

New Local Family Law Rules

Effective September 1, 2023

LOCAL FAMILY LAW RULES	1
LFLR 1 PROCEEDINGS PENDING TRIAL	1
LFLR 2 UNCONTESTED FAMILY LAW MATTERS	4
LFLR 3 CONTESTED DOMESTIC MATTERS	4
LFLR 4 MODIFICATION OF DIVORCE DECREE	7
LFLR 5 CHILD SUPPORT	7
LFLR 6 PARENTING PLANS	8
LFLR 7 PARENTING SEMINARS	10
LFLR 8 GUARDIANS AD LITEM AND COURT VISITORS	12

LOCAL FAMILY LAW RULES

LFLR 1

PROCEEDINGS PENDING TRIAL

(a) Court’s Automatic Order. Upon the filing of a Summons and Petition for a family law action, the court on its own motion shall automatically issue a Scheduling Order. The petitioner is subject to this order from the date of filing. The petitioner shall serve a copy of this order on respondent and file proof of service. The respondent is subject to this order from the time it is served. The order shall remain in effect until further order or entry of final documents. This order shall not be entered in any law enforcement database and shall not preclude any party from seeking any other restraining order as may be permitted by statute. If the order is violated, either party may seek a finding of contempt and/or request fees.

(1) *Status Hearing.* Absent good cause shown, parties must have completed the following prior to the status hearing:

- (A) Parenting course,
- (B) Proposed parenting plan, and
- (C) Adequate cause.

(b) Motions. Any party may file a motion pending trial, including motions for temporary orders, to compel discovery, to appoint a guardian ad litem or family court investigator, or presentation of final or temporary orders.

(1) *Form of pleadings, basis and limitations.*

(A) Form. Mandatory forms shall be used. All documents and copies provided shall be legible and conform to [General Rule 14](#). There is a strong preference they be typed. The format required, if typed, is: 12 point or larger, 1.5 line spacing or greater.

(B) Basis. Evidence, including written evidence in declarations by the parties and witnesses, must comply with the rules of evidence.

(C) Children's Statements. Declarations by minors and pictures of children are disfavored.

(D) Page Limitations.

(1) Absent prior authorization of the presiding family court commissioner or a different judicial officer if the commissioner is not available, the entirety of all declarations from the parties and non-expert witnesses in support of motions (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of 10 pages.

(2) The entirety of all declarations submitted in response to motions shall not exceed 10 pages.

(3) The entirety of all declarations submitted in reply to the response shall not exceed five pages.

(4) Exhibits to any declarations shall count toward the above page limits.

(5) Declarations and reports from the Family Court Investigator, guardian ad litem, Child Protective Services, School Records, or law enforcement shall not count toward the page limit. Declarations in support of Parenting Plans shall not count toward the page limit but shall not exceed three pages. Declaration cover pages (if blank or signed without any substantive information) and GR 17 attachments shall not count towards page count.

(E) Violations of this rule. If the court finds that one or more of the parties violated this rule, the court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.

(2) *Filing and Service.* The moving party shall, no later than 14 calendar days prior to the hearing date, file with the Clerk and properly serve the motion, note for motion, declarations, and all supporting documents. Parties are encouraged to accept service via email. Unless previously filed and still current, the moving party's supporting documents shall include these mandatory forms, fully completed and signed by the moving party:

(A) Residential Placement. A motion concerning temporary residential placement of children must be accompanied by a Proposed Parenting Plan (FL All Family 140), Information for Parenting Plan (FL All Family 139), and a Declaration describing why the parenting plan should be adopted by the court.

(B) Temporary Spousal Support or Child Support. A motion concerning temporary spousal support or child support must be accompanied by a Financial Declaration (FL All Family 131), Child Support Worksheet (WSCSS - Worksheets), together with proof of income including the party's three most recent paystubs, most recent w-2, and two most recent tax returns with all attachments. If the party does not have a recent pay stub, they shall file their bank statements, profit and loss, or other evidence of income. The party shall file any statements for insurance payments or benefits they receive (such as Unemployment, Disability, etc.).

(C) Temporary Attorney Fees. A motion for temporary fees must be accompanied by a Financial Declaration.

