

YAKIMA COUNTY SUPERIOR COURT

LJuCR 3.12

DEPENDENCY COURT MOTIONS

Dependency Court Motions

(a) Scope of the Rule. This rule shall govern motions practice in cases filed under Title 13.34 and Title 13.36 of the Revised Code of Washington, except for Motions for reconsideration and revision which shall conform to LCR 59 and LCR 87.

(b) Motions Format and Procedures.

(1) *Motions to Be in Writing.* Motions must be in writing dated and signed by the attorney or party.

(2) *Scheduling Motions.* All dependency and termination motions shall be heard on the dependency court calendar as set by the juvenile court, on a day designated for motions.

(3) *Motion--Contents Of.* A motion for a contested hearing must conform to the following format:

(A) Relief Requested. The specific relief the Court is requested to grant.

(B) Statement of Facts. A succinct statement of the facts contended to be material.

(C) Statement of Issues. A concise statement of the issue(s) on which the Court is requested to rule.

(D) Evidence Relied Upon. The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include declarations, affidavits, law enforcement reports, written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations and must be admissible as a hearsay exception as defined in Washington's Rules of Evidence or the Revised Code of Washington.

(E) Authority. Any legal authority relied upon must be cited.

(c) Time of Hearing

(1) *Unopposed Matters.* The Court will, on request, enter the order moved for if no one appears in opposition 15 minutes after the time set for hearing unless the Court deems it inappropriate. The opposing party may move to strike a matter if the moving party fails to appear 15 minutes after the time set for hearing. If the Court deems it appropriate the motion shall be stricken.

(2) *Hearing Order.* Motions will be heard in the order designated by the Court.

(3) *Time for Argument.* No more than ten minutes per party will be allowed for argument unless otherwise authorized by the judicial officer hearing the matter.

(d) Procedural Motions. Procedural motions, whether they are contested or not, may be heard on five (5) court days' notice. The following motions are considered procedural:

- (1) Motions to continue a fact-finding hearing or a termination trial, motions for withdrawal of counsel, travel motions, motions for medical and dental procedures and haircuts, motions for telephonic testimony, motions to dismiss pursuant to CR 41, agreed motions, motions to compel discovery or for a protective order.
- (2) Motions to withdraw as court appointed counsel shall be made in compliance with CR 71.
- (3) Motions for Summary Judgment shall comply with LCR 56.
- (4) Any response to the motion shall be filed and served on the moving party no later than noon one day prior to the hearing.
- (5) All working copies shall be delivered to the Juvenile Court Clerk by noon the day prior to the hearing. Alternatively, working copies may be submitted to the assigned Judicial Officer by email with all other parties copied on the email.

(e) Non-Procedural Motions. Motions that are not listed as procedural by this rule may be set by a party or by the Court on its own motion.

(1) Motion by a Party.

- (a) Filing and Scheduling of Motion. Any party desiring to bring a non-procedural motion for a hearing shall file with the Juvenile Court Clerk and serve upon all parties at least seven (7) court days before the date fixed for such hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. This note shall be signed by the attorney or party filing the same, with the designation of party represented.
- (b) Working copies of the note and motion together with all supporting documents, including affidavits, shall be submitted by noon three court days prior to the hearing.
- (c) Responsive documents and briefs shall be filed with the Juvenile Court Clerk and served upon all parties no later than noon two (2) court days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon one (1) court day prior to the hearing. All responsive documents shall have the name of the judicial officer expected to hear the matter or the assigned courtroom, and the hearing date and time noted on the upper right corner. Working copies of the response shall be submitted by noon two (2) court days prior to the hearing.
- (d) Any documents in strict reply shall be submitted to the Juvenile Court Clerk's Office by noon one (1) court day prior to the hearing. Working copies shall be submitted contemporaneously.
- (e) Working copies may be submitted to the Juvenile Court Clerk's office or by email to the assigned Judicial Officer with all other parties copied on the email.

(2) Motion by the Court. When the Court has set a matter on for a motion hearing, the parties will be notified by the Court of the issue(s) to be addressed, in writing at

least 7 court days prior to the Court-scheduled motion hearing, and the parties must respond with written materials which support their respective positions on the issue(s) set for hearing by the Court in the same manner as a party responding to a motion as set out in this rule.

- (3) Striking Hearing or Changing Hearing date. A motion hearing may be stricken, or the hearing date changed in the following manner:
- (a) Striking Hearing. A hearing on a motion may be stricken at any time by the moving party. Notice that the motion hearing is being stricken shall be given to all parties as soon as it is stricken, and not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed with the Clerk by noon the day before the date of the hearing, by filing a written notice that the hearing is to be stricken. A party striking his or her own motion may notify the Clerk by email followed by filing of the written notice.
 - (b) Changing Hearing. The hearing date on a motion may be changed by agreement of the parties and approval of the Court. An agreed order continuing or changing a hearing date may be presented ex parte before the contested hearing, or at the time set for the hearing.

(f) Motions for an Interim Review.

- (1) Any party may make a motion for an interim review. The motion may be presented ex parte or set on five (5) court days' notice to the other parties. A motion for an interim review shall comply with section (b) of this rule, except that interim reviews may be heard on motion days or on the weekly review calendar.
- (2) The moving party shall provide an order setting interim review to be signed by the court. No interim review may be set on the court calendar without an order setting interim review signed by a judicial officer.
- (3) The order setting interim review shall clearly state the date, time and location of the interim review hearing, and the hearing shall be heard at least five (5) court days from the signing of the order setting interim review. The judicial officer signing the order may set the hearing for any date and time at his or her own discretion. A party may move to have the interim review set on shortened time by following the procedures set forth in LJuCR 3.13(c).

(g) Motions for Oral Testimony. Any party seeking authority to present oral testimony at any hearing, other than at a shelter care hearing, must file a motion requesting oral testimony together with declarations setting forth the reason testimony is necessary to a just adjudication of the issues, and an identification of the witnesses sought to be called.

- (1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies of these materials must also be submitted contemporaneously to the judicial officer assigned to the calendar on which the motion is set, and that judicial officer will determine whether oral testimony will be allowed and/or set out any limitations without oral argument.

(2) The declarations must demonstrate a compelling need for oral testimony and explain why the expected testimony cannot be adequately presented through declaration.

(3) A motion for oral testimony may be joined by the other party, but an order providing for oral testimony cannot be entered by stipulation. The assigned judicial officer's decision will be communicated by writing, email or by telephone before the hearing, and an order entered. If granted, such a motion may require the hearing to be re-set as determined by the assigned judicial officer.

(h) Imposition of Sanctions or Terms. A party's failure to fully comply with this rule may result in the imposition of sanctions or terms.