.
- D. **Removal.** The administrative presiding judge and assistant administrative presiding judge may be removed by a majority vote of the judges after noting the issue on the agenda for the next regularly scheduled judge's meeting.
- E. **Executive Committee.** The Judges of the Superior Court, sitting as a whole as an executive committee, shall advise and assist the administrative presiding judge in the administration of the court.

- F. **Liaison Judges.** Individual judges may be assigned responsibility for certain management areas and court functions. The responsibility of the assigned judge is to act as a liaison between the court and others concerned about matters that fall within the management area or court function. The assigned judge shall keep the administrative presiding judge and executive committee informed about the management area or court function and shall make such reports as are necessary to the executive committee at the regularly scheduled judge's meetings. The court administrator shall maintain the list of the liaison assignments that shall be available, upon request, to the public.
- G. **Court Administrator.** The court administrator shall, under the direction of the executive committee, supervise the administration of the court.

[Updated: September 1, 2024; formatting only changes 12/18/2024]

GENERAL PROCESSES & PROCEDURES EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

AMENDING CASE SCHEDULE/TRIAL CONTINUANCES

CIVIL/DOMESTIC/PATERNITY/GUARDIANSHIPS

- A. Amend Case Schedule. Court may modify/amend the Case Schedule, for good cause, by motion of the party, stipulation of all parties, or by the Court's own motion.
- The Court shall freely grant a motion to amend the case schedule when justice so requires, and only after receiving and attaching a Certificate of Judicial Assistant's Pre-Approved Dates (which will expire 30 days after the Judicial Assistant's signature).
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- B. Trial Continuance. Parties may stipulate or motion the court for a continuance of trial (which does not require an amendment of the case schedule order) only after receiving and attaching a Certificate of Judicial Assistant's Pre-Approved Dates (which will expire 30 days after the Judicial Assistant's signature).
- C. Contact Other Parties. Prior to contacting Superior Court Administration (Judicial Assistant) to determine available dates to continue settlement conference, pre-trial conference, trial, or to amend the case schedule order, the party seeking to modify the order shall contact all other parties to determine if there is an agreement. Whether the other parties are in agreement or not, the party seeking the modification/amendment

parties must receive Certificate of Judicial Assistant's Pre-Approved Dates prior to amending the case schedule order.

- D. Motions to Modify/Continue without Agreement. Once the available dates are identified by the Judicial Assistant, the party seeking to modify dates may move for relief by filing and serving a motion to modify along with a declaration and attach a Certificate of Judicial Assistant's Pre-Approved Dates and note the motion on the appropriate docket. See Certificate of Judicial Assistant's Pre-Approved Dates.
- E. Motions to Modify/Continue with Agreement. Once the available dates are identified by the Judicial Assistant, the party seeking to modify dates may move for relief by filing and serving a motion to modify along with a declaration and attach a Certificate of Judicial Assistant's Pre-Approved Dates and note the motion on the appropriate docket or present the Motion at ex parte. See Certificate of Judicial Assistant's Pre-Approved Dates.
- F. Available Dates. The dates provided to the parties by way of the certificate will expire thirty (30) days after the Judicial Assistant's signature or as otherwise noted on the form.
- G. Signed/Granted Orders to Amend/Continue. All orders to continue trial or amend the case schedule order shall be provided to the Judicial Assistant within three (3) court days of entry of the order.

[Updated September 1, 2024; formatting only changes 12/18/2024; updated Judicial Assistant title and section C. 12/12/2025]

AUTHORIZED TRANSCRIPTIONISTS

TRANSCRIPTS

- A. Recordings. Some proceedings are electronically recorded. These recordings are maintained by Superior Court Administration. If a transcript of an electronically recorded proceeding is required, the first step is to request a digital copy of the recording from the appropriate County Clerk's office. The requestor is responsible for payment.
 - - Benton County Clerk - Request a Digital Recording Copy
 - Franklin County Clerk - Request a Digital Recording Copy
 - Once the recording is purchased, the requestor must hire a transcriber. Under GR 35 official court transcripts may be completed and filed only by (1) a Certified Court Reporter (who is a person who meets the standards outlined in RCW18.145.080); or (2) an Authorized Transcriptionist (who is a person who has been approved by Superior Court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding). Certified Court Reporters may, but need not, apply to be on the Authorized Transcriptionist list.
 - A list of authorized transcriptionists can be found BELOW. The Court is not allowed to contact a transcriber on your behalf, make payment arrangements or defer payment – these are the requestor's responsibilities.
 - GR 35 only applies to the preparation of transcripts of court proceedings. It does not apply to transcriptions of interviews, statements, or other out-of-court proceedings.

- B. Court Reporters. For a transcript (not digitally recorded) you may contact Benton/Franklin Counties Official Court Reporters.

NOTICE TO TRANSCRIBERS

Benton and Franklin Counties have transitioned to FTR (For The Record) digital recordings for all Superior Court courtrooms. You will receive a link to the recording, which will be archived to the email address you provide to Superior Court (or the person making the request).

To ensure optimal functionality, please download the Justice Cloud Desktop App. This application allows for foot pedal control and individual speaker volume adjustments, making transcription more efficient.

BECOME AN AUTHORIZED TRANSCRIPTIONIST

- A. Applications. Benton Franklin Counties Superior Court welcomes applications from all persons desiring to be on the list of authorized transcriptionists. The qualifications can be found in GR 35. Click Below for an Application and submit it to: SCCourtManagement@co.benton.wa.us.
- This only applies to transcripts of court proceedings, and does not apply to transcriptions of other matters, such as statements.
- B. Qualifications. The minimum qualification to become an authorized transcriptionist:
1. Certification as a court reporter; or
 2. Certification by AAERT (American Association of Electronic Reporters and Transcribers); or
 3. Proof of one year of supervised mentorship with a certified court reporter or an authorized transcriptionist.
- C. Submit Application. Those wishing to become authorized transcriptionists must complete and submit, with all supporting documents, a transcriptionist Application, which can be obtained below. A list of authorized transcriptionists can be at the link above labeled "Transcriptionist List."
- D. Continuing Authorization. Authorizations granted by Benton/Franklin Counties shall remain in effect until withdrawn by the Court. Authorized transcriptionists shall have the affirmative duty to advise the Court immediately if they no longer meet the minimum qualifications set forth above, or if any information in their Transcriptionist Application or supporting documents is no longer accurate.
- TRANSCRIPTIONIST LIST
 - Transcriptionist Application (doc)

DISCLAIMER

Washington State General Rule 35 (GR 35) provides that every superior court must establish a list of "authorized transcriptionists" a person approved by a Superior Court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding in that court. The Benton Franklin Counties Superior Court does not attest to the competence of the persons it has

authorized, and states only that each person on the list has submitted proof that he/she meets the minimum qualifications set forth in GR 35.

[Updated: September 1, 2024; formatting only changes 12/18/2024]

CHANGE OF JUDICIAL OFFICER

JUDGE

- A. Notice of Judicial Disqualification. Under RCW 4.12.050, the motion and the affidavit must be filed with the Clerk, and a copy delivered to Court Administration and to all other parties. If the party has not filed another motion and affidavit, and the motion and affidavit meet the requirements of RCW 4.12.050, the designated judge shall recuse herself/himself, without further order.
- B. Request for Recusal. A party requesting the recusal of the judge may do so by motion and affidavit filed with the Clerk and a copy delivered to Court Administration and to all other parties. The matter shall be heard on the record by the judge against whom the request is made.

COURT COMMISSIONER

- A. Disqualification. Disqualifications of a Court Commissioner or requests for a change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Updated September 1, 2024; Updated format only April 16, 2025]

COURTROOM PHOTOGRAPHY & RECORDING

- a. Video and audio recording and still photography are allowed in the courtroom during and between sessions only if permission has first been expressly granted by the judicial officer presiding in the courtroom.

[Updated: September 23, 2025]

FILING FACSIMILE TRANSMISSIONS & OTHER COPIES

- a. Except where expressly prohibited by GR 17, a document transmitted by facsimile or any other electronic means, or a copy of a document produced by other means, shall be acceptable for filing with the Clerk of the Court and shall constitute an original for all court purposes.
 - o The person responsible for the filing of the document(s) is no longer required to attach an affidavit or declaration pursuant to GR 17(2). Nothing herein prevents a party from challenging the authenticity of any document deemed an original under this procedure.

JURORS

JURIES OF TWELVE

- A. **Voir Dire.** The trial judge may examine the prospective juror(s) touching their qualification to act as fair and impartial jurors in the case before him or her; provided that thereafter the trial judge shall give leave to respective counsel to ask the jurors such supplementary questions as may be deemed by the trial judge proper and necessary. The voir dire examination of prospective jurors shall, as nearly as possible, be limited to those matters having a reasonably direct bearing on prejudice or qualifications and shall not be used by opposing counsel as a means of arguing or trying their case on voir dire. The “struck method” of voir dire examination is allowed. That is, the parties may direct questions to individual jurors or to the panel or to portions thereof, in the discretion of the examiner.
- B. **Challenge.** Peremptory Challenges. All peremptory challenges allowed by law shall be exercised in the following manner:
- The bailiff will deliver to counsel for the plaintiff and counsel for the defendant, in turn, a prepared form upon which each counsel shall endorse the name of the challenged juror in the space designated, or his acceptance of the jury as constituted. The bailiff will then exhibit this form after each challenge to the opposing counsel, to the Clerk, and to the Court. After all challenges have been exhausted, the Court will excuse those jurors who have been challenged and will seat the jury as finally selected.
 - A waiver by a party indicates an acceptance by that party of all jurors seated up to that point.
 - The purpose of this process is to preserve the secrecy of peremptory challenges and all parties and their counsel shall conduct themselves to that end. This procedure may be modified if appropriate.
- C. **Selection of Jurors.** The Benton County Superior Court and the Franklin County Superior Court shall employ a properly programmed electronic data processing system or device to make random selection of jurors as required by RCW 2.36.063. It is determined that fair and random selection may be achieved without division of the county into three (3) or more jury districts. At least annually, a master jury list shall be selected by an unrestricted random sample in accordance with RCW 2.36.055.
- D. **Jury Questionnaires.** Subject to the limited access provisions of GR 31(f), original jury questionnaires completed by all prospective jurors shall be filed by the court Clerk.

JURIES LESS THAN TWELVE

- A. **Stipulation - Procedure.** The parties may stipulate that the jury shall consist of any number of persons less than twelve (12) but not less than three (3). Counsel shall call the stipulation to the attention of the Presiding Judge when the case is called for trial. The stipulation, if in writing, shall be filed in the cause; if oral, it shall be noted by the clerk in the minutes of the trial.

- B. **Challenges Not Affected.** The stipulation shall not affect the number of challenges, nor the manner of making them, unless the parties expressly agree otherwise. (See RCW 4.44.120, et seq.)

INSTRUCTIONS TO JURY AND DELIBERATION

A. **Proposed.**

- Instructions Required of Plaintiff. Plaintiff's counsel shall prepare and present to the Court a cover instruction containing the title and file number of proceedings, the name of the attorney for each party properly designated, and appropriate blank space where the name of the judge hearing the case can be inserted and entitled "Instructions of the Court."
- Instructions in the Alternative. Instructions, the form of which is dependent upon rulings of the Court, may be submitted in the alternative and counsel shall have the right to withdraw those instructions made unnecessary or inappropriate by reason of said rulings at any time prior to the submission of the Court's instructions to the jury.

B. **Submission.**

- **Distribution. Sets of proposed instructions shall be prepared and distributed as follows:**
 - Original, which shall be assembled and numbered and contain citations, shall be filed with the clerk;
 - One copy, which shall be assembled, numbered and contain citations, shall be provided to counsel for each other party;
 - One copy, which shall be assembled and numbered, shall be retained by the counsel preparing them;
 - One copy, which shall be assembled, numbered and contain citations, shall be provided to the trial judge; and
 - One copy, without numbers or citations, shall be provided to the trial judge.
 - Citations, as required by any rules, shall include applicable WPI or WPIC numbers and shall appear on the bottom of the proposed instructions.
- Time for Serving Instructions. Unless requested earlier by the trial judge, all instructions, shall be submitted at the beginning of the first day of trial. Upon request of the trial judge to all counsel and made not more than seven (7) days before the date of trial, counsel shall prepare and deliver to the trial judge and to other counsel, not less than three (3) days before the day on which the case is set for trial, the required number of copies of proposed instructions insofar as counsel may then be able to determine them.

- C. **Verdict Forms.** Each verdict form shall be headed with title and cause number of the proceeding. This shall also apply to special interrogatories. A date line shall be typed above the line for the jury foreperson.

D. **Published Instructions.**

- Request. The Court has not adopted a local rule to allow instructions appearing in the Washington Pattern Instructions (WPI or WPIC) to be requested by reference to the published number.

- **Modified Instructions.** Whenever a Washington Pattern Instruction (WPI or WPIC) is modified by the addition of, the deletion of, or the modification of certain language, the party proposing the instruction must cite the instruction as follows: "WPI or WPIC No. Modified."
- E. **Disregarding Requests.** The trial court may disregard any proposed instruction not proposed or submitted in accordance with this process.
- F. **Civil and Criminal.** This process applies to instructions for civil and criminal cases.
- G. **Duties Relating to Return of Verdict.** Attorneys awaiting a verdict shall keep the clerk and bailiff advised of where they may be reached by phone. Attorneys desiring to be present for the verdict shall be at the courthouse within fifteen (15) minutes of the time they are called. In a criminal case, at least one attorney for each party and the prosecuting attorney or deputy prosecuting attorney shall be present for the receipt of the verdict, unless excused by the Court. The defense attorney is responsible for advising the defendant to be present for the verdict unless defendant is in custody.

[Updated September 1, 2024]

LOWER COURTS APPEALS

The information on this page pertains to appeals from the following courts of limited jurisdiction: Benton County District Court; Franklin County District Court; and Pasco Municipal Court.

CASE SCHEDULING ORDERS

- A. All appeals from courts of limited jurisdiction are subject to case scheduling orders. All parties must comply with the case scheduling orders. Attendance by parties is mandatory at status conferences and at oral argument.
- B. **SCHEDULE LANGUAGE**
 - 1. Filing of Appellant's Designation of Record (RALJ 6.2(a)) 14 Days
 - 2. Filing of Appellant's Brief and Service on all Parties and Court 60 Days
 - 3. Status Conference @ 8:30 AM (Mandatory IN PERSON Hearing) 65 Days
 - 4. Filing of Respondent's Brief and Service on all Parties and Court 90 Days
 - 5. Filing of Reply Brief and Service on all Parties and Court 100 Days
 - 6. Oral Argument Hearing (Mandatory IN PERSON) @ 3:00 PM 105 Days
- C. **ORDER STATING:** All parties comply with the foregoing schedule, and that the appearance of Defendant at the Status Conference and the Oral Argument Hearing shall be mandatory.
- D. **NOTICE TO PARTIES:** Notice is hereby given that the above hearing dates have been set in the above captioned matter to be heard at the Benton County Justice Center, Franklin County Courthouse. No Further Notice will be given for the hearings. Any failure to comply with this Order or the Rules for Appeal of Decisions of Courts of Limited Jurisdiction or using said Rules for the purpose of delay shall result in one or more of the following sanctions: (1) An order directed to a party or attorney to pay monetary terms; (2) An order immediately lifting any order entered herein or in Benton County District Court staying the enforcement of the judgment entered below; (3) an order conditioning a party's participation in the appeal upon compliance with the Rules

for Appeal of Decisions of Courts of Limited Jurisdiction and further orders of this court; and (4) dismissal of the appeal.

E. Record of Lower Court

- The appellant is responsible for obtaining a copy of the record of the lower court.

F. Transcript of Proceeding

- The appellant is also responsible for preparing a transcript of the proceedings in the lower court.

[Updated: September 1, 2024; Updated format only April 16, 2025]

MOTION TO SHORTEN TIME

- A. All motions to shorten time must be in writing and supported by declaration or affidavit (separate pleading) that:
1. states exigent circumstances or other compelling reasons why the matter must be heard on shortened time with all relevant facts establishing good cause (what actual harm is likely to result in actual notice;
 2. demonstrates due diligence in the manner and method by which notice, or attempted notice, was provided to all other parties regarding the presentation of the motion to shorten time. If the moving party, after showing due diligence, has been unable to notify all parties of the motion to shorten time, it is within the judicial officer's discretion to proceed with the motion to shorten time;
- B. All motions to shorten time must be presented on the ex parte docket no less than forty-eight (48) hours before the date and time of the relevant docket/special set/trial.
- C. The judicial officer shall indicate on the order shortening time the minimum amount of notice to be provided to the responding party, which, barring extraordinary circumstances as set forth in the declaration or affidavit supporting the motion, shall not be less than forty-eight (48) hours.
- D. **Orders shortening time.** The time requirements for notice and hearing on a motion may be shortened only by court order and for good cause shown, as outlined above: and the notice included all information required hereto and the following:
- the specific date and time the order shortening time will be heard;
 - a copy of pleadings to be filed and proposed orders to be sought;
 - an averment by the movant that either the matter cannot be temporarily resolved pending a regularly set hearing or that the parties attempted to reach a temporary resolution and are at an impasse;
- E. The court may deny or grant the motion and impose such conditions as the court deems reasonable (including setting a briefing schedule).

[Updated September 1, 2024, Updated format only April 16, 2025]

MOTIONS FOR REVISION & RECONSIDERATION

Motions for Revision pursuant to RCW 2.24.050 and Local General Rule 11, or Reconsideration pursuant to CR 59 and Local General Rule 11

REQUIRED SUBMISSION PROCEDURE

FILING THE MOTION

File the motion with the Superior Court Clerk then email the Motion for Revision or Motion for Reconsideration along with the proposed order to: Reconsideration-Revision@co.benton.wa.us

1. **Include the following recipients on the email:**
 - all parties/attorneys included (unless otherwise provided by law)
 - if you include legal assistants, please note that they may not be on the reply email from Court Administration
2. **Email Content Must Include:**
 - Include a proposed order in Microsoft WORD format, subject to your technology access
 - if you include legal assistants, please note that they may not be on the reply email from Court Administration

FILING OPPOSING DOCUMENTS

File the motion with the Superior Court Clerk then email any opposing documents and proposed order to the same address: Reconsideration-Revision@co.benton.wa.us

1. **Include the following recipients on the email:**
 - all parties/attorneys included (unless otherwise provided by law)
 - if you include legal assistants, please note that they may not be on the reply email from Court Administration
2. **Email Content Must Include:**
 - Include a proposed order in Microsoft WORD format, subject to your technology access
 - if you include legal assistants, please note that they may not be on the reply email from Court Administration

DO NOT NOTE FOR HEARING.