(3) *Response to Temporary Motions.* The opposing party's response must be filed and served no later than noon five court days prior to the date scheduled for hearing; provided, however, if the response requests affirmative relief, it must be filed and served no later than by noon seven court days prior to the hearing. Documents filed in strict reply to issues raised in the response must be filed and served by noon two court days prior to the hearing.

Responses filed and/or served later may not be considered, at the discretion of the judicial officer and subject to terms if appropriate.

(4) *Confirmation/Strike Process.* All family law motions must be confirmed by the moving party by 10:00 a.m., two court days prior to the court hearing or the motion will be stricken. The moving party shall confirm the motion by notifying the Clerk (at (509) 574-2959 or domestic.motion@co.yakima.wa.us) and any other party. The confirmation shall include the caller's name, email address, and/or telephone number, the case name and cause number, the date and time of the hearing, and the date and time of the confirmation. Confirmation will not be effective unless this procedure is used. If the moving party fails to appear after confirming the motion, the court may strike the motion, deny the motion, impose terms, and order any other relief the court deems appropriate. If the responding party fails to appear, the court may grant the relief requested. A moving party voluntarily striking a hearing shall notify the Clerk and other party no later than 4:00 p.m. the court day prior to the hearing.

(5) *Renoted Hearings.* Matters which have been previously noted in conformance with this rule may be renoted upon five court days' notice. The motion shall be confirmed as provided above or it will be stricken.

(6) *Hearings on Motions.* All motions shall be determined on sworn declarations unless the court requests testimony. If testimony is necessary, the party seeking to provide that testimony shall request an evidentiary hearing be specially set. Argument on temporary motions shall be limited to five minutes per side, except that the court may in its discretion increase or reduce the time for argument. Argument shall be limited to matters contained in the record. By agreement of the parties or order of the court, the matter may be submitted solely on the record.

(7) *Orders Shortening Time.* Motions may be heard on shortened time only in the event of an emergency and where an Order Shortening Time has been signed by the court.

(8) *Presentation Of Orders.* Unless otherwise directed by the court or agreed by counsel, the prevailing party shall prepare an order on any ruling. If the parties cannot agree to the form of the order, the prevailing party shall note a presentation hearing, providing a copy of the proposed order to the other party at least five court days before the hearing. At least two days prior to the hearing, the opposing party may file an objection which identifies what parts of the proposed order is incorrect or alternative language to be used.

(c) Review Hearings. If the court requests a review hearing be set, either party may submit an updated declaration five court days prior to the hearing and shall include any supplemental information or documents requested by the court. A party may file a strict reply two court days before the review hearing. Either party may confirm a review hearing.

(d) Orders to Show Cause. Where required by statute or court rule, a party may obtain an Order to Show Cause requiring the other party to appear and show cause why certain relief should not be granted. The return date on the show cause order shall not be sooner than 14 days after filing and service. In all other respects, the requirements of section (a) above shall apply.

(e) Status Hearings. Compliance with the Scheduling Order will be confirmed at a status hearing. The purpose of the status hearing shall be to address matters and deadlines necessary to the timely resolution of the case. The court may address any outstanding reports that are required

to be completed. Parties may present agreed status hearing reports prior to the status hearing, and the agreed deadlines are enforceable as if ordered by the court.

[Adopted effective September 1, 2020; Amended effective September 1, 2021; Amended effective September 1, 2023.]

LFLR 2 UNCONTESTED FAMILY LAW MATTERS

No testimony or declaration will be required in cases in which the parties have stipulated to entry of the decree or in cases in which the relief requested is the same as the relief requested in the petition and the other party is in default.

[Adopted effective September 1, 2020; Amended effective September 1, 2023.]

LFLR 3 CONTESTED FAMILY LAW MATTERS

(a) Mandatory Mediation.

- (1) *Applicable Cases.* This rule shall apply to all contested cases under chapters [26.09](#) and [26.26A](#) RCW except support modifications and parentage cases initiated by the State of Washington.
- (2) *When Mediation is not Required.* Mediation shall not be required in the following cases:
 - (A) For good cause (including but not limited to a demonstration of a history of domestic violence) shown upon motion and approval by the court; or
 - (B) Where a protection order involving the parties is currently in effect.
- (3) *Settlement Conference.* Where mediation is not required or the parties have not mediated in good faith, the parties shall participate in a settlement conference as provided in section (b), or as otherwise ordered by the court. If the settlement conference does not result in an agreement, the matter shall be set for trial.
- (4) *Effect on Court Proceedings.* Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process. It is the court's preference that parties submit any disputes to mediation prior to filing motions.
- (5) *Mediation date and materials.* The mediator shall determine the mediation time and dates and whether or not mediation statements are required.
- (6) *Mediation Procedure.* The mediator shall determine how the mediation is conducted. The parties and their lawyers shall personally attend the mediation unless there is a written agreement between the lawyer and the client that the lawyer will not attend. In the event of such agreement, the mediator and the other party/lawyer will be notified in advance of the mediation. Parties may mediate via telephone or video conferencing at the discretion of the mediator.

- (7) *Cost of Mediation.* The mediator shall be paid by the parties. Payment responsibilities and arrangements shall be determined by the mediator and the parties, or by court order.
- (8) *Failure to Comply.* Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt or imposition of sanctions.
- (9) *Notice of Compliance/Agreement.* If no settlement is reached, the mediator shall, within seven days, file with the Clerk with copies to the parties, a certificate showing that there has been compliance with this rule. If an agreement is reached in mediation, that agreement shall be reduced to writing and signed by the parties and their lawyers.
- (10) *Incorporation of Chapter 7.07 RCW.* The [Uniform Mediation Act, chapter 7.07 RCW](#), is incorporated herein by reference.

(b) Settlement Conference. In the event that mediation is not required, a settlement conference shall be held in all contested family law cases. This shall not include minor guardianships as they are considered probate cases. The purpose of the settlement conference is to identify disputed issues and pursue settlement of the case. Parties shall attend the settlement conference.

(1) *Note for Settlement Conference.* Once a response to a petition has been filed, and, if applicable, a Parenting Seminar has been completed by the noting party, a party may request a settlement conference date by filing a Note For Settlement Conference. A settlement conference may also be set by a Status Hearing Order.

(2) *Position Statements.*

(A) The party who notes the matter for settlement conference shall file and serve a statement of issues and (unless previously filed) his/her/their proposed parenting plan, child support worksheets and position statement (if assets and liabilities are at issue). The other party shall file and serve a Position Statement no later than seven days prior to the settlement conference. If either party fails to timely file a Position Statement or files an incomplete Position Statement, the court may strike the settlement conference and impose terms.

(B) Position statements must be in the form found on the court's [Current Local Rules website](#). The position statement shall be filed as a sealed source document and shall not be used for any other purpose or reviewed by the trial judge, unless specifically agreed by the parties. The position statement shall indicate the proposed disposition of assets and liabilities, as well as proposed spousal maintenance, child support and residential placement of children, as applicable.

(C) Asset List. If distribution of assets is at issue, each party shall complete a list of assets, both community and separate. For each asset listed, the party shall provide a good faith opinion as to the fair market value of the asset as of the date of separation. With respect to real property assets, the party shall provide a copy of any appraisal or market analysis intended to be used at trial. With respect to retirements, pensions, investment or bank accounts, the party shall provide a copy of all statements referencing the value of such accounts as of the date of separation and the most recent statement. With respect to business assets, the party shall provide a copy of the most recent profit/loss statement available and a copy of the most recent tax return with all schedules attached.

(D) Debt List. If distribution of debts is at issue, each party will provide copies of statements from the creditors listed, both as of the date of separation and the most recent statement.

(E) Spousal Maintenance and Child Support. If spousal maintenance or child support is at issue, each party shall file a copy of his/her/their most recent paycheck, together with the most recent tax return if not already on file. Each party shall fill out a statement regarding monthly expenses.

(3) *Settlement Conference and Trial Dates.* Upon receiving the Note for Settlement Conference and completed Position Statement, the Court Administrator shall schedule a settlement conference and shall send notice to the parties and any assigned guardian ad litem or family court investigator. The settlement conference shall not be scheduled sooner than 60 days after the Note for Settlement Conference is filed. At the conclusion of the settlement conference the court may direct the Court Administrator to set the matter for trial or may schedule an additional settlement conference. At the conclusion of the conference, the court shall complete and the parties shall sign a Settlement Conference order, using the form found on the court's [Current Local Rules website](#).