- Do not schedule or note the motion for hearing.
- The Judicial Officer will determine whether a hearing is necessary.
- If a hearing is set, Judicial Assistants will contact the attorneys and/or parties directly.

IMPORTANT COMPLIANCE NOTICE - FAILURE TO FOLLOW THE REQUIRED SUBMISSION PROCEDURES MAY RESULT IN THE FOLLOWING:

1. Automatic denial of the motion without review
2. Delays that jeopardize compliance with court-imposed deadlines
3. Motion may not be presented to the Judicial Officer

Note: Paper submissions are strictly prohibited unless prior approval has been obtained from the court.

[Updated: September 1, 2024; Updated August 30, 2025]

PRE-ASSIGNED CASE PROCESS

Judges will be pre-assigned to cases only by court order, for good cause, and will be assigned in order from the list maintained by Court Administration.

- A. Pre-Assigned Case Process. All requests for pre-assignment shall be presented to the Presiding Judge or Assistant Presiding Judge by way of Motion and a copy emailed to specialsets@co.benton.wa.us. Requests for pre-assignments will not be allowed on ex-parte/regular dockets; a decision about your request will be sent to you by administrative staff. (modified on 12/12/2025.)
- B. Bench Copies/Proposed Orders. Whether the case is assigned to a Benton/Franklin Counties Superior Court Judicial Officer or an Out-of-County Superior Court Judicial Officer, you will be required to file all bench copies and proposed orders on eMotion, unless otherwise ordered by the pre-assigned judicial officer.
- C. Ex-Parte Orders. Whether the case is assigned to a Benton/Franklin Counties Superior Court Judicial Officer or an Out-of-County Superior Court Judicial Officer, you will be required to have all orders signed by the pre-assigned judicial officer.
 - o For Out-of-County pre-assigned cases, you will be required to upload ex-parte motions/proposed orders on eMotion and immediately email Court Administration at: specialsets@co.benton.wa.us . Note: place a note on the subject line if the submission is urgent
- D. Out-of-County Assignments. All communication will be conducted through Benton-Franklin Counties Superior Court Administration. Please do not email, call, visit the pre-assigned judicial officer. Contact the Judicial Assistant/Court Administration for Benton and Franklin Counties Superior Court at: specialsets@co.benton.wa.us
- E. **To request a hearing on a pre-assigned Case, click on the following link:**

[Updated: September 1, 2024]

RECORDS KEPT BY THE CLERK

- A. **Temporary Withdrawal:** Exhibits may be withdrawn temporarily from the Clerk's office only by:
 - The Judge having the cause under consideration;
 - Official court reporters for use in connection with their duties, without court order; and
 - An attorney of record, upon court order.
 - Videotaped Depositions: Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.

- B. **Return of Contraband Exhibits.** When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the Clerk of the Court as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the Clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law.
- C. **Return of Exhibits and Unopened Depositions.** When a civil case is finally concluded, and upon stipulation of the parties or court order, the Clerk of the Court may return all exhibits and unopened depositions, or destroy the same.
- D. **Disposition of Exhibits.** After final disposition of a civil cause, the Court, after a hearing, may order the clerk to destroy or otherwise dispose of physical evidence which cannot, because of bulk or weight, be retained in the case file provided that all parties of record are given thirty (30) days written notice of any such hearing.
- E. **Return of Administrative Records.** When a case for review of an administrative record is finally completed, the Clerk shall return the administrative record to the officer or agency certifying the same to the court.
- F. **Verbatim Record of Proceedings.** A verbatim report of proceedings shall not be withdrawn from the Clerk's Court office except by court order.
- G. **Transcripts.** A request for a copy of a transcript prepared by a court reporter in the possession of the Clerk of the Court, shall be referred to the court reporter who prepared said transcript.
- H. **Electronic Recording of Proceedings.** The court Clerks shall maintain custody of electronic recordings created in any civil or criminal proceedings.
- I. **Video Recording of Proceedings.** The court Clerks shall maintain custody of video recordings offered and/or admitted as evidence in any civil or criminal proceedings.

[Updated September 1, 2024; Updated format only April 16, 2025]

SPECIAL SET REQUEST

Please select the relevant Special Set Request option specific to your situation.

CHANGE OF PLEA - PRELIM DOCKETS

CHANGE OF PLEA/SENTENCINGS ON PRELIMS AS FOLLOWS:

1. A Change of Plea (COP) and Sentencing on the Preliminary Appearance docket will only be allowed if the hearing is expected to last 20 minutes or less.
2. Any COPs/Sentencing that requires more than 20 minutes will need to be set as a Special Set or set on the Criminal Motion Docket and are subject to the requirements outlined by the respective processes.
3. Requests to specially set a change of plea/sentencing (20 minutes or less) outside of the prelim docket will not be approved, unless the change of plea/sentencing has to be before a specific judge.

4. Conflict judges will only be assigned when a Court Commissioner is scheduled to do prelims. We will not schedule two judges on the prelim docket. Please see Today's and Tomorrow's daily schedule online to see the scheduled Judicial Officer assignment (these are subject to change).

[Updated October 24, 2025]

PAGE UPDATED ON 10/14/2024 TO INCLUDE:

Per Local Criminal Rule 4.12: 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.

HEARING REQUEST ON PRE-ASSIGNED CASES

HOW TO REQUEST A HEARING ON YOUR PRE-ASSIGNED CASE:

A litigant seeking a Special Set Hearing on a case pre-assigned to a Benton/Franklin Counties Superior Court Judicial Officer or Out-of-County Superior Court Judicial Officer must:

1. Fill out the request form -
 -
 2. **Email the request form to:** specialsets@co.benton.wa.us (All attorneys and/or parties involved must be included on the email).
- A. After your email and request form is received:
1. A responsive email will be sent to acknowledge receipt of your request/email;
 2. You will receive a list of dates (3) available for the Judicial Officer.
- B. Stipulation to available dates:
- You must jointly reply to the email outlining the dates within two (2) business days.
- C. No Stipulation to available dates:
- Court Administration will determine the date from the selection list (email will be sent with the date).
- D. The requesting party must:
- File a note for motion reflecting the date approved/selected by Court Administration.

NOTE:

- If you fail to file the notice of hearing your hearing will not be scheduled.
- The Court receives a high volume of Special Set requests, which are answered in the order they are received.
- The Special Set process can take up to a week, please be patient.

- If you have not received a response back within a week, please re-submit using your previous email.
- If you fail to comply with the above requirements, the Special Set will not be scheduled.
- Once a special set is approved, it is expected to proceed. Prior approval from specialsets@co.benton.wa.us is required before striking or continuing a special set.

To see the process for pre-assigned cases please click on the following link: [Pre-Assigned Cases Process](#)

Last Updated: 10/22/2024

SPECIAL SET REQUEST - CRIMINAL

Per Local Criminal Rule 4.11 - No request by a party for a special setting in a criminal matter will be considered unless:

1. **the parties have jointly emailed to:** specialsets@co.benton.wa.us; and
2. the parties have followed the Special Set Process as outlined below.
 - A. **General Provisions:** No request by a party for a special setting in a criminal matter will be considered unless the following information is provided in an email and sent to the email listed above.
 1. The nature of the hearing or hearings requested;
 2. The reason(s) the hearing or hearings cannot be set on an existing criminal regular docket, 3.5/3.6 docket, or preliminary appearance dockets in compliance with the rules applicable to those dockets;
 3. A proposed date certain and/or earliest date proposed for hearing;
 4. Whether briefing has been completed; and
 5. Whether the opposing party has been contacted and whether the opposing party agrees or disagrees with the request.
 - B. **Pleadings:** The proposed note for motion, request for setting and order shall include a check box titled “CLERK’S ACTION REQUIRED” in the caption, and the order shall contain language whereby the Court will grant or deny the request for special setting in whole or in part, and if granted, the date on which the motion will be heard.
 - C. **Procedure For Review and Decision:** Only after filing, the moving party may provide a copy of the pleading to Court Administration. The Judicial Assistant or designate will review the request, provide the same to a judicial officer for review, and notify the parties of the decision. Absent compelling circumstances, the moving party may inquire regarding the status of the request no earlier than one week after submission.
 - D. **Bench Copies:** All bench copies of briefings, motions and/pleadings which are to be considered at the time of the hearing must be uploaded to eMotion no less than twenty-four (24) hours two (2) court days prior to the special set hearing in accordance with Local Court Rule 8.11(A). (updated 5/28/2025)

NOTE: Once a special set is approved, it is expected to proceed. Prior approval from specialsets@co.benton.wa.us is required before striking or continuing a special set.

[Updated September 1, 2024; May 28, 2025]

SPECIAL SET REQUEST -ALL OTHER CASE TYPES

A litigant seeking a Special Set must follow the procedure outlined below. Please note: The approval for a Special Set is subject to the Court's (or it's designee) approval.

The Special Set Request Form ([click here to download](#)) must be emailed to specialsets@co.benton.wa.us, with all attorneys and/or parties involved included in the email.

The attorneys and/or parties involved shall confer and provide three (3) dates of mutual availability. The request for Special Set shall be emailed to specialsets@co.benton.wa.us and must contain the following information:

- A. **General Provisions.** No request by a party for a special setting will be considered unless the following information is provided on the form (and emailed) to the email listed above.
 - Provide Special Set Request Form (attached);
 - The amount of time expected for the hearing, to the nearest quarter hour (i.e., 15 min, 30 min, 1 hour); [please see below for more information]
 - The nature of the hearing; [please see below for more information]
 - The three (3) dates of mutual availability;
 - Whether an interpreter is needed, if so, what language;
 - **You are required to request an interpreter through: Request an Interpreter**
 - Whether a particular judicial officer needed for the hearing;
 - Whether any judicial officers that have been recused or disqualified;
 - Whether there is a looming deadline;
 - Whether this matter involves Guardianship (Adult & Minor Conservatorship).
- B. **Pleadings.** The requesting party must file a note for motion reflecting the date approved/selected by Court Administration. If your case involves Guardianship (Adult/Minor Conservatorship) you must send a copy of your note for motion to GMP.
- C. **Procedure.** Upon submittal of a Special Set request, a responsive email will be sent to acknowledge receipt of the email. The Court (or it's designee) will consider the request and respond by approving it, denying it, or requesting further information.
 - The Court receives a high volume of Special Set requests, which are answered in the order they are received. The Special Set process can take up to a week, please be patient. However, if you have not received a response back within a week, please re-submit using your previous email.
 - Only motions filed at the time of the request for a special set, or those filed when the judicial officer orders a special set, will be heard. Any additional motions require prior court approval by contacting the designated email above.

- The scheduled hearing time is firm, and parties may not extend the allotted time. If additional time is needed, approval must be sought from the court by contacting the designated email above.

D. Bench Copies: All bench copies must be submitted in accordance with the Local Court Rules.

NOTE: Once a special set is approved, it is expected to proceed. Prior approval from specialsets@co.benton.wa.us is required before striking or continuing a special set.

[Updated October 29, 2024; June 1, 2025]

TRIAL PRIORITY DOCKET

TRIAL PRIORITY HEARINGS/TRIAL READINESS DOCKETS (COMBINED):

8/24/2025 NOTE: Beginning 9/1/2025 all Trial Priority/Readiness forms must be filed with the County Clerk and uploaded on eMotion, as outlined below.

- A. Trial Priority/Readiness:
 1. Criminal (also see Local Criminal Rule 3.4)
 2. Domestic
 3. Civil, (including Administrative Law Review)
 4. Guardianship
- B. Date/Time Combined Trial Readiness/Trial Priority Docket is Scheduled:
 1. Benton County on Mondays at 9:00 a.m.
 2. Franklin County on Mondays at 3:00 p.m.
 - (subject to updates as needed for court operations/holidays).
- C. Order which cases will be called in the combined Trial Readiness/Priority Docket:
 1. Criminal cases will be called first
 2. Domestic cases will follow directly thereafter
 3. Minor guardianship cases
 4. Civil cases.
- D. Start of Docket/Hearings:
 1. Counsel for represented parties and pro se parties for all case types shall be present, via WebEx or in person, and ready to go at 9:00 a.m. (Benton) or 2:30 p.m. (Franklin).
- E. Trial Priority Status Hearing Form:
 1. Each counsel for a represented party and each pro se party shall file and upload to eMotion a Trial Priority / Readiness Status Hearing form by:
 - a. In Benton County, that will be a Wednesday before the Monday Trial Priority Docket
 - b. In Franklin County, that will be a Wednesday before the next Monday Trial Priority Docket
 - Criminal Trial Readiness Form
 - All Other Case Type Trial Priority Form

- F. Notice for Trial Readiness/Priority Hearings:
1. Criminal Cases: Notice is given in court.
 2. Cases Not Governed by a Case Schedule Order: (e.g., Adoptions and Administrative Law Reviews) The parties will continue to file a Certificate of Readiness.
- a. A copy of the Certificate of Readiness will be provided to Court Administration.
- b. Court Administration will set trial and trial priority hearing (and send notice of both)
 - c. The Trial Priority Status Hearing form is still required as stated above.
3. Domestic Case: Notices will be provided in writing to the parties immediately after the Settlement/Pretrial Conference if the case does not resolve at the settlement conference.
 4. Civil Cases: Notices will be provided in writing to the parties immediately after the Pretrial Management Conference.
 5. Minor Guardianship Cases: Notices will be provided in writing to the parties immediately after pretrial (approximately sixty (60) days before trial).
- a. The pretrial date is provided in the Case Schedule Order which is issued by the court.
6. Adult Guardianship Cases: Notices will be provided in writing to the parties after the hearing held pursuant to RCW 11.130.275 if the matter is going to a contested trial with or without jury.

[Updated September 1, 2024; updated 8/24/25 as to Status Form; updated 9/1/2025; Updated 1/2/2026]

CIVIL

PROCESSES & PROCEDURES

EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

CASES NOT GOVERNED BY CSO (CIVIL)

Of Fact - Note for Trial Docket:

Per Local General Rule 1(A)(B)

- A. Any party desiring to bring any issue of fact to trial, except for cases governed by Case Schedule Order, shall file with the Clerk, deliver a copy to Court Administration and serve upon the other parties or their attorneys a Notice of Trial Setting and Certificate of Readiness (see link below) which shall contain:
- o Click [HERE](#) see a list of cases not governed by case schedule order.

- the title for the court;
- a brief title of the case;
- the case number;
- the nature of the case;
- whether jury or non-jury;
- whether there has been a 12-person jury demand;
- whether a 6-person jury would be acceptable;
- estimated trial time; the name, address, e-mail and telephone number of each attorney assigned to the case;
- whether there should be a pre-trial conference; preferential trial dates or times; and
- anything further that would assist the Court in setting a trial date, and shall be subscribed by the attorney filing the same.

○

B. An attorney noting a case for trial thereby:

- certifies that the case is at issue;
- that there has been a reasonable opportunity for discovery;
- that discovery will be complete by the trial date;
- that necessary witnesses will be available; and
- that to his/her knowledge, no other parties will be served with a summons and no further pleadings will be filed prior to trial.

C. The attorney noting the case for trial shall confer with all other counsel prior to noting the case for trial setting to determine if there is any objection to setting.

1. If there is no objection, the attorney shall so certify on the notice of setting.
 2. If there is an objection and the setting attorney believes the objections to readiness are not justified, the attorney shall so indicate on the setting notice and the matter shall be noted on the civil motion docket to argue the matter of trial setting.
 - In the event all parties agree the case is ready for trial or will be ready for trial by a specific date, but have objections to particular dates, they shall notify Court Administration of unavailable dates within five (5) days after receiving the notice of trial setting.

D. Assignment of Cases.

1. Court Administration to Assign Dates. Court Administration shall assign trial dates under the supervision of the Presiding Judge, who shall be in direct charge of the trial calendar. To the extent practical, cases shall be set chronologically according to the noting date, except for cases having statutory preference.
2. Jury and Non-Jury Trials. Upon the serving and filing of a "Notice of Trial Setting and Certificate of Readiness," Court Administration shall forthwith assign a specific trial date and notify the Clerk and counsel of the date assigned. Cases set for trial shall be set for a pre-trial conference hearing by Court Administration.
3. Advancing Trial Dates. Any case assigned a specific date may, at the discretion of the Presiding Judge, be advanced to an earlier date or may be reset if the court calendar permits. Notice shall be given at least five (5) days prior to the new trial date assigned.

[Updated September 1, 2024; Updated format only April 22, 2025]

EVIDENTIARY HEARING PROTOCOL

1. **Counsel/Parties:** Shall contact Court Administration by way of Special Set Request/All Other Case Types and request a special set for an evidentiary hearing: <https://www.co.benton.wa.us/pview.aspx?id=55294&catID=0>
2. Follow the special set instructions outlined on the Court's webpage.
3. **Court Administration:** Shall schedule the special set hearing and advise counsel/parties of the date/time of the special set hearing via e-mail.
4. **Counsel/Parties:** When they receive the special set hearing date/time, counsel for the petitioner/petitioner shall prepare and file a Notice of Hearing for a Special Set detailing the date and time of the hearing and shall provide a copy of the notice to the Court Administration in addition to all parties using the Special Set process email: specialsets@co.benton.wa.us
5. **Counsel/Parties:** Each party shall file a witness list (detailing the name and telephone number of each witness and a short summary of the testimony of each witness) AND an exhibit list two weeks before the special set hearing date.
6. **Counsel/Parties:** Each party shall serve their witness list, exhibit list and a copy of their exhibits on the opposing side two weeks before the special set hearing date.
 - o **PLEASE BE ADVISED:** The Court has ordered an Evidentiary Hearing in your case.
 - o Please read and comply with all provisions herein as applicable to you.
 - o (Civil Unlawful Detainer & Family Law Relocation Trials ONLY)

[Updated September 1, 2024]

INJUNCTIONS

TEMPORARY RESTRAINING ORDER; HEARING - DURATION.

The party applying for an emergency order which would require or forbid the doing of some act, if a public body is involved, or if the opponent's counsel is known, shall notify the opponent or opposing counsel and shall request opponent's presence at the presentation of the order, unless good cause to the contrary is shown. If the opponent does not appear, the judge shall require a full showing with respect to the notice given. Presentation of all applications for temporary restraining orders (except in domestic relation cases) shall be presented on the ex parte docket.

[Updated September 1, 2024]

LOWER COURTS APPEALS

The information on this page pertains to appeals from the following courts of limited jurisdiction: Benton County District Court; Franklin County District Court; and Pasco Municipal Court.

CASE SCHEDULING ORDERS

- A. All appeals from courts of limited jurisdiction are subject to case scheduling orders. All parties must comply with the case scheduling orders. Attendance by parties is mandatory at status conferences and at oral argument.
- B. **SCHEDULE LANGUAGE**
1. Filing of Appellant's Designation of Record (RALJ 6.2(a)) 14 Days
 2. Filing of Appellant's Brief and Service on all Parties and Court 60 Days
 3. Status Conference @ 8:30 AM (Mandatory IN PERSON Hearing) 65 Days
 4. Filing of Respondent's Brief and Service on all Parties and Court 90 Days
 5. Filing of Reply Brief and Service on all Parties and Court 100 Days
 6. Oral Argument Hearing (Mandatory IN PERSON) @ 3:00 PM 105 Days
- C. **ORDER STATING:** All parties comply with the foregoing schedule, and that the appearance of Defendant at the Status Conference and the Oral Argument Hearing shall be mandatory.
- D. **NOTICE TO PARTIES:** Notice is hereby given that the above hearing dates have been set in the above captioned matter to be heard at the Benton County Justice Center, Franklin County Courthouse. No Further Notice will be given for the hearings. Any failure to comply with this Order or the Rules for Appeal of Decisions of Courts of Limited Jurisdiction or using said Rules for the purpose of delay shall result in one or more of the following sanctions: (1) An order directed to a party or attorney to pay monetary terms; (2) An order immediately lifting any order entered herein or in Benton County District Court staying the enforcement of the judgment entered below; (3) an order conditioning a party's participation in the appeal upon compliance with the Rules for Appeal of Decisions of Courts of Limited Jurisdiction and further orders of this court; and (4) dismissal of the appeal.
- E. **Record of Lower Court**
- o The appellant is responsible for obtaining a copy of the record of the lower court.
- F. **Transcript of Proceeding**
- o The appellant is also responsible for preparing a transcript of the proceedings in the lower court.

[Updated: September 1, 2024; Updated format only April 16, 2025]

MOTION TO SHORTEN TIME

- A. All motions to shorten time must be in writing and supported by declaration or affidavit (separate pleading) that:
1. states exigent circumstances or other compelling reasons why the matter must be heard on shortened time with all relevant facts establishing good cause (what actual harm is likely to result in actual notice;
 2. demonstrates due diligence in the manner and method by which notice, or attempted notice, was provided to all other parties regarding the presentation of the motion to shorten time. If the moving party, after showing due diligence, has been unable to notify all parties of the motion to shorten time, it is within the judicial officer's discretion to proceed with the motion to shorten time;
- B. All motions to shorten time must be presented on the ex parte docket no less than forty-eight (48) hours before the date and time of the relevant docket/special set/trial.

- C. The judicial officer shall indicate on the order shortening time the minimum amount of notice to be provided to the responding party, which, barring extraordinary circumstances as set forth in the declaration or affidavit supporting the motion, shall not be less than forty-eight (48) hours.
- D. **Orders shortening time.** The time requirements for notice and hearing on a motion may be shortened only by court order and for good cause shown, as outlined above: and the notice included all information required hereto and the following:
 - o the specific date and time the order shortening time will be heard;
 - o a copy of pleadings to be filed and proposed orders to be sought;
 - o an averment by the movant that either the matter cannot be temporarily resolved pending a regularly set hearing or that the parties attempted to reach a temporary resolution and are at an impasse;
- E. The court may deny or grant the motion and impose such conditions as the court deems reasonable (including setting a briefing schedule).

[Updated September 1, 2024, Updated format only April 16, 2025]

PLEADINGS/MOTIONS/MOTION CALENDAR

(Memorandum of Authorities and Affidavits Required.)

- A. **Moving Party/Parties.** The moving party shall serve and file, with his or her motion, a brief written statement of the motion and a brief memorandum containing reasons and citations of the authorities on which he or she relies. If the motion requires the consideration of facts not appearing of record, he or she shall also serve and file copies of all affidavits and photographic or other documentary evidence he or she intends to present in support of the motion. If the motion relies on facts in documents of record, the motion shall identify the document(s) and the date of filing of each document so identified. The motion shall be contained in a separate document from the Note for Motion Docket addressed hereinbelow. Bench copies shall be submitted as provided in Local General Rule
- B. **Counsel Fees.** Appointed counsel submitting motions for fixing or payment of fees and counsel requesting that the Court fix fees in any other case (except for temporary fees in domestic relation cases) should itemize their time, services rendered, or other detailed basis for the fees requested and attach a copy thereof to the motion.
- C. **Action Required by Clerk.** All documents filed with the Clerk, other than a note for motion or trial docket which require any action (other than filing) by the Clerk shall contain a motion in the caption specifying the nature of the document the words: “Clerk’s Action Required.”
 - o For Information regarding Motions to Shorten Time, please see: Motion to Shorten Time
- D. **Document Format.** Documents prepared for a judge’s signature must contain at least two (2) lines of text on the signature page.
- E. **Hearing of Motion Calendar.** Note for Motion Docket. Any attorney desiring to bring any issue of law on for Hearing shall file with the Clerk and serve on all opposing counsel, not later than twenty-one (21) calendar days prior to the day on which the

attorney desires it to be heard, a note for the motion docket which shall contain the title of the court, the cause number, a brief title of the cause, the date when the same shall be heard, the words “Note for Motion Docket,” the name or names of each attorney involved in the matter, the nature of the motion, and by whom made. It shall be subscribed by the attorney filing the same and shall bear the designation of whom the attorney represents. The foregoing provisions shall not prohibit the hearing of written and/or oral emergency motions at the discretion of the Court on any docket.

- **Over Ten (10) Minutes for Hearing.** If the moving party expects the motion to take more than ten (10) minutes to argue by all sides collectively, the movant shall designate on the note for motion docket that the matter is “over 10 minutes.”
- F. **Removal of Motion.** If the note for motion docket, the motion and supporting factual materials and memorandum are not served and filed as detailed in any rules, the Court may strike the same from the calendar.
- G. **Service of Notice.** The motion will not be heard unless there is proof of service of notice upon the attorney for the opposing party, or the opposing party if proceeding pro se, or there is an admission of service by opposing counsel or the opposing party if proceeding pro se in the file.
 - Continuance or Striking of Noted Motions by Parties. A matter noted on the motion docket may be continued pursuant to the following:
 - a. The moving party may strike or continue a motion at any time without cause with adequate notice to the opposing parties. Sanctions may be imposed if the opposing party’s appearance at the hearing could have been avoided through due diligence of the moving party.
 - b. Upon a showing of cause, the Court, in its discretion, may grant the non-moving party’s request for a continuance.
 - c. The party striking any matter may give notice to the non-moving parties by any means reasonably likely to provide actual notice. The clerk may be notified either by written notice or by e-mail notification. Notice to the Franklin County Clerk may be emailed to the following address: civilclerk@co.franklin.wa.us for civil cases. Notice to the Benton County Clerk may be emailed to the following address: clerk@co.benton.wa.us.
 - If the matter is stricken and the moving party desires a hearing, a new note for motion docket must be filed with the Clerk. Except for matters continued in open court, a new note for docket is required for motions that are continued.
- H. **Calling Docket, Priority for Pro Bono Counsel.** The causes on the civil docket for each motion day will be called in order, and the moving party, if no one appears in opposition, may take the order moved for upon proper proof of notice, unless the Court shall deem it unauthorized. In order to encourage participation in pro bono legal representation, all motions, where one or both parties are represented by pro bono counsel, shall, at the request of the pro bono attorney, be given priority on the docket. Such priority shall be given without any reference as to the reason why.
- I. **Continuances by the Court.** Any motion or hearing may be continued by the Court to a subsequent motion day or set down by the Court for hearing at another specified time, and the Court may alter the order of hearing as may be necessary to expedite the business of court.

- J. **Frivolous Motions.** Upon hearing any motion, if the Court is of the opinion that such motion is frivolous, or upon granting a continuance of any matter, terms may be imposed by the Court against the party filing such motion, or against the party at whose instance such continuance is granted.
- K. **Decisions Without Oral Argument.** Upon agreement of the parties, or at the Court's discretion, a motion may be determined without oral argument. Matters may be noted for decision without oral argument only on the dates and times established for regular calendars. The moving party shall certify in the note for docket that every party has consented to determination without oral argument.
- L. **Discovery Motions.** The Court will not entertain any Motion or objection with respect to Rules 26, 27, 30, 31, 33, 34, 35 or 36, Civil Rules for Superior Court unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a Motion for an objection with respect to matters covered by such rules is served, willfully refused to meet and confer, or having met, willfully refused or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance. In the event of an emergency, the Court will entertain Motion objections which would otherwise be required by the above process.

ENTRY OF JUDGMENT

- A. **Timing.** Judgments and Orders to be Filed Forthwith. Any order, judgment or decree which has been signed by the Court shall not be taken from the courthouse but must be filed forthwith by the attorney obtaining it with the Clerk's Office or with the clerk in the courtroom. If signed outside the courthouse, the attorney procuring the order shall deliver or mail it to the appropriate Clerk the same day, or file it by the next judicial day.
- B. **Settlement.** Upon settlement of any action, a judgment of dismissal shall be entered forthwith.
- C. **Effective Time.** Effective on Filing in Clerk's Office. Judgments, orders and decrees shall be effective from the time of filing in the Clerk's Office, unless filed in accordance with CR 5(e). Not to be Entered Until Signed. The Clerk will enter no judgment or decree until the same has been signed by the Judge.

[Updated October 7, 2024]

PROTECTION ORDER INFORMATION (CIVIL)

- A. **CPO Dockets.**
 - o **Friday:**
 - Franklin County Civil Protection Order (CPO) Docket
 - 8:30 a.m.
 - o **Thursday:**
 - Benton County Civil Protection Order (CPO) Docket
 - 8:30 a.m. & 1:30 p.m.
 - o **(Please note:** Civil Protection Orders may be filed in Domestic Cases. The Benton or Franklin Counties Clerks will make that decision. Please review the

information provided by the Clerk for specific date, time, and location of your hearing)

- If appearing via Webex, and you are experiencing technical difficulties, **please see:** Participating Via WebEx - Benton County WA

B. All Protection Order Forms.

- **Click below to access mandatory forms from Washington State Forms at:**
 - Washington State Courts - Protection Order Forms
- **See Clerk's link below:**
 - Benton County Clerk Information re: Civil Protection Orders
 - Franklin County Clerk Information re: Civil Protection Orders
- Click below to access the Washington Law Help interactive protection order website, that includes forms and instructions.
 - <https://www.washingtonlawhelp.org/resource/domestic-violence-forms-online>

[Updated September 1, 2024]

SETTLEMENT/PRETRIAL CONFERENCES/CIVIL

All Civil Settlement and Pre-Trial Conferences will be IN PERSON. WebEx will no longer be available. Please refer to your notice for direction.

For IN PERSON attendance for Settlement Conferences in Benton County, please check-in at Court Administration, located at:

7122 W. Okanogan Place, Suite A130
Kennewick, WA 99336

For IN PERSON attendance for Settlement Conferences in Franklin County, please check-in at Court Administration, located on:

Second floor of the Franklin County Courthouse:

1016 N. 4th Ave
Pasco, WA 99301

CIVIL SETTLEMENT CONFERENCES

Settlement Conferences are governed by Local Civil Rule 16.

PRE-TRIAL PROCEDURE

- A. Private Mediation. Regardless of whether mediation is court-ordered, parties may seek an order allowing them to opt out of the settlement conference by filing a stipulation and order with Court Administration. The request must include a letter from a mediator and

signed on behalf of all parties that the case has been mediated or that mediation has been scheduled to occur on or before the date of the settlement conference.

- B. Continuances. Continuances of settlement conferences may be authorized only by the Court on timely application.
- C. Pretrial Power of Court. If the case is not settled at a settlement conference, the Judge may nevertheless make such orders as are appropriate in a pretrial conference.
- D. Pretrial Conference Hearing/Trial Exhibits. In cases that are governed by a Case Schedule, the Court shall schedule a Pretrial Conference Hearing, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is not represented by an attorney. The parties must jointly prepare a Trial Management Report.
- E. Trial Management Report. In cases governed by a Civil Case Schedule Order, the parties must jointly prepare a Trial Management Report. The plaintiff shall prepare an initial report and serve it upon all opposing parties no later than two weeks prior to the date it is due under the Civil Case Schedule Order. The Report shall be filed with the Court and uploaded to eMotion.
 - o **The Report shall contain:**
 1. Nature and brief, non-argumentative summary of the case;
 2. List of issues that are not in dispute;
 3. List of issues that are disputed;
 4. Index of exhibits (excluding rebuttal or impeachment exhibits);
 5. List of plaintiff's requests for Washington Pattern Jury Instructions;
 6. List of defendant's requests for Washington Pattern Jury Instructions;
 7. List of names of all lay and expert witnesses, excluding rebuttal witnesses; and
 8. Suggestions by either party for shortening the trial.
- F. Parties to Confer in Completing Report. The attorneys for all parties in the case shall confer in completing the Trial Management Report. If any party fails to cooperate in completing the report, any other party may file and serve the report and note the refusal to cooperate.
- G. Form of Trial Management Report. A trial management report will be in generally the following form as prescribed by the court. Click HERE for form.

[Updated September 1, 2024]

SUMMARY JUDGMENT/OVER-TEN-MINUTE HEARINGS

- **BEGINNING 6/26/2026 - PLEASE SEE COURT'S MEMO AT: MEMORANDUM/NOTICE RE: BENTON CIVIL DOCKETS**
- **Motions and Proceedings.** See Local Civil Rule 56
- **Confirmation by the Moving Party.** Per LCR 56(A)(3) -In the event the moving party unreasonably refuses to continue the case, or the opposing party unreasonably is not prepared for the hearing, terms may be assessed. The moving party shall confirm with the Clerk that the motion will be heard on the date set during the time periods set forth in any rules or process.

- The maximum for such motions may be changed by resolution of the judges. The moving party shall specify with particularity the documentary evidence, including depositions, on which the motion is based.
- Confirmation of Summary Judgment and Over-Ten-Minute Hearings. The moving party shall confirm with the clerk that summary judgment and over-ten-minute hearings will be heard on the date set during the following time periods:
 - Summary judgment and over-ten-minute hearings shall be confirmed in Benton County no sooner than Friday at 8:00 am and no later than Monday noon the week preceding the date the motion is noted for hearing. [from Friday 8:00 am to Monday 12:00 pm] Please see example below:

BENTON COUNTY:

- If Friday is a holiday, the deadline is moved to Thursday.
- If Monday is a holiday, the deadline is moved to Tuesday by 12:00 pm.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
				Confirmation time begins after 8:00 am
Confirmation time ends by 12:00 pm				Summary Judgment Noted at 1:30

Summary judgment and over-ten-minute hearings shall be confirmed in Franklin County no sooner than Wednesday at 8:30 am and no later than Friday noon the week preceding the week in which the motion is noted for hearing. [from Wednesday 8:30 am to Friday 12:00 pm] Please see example below:

FRANKLIN COUNTY:

- If any of the days for confirming are a holiday, the deadline is moved to the next judicial day at the same time.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
		Confirmation time begins after 8:30 am		Confirmation time ends by 12:00 pm
		Summary Judgment Noted at 9 am		

Confirmations may be by telephone, or by e-mail to:

- **Franklin County Clerk:** civilclerk@franklincountywa.gov

Per Local Court Rule 56(A)(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.

A moving party contacting the clerk to confirm a summary judgment for a date for which the maximum number of summary judgments and over-ten- minute hearings have previously been confirmed may continue the hearing to the next reasonably available setting and provide notice of the continuance to the other parties in the action and shall re-confirm the continued setting in accordance with the above processes. Twenty-eight (28) days' notice is not required for setting a new hearing hereunder. The new hearing date may be after the last date specified for filing dispositive motions in the Civil Case Schedule Order, but in no event less than fourteen (14) days before trial.

- **Argument Limitations.** Argument on the civil docket shall be limited to 30 minutes per case.
- **Continuance After Confirmation.** Once confirmed, no summary judgment hearing shall be continued without permission of the presiding Judge, and the moving party must appear at the docket.

UNLAWFUL DETAINERS INFORMATION

Franklin County (Mondays at 1:30 p.m.) / Benton County (Fridays at 1:30 p.m.)

Updated 8/1/2024 - The court will make every effort to call Unlawful Detainer cases at 1:30 p.m. and have them completed before the remaining under 10 civil matters are called. However, circumstances may change the order the cases are called. The decision will be up to the Judicial Officer/s presiding over the dockets. Please be prepared to proceed at 1:30 p.m. If attorneys are not ready when their Unlawful Detainer case is called the case may be continued or you will need to re-note the matter. The remaining under 10 civil matters will then be called as soon as the Unlawful Detainer cases are completed. There is no change to Over-10 matters and summary judgment motions. Those cases will continue to be called after the Under-10 matters are completed.

ERPP Expired.

- The Eviction Resolution Pilot Program (ERPP) expired July 1, 2023. See RCW 59.18.660: Eviction resolution pilot program regarding emergency applications detailed in ESSB 5197 Section 2 effective July 23, 2023.

B. Ex Parte/WebEx.

- Remote access via WebEx will be provided as follows and only if an email is sent to sccourtmanagement@co.benton.wa.us advising that an appearance at ex Parte is necessary:
- **Benton County:** Monday through Friday on the ex parte docket from 1:30 p.m. to 1:45 p.m. See the Court's Daily Schedule for the assigned courtroom for the ex parte docket.
- **Franklin County:** Monday through Friday on the ex parte docket from 1:15 p.m. to 1:30 p.m. See the Court's Daily Schedule for the assigned courtroom for the ex parte docket.