(c) Trial.

(1) *Assets and Debts.* If distribution of assets and/or debts is at issue, each party shall serve, seven days before trial, a list of assets and debts known to the party, and shall indicate the party's good faith position as to the fair market value of any asset as of the date of separation. The parties shall also designate the asset or debt as community property or separate property and shall designate their position as to distribution of the assets or debts.

(2) *Trial Brief, Witness List and Exhibit List.* Parties shall file and serve a trial brief (detailing the legal points and authorities related to the issues to be resolved at trial), witness list (detailing the witnesses who will testify at trial and their contact information), and exhibit list (detailing the documents that will be submitted at trial) seven days before trial begins.

(3) *Binders.* Trial binders, which include pretrial motions, exhibits and proposed orders, shall be exchanged at least one court day prior to trial between the parties. Parties shall ensure two copies of their trial binder are provided to the court Clerk.

(4) *One Day Trailing of Trial Dates.* Except for good cause shown, all domestic cases may trail for one day. For example, if a domestic trial is set to be begin on Wednesday, the parties must be prepared to begin trial on Thursday as well. Parties and counsel must check the court's Daily Schedule at the Yakima County Superior Court website (<https://www.yakimacounty.us/746/Court-Calendar-Hearings>) by 4:00 p.m. on the court day prior to the scheduled trial date.

(5) *Confirmation of Trial.* Parties must confirm trial with the Superior Court Administrator at least 14 days prior to the trial date.

[Adopted effective September 1, 2020; Amended effective September 1, 2021; Amended effective September 1, 2023.]

LFLR 4
MODIFICATION OF FINAL FAMILY LAW ORDERS

(a) Parenting Plans.

(1) *Ex Parte Requests for Change in Primary Residential Care.* An ex parte request to change custody shall be denied unless an emergency is clearly established by the sworn declaration and supporting evidence of the party seeking the change. An ex parte restraining order must be accompanied by a summons and petition for modification if final orders have been entered.

(2) *Petitions for Modification of Custody or Residential Placement.* A petition for a major modification of a parenting plan shall be commenced by filing a Summons, Petition, Proposed Parenting Plan and supporting declarations. The matter may be noted for adequate cause and temporary orders in conformance with LFLR 1(a). If adequate cause is found, the matter shall proceed in the ordinary course.

(3) *Petitions for Minor Modification of Parenting Plans.* In any case in which the parenting plan provides for alternative dispute resolution, the party seeking a minor modification shall state whether alternative dispute resolution has been exhausted prior to filing the Petition. Absent emergency, the court may not consider the petition unless alternate dispute resolution has been attempted in good faith. Failure to participate in good faith may result in the imposition of terms.

(b) Child Support Orders and Spousal Maintenance Orders.

(1) A petition to modify a child support or spousal maintenance order must include proof of income, including a copy of the party's three most recent paystubs, most recent w-2, and two most recent tax returns with all attachments. If a party does not receive paystubs, they shall file documentation of any income received.

(2) A petition to modify spousal maintenance shall also include a financial declaration.

(3) The matter shall be noted for hearing in conformance with the procedures described in LFLR 1(b). The matter shall not be scheduled for hearing until at least 20 days have elapsed since service on the opposing party.

(4) The petition shall be determined on declarations unless the court determines that oral testimony is required.

[Adopted effective September 1, 2020; Amended effective September 1, 2023.]

LFLR 5
CHILD SUPPORT

(a) Tax Exemption. In determining how to award exemptions, the court should look to the percentage of the basic child support obligation paid by each parent, as well as each parent's obligation for day care expenses. In awarding the exemption, the court should also consider tax benefits available to either parent, for example, head of household status, child credits and day care credits. Parties shall file a financial declaration with any request regarding an award of tax exemptions or credits.