C. Standing Order/Order Staying Writ of Restitution.

- The Court has developed a form to be used when the tenant seeks to stay the enforcement of a writ of restitution by entering into a payment plan. It may be downloaded by clicking below:
 - As of January 3, 2022, the Right to Counsel for indigent tenants is provisionally operational in Benton and Franklin Counties. The Standing Order and attachments may be downloaded by clicking below.
 - STANDING ORDER RE: APPOINTMENT OF COUNSEL FOR INDIGENT TENANTS IN UNLAWFUL DETAINER PROCEEDINGS

[Updated September 1, 2024]

DOMESTIC PROCESSES & PROCEDURES EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

AGREED FINAL ORDERS/DEFAULT ORDERS

- A. **Final Order Submission.** Final Orders/Default Entry and this coversheet must be submitted to Court Administration not later than 3:00 p.m. five (5) court days prior to the hearing. This is a process for AGREED FINAL ORDER/DEFAULT ENTRY ORDER ONLY. If you do not have a court date set, do not submit your order through this process.
- **Information you will need:**
 - a. Case number
 - b. Judicial Officer - if known
 - c. Whether submission is agreed final pleadings or default final pleadings
 - d. **Docket:**
 - **Benton County**
 - Pro se/self-represented litigant docket (Tues @ 1:30 pm)
(must be submitted the Tuesday prior no later than 3:00 pm)
 - Domestic relations Under-10 docket (Weds @ 8:30 am)
(must be submitted the Wednesday prior no later than 3:00 pm)
 - **Franklin County**

- Domestic relations docket (Monday @ 8:30 am or 10:00 am)(must be submitted the Monday prior no later than 3:00 pm)
 - **This is a reminder from the Bench:** Agreed final orders/default orders must be submitted to the Court as outlined below (to include the [coversheet](#)).
 - 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 (see below).
 -
 - **Please Note:** Final Orders submitted on eMotion (requiring the Judicial Officers to print) will not be accepted. The Judicial Officers will no longer print the agreed final orders/default orders (these are different from the agreed temporary orders) that are uploaded to eMotion due to the cost of printing and paper then assumed by the court.
 - **Reminder:**
 - If the agreed final orders/default orders are submitted on eMotion and not printed, the hearing will be continued by the court.
- B. Copies. Should you want copies, please prepare to do the following (and notify the court):**
- Provide a copy for the Clerk to conform and return to you through legal process; and/or
 - Provide a copy and a self-addressed stamped envelope for the Clerk to conform and to send to you through the US Postal Service and/or;
 - Provide No copies.

[Updated September 1, 2024; Updated January 6, 2026]

AMENDING CASE SCHEDULE/TRIAL CONTINUANCES

CIVIL/DOMESTIC/PATERNITY/GUARDIANSHIPS

- A. Amend Case Schedule. Court may modify/amend the Case Schedule, for good cause, by motion of the party, stipulation of all parties, or by the Court's own motion.
 - The Court shall freely grant a motion to amend the case schedule when justice so requires, and only after receiving and attaching a Certificate of Judicial Assistant's Pre-Approved Dates (which will expire 30 days after the Judicial Assistant's signature).
 -
- B. Trial Continuance. Parties may stipulate or motion the court for a continuance of trial (which does not require an amendment of the case schedule order) only after receiving and attaching a Certificate of Judicial Assistant's Pre-Approved Dates (which will expire 30 days after the Judicial Assistant's signature).
- C. Contact Other Parties. Prior to contacting Superior Court Administration (Judicial Assistant) to determine available dates to continue settlement conference, pre-trial conference, trial, or to amend the case schedule order, the party seeking to modify the

order shall contact all other parties to determine if there is an agreement. Whether the other parties are in agreement or not, the party seeking the modification/amendment parties must receive Certificate of Judicial Assistant's Pre-Approved Dates prior to amending the case schedule order.

- D. Motions to Modify/Continue without Agreement. Once the available dates are identified by the Judicial Assistant, the party seeking to modify dates may move for relief by filing and serving a motion to modify along with a declaration and attach a Certificate of Judicial Assistant's Pre-Approved Dates and note the motion on the appropriate docket. See Certificate of Judicial Assistant's Pre-Approved Dates.
- E. Motions to Modify/Continue with Agreement. Once the available dates are identified by the Judicial Assistant, the party seeking to modify dates may move for relief by filing and serving a motion to modify along with a declaration and attach a Certificate of Judicial Assistant's Pre-Approved Dates and note the motion on the appropriate docket or present the Motion at ex parte. See Certificate of Judicial Assistant's Pre-Approved Dates.
- F. Available Dates. The dates provided to the parties by way of the certificate will expire thirty (30) days after the Judicial Assistant's signature or as otherwise noted on the form.
- G. Signed/Granted Orders to Amend/Continue. All orders to continue trial or amend the case schedule order shall be provided to the Judicial Assistant within three (3) court days of entry of the order.

[Updated September 1, 2024; formatting only changes 12/18/2024; updated Judicial Assistant title and section C. 12/12/2025]

CASE SCHEDULE ORDERS FOR POST DECREE MATTERS

MODIFICATION OF FINAL PARENTING PLAN OR FINAL RESIDENTIAL SCHEDULE

- A. **Action for Modification of Residential Schedule or Final Parenting Plan.**
 - o A motion for modification of a Final Residential Schedule or Final Parenting Plan shall be brought on by noting the adequate cause hearing required by RCW 26.09.270 on the appropriate motion calendar. The notice shall inform the other party of the time, date, and place of the hearing. The notice shall also include information to the other party regarding the right of the other party to file opposing affidavits.
 - o If adequate cause for the requested modification is not established by the affidavits, the petition for modification of the parenting plan or residential schedule will be denied. [no further action will be taken by the court]
 - o If adequate cause for hearing is established by the affidavits, an Order on Adequate Cause to Change a Parenting/Custody Order will be issued requiring the other party to show cause why the petition for modification should not be granted.
 - o Parties/counsel shall send a conformed copy of the signed Order establishing Adequate Cause to Court Administration within one week of entry of the order.
 - o Upon receipt of the copy, Court Administration will issue a Domestic Case Scheduling Order. Superior Court Administration shall provide one copy to each party; or their attorney.

B. Motions for Temporary Change of Residential Time on Post-Decree Matters

- Except with respect to pending actions for dissolution, legal separation, or a decree of invalidity, motions for temporary change of residential time will not be heard until adequate cause has been established, unless an immediate restraining order has been granted. Once adequate cause is established, the Court may proceed immediately to the hearing of the motion for temporary change of residential time or continue the same, as justice requires.

Note: This does not apply to Motions seeking to Modify Child Support Orders.

CONCLUSION OF TRIAL PROCEDURES

- A. Unless otherwise directed by the Trial Court Judge, within thirty (30) days of the judge giving his or her written decision, the moving party (party who started the most recent petition) that started the action shall submit proposed final documents to the other (responding) party and then follow procedure outlined below:
1. If the responding party does not agree to the proposed final documents, they have fifteen (15) days after they have received them to object by delivering a copy of their proposed changes/objections to the other party. Once the moving party receives the objections, the moving party shall deliver their proposed final documents, along with proof that the proposed final documents were delivered to the other party, and a copy of the objections and proposed changes from the other party to the trial judge at Superior Court Administration, 7122 W. Okanogan Place, Suite A130, Kennewick, WA 99336. The moving party shall indicate on a cover page the name of the Judicial Officer and the dates of the trial.
 - **Please note that if objections are made, the court may schedule a hearing, sign, or modify the proposed documents.**
 2. If no objections are made within the thirty (30) day period, the moving party may send the proposed final documents, along with proof that the proposed final documents were delivered to the other party, to the trial judge at Superior Court Administration, 7122 W. Okanogan Place, Suite A130, Kennewick, WA 99336. The moving party shall indicate on a cover page the name of the Judicial Officer and the dates of the trial. The trial judge may sign the proposed final documents and forward them to the clerk for filing, or the trial judge may return the final documents, if missing information, to all the parties, noting the requested changes and additions.
 3. Unless advised by the Court, or agreement of the parties, if the moving party does not submit final documents within the thirty (30) days of trial, the other party may do so and should schedule their case for Entry of Final Documents before the Trial Court Judge via a special set hearing (scheduled through Court Administration). The moving party should be notified of the hearing and should be given at least 21 days' notice of said hearing. Proof of such notice should be brought to the hearing, along with the prepared final documents.
 4. If the Trial Court Judge gives their Trial ruling by an oral ruling, and a transcript is to be ordered, then the rules herein shall commence within twenty-four (24) hours of the parties receiving the transcript of the Judge's oral ruling.

5. If there is a pending issue post-Trial to be resolved via the regular domestic docket, such as final orders of child support, then the rules herein shall still apply to the other final documents. Once the post-Trial issues are argued and a decision is provided by the Court, the same application/process herein above shall commence within twenty-four (24) hours of the final decisions related to those post-Trial issues.
6. Any clarification of submission of finals shall be submitted to the Trial Court Judge via Court Administration for further ruling/direction. The other party shall be copied on all communication to the Trial Court Judge, and the dates of the trial must also be included.

[Updated: October 1, 2024; Updated format only April 18, 2025]

CUSTODY WRIT OF HABEAS CORPUS RE: MINOR CHILDREN

Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the presiding judge of the Superior Court for Benton and Franklin Counties on court days between the hours of 8:30 a.m. to noon and 1:00 p.m. to 4:00 p.m.

[Updated September 1, 2024]

INFORMAL TRIAL SELECTION

INFORMAL TRIAL

LOCAL DOMESTIC RULE 8

(STATE GENERAL RULE [GR40](#) INFORMAL FAMILY LAW TRIALS (IFLT))

- A. **Informal Trial.** Pursuant to General Rule 40, parties may mutually consent to an informal trial for some or all issues as permitted by the Rule.
- B. **Consent Procedure.** To mutually consent to an Informal Trial, the parties shall, at least thirty (30) days prior to the trial date:
 1. Sign, file in the case, and serve on the other party, a Family Law Informal Trial Selection Form.
 2. Once both parties have consented to an Informal Trial by complying with the requirements of this Rule, one or both of the parties may move for an Informal Trial on the motion docket, or they may make the request during the scheduled settlement conference.
- C. **Modifying Procedures of an Informal Trial.** If one or more of the parties who have mutually consented to an Informal Trial desire that the procedures set forth in General Rule 40 be modified (including but not limited to limitations on declarations and witnesses) they shall specially set a hearing (scheduled through Court Administration) to commence at least twenty-eight (28) days prior to the date for the Informal Trial. It may be heard by any judicial officer, but, if possible, it shall be set with the same judicial officer who will preside over the trial. If the parties begin an informal trial without

moving to modify the procedures in General Rule 40, it is presumed that by doing so the parties are expressing an intent to follow General Rule 40 without modification.

- D. **Exhibits and Trial Declarations.** Both parties shall provide a list of their exhibits and a copy of each exhibit (in organized fashion) that they intend the Court to consider at least fourteen (14) days prior to trial. The list shall be filed with the Court; copies of the exhibits shall not be filed with the Court. All issues related to rebuttal evidence and exhibits, if any, shall be resolved by the trial judge within their discretion.

[Updated September 1, 2024; Updated format only April 18, 2025]

MANDATORY PARENTING SEMINARS

By Local Rule, litigants are not allowed to seek court approval of a final parenting plan unless both parents have successfully completed a Parenting Seminar. Click below for the list approved providers.

- [Benton and Franklin Counties Superior Court Mandatory Parenting Seminars](#)

Please review the [Local Court Rules](#) for additional information regarding Mandatory Parenting Seminars.

[Updated October 23, 2024]

NON-PARENT VISITS

IMPORTANT. YOU CAN ONLY FILE FOR VISITATION ONCE. PLEASE BE THOROUGH AND FOLLOW PROCEDURES CORRECTLY.

A. How to File:

1. Complete the following forms purchased at the Clerk's Office or at www.courts.wa.gov/forms
 - FL Visits 475 Summons – Petition for Visits
 - FL Visits 476 Petition for Visits
2. You may also provide declarations from people supporting your request for visitation. Use form:
 - FL All Family 135 Declaration of (name): _____
3. Complete form 485 (Request for Court Review) to set a review on the domestic docket (Mondays, 8:30 for Franklin; and Tuesdays, 1:30 for Benton).
 - This will not be a hearing with testimony. It is for initial Court Review, so be thorough in your above filed paperwork. If you have received material from the Respondent/s, you shall notify the Court in writing of the paperwork received. *FL Visits 485 Request for Court Review
4. File originals with the Superior Court Clerk and pay the filing fee of \$260.00 or apply for a fee waiver. Have a set of copies conformed for yourself, as well as a set of copies for each respondent.

5. Personally serve the respondents with the above filed documents. Someone over 18 and not the petitioners can serve. You may also pay a process server or law enforcement to serve.
 - **The respondents have 20 days (if served in WA) to decide if they wish to respond.**
6. File a Proof of Personal Service with the Court. Use form:
 - FL All Family 101 Proof of Personal Service
7. At the Court review hearing, the Court will make a decision on:
 - FL Visits 486 Order After Review of Petition for Visits
8. Once the Court enters its Order after Review, obtain a copy from the Clerk, copies are \$.050 per page, and serve the Respondents a copy.
 - **If the petition is denied, there will be no further action.**
9. If the review is approved, the Petitioner is required to also serve the completed, attached section “Notice to Respondent” on the above order.
 - Please ensure the timelines are completed if the case was not dismissed.
 - After all Respondents have been served with the “Order After Review of Petition for Visits” along with the “Notice to Respondent”, file proof, i.e. Proof of Mailing or Hand Delivery, with the Clerk on this form:
 - FL All Family 112 Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
10. Attend any future hearings set by the Court and bring the following order for the Judge’s decision:
 - FL Visits 488 Final Order and Findings on Petition for Visits

Additional information can be found

here: <https://www.washingtonlawhelp.org/resource/washingtons-new-non-parent-visitation-rights>

[Updated September 1, 2024]

POST DECREE MATTERS - MOTIONS TO MODIFY FINAL PARE

MODIFICATION OF FINAL PARENTING PLAN OR FINAL RESIDENTIAL SCHEDULE.

A. Actions for Modification of Residential Schedule or Final Parenting Plan.

- A motion for modification of a Final Residential Schedule or Final Parenting Plan shall be brought on by noting the adequate cause hearing required by RCW 26.09.270 on the appropriate motion calendar. The notice shall inform the other party of the time, date, and place of the hearing. The notice shall also include information to the other party regarding the right of the other party to file opposing affidavits.
- If adequate cause for the requested modification is not established by the affidavits, the petition for modification of the parenting plan or residential schedule will be denied. [no further action will be taken by the court]

- If adequate cause for hearing is established by the affidavits, an Order on Adequate Cause to Change a Parenting/Custody Order will be issued requiring the other party to show cause why the petition for modification should not be granted.
- Parties/counsel shall send a conformed copy of the signed Order establishing Adequate Cause to Court Administration within one week of entry of the order.
- Upon receipt of the copy, Court Administration will issue a Domestic Case Scheduling Order. Superior Court Administration shall provide one copy to each party; or their attorney.

B. Motions for Temporary Change of Residential Time on Post-Decree Matters

- Except with respect to pending actions for dissolution, legal separation, or a decree of invalidity, motions for temporary change of residential time will not be heard until adequate cause has been established, unless an immediate restraining order has been granted. Once adequate cause is established, the Court may proceed immediately to the hearing of the motion for temporary change of residential time or continue the same, as justice requires.

Note: This does not apply to Motions seeking to Modify Child Support Orders.

Added 10/31/2024

PRO SE FAMILY LAW INFORMATION

SERVICE.

- A new case cannot start unless the opposing party has been properly served. “Service” means having someone 18 or older and of sound mind deliver all initial pleadings to the respondent. If you are the petitioner, you cannot serve the respondent yourself. You can use a professional process server, or you can have a friend or family member serve the opposing party. You can ask the Judge about different ways to serve someone if you cannot serve them personally. RCW 4.28.080, CR 4
- The summons and petition must be served together. The summons and petition must be completely filled out with the correct information, and signed by the Petitioner. Use the standard court forms available on the Washington Courts Website for the summons and petition (see QR code below for link). CR 4
- Whoever serves the opposing party must fill out and sign a declaration of service (proof of service). The signed declaration of service must be filed with the Clerk’s office. CR 4(g), RCW 4.28.080 (FL All Family 101).

MOTIONS.

If you want the Court to consider a motion that you have filed, or consider your response to a motion filed by the other party, the following timelines for filing documents apply:

1. The moving party must file and serve on the opposing party a copy of the motion, along with any supporting documents, declarations and/or attachments, no less than 21 days prior to the hearing.

2. The opposing party must file and serve a response no less than 11 days prior to the hearing.
3. The moving party may file and serve a reply to the response no less than 5 days prior to the hearing. The reply is limited to addressing issues raised by the opposing party in the response. No new issues can be brought up in a reply brief that were not already brought up in the original motion.

The moving party is limited to 25 pages for their motion and attachments. The responding party is limited to 20 pages for their response and any attachments. Some documents do not count towards this page limit, and you can ask for permission to exceed the page limit in certain circumstances. For more information on the page limits, see the Local Domestic Court Rules, available here:

Benton & Franklin County Superior Court Local Domestic Rules: [Local Rules and Required Forms](#)

All State mandated Family Law forms can be found on Washington Courts Website: [Washington State Courts - Court Forms](#)

[Updated September 1, 2024]

RELOCATION MOTIONS/TRIALS

PER LOCAL DOMESTIC RULE: DOMESTIC LAW MOTIONS

WHAT DOCKET?

- Franklin County Relocation motions shall be scheduled using the special set process as detailed on the Court's website (see link, below).
- Benton County Relocation motions shall be heard only on the Domestic Docket – Over 20 on Wednesdays at 9:00 a.m.

How do I set My Relocation Trial

- Franklin County Relocation trials shall be scheduled using the special set process as detailed on the Court's website (see link, below).
- **Benton County Relocation trials shall be scheduled using the special set process on the Court's website:** Special Set Request for Relocations
- **For Relocation Trials (both counties) please see Evidentiary Hearing Protocol Process at:** Evidentiary Hearing Protocol

CONFERENCE (DOMESTIC) - SETTLEMENT/PRETRIAL

DOMESTIC - PATERNITY SETTLEMENT & PRETRIAL CONFERENCES

All Domestic -Paternity Settlement Conferences will be IN PERSON. WebEx will no longer be available. Please refer to your notice for direction.

For IN PERSON attendance for Settlement Conferences in Franklin County, please check-in at Court Administration, located on:

- **Second floor of the Franklin County Courthouse:**
 - 1016 N. 4th Ave Pasco, WA 99301

Combined Settlement and Pretrial Conferences. In person attendance at settlement conference and pretrial conference is mandatory for all parties and their counsel. A combined settlement and pretrial conference shall be held in all contested family law/domestic relations cases. The purpose of the conference is to explore settlement of all issues and to identify disputed issues. Parties are not bound by the settlement recommendations of the Court but are required to attend and participate.

Attendance by all counsel and Parties is Mandatory. Failure to appear at the settlement conference, without prior permission of the court, shall constitute an act of default. The present party may file a motion for default pursuant to CR 55. Notice of default and the proposed final documents are required pursuant to Court/Civil Rules to be served on the opposing party.

Submitting Position Statements. Both parties shall exchange position statements prior to the Settlement Conference. The Parties shall submit with Court Administration (or eMotion) and serve/exchange their position statement, three (3) days prior to the settlement conference. Position statements shall not be filed in the court file. No fax copies will be accepted by the court. See Position Statement for Settlement Conference as prescribed by the court.

Court Imposed Sanctions. Failure to appear at the settlement conference (without prior permission of the court) or failure to timely submit a Position Statement, may subject the non-complying party and/or their attorney to a sanction of \$200, paid to the Clerk of the Court. Payment shall be due within twenty (20) days of the order. A party or attorney may petition the Court for relief from sanctions, which shall be filed within the same 20-day period and shall be noted for hearing.

If No Settlement is Reached. At the conclusion of the settlement conference, if the case is not then settled, a Joint Pretrial Statement and Pretrial Order will be prepared cooperatively between the parties and the Court. The Pretrial Order must be signed by the Judicial Officer. Exhibit and witness lists shall be filed and served, and exhibits served, not later than two (2) weeks before the trial date, unless otherwise stated in the Pretrial Order. See Order re: Pretrial Statement as prescribed by the court.

NOTE: Due to insufficient notice to parties resulting from the recent statewide outage, the Benton and Franklin Counties Domestic & Parentage Conferences scheduled between 11/22 and 12/13 are being rescheduled. These conferences will be rescheduled based on the availability of the Court's calendar. We appreciate your patience and understanding.

[Updated November 21, 2024]

SUPERVISED VISITATION

Washington State has updated its supervised visitation requirements under RCW 26.09.191, effective July 27, 2025, following the passage of House Bill 1620.

- A. Professionally Supervised Visitation. On occasion, the court will order professionally supervised visitation. The court has approved the following agencies for both Benton and Franklin Counties. If the court orders "professionally supervised visits," the following agency are approved without further order.
- Each of the approved agencies follow the requirements outlined by DCYF/CPS. The approved agencies provide written reports after the visits, operate during a variety of hours/days, and facilitate services for professionally supervised exchanges. Please contact the facilities (at the contact information provided) for prices, hours of operation, and location.
 - **APPROVED PROFESSIONALLY SUPERVISED VISITATION AGENCIES:**
 - **Website:** <http://www.caringheartssocialservices.com/contact-us.html>
 - **Hope and Family Social Services**
 - **Abel Bautista:** 509-430-8140
 - **Kids at Heart, LLC**
 - **Denise Boeckmann:** 509-531-4728
 - **Fax:** 509-737-1363
- B. Supervised Visitation (Non-Professional). On occasion, the court will order that one or both parents' visitation will be supervised. Family or friends, if qualified, can be called upon to serve as supervisors upon completion of the written guidelines, as required.
- C. Written Guidelines Required. Both the supervisor and the supervised parent must agree to these in writing before the first visit.

Important! No visits shall take place until the supervised parent and supervisor (or representative of a professional supervision program) have signed this form (below) and the supervised parent provides a signed copy to the other parent and the supervisor.

TITLE 26 COUNTY PAID GALs

BENTON AND FRANKLIN COUNTIES:

Upon motion of the parties or on the Court's own motion, the Court may appoint a Title 26 GAL from the Registry to conduct investigations in cases where there are allegations of abuse and neglect. GALs appointed from the Registry to investigate abuse and neglect cases are paid by the county at a rate of \$125.00 per hour for a maximum of ten (10) hours. Additional time can be authorized by order of the court.

You can find forms for the appointment of a County Paid GAL and for the collection of information at the bottom of this page.

- A. Deadline and scope. When the Court appoints a County-paid GAL, the County-paid GAL shall submit a preliminary report to the parties and the court within 30 days of appointment, unless the order provides otherwise. The order appointing a County-paid

GAL shall be limited in scope and shall be limited to gathering documents and outlining the facts relevant to the scope. If Child Protective Services and/or law enforcement are conducting parallel investigations(s), the County-paid GAL shall note such in the report, but these parallel investigations do not guarantee a continuance of the deadline for the County-paid GAL report.

- B. Service and notice required. Pursuant to applicable procedures/rules, from the date of the appointment, the County-paid GAL shall receive copies of all documents that are to be served on parties, copies of all discovery, and notice of all hearings and presentations related to the residential schedule, decision making, or other child-related issues (other than support). Any party who requires the County-paid GAL at a trial related to child residential schedule, shall prepare and serve a subpoena on the County-paid GAL for mandatory appearance by the County-paid GAL
- C. Discharge. Unless otherwise set forth in Local Court Rules/procedures, the County-paid GAL shall be discharged only by order of the Court upon motion, completion of a declaration by the County-paid GAL, or upon completion of the parenting plan, which requires the County-paid GAL signature.
- D. Relevant Statutes. The statutory authority for the appointment of a guardian ad litem is RCW 26.12.175. Information obtained by a GAL cannot be released without a court order, under RCW 26.12.180.

COUNTY-PAID GAL FORMS

- Type-In Order Appointing County Paid GAL - Updated 3.17.2025
- Write-In Order Appointing County Paid GAL - Updated 3.17.2025

TITLE 26 GAL - HOW DO I GET PAID?

[Updated April 8, 2025]

SPECIAL PROCEEDINGS PROCESSES & PROCEDURES EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

6.12.2025 GMP UPDATES REVIEW - PRESENTATION SUMMAR

- A. Forms Provided at Presentation.
 - **Handouts from Presentation**

- Instructions for Submitting Initial Report
 - Instructions for Submitting Periodic Report
 - Instructions for Submitting Final Report
 - **Also found at:** Forms Required Per LCR/Processes/Procedures
- B. Guardianship Monitoring Program. Judicial Assistants are assigned to GMP with additional duties in the courtroom as overseers of court operation and providing direction to the court.
 - The current Judicial Assistants are: Jessica Ramsay & Kristin Rose
 - **GMP has responsibility for ensuring:**
 - Expenditures are to the sole benefit of individual
 - Correct reporting dates
 - Appropriateness of requested fees
 - Any changes since previous order entered
 - Accuracy of accounting
 - Comparison of report to supporting documents
- C. Email. GMP.Registry@co.benton.wa.us
- 1. Include case name & cause number in the subject line for quicker response.
 - 2. Request rotation list for CV/GAL appointment.
 - 3. Submission of Proposed Orders (summary dates may be left blank for court entry).
 - 4. When needing to contact GMP in urgent matters/general inquiries.
- D. Reports.
 - 1. Confirm the report is clear, concise, accurate, and demonstrates how the individual is being cared for.
 - 2. Refer to Instructional Forms for submission of reports.
 - 3. Allow sufficient time for review by GMP.
 - 4. Reports are reviewed in order of receipt of emailed proposed order.
 - 5. We request 60 days for review of Periodic Reports.
 - GMP will no longer be extending letters. Parties must file a Motion and Notice of Hearing for an extension. Due to Judicial Assistant responsibilities, we are unable to meet with parties prior to filing their report
 - **Correction to reports:**
 - Addendum – for minimal corrections
 - Declaration – for explanation
 - Hearing – oral explanation without supporting documents
 - Amended Report – upon request/incomplete reports
 - Once Order Approving is signed, GMP will file with the clerk and confirm issuance of new Letters. Parties shall then be notified via email and may request a non-conformed copy for purpose of calendaring due dates.
- E. Review. Determination of adherence to previous report and any change/deviation:
 - Completion of Report
 - Updated forms used from State Courts website
 - Forms are unaltered
 - No blank sections or incomplete sentences (eg “no change”)
 - Any changes are verified by

- Explanation on report
 - Supporting documentation
 - Previously filed documents
- Upon discovery of discrepancies the court may
 - Issue a Notice of Inability to Complete Review if there are items missing/needed (filed with court and emailed to parties)
 - Parties have 30 days to reply, after which an Order to Show Cause may be issued
- Order to Show Cause may be issued for:
 - Concerns regarding the report
 - Concerns regarding well being of individual
 - Significant discrepancies in accounting
- F. Hearings. Shall be required for any matters in which there are changes in the Guardianship/Conservatorship outside the scope of the previous order. Not required for approval of Guardian Plan/Conservator Inventory or Periodic Report.
 - Ex Parte matters:
 - Emergency Guardianship matters
 - Appointment of Court Visitor
 - All else are subject to GMP process
 - If an Order is sent to the clerks without being marked “proposed” it could be subject to an Ex Parte fee, which is not part of GMP process
- G. SS Rep Payee. Parties may request to convert Full Conservatorship to Limited scope or Termination of Conservatorship if there is a Designated SS Representative Payee.
 - Limited Conservatorship
 - Reduction of necessity to provide extensive detailed explanation on accounting
 - May provide SS Rep Payee annual report in lieu of bank statements
 - Termination of Conservatorship
 - Submit Periodic Guardians Report & Final Conservators Report simultaneously
 - Set hearing (min. 3 weeks out) to convert case to Guardianship only
- H. Registry Requests. Follow the template when requesting the next available Court Visitor/Guardian ad Litem:
 1. Submit request via GMP email.
 2. Notice of Proposed individual next on rotation shall be returned within a suitable time frame.
 3. Return the form by indicating if the individual has accepted/declined the appoint and reason for such within 10 days.
 4. If not received by then, it will be presumed the case is not moving forward and the individual will be placed next on rotation.
 5. If the individual declines, a new Proposal form will be sent with the next person on the list.
 6. Please allow 24 hours for contact from the individual (with a minimum of three attempts at contact) before requesting a new individual from the rotation list.

Emergency Appointments

- If it is not feasible to contact the individual prior to filing, please use the name of the Court Visitor provided
- Should the Court Visitor be unable to accept the case, they must file a declaration of such with the court
- Parties should email the declaration with a request for a new proposal to GMP

GAL/COURT VISITOR REGISTRY

GUARDIAN AD LITEM/COURT VISITOR REGISTRIES

GAL/Court Visitor	Adult Guardianship Court Visitor	Minor Guardianship Court Visitor	Minor Guardianship Guardian ad Litem	Minor Conservatorship	Retainer/Hourly Rate	Accepts Reduced Fee Cases?
BRIAN GIESZLER	Yes	Yes	No	Yes	\$2,000/\$200/hr	Yes
JANET CAREY	No	Yes	Yes	No	\$3,000/\$90/hr	Yes
KAREN KOEHMSTEDT	Yes	No	No	No	\$5,000/\$300/hr	No
MARINA PRATHER	Yes	No	No	No	\$1,750/\$175/hr	Yes
MONICA HOLLENBERG	Yes	Yes	Yes	Yes	\$240/hr	Yes
TALESHA SAMS	Yes	No	No	No	\$2,000/\$175/hr	No
TARA SYMONS		Yes	Yes	No	\$8,000/\$200/hr	No
TAWNEY CARRIER	Yes	No	No	Yes	\$6,000/\$300/hr	No
TRACY HOLLENBECK	Yes	Yes	No	No	No Retainer/\$150hr	Yes

Minor Conservatorships do not require CV but if the court determines one is needed, they will be paid \$175/hr w/10 hr cap.

Click GAL/Court Visitor's name to view firm name, address, phone number, email, & background statement information.

Per GALR (Superior Court Guardian ad Litem Rules) - GALs/Court Visitors are appointed to represent the best interests of minor children in Title 26 Domestic Relations (family law) cases or adults/minors in Title 11 guardianships.

GALs/Court Visitors are individuals who do GAL/Court Visitor work as part- or full-time self-employment. GALs/Court Visitors are officers of the court but not employees of the court.

Click “FAQ – How Do I Get a Title 11 Court Visitor Appointed” for more information.

Court Visitors may scroll to the bottom of this page for payment instructions and county pay forms.

Appointment of Court Visitor for ADULT Guardianship proceeding:

Registry Instructions & Information

Above you will find the current Title 11 (Adult Guardianship) Court Visitor Registry. The Title 11.130 Court Visitor Registry is provided for reference only; do not present on order appointing a Court Visitor on a guardianship case prior to contacting Court Administration.

Also, please note that Court Visitors must be listed on this registry in order to accept cases in Benton and Franklin Counties.

Per RCW 11.130 and Local Guardian Ad Litem Rule 5, Title 11 Court Visitor appointments from the Court Visitor registry are made on a rotational basis.

Title 11 Court Visitors are listed in alphabetical order and appointments are made in that order. If you need a Title 11 Court Visitor, please contact the GAL/CV Registry Manager for the next Court Visitor on the list.

You are then responsible for contacting the CVs in the order provided, securing a CV and informing Court Administration of who accepted the case.

Minor Guardianship CV/GALs

If the Court determines your case requires appointment of a Court Visitor or Guardian ad Litem, please contact the GAL/CV Registry Manager for a list of the next 3 GAL names on the registry.

A Court Visitor is appointed by the Court.

- County Paid Title 11 GAL Information
 - How Do I Get Paid by the County on a Title 11 GAL Case?
 - Motion for Order Approving Payment at Public Expense
 - Include all supporting documentation along with a copy of the Order Appointing and any subsequent orders approving additional fees should that apply.
 - Order Approving Payment at Public Expense

- County Pay Rates

Settlement GALs are not required to be GALs from our Registry or appointed by Court Administration in a certain rotation. Any attorney with the requisite knowledge and experience can be appointed as a settlement GAL.

GUARDIAN AD LITEMS/COURT VISITORS

This policy covers the maintenance and administration of the Guardian ad Litem and Court Visitor Registries maintained by Superior Court Administration pursuant to RCW 4.08.060 as amended, RCW 8.25.270 as amended, RCW 11.88.090 as amended or, if repealed, then pursuant to applicable law if any, Superior Court Guardian ad Litem Rules/Policies GAL/CV Rules/Policies as amended, and RCW 26.12/RCW 11.130.155 as amended; and the GAL registry maintained by the Juvenile Court Administrator's office pursuant to RCW 13.34 as amended.

GAL/COURT VISITOR REGISTRY

GUARDIAN AD LITEM/COURT VISITOR REGISTRIES

GAL/Court Visitor	Adult Guardianship Court Visitor	Minor Guardianship Court Visitor	Minor Guardianship Guardian ad Litem	Minor Conservatorship	Retainer/Hourly Rate	Accepts Reduced Fee Cases?
<u>BRIAN GIESZLER</u>	Yes	Yes	No	Yes	\$2,000/\$200/hr	Yes
<u>JANET CAREY</u>	No	Yes	Yes	No	\$3,000/\$90/hr	Yes
<u>KAREN KOEHMSTEDT</u>	Yes	No	No	No	\$5,000/\$300/hr	No
<u>MARINA PRATHER</u>	Yes	No	No	No	\$1,750/\$175/hr	Yes
<u>MONICA HOLLENBERG</u>	Yes	Yes	Yes	Yes	\$240/hr	Yes
<u>TALESHA SAMS</u>	Yes	No	No	No	\$2,000/\$175/hr	No
<u>TARA SYMONS</u>		Yes	Yes	No	\$8,000/\$200/hr	No
<u>TAWNEY CARRIER</u>	Yes	No	No	Yes	\$6,000/\$300/hr	No
<u>TRACY HOLLENBECK</u>	Yes	Yes	No	No	No Retainer/\$150hr	Yes

Minor Conservatorships do not require CV but if the court determines one is needed, they will be paid \$175/hr w/10 hr cap.

Click GAL/Court Visitor's name to view firm name, address, phone number, email, & background statement information.

Per GALR (Superior Court Guardian ad Litem Rules) - GALs/Court Visitors are appointed to represent the best interests of minor children in Title 26 Domestic Relations (family law) cases or adults/minors in Title 11 guardianships.

GALs/Court Visitors are individuals who do GAL/Court Visitor work as part- or full-time self-employment. GALs/Court Visitors are officers of the court but not employees of the court.

Click “[FAQ – How Do I Get a Title 11 Court Visitor Appointed](#)” for more information.

Court Visitors may scroll to the bottom of this page for payment instructions and county pay forms.

Appointment of Court Visitor for ADULT Guardianship proceeding:

Registry Instructions & Information

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Minor Guardianship CV/GALs

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 - [Order Approving Payment at Public Expense](#)

- County Pay Rates

Settlement GALs are not required to be GALs from our Registry or appointed by Court Administration in a certain rotation. Any attorney with the requisite knowledge and experience can be appointed as a settlement GAL.

Grievance Procedure

- A. **Purpose Statement.** The procedure for handling grievances and/or imposing discipline against a Guardian ad Litem/Court Visitor provided hereunder are intended to facilitate a process which is fair, expedited, and protective of all participants as well as respectful of judicial time and resources.
- B. **Procedures for Filing a Grievance.** Only a party to a case may file a grievance against a Guardian ad Litem/Court Visitor. Grievances against Guardians ad Litem/Court Visitor shall be made in writing, be signed under the penalty of perjury, and be addressed to the Court Administrator. Neither the grievance nor any documentation related to the grievance, including a decision on the grievance, shall be filed in the court file.
 - The grievance must include the following information.
 - The name, mailing address, telephone number, and e-mail address (if any) of the party filing the grievance;
 - The case number and case name;
 - The name of the Judge or Court Commissioner hearing the case;
 - The trial date;
 - Whether the party filing the grievance has discussed the grievance with the Guardian ad Litem/Court Visitor;
 - What action the Guardian ad Litem/Court Visitor has taken to address the grievance;
 - Which provision(s) of the Order Appointing Guardian ad Litem/Court Visitor or of these policies the party filing the grievance is claiming the Guardian ad Litem/Court Visitor has violated;
 - A complete statement of the specific facts underlying each alleged violation, as set forth in subsection (C) below; and
 - What the party filing the grievance is requesting be done to correct the problem complained of and why.
 - The grievance must state with specificity the act or failure to act of concern to the complaining party as it relates to the grounds outlined below which are also grounds for denial of listing on, removal from or temporarily suspending the Guardian ad item/Court Visitor from the registry:
 - There has been a violation of the Guardian ad Litem/Court Visitor Code of Conduct;
 - There has been a misrepresentation of his or her qualification to be a Guardian ad Litem/Court Visitor; or
 - Has not met the annual update requirements; and/or
 - Any reason that would place the suitability of the person to act as Guardian ad Litem/Court Visitor in question, including, but not limited to the following:

- a. Breach of confidentiality;
 - b. Falsifying information on the application;
 - c. Falsifying information in a Court report;
 - d. Failure to report abuse of a child;
 - e. Ex-parte communication;
 - f. Representing the court in a public forum, without prior approval of the Court;
 - g. Violation of state, or local laws, rules of the policy, policies while a Guardian ad Litem/Court Visitor; and
 - h. Dissemination of Bi-Pen (Bi-County Police Information) records.
- C. Initial Screening of Grievance.** The Court Administrator shall forthwith forward the grievance to the Administrative Presiding Judge for initial screening. If it is clear on the face of the grievance that the grievance is without merit, the Administrative Presiding Judge shall dismiss the grievance, providing a copy of such dismissal to the complaining party and the affected Guardian ad Litem/Court Visitor. The Administrative Presiding Judge shall endeavor to complete the initial screening within fourteen (14) days of filing of the grievance. The matter will be closed and the grievance shall be held as a confidential, sealed record in the files of the Court Administrator unless merit has been found.
- D. Grievances Filed During the Pendency of a Case.** If a grievance is not dismissed under section C above and the grievance pertains to a pending case or if trial in the pending case is underway, the Court Administrator shall, within three (3) business days of receipt, forward the grievance to the Administrative Presiding Judge or if trial is underway, to the judicial officer assigned to hear the trial, to handle the grievance, with a copy being sent to the affected Guardian ad Litem/Court Visitor. If the grievance is forwarded to the Administrative Presiding Judge, he/she shall assign responsibility for the investigation and decision on the grievance to the Administrative Presiding Judge, the Assistant Administrative Presiding Judge, another judicial officer, or a committee composed of three (3) judicial officers of the Administrative Presiding Judge's choosing. Whomever the grievance is forwarded to shall be known as the "judicial officer for the grievance."
- o The Guardian ad Litem/Court Visitor shall be allowed to file a response to the grievance within fourteen (14) days of receiving notice from the court by forwarding a copy of the response to the complaining party with the original response being sent to the Court Administrator who will deliver the same to the judicial officer for the grievance. In addition, an appropriate investigation may be made by the judicial officer, including, but not limited to, interviews with the complainant, the Guardian ad Litem/Court Visitor, and other persons with relevant knowledge.
 - o Upon receipt of the response from the Guardian ad Litem/Court Visitor or upon passage of the fourteen (14) day response period, whichever is sooner, the judicial officer assigned to the grievance shall review the response, complete the investigation and thereafter issue a final written or oral disposition of the matter. The judicial officer for the grievance will endeavor to issue a final decision within no later than forty-five (45) days after the filing of the grievance. The original of a written disposition or a transcript of an oral disposition shall be placed in the

confidential grievance file with copies of the written disposition being forwarded to the complaining party and to the Guardian ad Litem/Court Visitor.