(b) Child support declaration requirement regarding Public Assistance and notice to Office of Support Enforcement. No temporary or permanent order for future or past due child support shall be entered by the court unless one or both parties shall have filed an declaration that the affiant has no children or stepchildren, who are the subject of the present order, who currently receive public assistance or live in a state funded placement out of the family home, and that neither spouse owes any past debt to the Washington State Department of Social and Health Services (DSHS), (use FL All Family 132 Declaration about Public Assistance on the [Washington Courts Forms](#) website).

[Adopted effective September 1, 2020; Amended effective September 1, 2021; Amended effective September 1, 2023.]

LFLR 6 PARENTING PLANS

When implementing temporary or permanent parenting plans, it is the court's desire to encourage a strong relationship of both parents with their children. In addition to the court utilizing the factors under RCW [26.09.187](#) and [197](#), the court may consider the following guidelines for residential time.

(a) Alternate Residential Guideline. The court is not required to follow this guideline, but may use the following schedule as a guideline in setting residential time, based on the child's age:

- (1) *Zero months to one year:*
 - (A) Three hours, two times per week and six hours, once per week.
 - (B) Overnight residential time is not usually recommended.
- (2) *One year to five years:*
 - (A) Two hours, twice per week; and alternating weekends from Saturday at 9:00 a.m. until Sunday at 6:00 p.m.
 - (B) The holidays listed in the parenting plan form should be alternated even/odd for each year to allow each parent to have half of the holidays each year. Each holiday visit shall be for eight hours. This shall also include Easter, Halloween, and any other significant holidays for the parents.
 - (C) Summer residential time: Two non-consecutive one-week periods. Unless otherwise stated, Summer Schedule shall start based on the school schedule where the primary parent resides.
 - (D) If there has been a lack of relationship or inconsistent contact in the past, the parenting plan may include a phased-in schedule of increasing time.
- (3) *Five years and older:*
 - (A) Every other weekend from Thursday after school (or at 6:00 p.m. if there is no school that day) until Sunday at 6:00 p.m. If Monday is a school holiday, the weekend ends Monday at 6:00 p.m.
 - (B) Two weekday visits on the alternative week from the end of school (or 5:30 p.m. if there is no school) until 7:30 p.m.
 - (C) The preference of the court is that holidays should be split equally.

- (i) Spring Break: Each parent has the children for the half of break attached to their weekend. The children must be exchanged on Wednesday at 6:00 p.m.
 - (ii) All holidays which create three-day weekends shall be included in the time for that parent's weekend.
 - (iii) The parents shall alternate Thanksgiving and Christmas holidays on an even/odd year rotation consistent with Winter Break (below).
 - (iv) Winter Break: One parent's residential time starts from the day school lets out until Christmas day at noon. The other parent shall have the remaining portion of the winter break with the school schedule resuming the day before school is scheduled to return.
 - (v) Parents shall alternate all other holidays including Easter, Halloween, and any other significant holidays for the parents.
- (D) Summer residential time: Week on / Week off schedule.

(b) Father's/Mother's Day. Regardless of the residential times suggested above, the mother shall have residential time of at least eight hours on Mother's Day, and the father shall have residential time of at least eight hours on Father's Day.

(c) Birthdays. Each parent shall be allowed to spend at least four hours with the child to celebrate the child's birthday, and that parent's birthday, within two days of that birthday.

(d) Telephone/Video Contact. Reasonable telephonic or video conferencing contact with the child is usually appropriate, and should not be less than once per week for each parent during that parent's nonresidential time.

(e) Different Age Groups. When children of different age groups are involved, the preference shall be to follow the guideline for the oldest child, so that the children remain together.

(f) Cancellation. For visits, the primary parent shall make the child available for 30 minutes after the scheduled starting time. If the other parent does not pick up the child within that time, then the visit shall be deemed canceled.

(g) Exchange Times. All times listed above shall be adjusted as necessary to accommodate the parents' work schedules.

(h) Best Interests. These provisions are designed to encourage each parent to maintain a loving, stable, and nurturing relationship with the child. Each parent shall encourage the parent/child relationship of the other parent, and shall make residential arrangement decisions which are in the best interest of the child.

(i) Records. Both parents shall have equal access to medical and school records. Both parents shall be listed as emergency contacts whenever these are required.

[Adopted effective September 1, 2020; Amended effective September 1, 2023.]