- If the final disposition is that the grievance should be dismissed, the procedure with regard to retention of the grievance set forth in section C above shall be followed. If, as part of the final disposition, there has been a finding that the grievance was not brought in good faith or was otherwise frivolous or designed to impact the pending proceedings through increased costs to the other party or Guardian ad Litem/Court Visitor, terms in the form of costs or other sanctions may be imposed against the grieving party.
- If, upon a finding by a preponderance of the evidence that one or more of the grounds in section (B)(2) have been established, and the final disposition is that the grievance was brought in good faith and has been determined to be well-founded, there shall be a method of discipline to be imposed upon the Guardian ad Litem/Court Visitor set forth in the disposition which shall take effect immediately. Accepted forms of discipline shall consist of one or more of the following:
 - A verbal or written reprimand;
 - Removal from the pending case;
 - Suspension of the Guardian ad Litem/Court Visitor from the registry for a period not to exceed one (1) year;
 - Suspension of the Guardian ad Litem/Court Visitor from the registry until such time as the Guardian ad Litem/Court Visitor has provided satisfactory proof of completing additional training in a specific area described in the disposition;
 - Imposition of terms in the form of costs or other monetary sanctions; and/or
 - Permanent removal of the Guardian ad Litem/Court Visitor from the registry for Title 11, Title 13, and/or Title 26 cases.
- If the discipline imposed is permanent removal from any Guardian ad Litem/Court Visitor registry, notification of same shall be forwarded to the Office of the Administrator for the Courts for circulation to other counties. The grievance file shall include the original grievance, the Guardian ad Litem's/Court Visitor's response, and the written initial and final dispositions of the matter and shall be maintained by the Court Administrator for a period for no less than six (6) years.
- A Guardian ad Litem/Court Visitor who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the Court Administrator who will forthwith reassign such cases.
- Timelines stated herein may be modified by the Administrative Presiding Judge or judicial officer for the grievance for good cause. In calculating times, items mailed shall be deemed received by the addressee three (3) days after the date of mailing.

E. Grievances Filed After the Conclusion of a Case or After Discharge of the Guardian ad Litem/Court Visitor. If the grievance pertains to a case in which final orders have been entered or an order discharging the Guardian ad Litem/Court Visitor has been entered, the Court Administrator shall, within three (3) business days, forward the

grievance to the judicial officer who presided over the trial in the case or who signed the final orders/order of discharge which a copy to the affected Guardian ad Litem/Court Visitor, as the judicial officer for the grievance. Thereafter, the procedures set forth in section D shall be followed.

- F. **Interim Suspension for Grievances handled under sections D and E.** For all grievances received and processed under sections D and E above, at the discretion of the Administrative Presiding Judge or the judicial officer for the grievance as set forth in this policy, the Guardian ad Litem's/Court Visitor's participation in the registry may be suspended pending resolution of the grievance. A Guardian ad Litem/Court Visitor whose participation is suspended pending resolution and who still has active or incomplete cases shall immediately report this circumstance to the Superior Court Administrator who may reassign such cases upon instruction from the judicial officer assigned to the grievance.
- G. **Reconsideration of Decision Under Sections D and E.** A Guardian ad Litem/Court Visitor seeking reconsideration of the decision shall do so in writing to the Superior Court Administrator, who shall forward the request and supporting documents to the judicial officer for the grievance for final decision. The Guardian ad Litem/Court Visitor shall be notified in writing of the final decision.

[Updated September 1, 2024]

Registry Administration

- A. The Court shall maintain and administer Guardian ad Litem/Court Visitor registries for Guardianship/Conservatorship, and Family Law cases. These registries shall not include Adoption Guardians ad Litem, Juvenile Court Guardians ad Litem, or Court Appointed Special Advocates, which shall continue to be administered independently by their respective programs. These requirements and procedures also apply to persons not listed on a registry who are appointed to serve as a Guardian ad Litem in a field for which there is a registry.
- B. The Court shall maintain a completed application form, and background information records pertaining to each person on a registry. Persons listed on a registry or registries shall reapply and update background information annually on a date specified for each registry. Background Information Records shall be available for public inspection to the extent required by law.
- C. Persons shall be selected to serve on each registry at the discretion of the Court giving due consideration to:
 - o Having a sufficient number of Guardians ad Litem/Court Visitors available to fulfill the requests for appointment; and
 - o Achieving and maintaining a high level of knowledge, skill and competence within each given field. In some cases there may be more qualified applicants than will be needed or would benefit the program, so that not all persons applying will be selected.
- D. The Court may sponsor or approve training which registry applicants shall be required to attend to maintain and improve their level of proficiency. Title 11 Guardian ad Litem/Court Visitor registry applicants must complete any training required by [RCW](#)

11.130.155 as amended or, if repealed, as required by applicable law if any, prior to placement of the applicant's name on the guardian ad litem/court visitor registry.

- E. Each registry may be reconstituted periodically. The Court may remove persons listed on a registry and allow additional applicants to be added to a registry at the discretion of the Court.
- F. The Court may impose an application fee and/or charge a fee for the training programs.

[Updated September 1, 2024]

GAL Registry (Title 26) Information

GUARDIANS AD LITEM APPOINTED PURSUANT TO RCW TITLE 26 SHALL BE APPOINTED IN THE FOLLOWING MANNER:

1. Upon either the motion of the Court or a party to an action and subsequent decision of the Court to appoint a Guardian ad Litem, each party to the action shall request a strike list from the registry, using the form Title 26 GAL Strike List Request. More information about Required Forms can be found here: <https://www.bentoncountywa.gov/pview.aspx?id=55167>
 - a. Each party to the action will then be provided with a strike list of three (3) names randomly selected from the GAL Registry (Title 26) along with background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within seven (7) judicial days, strike one name from the list. If more than one name remains on the list, the Court shall select the first named Guardian ad Litem not stricken by a party. In the event all three names are stricken, one additional name shall be randomly selected as the alternate Guardian ad Litem.
 - b. Parties shall file the Benton and Franklin Counties Order Appointing Guardian ad Litem within thirty (30) days of the selection by the Court. The Guardian ad Litem shall immediately begin their work upon filing of the Order Appointing Guardian ad Litem.
2. The Court may, for good cause and upon written finding, appoint a specific Guardian ad Litem to a case upon recommendation of the parties. Good cause may include expertise in a particular area, previous appointment of a Guardian ad Litem to the specific case, or such other reason as determined by the Court. The hourly rate for services charged by a Guardian ad Litem does not constitute good cause for the appointment of a specific Guardian ad Litem upon recommendation of the parties.
3. Title 26 Guardians ad Litem are required to accept up to two (2) county-paid abuse and neglect cases in a calendar year. Appointments shall be made in alphabetical rotation in the event that the Court's Family Court Investigator (FCI) is unable to accept the case. Failure to accept county-paid appointments may result in removal from the Registry at the Court's discretion.
 - a. Complaints by Guardians ad Litem regarding registry or appointment matters shall be made in writing and be addressed to the Court Administrator. The Administrative Presiding Judge, Assistant Administrative Presiding Judge or

Court Administrator shall provide written response to the complainant within forty-five (45) business days of receipt of the complaint.

- b. Please review the Court's [Grievance Procedure](#) for additional information regarding filing grievances against a Guardian ad Litem.

[Updated October 24, 2024]

Title 11 Guardian ad Litem / Court Visitor Info

Guardians ad Litem & Court Visitors appointed pursuant to RCW Title 11 shall be appointed in the following manner:

- A. A party needing an appointment of a Guardian ad Litem (GAL)/Court Visitor (CV) from the [Guardian ad Litem/Court Visitor registry](#) shall provide a [written request](#) to the Superior Court Administration [GMP Case Manager](#). The requesting party shall receive a Notice of GAL/CV Rotation with three (3) Guardians ad Litem or Court Visitors whose names appear next on the Registry and meets the requirements of [RCW 11.130.155](#) as amended or, if repealed, the applicable law if any. Court Visitors are appointed by the court.
- B. The requesting party shall contact the GALs/CVs in the order listed to determine their availability and suitability to the appointment. Once a GAL/CV has accepted the appointment, the requesting party shall return the Notice of GAL/CV Rotation form to Court Administration with the name of the selected GAL/CV indicated clearly on the form. It is the requestor's responsibility to have an Order of Appointment approved by the Court and parties served per statute.
 - o A Guardian ad Litem in Adult Guardianship cases shall only be appointed by the Court. For appointment of Court Visitor, an Order of Appointment must be presented on the Ex-Parte Docket or Guardianship Docket. Please visit the [Washington Courts Website](#) for updated [Court Forms](#).
 - o In Minor Guardianship cases where the minor is over 12 years of age, the Court will automatically appoint a Court Visitor. For appointment of a GAL or CV in Minor Guardianship cases, an Order of Appointment must be presented on the Ex-Parte Docket or Guardianship Docket. Please visit the [Washington Courts Website](#) for updated [Court Forms](#).
- C. A Court Visitor appointed shall file with the Court & serve upon the parties a Statement of Qualifications in conformance with [RCW 11.130.280](#) for Adult Guardianship Cases and [RCW 11.130.380](#) for Minor Guardianship Cases, as amended or, if repealed, the applicable law if any.
- D. Guardians ad Litem/Court Visitors appointed pursuant to RCW Title 11 shall be compensated in accordance with the law. In the event that the county should be responsible for such costs, the fees shall not exceed the [case cap](#) set by the Court. If additional fees beyond the case cap are requested, such request shall be by a separate motion supported by appropriate affidavits and shall be made before fees beyond the case cap are incurred. Failure to get pre-approval shall result in waiver of all such fees exceeding the case cap. The order authorizing disbursement of County funds shall provide

that those fees shall be reimbursed to the county in the event the estate obtains, within a reasonable period of time, sufficient assets.

- E. Any declination of appointments will require a declaration outlining the reason for the declination.
- F. Should any person appointed herein fail to accept such appointment more than twice in a calendar year or fail to accept a County pay appointment if the Guardian ad Litem/Court Visitor is selected on the rotational registry, such persons name will be deleted from the registry at the Court's discretion.

[Updated October 24, 2024]

GUARDIANSHIP & TRUST FORMS

All forms related to Guardianships, Conservatorship, or Other Protective Arrangements:

- [Washington State Forms Link](#)

All forms related to Minor Guardianships:

- [Minor Guardianship Washington State Forms Link](#)

GUARDIANSHIPS (ADULT)

Guardianship and conservatorship in Washington State are legal processes in Superior Court, in which a guardian and/or a conservator is appointed to exercise the legal rights of a person subject to guardianship and/or conservatorship. The individual may need a guardian or a conservator, or both.

Please visit the Washington State Court's Guardian Portal for more details and answers. Please **CLICK HERE** for the link to Washington State Court's Guardian Portal.

- A. The Benton and Franklin Counties information provided here is not intended to be construed as legal advice. Laws change frequently, so we cannot guarantee that the information presented here is always current and applicable. Most of the information provided on this website is specific to Washington State law and Local Court Rules/Policies/Procedures.
- B. By providing this information, we are not acting as an attorney - if you need specific and binding legal advice, you should contact an attorney through your local legal aid organization.
- C. Lay Guardian Information from Washington State Court's Guardian Portal.

[Updated format only April 21, 2025]

GALS/CVS - APPLYING & TRAINING

Welcome to the Court Visitors and Guardians ad Litem page. The "Uniform Guardianship, Conservatorship, and Protective Arrangement Act" RCW 11.130 also known as the "UGA" became effective January 1, 2022. Prior to January 1, 2022, persons appointed to investigate for the court in an adult guardianship proceeding were referred to as "Guardians ad Litem". With the passage of the "UGA", they are now referred to as "Court Visitors". Although their role remains similar, the law has brought some changes.

Court Visitors are sometimes appointed in a minor guardianship proceeding. Since a minor guardianship proceeding is similar to a third-party custody action (formerly RCW 26.10) in Benton-Franklin Counties, a separate Court Visitor Registry for Minor Guardianships was created using registry members from our Title 26 Guardian ad Litem Registry.

The term "ad litem" is Latin and means "for the purposes of the legal action only." Guardians ad Litem can be appointed in various case types and for various reasons. The Registry Manager provides registries for both Title 11 and Title 26 Guardians ad Litem (and Court Visitors). ** Please see note below regarding Minor Settlements.

A Guardian ad Litem is an adult who is appointed by the court to represent the best interests of an individual for a specific purpose and for a specific period of time. Under the direction of the court, a GAL investigates and prepares a report for the court, and provides its findings. A GAL may be appointed in a minor guardianship proceeding.

Title 26 Guardians ad Litem are appointed in Domestic Cases, such as dissolutions under RCW Chapter 26.09, and parentage actions under RCW Chapter 26.26. (Title 26 Guardians ad Litem are also appointed in certain juvenile proceedings under RCW Chapter 13.34, but the reader is directed to the Juvenile Justice page for further information on Guardians ad Litem in juvenile court.)

In domestic cases, the court may appoint a guardian ad litem to represent the interests of a minor dependent child when the court believes it is necessary to protect the best interests of the child. Guardians ad litem may be appointed from a court-appointed special advocate program if such a program exists in the judicial district. Benton and Franklin Counties Superior Court does not have such a program. It is performed by the Family Court Investigator (FCI).

To become a Court Visitor or GAL, an individual must complete an approved training program, provide satisfactory background information and meet all eligibility requirements set by local rule or policy.

RCW 11.130.090 requires all nonprofessional (family & volunteer) guardians complete mandatory guardian training. Certified Professional Guardians, conservators of financial institutions are not required to attend this training. Benton-Franklin Counties require lay guardians to complete the applicable training video provided by the Administrative Office of the Courts. Training Videos are available for Minor Guardianship, Adult Guardianship, and Conservatorship proceedings. Once a guardian/conservator has completed the appropriate training modules, he/she must print a "Declaration of Completion", complete, sign, and file in the

Superior Court case. Please click on the link below that applies to complete your training and obtain the "Declaration of Completion" form:

TRAINING INFORMATION

- **Minor Guardianship Training**
 - [Title 11 Minor Guardianship](#)
- **Adult Guardianship Training**
 - [Adult Guardianship/Conservatorship Training](#)

If you are seeking Conservatorship of a Minor, you are required to complete the Adult Guardianship/Conservatorship Training.

GUARDIANSHIP MONITORING PROGRAM JUDICIAL ASSISTANT

- Any necessary Judicial Assistant inquiries related to GMP case types
- Guardianships/Conservatorships
- Coordinates [Guardianship Monitoring Program](#)
- Reviews/audits guardianship and conservatorship reports
- Tracks compliance of Mandatory Training
- Tracks compliance of Mandatory Guardianship and Conservatorship reports
- Reviews Annual Trust Reports and Tracks for Compliance
- Title 11 Court Visitor/Guardian ad Litem Registry Manager
- Manages Title 11 Court Visitor & GAL appointments
- Maintains Title 11 Court Visitor/GAL Registries
- Coordinates Title 11 Registry Training
- Title 26 Guardian ad Litem Registry Manager
- Maintains [Title 26 Guardian ad Litem Registry](#)
- Coordinates Title 26 Guardian ad Litem Training
- Proposed Orders point of contact scproposedorders@co.benton.wa.us
- Assist the Judicial Officers

Please note the Judicial Assistants are in court throughout the day. Please email the Judicial Assistants with inquiries.

FREQUENTLY ASKED QUESTIONS (FAQ'S)

Please review our [Multiple Guardianship FAQs \(doc\)](#) for answers to many common procedural questions. For any additional questions, please contact our [GMP Case Manager](#).

GRIEVANCE OR COMPLAINT AGAINST A GUARDIAN OR CONSERVATOR

What is a grievance?

Pursuant to RCW 11.130.140, a grievance or complaint against a guardian or conservator may be filed with the Court.

How do I file a Grievance?

Grievance forms are located on the Washington State Courts website & may be filed with the Superior Court Clerk's Office in the appropriate case.

GAL/COURT VISITOR REGISTRY

GUARDIAN AD LITEM/COURT VISITOR REGISTRIES

GAL Court Visitor	Adult Guardianship Court Visitor	Minor Guardianship Court Visitor	Minor Guardianship Guardian ad Litem	Minor Conservatorship	Retainer Hourly Rate
<u>BRIAN GIESZLER</u>	Yes	Yes	No	Yes	\$2,000/\$200/hr
<u>JANET CAREY</u>	No	Yes	Yes	No	\$3,000/\$90/hr
<u>KAREN KOEHMSTEDT</u>	Yes	No	No	No	\$5,000/\$300/hr
<u>MARINA PRATHER</u>	Yes	No	No	No	\$1,750/\$175/hr
<u>MONICA HOLLENBERG</u>	Yes	Yes	Yes	Yes	\$240/hr
<u>TALESHA SAMS</u>	Yes	No	No	No	\$2,000/\$175/hr
<u>TARA SYMONS</u>		Yes	Yes	No	\$8,000/\$200/hr
<u>TAWNEY CARRIER</u>	Yes	No	No	Yes	\$6,000/\$300/hr
<u>TRACY HOLLENBECK</u>	Yes	Yes	No	No	No Retainer/\$150hr

Minor Conservatorships do not require CV but if the court determines one is needed, they will be paid \$175/hr w/10 hr cap.