LFLR 7
PARENTING SEMINARS

(a) Definition of Applicable Cases. In all domestic cases including divorces, legal separations, major modifications and non-state initiated paternity actions where the parties are parents of children under the age of 18, and where a parenting plan or residential schedule is required, the parties shall attend an approved Impact on Children Seminar.

(b) Impact on Children Seminars; Mandatory Attendance. Within 60 days after service of a petition or initiating motion on the respondent, both parties shall participate in, and successfully complete, an approved Impact on Children Seminar. Standards for a court-approved Impact on Children Seminar are set forth in sections (g), (h) and (i) below. Successful completion shall be evidence by a certificate of attendance filed by the provider agency with the court.

(c) Permissive Application. The court may require parties in intimate partner violence actions brought under [chapter 7.105 RCW](#), and non-parent parties in any domestic case, to attend an Impact on Children Seminar.

(d) Special Considerations/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of intimate partner violence or abuse which would not require mutual decision-making pursuant to [RCW 26.09.191](#), or that a party's attendance at a seminar is not in the children's best interest, the court shall either:

(A) waive the requirement of completion of the seminar; or

(B) provide an alternative voluntary parenting seminar for battered spouses or survivors of intimate partner violence.

(3) The court may waive the seminar requirement for one or both parties in any case for good cause shown, or may approve an alternative delivery system so the party affected can still receive the same or similar child impact information.

(e) Fees. Each party attending a seminar shall pay a fee charged by the approved provider agency. The fees charged shall not be cost-prohibitive to the parties. The seminars shall be conducted at no cost to the county's general revenue allocation to the court.

(f) Failure to Comply.

(1) Non-participation, or default, by one party does not excuse participation by the other party. Respondent's refusal, delay or default will not delay the progress of the case to a final decree. Petitioner's refusal or delay will prevent the case from being set for trial or any final order affecting the parenting/residential plan being entered. Willful refusal or delay by either party may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default and/or striking of pleadings.

(2) In post-decree actions in which attendance had previously been required but not completed or considered and waived, the moving party's motion or petition affecting a parenting plan shall not be entertained until that party has first completed a child impact seminar, unless approved by the court for good cause shown.

(g) Provider Agencies. Approved Child Impact Seminars shall be those offered by one or more individuals or counseling agencies approved by the court. "Approval by the court" means approval by a family court judge or commissioner, the family court investigator, and the family court facilitator. Parties may use equivalent services offered by other courts, private agencies or religious organizations, upon approval by the judge in the individual case.

(h) Seminar Content. A court-approved child impact seminar shall include, at a minimum:

- (1) The developmental stages of childhood;
- (2) Stress indicators in children;
- (3) Age appropriate expectations of children;
- (4) The impact of divorce on children;
- (5) The grief process;
- (6) Reducing stress for children through an amicable divorce; mediation as alternative to litigation;
- (7) The long-term impact of parental conflict on children;
- (8) Importance of child's relationships with both parents; fostering those relationships;
- (9) Communication skills for divorced parents;
- (10) Practical skills for working together;
- (11) The impact on children when stepparents and blended families enter their lives;
- (12) Parenting children with limited time (alternate residential time limits); and
- (13) Involvement of extended family.

(i) Qualifications of Instructors/Providers. Child impact seminars should be conducted by a team of not less than two instructors/providers, including one male and one female. Instructors/providers should have the following minimum credentials and experience:

- (1) A master's degree in social work, psychology or other related behavioral science;
- (2) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;
- (3) Experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;
- (4) Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- (5) An ability to work with other agencies as part of a collaborative program; and
- (6) Strong oral communication skills.

When parties choose to use agencies or religious organizations which have not received prior approval by the court, the court may modify or waive the foregoing qualifications for the instructors upon a showing of functional equivalency.

(j) Referrals for other services. During the seminar, referral resources may be made available to the parties, and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parties must seek their own funding resources.

[Adopted effective September 1, 2020.]

LFLR 8
GUARDIANS AD LITEM AND COURT VISITORS

(a) Registry Administration.