Click GAL/Court Visitor's name to view firm name, address, phone number, email, & background statement information.

Per GALR (Superior Court Guardian ad Litem Rules) - GALs/Court Visitors are appointed to represent the best interests of minor children in Title 26 Domestic Relations (family law) cases or adults/minors in Title 11 guardianships.

GALs/Court Visitors are individuals who do GAL/Court Visitor work as part- or full-time self-employment. GALs/Court Visitors are officers of the court but not employees of the court.

Click "[FAQ – How Do I Get a Title 11 Court Visitor Appointed](#)" for more information.

Court Visitors may scroll to the bottom of this page for payment instructions and county pay forms.

Appointment of Court Visitor for ADULT Guardianship proceeding:

Registry Instructions & Information

Above you will find the current Title 11 (Adult Guardianship) Court Visitor Registry. The Title 11.130 Court Visitor Registry is provided for reference only; do not present on order appointing a Court Visitor on a guardianship case prior to contacting Court Administration.

Also, please note that Court Visitors must be listed on this registry in order to accept cases in Benton and Franklin Counties.

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Minor Guardianship CV/GALs

If the Court determines your case requires appointment of a Court Visitor or Guardian ad Litem, please contact the GAL/CV Registry Manager for a list of the next 3 GAL names on the registry.

A Court Visitor is appointed by the Court.

- County Paid Title 11 GAL Information
 - How Do I Get Paid by the County on a Title 11 GAL Case?
 - Motion for Order Approving Payment at Public Expense
 - Include all supporting documentation along with a copy of the Order Appointing and any subsequent orders approving additional fees should that apply.
 - Order Approving Payment at Public Expense
- County Pay Rates

Settlement GALs are not required to be GALs from our Registry or appointed by Court Administration in a certain rotation. Any attorney with the requisite knowledge and experience can be appointed as a settlement GAL.

GUARDIANSHIPS (MINOR)

Local General Rule 1(A)(B) - 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>. All references herein to "policy," "process(es)" or "procedure" can be found on the relevant subpage on the Website.

[Updated September 1, 2024]

LOCAL COURT INSTRUCTIONS - MINOR GUARDIANSHIP

LOCAL COURT INSTRUCTIONS

1. **CLERK:** The Superior Court Clerk will provide a copy of LOCAL COURT INSTRUCTIONS to Petitioner(s) upon the filing of a Minor Guardianship Petition and Notice of Hearing about Minor Guardianship.
2. **PETITIONER(S):** Petitioner(s) must serve a copy of LOCAL COURT INSTRUCTIONS to all parties requiring service.
3. **COURT REVIEW:** The Court will review at hearing the status of this case and whether the following steps have been completed:
 - A.
 1. Summons, Petition, Declaration Explaining the Reasons for Minor Guardianship, Notice of Hearing and Local Court Instructions have been served on all parties requiring service.
 2. Completion of Washington State Patrol criminal history reports (<https://www.wsp.wa.gov/crime/criminal-history/>); and National Criminal Identification Data (<https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks>) for all persons seeking appointment as guardian of respondent minor (s), and all persons who reside in the same household of proposed guardian(s).
 3. Completion of Washington Child Protection Service reports for all persons seeking appointment as guardian of respondent minor (s), and all persons who reside in the same household of proposed guardian(s).
 4. Whether an additional Status Hearing is necessary, and Case Schedule Order issued.
 5. If appointment of a Court Visitor is necessary.
 6. If appointment of a Guardian ad Litem (GAL) is necessary.
 7. If appointment of an attorney for the minor(s) is necessary.
 8. If appointment of an attorney for any parent is necessary.
 - B. The Court will inquire as to whether there are other cases in this or other jurisdictions regarding the child(ren), and as to whether the child(ren) may be an Indian child pursuant to ICWA.
 - C. All motions will be heard on the Minor Guardianship Docket unless otherwise specified. All motion hearings shall be scheduled with a Notice of Hearing. The Notice shall be filed at least 12 calendar days prior to the scheduled hearing date.

The judicial officer hearing the Minor Guardianship Docket may set special hearings at other times if complex or unusual issues are present.

- D. Upon determination by the judicial officer hearing the Minor Guardianship Docket that a case is ready and is contested, a case schedule order will be issued, trial date assigned, and additional deadlines set.
 - E. Proposed Orders are required. Every party must submit a proposed order with their motion or response. The word “Proposed” must be in the title of the document. The Clerk shall file proposed orders. Litigants shall upload proposed orders to eMotion and for Minor Guardianship cases email Word versions of proposed order to Court Administration at: scproposedorders@co.benton.wa.us. A copy of any email message sent to Court Administration shall be sent to all opposing attorneys and/or as applicable all unrepresented litigants.
- 4. **FILING PAPERS THAT RESOLVE THE CASE:** All parties to this action must keep this court informed of their address or any change of address by filing a Notice of Address Change. Washington State Court Form: FL All Family 120.
 - 5. **NOTICE OF NON-COMPLIANCE:** If there is no activity, by the parties, for 120 days from the date stamped on this Petition, your file will be reviewed. If there is no evidence of ongoing action and the case appears to be abandoned, a Notice of Dismissal will be issued setting a hearing at which your case may be dismissed by the Court.
 - 6. **PARTICIPATING VIA WEBEX:** The first time you join a court proceeding, you will be prompted to download the appropriate software from WebEx (or prompted to download the appropriate IOS or Android app if you are using a tablet or phone). For Courtroom assignment and connecting with Webex please go to:
 - o <https://bentoncountywa.municipalone.com/pview.aspx?id=55107&catID=45>
 - 7. **TO PETITIONER(S) AND PARENTS:** Read the information and instructions on the Notice of Hearing completely.
 - 8. **WARNING!** Parents of the above child(ren), the court may enter an order of default against you and the court may, without further notice to you, enter an order and approve or provide for the relief requested in the petition.

MINOR GUARDIANSHIP/NONPARENTAL CUSTODY

MODIFICATION/TERMINATION OF:

Minor Guardianships and Nonparental Custody

Filing for Termination or Modification of Minor Guardianship and/or Nonparental Custody:

- A. Petitions to modify or terminate a Final Order in an existing Title 11 Minor Guardianship case shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502). Additional forms needed to proceed with and complete the process are listed under “Terminate or Change a Minor Guardianship or a Non-Parent Custody Order,” at: Washington State Courts - Court Forms - Change or End a Minor Guardianship. The clerk will file Petitions to modify or terminate a Title 11 Minor Guardianship Final Order under the existing cause number (case type 4).

- B. Petitions to modify or terminate a Final Order in an existing Title 26 Non-Parent Custody (case type 3) shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502). Additional forms needed to proceed with and complete the process are listed under “Terminate or Change a Minor Guardianship or a Non-Parent Custody Order,” at: Washington State Courts - Court Forms - Change or End a Minor Guardianship. The clerk will issue a new Title 11 cause number (case type 4) for all Petitions to Modify or Terminate a Final Order in an existing Title 26 Nonparental Custody case.

NOTE: No further motions/petitions will be filed in the case type 3 – Title 26 Non-Parent Custody case.

WASHINGTON COURTS: CHANGE OR END MINOR GUARDIANSHIP: Washington State Courts - Court Forms - Change or End a Minor Guardianship)

[Updated format only, April 21, 2025]

TEDRA - TRIAL SETTINGS

For Benton and Franklin Counties:

Shall be scheduled using the special set process as detailed on the Court's website (see link below):

[Updated September 1, 2024]

CIVIL ARBITRATION PROCESSES & PROCEDURES EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

CIVIL ARBITRATION PROCESSES, PROCEDURES, AND POLICIES

ARBITRATION HEARINGS/SETTLEMENT NOTICES

Per SCCAR 5.1 - The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 75

days, from the date of the assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities provided or authorized by the court.

A. Time for Hearing.

1. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the assignment of the case to the arbitrator.
2. Any setting of the original hearing date later than 120 days from the appointment of the arbitrator or any continuance of a hearing date more than 60 days from the original hearing date must be noted on the civil motion docket before the Presiding Judge and will be granted only for good cause shown.

B. Notice of Settlement.

1. After any settlement that fully resolves all claims against all parties, the plaintiff shall, within 5 days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement on the form prescribed by the Court. The notice shall be filed with both the arbitrator and the Court. Where notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone prior to the hearing, and the written notice shall be filed and served within five days after the settlement.

C. Dismissal by the Court.

- o Order dismissing all claims against all parties shall be entered in the time outlined below:
 - a. Within 60 days after written notice of settlement is filed;
 - b. Within 60 days after the scheduled arbitration hearing date, or
 - c. Within 60 days after Court Administration's request for proof of written settlement; whichever is earlier.

- D. Court's Own Motion for Dismissal.** Court Administration will file a motion for dismissal with a notice of hearing to the attorneys of record that the case will be dismissed by the Court for want of prosecution if the order dismissing is not entered in the time described Superior Court Civil Arbitration Rules.

[Updated September 1, 2024; Updated format only April 21, 2025]

ARBITRATOR PANEL & QUALIFICATIONS

Benton & Franklin Counties Approved Arbitrators:

The above list shows the names of arbitrators available to hear cases. The application of an individual arbitrator is available, for public inspection, in Court Administration upon written request.

Click [HERE](#) for most recent list of Arbitrators available to hear cases in Benton and Franklin Counties.

[Updated September 1, 2024]

COMPENSATION OF ARBITRATOR

PROCESS GOVERNED BY: LOCAL GENERAL RULE 1(A)(B)

- A. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court; provided, however, that said compensation shall not exceed \$1,000.00 for any case unless approved by the arbitration presiding judge.
- B. Compensation: Compensation may be requested for hearing time and reasonable preparation time. Arbitrators may be reimbursed a sum not to exceed \$25.00 for costs incurred.
- C. Form: When the award is filed, the arbitrator shall submit to Court Administration a request for payment on a form prescribed by the Court. Request for compensation must be received by Court Administration no later than thirty (30) days from the date of filing the arbitration award.
 -
 - **Submit the required compensation form to:** Executive Assistant
- D. Request for Increase of Fees by Arbitrator:
 - Arbitrators are to submit all requests for an increase in fees by motion. The motion shall be submitted to Court Administration (paper form, with copy, and proposed order). Court Administration will deliver the motion to the arbitration presiding judge. Once the arbitration presiding judge decides on the order, Court Administration will process the order (for billing purposes) and send copies of the order to the parties. Requests for an increase in fees will not be accepted at ex-parte.
- E. Current Arbitrator Compensation Rate:
 - The current Arbitrator compensation rate is \$130.44 per hour, not to exceed the \$1,000.00 cap.

[Updated September 1, 2024; Updated format only April 22, 2025]

PROCESS - BENTON/FRANKLIN COUNTIES

BENTON/FRANKLIN COUNTIES PROCEDURES:

- A. Required Form. The party filing the statement of arbitrability shall provide all the information required on the court form. Please click [HERE](#) for the form.
- B. Filing the Statement of Arbitrability. The statement of arbitrability shall be filed in the Superior Court Clerk's Office and a duplicate copy delivered to Court Administration and the opposing party or parties. A party failing to file and serve a statement of arbitrability within the time prescribed shall be deemed to have waived arbitration and may only subject the matter to mandatory arbitration thereafter upon leave of the court for good cause shown, which would require an Order and Statement of Arbitrability shall be entered and the arbitration fee paid with the Superior Clerk's office.
- C. Response to Statement of Arbitrability. Any party disagreeing with the statement of arbitrability shall serve and file a response on the form prescribed by the Court. A duplicate copy of the response shall be delivered to Court Administration. In the absence

of such a response, the statement of arbitrability shall be deemed correct. Any response opposing the statement of arbitrability shall be filed within ten (10) court days after receipt of the statement of arbitrability. A notice of issue shall be filed with any response objecting to the statement of arbitrability, noting the matter for hearing on the issue of arbitrability within ten (10) court days of filing the response.

- D. Failure to File – Amendments. A person failing to serve and file an original response within the times prescribed may later do so only upon leave of the court. A party may amend a statement of arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, and thereafter only upon leave of the court for good cause shown.
- E. Transfer to Arbitration Occurs for Purposes of Application of Local Rules. The case is transferred to arbitration upon the filing of a statement of arbitrability indicating that the case is subject to arbitration. This transfer shall also trigger the restriction on discovery contained in SCCAR 4.2. Any pause or removal from arbitration will require a court order.
- F. Civil Case Schedule Order Stricken. Any civil case schedule order entered shall be stricken upon the filing of a statement of arbitrability unless an objection occurs. An amended case schedule order will be issued upon order of the court removing the case from arbitration.
- G. Transfer Back to Superior Court. If at any time the arbitrator determines that there are no longer issues for the arbitrator to determine, the arbitrator may issue an order directing that the case be transferred back to Superior Court. Any party may, by motion filed with the court clerk within ten (10) days of such an order, request that a Superior Court judge review such an order.
- H. Assignment to Arbitrator.
 - 1. Selection. After a list of proposed arbitrators is furnished to the parties, each party may, within ten (10) court days of the date mailed by the court, select one or two proposed arbitrators and strike one or two proposed arbitrators from the list. If both parties respond, an arbitrator selected by both parties will be appointed. If no arbitrator is nominated by the parties, Court Administration will appoint the first arbitrator from the random strike list.
 - 2. Single Response. If only one party responds within ten (10) court days of the date mailed by the court, Court Administration will appoint the first arbitrator nominated by that party.
 - 3. No Response. If neither party responds within 10 court days of the date mailed by the court, Court Administration will appoint the first arbitrator from the random strike list.
 - 4. Three or More Adverse Parties. If there are more than two adverse parties not represented by the same attorney, two additional proposed arbitrators shall be added to the list with the above principles of selection to be applied. The number of adverse parties not represented by the same attorney shall be determined by Court Administration, subject to review by a superior court judge. Example - three adverse parties would render a random strike list of 7 names.
 - 5. Confidential Selections. Parties do not have to serve choices upon each other, and Court Administration must keep selections confidential. Court Administration

must retain returned lists of proposed arbitrators until the time for appeal has expired or a request for trial de novo is received, whichever is sooner.

- I. Awards. Filing of Award. The Clerk shall file all arbitration awards under seal. A request by an arbitrator for an extension of the time for the filing of an award may be presented to a superior court judge ex parte.
- J. The arbitrator shall give the parties notice of an extension granted. The Arbitrator shall provide Notice of the Filing to Court Administration.
- K. Administration. The Court Administrator, under the supervision of the Administrative Presiding Judge, shall implement the procedures mandated by these rules and perform any additional duties which may be designated by the Arbitration Presiding Judge.
- L. Duties of Administrative Presiding Judge. In the administration of the mandatory arbitration program for Benton and Franklin Counties Superior Court, the Administrative Presiding Judge shall have the power and duty to:
 - a. Supervise the Court Administrator in the implantation of mandatory arbitration;
 - b. Select and appoint attorneys to the panel of arbitrators;
 - c. Remove a person from the panel of arbitrators;
 - d. Establish procedures for selecting an arbitrator not inconsistent with the Mandatory Arbitration Rules or these rules; and
 - e. Review the administration and operation of the arbitration program periodically and make changes as he/she deems appropriate to improve the program.

[Updated September 1, 2024]

SERVE AS AN ARBITRATOR FOR BENTON FRANKLIN COUNTIE

APPLY TO SERVE AS AN ARBITRATOR:

- 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.
- See below for application to become an Arbitrator. (Read eligibility requirements below)

ARBITRATOR ELIGIBILITY:

- **RCW 7.06.040 was amended changing eligibility requirements for arbitrators under the mandatory arbitration process. In pertinent part, it states:**
 - "(2)(a) A person may not serve as an arbitrator unless the person has completed a minimum of three credits of Washington state bar association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit stating or certifying to the appointing court that the person is in compliance with this section.
- "(b) The superior court judge or judges in any county may choose to waive the requirements of this subsection (2) for arbitrators who have acted as an arbitrator five or more times previously."

- In order to continue to serve as an arbitrator, you must certify that you either are presently eligible, or that you are requesting waiver of the continuing education requirement. In order to do so, you must complete and sign the Benton Franklin Counties Superior Court Arbitrator Attestation of Eligibility to Serve as an Arbitrator Under RCW 7.06.040 form. You can find it below. The amendment to RCW 7.06.040 becomes effective on September 1, 2018. You will not be allowed to serve as an arbitrator after that date until your eligibility has been established.

[Updated September 1, 2024]

TRIAL DE NOVO

REQUEST FOR TRIAL DE NOVO – CALENDAR – JURY DEMAND.

- A. **Assignment of Trial Date.** If there is a request for a trial de novo, or the case is otherwise removed from the Mandatory Arbitration calendar, the Court will assign a trial date.
- B. **Case Schedule.** Cases originally governed by a Case Schedule will again become subject to a Case Schedule if a trial de novo is requested. Promptly after the request for trial de novo is filed, Court Administration will mail or e-mail to all parties an Amended Case Schedule, which will govern the case until the trial de novo.
 - **The Amended Case Schedule will include the following deadlines:**
 1. Plaintiff's Disclosure of Lay and Expert Witnesses (1 month)
 2. Defendant's Disclosure of Lay and Expert Witnesses (3 months)
 3. Disclosure of Plaintiff's Rebuttal Witnesses (4 months)
 4. Disclosure of Defendant's Rebuttal Witnesses (5 months)
 5. Discovery Cutoff (5 ½ months)
 6. Settlement Position Statement filed by all parties (6 months)
 7. Last Date for Hearing Dispositive Pretrial Motions (6 months)
 8. Settlement Conference (6 ½ months)
 9. Last Date for Filing and Serving Trial Management Report (7 months)
 10. Pretrial Conference (7 months)
 11. Trial Memoranda, Motions in Limine, Jury Instructions (2 wks. to trial)
 12. Trial Priority Hearing (1 week to trial)
 13. Trial Date (9 months)
- C. **Jury Demand.** Jury Demands shall be filed as set forth under CR 38.

[Updated September 1, 2024; Updated format only April 22, 2025]

CRIMINAL

PROCESSES & PROCEDURES

EXPIRE 9/1/2026

[for Processes and Procedures after 9/1/2026 please review the Benton/Franklin Counties Website; For forms referenced in these processes/procedures use all updated forms as of 9/1/2026]

CHANGE OF PLEA - PRELIM DOCKETS

CHANGE OF PLEA/SENTENCINGS ON PRELIMS AS FOLLOWS:

1. A Change of Plea (COP) and Sentencing on the Preliminary Appearance docket will only be allowed if the hearing is expected to last 20 minutes or less.
2. Any COPs/Sentencing that requires more than 20 minutes will need to be set as a Special Set or set on the Criminal Motion Docket and are subject to the requirements outlined by the respective processes.
3. Requests to specially set a change of plea/sentencing (20 minutes or less) outside of the prelim docket will not be approved, unless the change of plea/sentencing has to be before a specific judge.
4. Conflict judges will only be assigned when a Court Commissioner is scheduled to do prelims. We will not schedule two judges on the prelim docket. Please see Today's and Tomorrow's daily schedule online to see the scheduled Judicial Officer assignment (these are subject to change).

[Updated October 24, 2025]

PAGE UPDATED ON 10/14/2024 TO INCLUDE:

Per Local Criminal Rule 4.12: 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.

CRIMINAL MOTION DOCKET

The CRIMINAL MOTION DOCKET (previously known as 3.5/3.6 docket) addresses certain types of criminal matters in Benton County on Friday mornings and in Franklin County on Wednesday afternoons.

A. Details.

1. The docket in Benton County will be every Friday starting at 8:30 a.m. and ending no later than 12:00 p.m.
2. The docket in Franklin County will be every Wednesday (beginning 1/1/2026) starting at 2:30 p.m. and ending no later than 4:00 p.m.
3. The docket in Benton County consists of three sessions: 8:30 a.m. to 10:00 a.m.; 10:00 a.m. to 10:15 a.m.; and 10:30 a.m. to 12 p.m.
4. Two cases may be set for the 8:30 a.m. session with each case slotted for 45 minutes.

5. No party may set any hearing they have reason to believe may exceed the time limit for a case during a session. Instead, the procedure outlined in the processes/procedures outlined under special sets must be followed.
 6. The judicial officer presiding at the criminal motion docket has the discretion to exceed time limits: (1) for a case if there is no additional case set for that session; or (2) for a session if there is no case set for the following session.
- B. The Criminal Motion docket will be limited to the following matters:
1. 3.5 and 3.6 hearings;
 2. Bail hearings that will exceed ten (10) minutes whether it is an initial hearing or a bail review hearing based on a change of circumstances;
 3. Knapstad motions;
 4. Motions to withdraw pleas;
 5. Lengthy sentencings;
 6. DOSA revocation hearings;
 7. Contested restitution hearings;
 8. Motions under Rule 8.3;
 9. Motions under CrR 7.4;
 10. Motions under CrR 7.5;
 11. Motions under CrR 7.8 that are not referred to the Court of Appeals;
 12. Motions for joinder, consolidation and severance under CrR 4.3, 4.3.1, and 4.4, respectively;
 13. Other pre-trial and post judgment proceedings requiring testimony; and
 14. Matters determined by a judicial officer to be too lengthy to be heard on a regular docket when the name of the judicial officer is contained in the note for docket.
- C. Certain matters not allowed. No changes of plea, requests for continuance or similar hearings will be allowed on the Criminal Motion docket unless the party received prior authorization by a judicial officer which shall be noted on the note for docket.
- D. Briefing Required Prior to Hearing.
1. Briefing by both parties must be done before a matter may be heard on the Criminal Motion Docket.
 2. Briefs and other documents (required by court rule/local court rule) must be uploaded to eMotion in accordance with LCcR 3.5 and LCcR 8.11
 3. However, counsel are encouraged to develop a process whereby all briefing for the motion/hearing is uploaded to eMotion at the same time as the note for docket is filed, served and uploaded to eMotion, so that scheduling issues can be identified and addressed as soon as possible.
- E. Witnesses at the 3.5/3.6 Hearing/Witness Lists. Any party who wishes to call witnesses must file a witness list with a brief, i.e. two to three sentence, synopsis of the anticipated testimony of each witness. The witness list shall be filed and served along with the note for docket and briefing. The witness list shall also be uploaded to eMotion by the deadlines applicable to briefing and other documents as detailed hereinabove.
- F. Procedure for Scheduling a Hearing: Scheduling will not be announced on the regular criminal dockets. Rather, scheduling a hearing will be accomplished by an unrepresented party or counsel for a party: (1) filing and serving, on opposing counsel or unrepresented party, a Note for Criminal Motion docket at least five (5) business days before the desired hearing; and (2) by filing and serving additional documents as required by Superior Court

Criminal Rule CrR 8.2, Superior Court Civil Rule CR 7 and Superior Court Local Court Rules/Processes. Out-of-custody defendants, or counsel authorized by CrR 3.4 or emergency court rules to sign for the defendant, shall sign the Note for Criminal Motion docket form to confirm notice of the hearing.

- G. Forms. Note for Criminal Motion docket forms have been created and are available in all courtrooms. For additional forms, see: <https://www.courts.wa.gov/forms/>
- H. Confirmation (to occur the week of the scheduled hearing as follows):
 - 1. Counsel or unrepresented party uses the following e-mail to confirm a matter on the Criminal Motion Docket during the allotted timeframes as follows:
 - 1. **Benton County e-mail:** criminalconfirmations@co.benton.wa.us – confirm between 8 and 11 a.m. on Wednesday before the docket.
 - 2. **Franklin county e-mail:** criminalconfirmations@franklincountywa.gov – confirm between 8 and 11 a.m. on Monday before the docket. (Franklin County cases except for unrepresented "in-custody" defendants who may confirm by phone.) (Updated December 23, 2025)
 - 2. The first two to confirm for 8:30 am will go.
 - 3. The Judicial Assistant will work with the assigned judicial officer to add the time (on the docket) that the case will be heard. The Judicial Assistant will forward that docket to the deputy clerks in the criminal department (for each county).
 - 4. The assigned criminal clerk (for each county) will post and distribute via email the final docket per normal standard operating procedure.
- I. Notes for Criminal Motion Docket
 - o [Benton Note for Criminal Motion Docket effective 1.1.2026](#)
 - o [Franklin Note for Criminal Motion Docket effective 1.1.2026](#)

If you need an Interpreter for your hearing, please [CLICK HERE](#) to Request an Interpreter and follow the directions.

[[Updated September 1, 2024; May 28, 2025; December 23, 2025; December 26, 2025](#)]

DOCKET PROCEDURES (PRETRIAL, TRIAL READINESS...)

- A. Docket Operation.
 - o Benton County - The Court will call the docket in numerical order with the following exception: at 9:00 a.m. (or as soon thereafter as it can be done) the Court will address all out-of-custody arraignment matters. For those defendants who have multiple matters before the Court, all of that defendant's cases will be called together with the first case that appears numerically on the docket. If a matter is not ready to proceed when called, it will be either continued or stricken as the Court deems appropriate.
 - o Franklin County - The Court will call, first, in-custody change of pleas and sentencing matters. Next, the Court will call out-of-custody and sentencing matters. The Court will then call the docket in numerical order with the following exception: at 9:00 a.m. (or as soon thereafter as it can be done) the Court will address all out-of-custody arraignment matters. For those defendants who have

multiple matters before the Court, all of that defendant's cases will be called together with the first case that appears numerically on the docket. If a matter is not ready to proceed when called, it will be either continued or stricken as the Court deems appropriate.

- B. Arraignments. Defendants shall appear in-person for arraignments unless the Court finds good cause to waive that requirement, e.g. the defendant's residence is out of state. See CrR 3.4 (b).
- C. Continuances/Waivers of Speedy Trial. Waivers of speedy trial, continuances at defense request and agreed continuances shall be memorialized in writing using the form provided by the court.
- D. Pre-Trial Setting. Pre-trials shall be set at least two weeks before trial, such that when a Joint Pre-Trial Report is filed, the Trial Readiness hearing will be set on the second Monday (for Benton County cases) after pre-trial and for the second Wednesday (for Franklin County cases) after pre-trial provided that such settings respect the rights of the parties as provided by law and/or court rule.
- E. Guilty Pleas and Sentencings. Defendants shall appear in-person for any change of plea and/or sentencing.
- F. 3.5/3.6 Hearings. The procedures detailed on the Court's website (click HERE to review) and in Local Court Rule 3.5.
- G. Disqualifications. If an affidavit of prejudice or notice of disqualification is or has been filed in a case against a judicial officer handling the criminal docket or 3.5/3.6 docket, the matter shall be continued one week for good cause unless the judicial officer advises the parties that a conflict judge is available. Parties may not request a conflict judge for a docket. Parties shall not contact Court Administration to determine if a conflict judge has been assigned. In the case of a critical stage hearing where continuance would affect a fundamental right of a party or person with an interest in the matter and provided the Court has notice thereof, the Court may vary this procedure.

JOINT PRE-TRIAL REPORT (JPTR)

- A. Pre-Trial Hearing. The following shall be done before the initial Trial Readiness hearing is scheduled:
 - o When discovery is completed and all pre-trial motions have been heard and resolved, the parties are then ready for trial. At that time, the parties shall provide a completed and signed Joint Pre-Trial to the Court at the pre-trial hearing on a criminal docket.
 - o The Court shall review the JPTR and, if approved, the Court will sign the JPTR, advise the parties on the record of the date for the Trial Readiness hearing and enter the date on the first page of the JPTR.
 - o Once approved, the JPTR shall be filed with the Clerk of the Court. On the same day as the pre-trial hearing, the deputy prosecuting attorney (DPA) on the case shall ensure a copy of the JPTR is e-mailed to: scourtmanagement@co.benton.wa.us. The opposing counsel or unrepresented party (if out of custody) shall be included in the e-mail; if the unrepresented party is in custody, the DPA shall forward a copy of the e-mail and JPTR to the party in custody.

- B. Pre-Trial Motions. Except for motions in limine, all other pre-trial motions not required by law or court rule to be heard by the trial judge shall be resolved prior to entry of the JPTR.
- C. Trial Readiness Hearing. Each party shall complete a Trial Readiness Hearing Status Form and shall, no later than noon on the Wednesday five (5) court days before the next scheduled Trial Readiness hearing/docket, upload a bench copy of the same on eMotion. This form shall be filed with the Clerk. See the Court's website: Trial Priority Docket for more instruction.
- D. Obligation to Check Trial Calendar. Court Administration has created and will maintain a publicly available Trial Calendar with all criminal trials set for the next six (6) weeks. Court Administration will endeavor to update the Trial Calendar no later than 5 p.m. every Monday, subject to change at the Court's discretion. Parties have an obligation to check the Criminal Trial Calendar prior to the Trial Readiness hearing so that parties are ready to address the court regarding trial dates.
- E. Stand-By Trials. There will be times when the Court has the ability to place a trial on stand-by, meaning that the stand-by trial will proceed only in the event another scheduled trial concludes early or does not proceed as scheduled. The Court intends to set "qualifying" cases on stand-by status which means the parties will be ready to proceed with trial, either bench or jury, on the next available court day from when the parties are notified by Court Administration (which will be by noon each day) that their case will proceed to trial. "Qualifying" cases are cases that the Court determines have no need of a questionnaire, are scheduled to last up to four days, have no expert witnesses and have no out-of-state witnesses.
- F. Pick-and-Try and Pick-and-Send. The Court will also utilize pick-and-send and pick-and-try trials as resources are available. The Court will notify the parties at the time of Trial Readiness if their trial(s) are chosen for pick-and-send or pick-and-try.
- G. Trial Obligations. To be completed no later than two (2) court days prior to trial:
 - o Trial Memorandum. The parties have discretion to file and serve a trial memorandum. If a party files a trial memorandum, a bench copy of the same must also be uploaded to eMotion no later than 4:00 p.m. on the Thursday before trial in Benton County and no later than 4:00 p.m. on the Monday before trial in Franklin County.
 - o Motions In Limine. Unless motions in limine are scheduled for a special set hearing before trial, motions in limine must be filed and a bench copy uploaded to eMotion no later than 4:00 p.m. on the Thursday before trial for Benton County cases, and 4:00 p.m. on the Monday before trial for Franklin County cases and will be argued at the commencement of trial.
 - o Special Questionnaire (if applicable). The parties shall forward the agreed- upon special questionnaire in Word format by e-mail to the Judicial Assistant for BFCSC no later than 4:00 p.m. on the Thursday before trial in Benton County and no later than 4:00 p.m. on the Monday before trial in Franklin County.
- H. General Obligations of the Parties. Parties have an on-going responsibility to notify the Judicial Assistant by email as soon as it is known that a trial, which has previously been set at a Trial Readiness docket, will be stricken or moved for any reason as well as provide any other relevant updates which will impact the calling of a jury, e.g. an

anticipated change of plea or unavailability of a witness, so that the Trial Calendar can be timely updated and other trials may proceed.

- I. Sanctions, Enforcement, and Non-Compliance Hearing. Failure to submit bench copies as required may subject the non-complying party and/or their attorney to a sanction of \$200, paid to the Clerk of the Court. Payment shall be due within twenty (20) days of the order. A party or attorney may petition the Court for relief from sanctions, which shall be filed within the same twenty (20) day period and shall be noted for hearing. The Court may also continue the hearing, impose any other terms and enter other orders as may be appropriate.

[Updated September 1, 2024]

LOWER COURTS APPEALS

The information on this page pertains to appeals from the following courts of limited jurisdiction: Benton County District Court; Franklin County District Court; and Pasco Municipal Court.

CASE SCHEDULING ORDERS

- A. All appeals from courts of limited jurisdiction are subject to case scheduling orders. All parties must comply with the case scheduling orders. Attendance by parties is mandatory at status conferences and at oral argument.
- B. **SCHEDULE LANGUAGE**
 1. Filing of Appellant's Designation of Record (RALJ 6.2(a)) 14 Days
 2. Filing of Appellant's Brief and Service on all Parties and Court 60 Days
 3. Status Conference @ 8:30 AM (Mandatory IN PERSON Hearing) 65 Days
 4. Filing of Respondent's Brief and Service on all Parties and Court 90 Days
 5. Filing of Reply Brief and Service on all Parties and Court 100 Days
 6. Oral Argument Hearing (Mandatory IN PERSON) @ 3:00 PM 105 Days
- C. **ORDER STATING:** All parties comply with the foregoing schedule, and that the appearance of Defendant at the Status Conference and the Oral Argument Hearing shall be mandatory.
- D. **NOTICE TO PARTIES:** Notice is hereby given that the above hearing dates have been set in the above captioned matter to be heard at the Benton County Justice Center, Franklin County Courthouse. No Further Notice will be given for the hearings. Any failure to comply with this Order or the Rules for Appeal of Decisions of Courts of Limited Jurisdiction or using said Rules for the purpose of delay shall result in one or more of the following sanctions: (1) An order directed to a party or attorney to pay monetary terms; (2) An order immediately lifting any order entered herein or in Benton County District Court staying the enforcement of the judgment entered below; (3) an order conditioning a party's participation in the appeal upon compliance with the Rules for Appeal of Decisions of Courts of Limited Jurisdiction and further orders of this court; and (4) dismissal of the appeal.
- E. **Record of Lower Court**
 - o The appellant is responsible for obtaining a copy of the record of the lower court.

F. **Transcript of Proceeding**

- The appellant is also responsible for preparing a transcript of the proceedings in the lower court.

[Updated: September 1, 2024; Updated format only April 16, 2025]

MODIFICATION/TERMINATION OF NCOS

The prosecuting attorneys (Benton and Franklin Counties) will be responsible to coordinate scheduling of hearings (on the Criminal Docket) with victims and persons requesting modification or termination of NCOs and uploading related court documents to eMotion.

[Updated 12/26/2025]

PLEAS - CRIMINAL/COURT COMMISSIONERS

Court Commissioners. Superior Court Commissioners appointed under Article 4, Section 23 of the Washington State Constitution or RCW 2.24.010 are authorized to accept and enter a plea of guilty.

[Updated September 1, 2024]

RELEASE OF ACCUSED

- A. **New Conditions of Release.** In the event that bail is forfeited for any reason, new conditions of release must be entered and a new bond posted. No order reinstating a previously forfeited bond shall be issued by the court; however, the court may, for good cause shown, vacate the judgment of forfeiture.
- B. **Separate Bond Required.** All case filings wherein conditions of release requiring bail are set shall require a separate and distinct bond posted by the surety in the specific amount specified for each case. A bond in the aggregate amount for multiple cases will not be allowed nor shall any order be presented to the court that fails to specify the exact amount of bail for each matter addressed in the order.
- C. **Bench Warrant after Failing to Appear in Response to a Summons.** Any time a defendant fails to appear in response to a summons where it is shown that the summons was not deliverable to the address where sent, and a bench warrant is issued, bail shall be initially set at the sum of \$100.00.

[Updated September 1, 2024]

SEALED SEARCH WARRANTS/AFFIDAVITS REVIEW

- 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. 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.

[Updated September 1, 2024]

SPECIAL SET REQUESTS -CRIMINAL

Per Local Criminal Rule 4.11 - No request by a party for a special setting in a criminal matter will be considered unless:

- 1. **the parties have jointly emailed to:** specialsets@co.benton.wa.us; and
- 2. the parties have followed the Special Set Process as outlined below.
 - A. **General Provisions:** No request by a party for a special setting in a criminal matter will be considered unless the following information is provided in an email and sent to the email listed above.
 - 1. The nature of the hearing or hearings requested;
 - 2. The reason(s) the hearing or hearings cannot be set on an existing criminal regular docket, 3.5/3.6 docket, or preliminary appearance dockets in compliance with the rules applicable to those dockets;
 - 3. A proposed date certain and/or earliest date proposed for hearing;
 - 4. Whether briefing has been completed; and
 - 5. Whether the opposing party has been contacted and whether the opposing party agrees or disagrees with the request.
 - B. **Pleadings:** The proposed note for motion, request for setting and order shall include a check box titled "CLERK'S ACTION REQUIRED" in the caption, and the order shall contain language whereby the Court will grant or deny the request for special setting in whole or in part, and if granted, the date on which the motion will be heard.
 - C. **Procedure For Review and Decision:** Only after filing, the moving party may provide a copy of the pleading to Court Administration. The Judicial Assistant or

designate will review the request, provide the same to a judicial officer for review, and notify the parties of the decision. Absent compelling circumstances, the moving party may inquire regarding the status of the request no earlier than one week after submission.

- D. **Bench Copies:** All bench copies of briefings, motions and/pleadings which are to be considered at the time of the hearing must be uploaded to eMotion no less than twenty-four (24) hours two (2) court days prior to the special set hearing in accordance with Local Court Rule 8.11(A). (updated 5/28/2025)

NOTE: Once a special set is approved, it is expected to proceed. Prior approval from specialsets@co.benton.wa.us is required before striking or continuing a special set.

[Updated September 1, 2024; May 28, 2025]