- (1) The court shall maintain and administer guardian ad litem registries for Family Law and Guardianship/Probate/Trusts and two separate court visitor registries for Minor Guardianships/Conservatorships/Protective Arrangements and Adult Guardianships/Conservatorships/Protective Arrangements. These registries shall not include Juvenile Court volunteer guardians ad litem or Court Appointed Special Advocates (CASAs), which shall continue to be administered independently by their respective programs.
- (2) The court shall maintain the application form and background information records pertaining to each person listed on a registry. Persons listed on a registry or registries shall update information annually on a date specified for each registry.
- (3) The application forms as described in section (b), curriculum vitae, certificate of attendance at training, and guardianship certificates of qualification under [Title 11 RCW](#) shall be available for public review.
- (4) All guardians ad litem and court visitors on the registry shall be required to complete mandatory training. The court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency.
- (5) Each registry shall be continuously open for new applications and persons applying shall be notified of their placement on the registry and the date thereof.
- (6) The court may impose an application processing fee and/or charge a fee for the training programs.

(b) Requirements for Listing on Registries.

(1) Education and experience requirements.

(A) Attorneys.

- (1) Guardian ad litem Guardianship, Probate Registry, and court visitor Guardianship/Conservatorship/Protective Arrangement Registry: Member of the Washington State Bar Association in good standing and five years of relevant experience in the practice of law.
- (2) Family Law Registry: Member of the Washington State Bar Association in good standing and five years of experience in the practice of law, with at least 50 percent of that practice in family law or dependency cases.

(B) Non-attorneys.

- (1) Guardianship guardian ad litem and court visitor Registries: Bachelor's degree in relevant subject area and five years' experience in the following: needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.
- (2) Family Law Registry: A minimum of a Bachelor's degree in a relevant field and a minimum of five years' experience working with families and children.

- (3) Parentage Cases: In [chapter 26.26A RCW](#) actions, a relative of the minor mother or father may be appointed who has complied with the requirements of [RCW 26.12.175](#) and who is otherwise suitable.
- (4) Individuals without a bachelor's degree or without five years' experience may be approved for these registries after application to and approval of the Presiding Judge or designee. To be considered, the individual shall submit all required application paperwork and provide a letter requesting an interview explaining why an exception to either the Bachelor's degree or years of experience should be allowed. Lawyers without the requisite experience listed in subsection (1) may be approved to these registries after application to and approval of the Presiding Judge or designee. To be considered, the lawyer shall submit all required application paperwork and provide a letter requesting an interview explaining their relevant knowledge and experience.
- (2) *Application Process*. Each application shall be accompanied by the following:
- (A) Copy of the certificate evidencing successful completion of the current training required for the area of guardian ad litem practice or court visitor;
 - (B) Application and fee allowing the court to obtain a current Washington State Patrol Certificate regarding criminal history;
 - (C) Curriculum vitae, showing work and professional or personal experience in or related to the field that would assist in the performance and completion of guardian ad litem duties and level of formal education;
 - (D) Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last 10 years;
 - (E) Certificate of Qualification for guardians ad litem seeking appointment under [Title 11 RCW](#);
 - (F) Description of the nature, status and outcome of any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims, and any order for removal of the guardian ad litem prior to completion of the guardian ad litem's duties;
 - (G) Description of any claims, or litigation that has been commenced, involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct.
 - (H) Description of fees charged.
 - (I) If the applicant has previously been admitted to a registry in this or any other county, the applicant shall provide:
 - (1) The number of appointments as a guardian ad litem and the county or counties of appointment.
 - (2) The number of years' experience as a guardian ad litem or court visitor.
 - (3) The names of any counties in which the person was removed from a guardian ad litem or court visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court removed the person for cause.
- (3) The applicant shall be of high moral character, and shall not have any of the following:
- (A) Conviction of a felony or of a crime involving theft, dishonesty or moral turpitude;
 - (B) A professional certification or license suspension or revocation; or
 - (C) Pending investigations or actions for any of the above.

(c) Appointment of Guardian ad Litem.

- (1) When the need arises for the appointment of a guardian ad litem or court visitor in a case involving a subject area for which there is a registry, the court shall appoint a person from the registry unless exceptional circumstances are found and findings are entered supporting appointment of a person not listed on the registry.
- (2) Appointments from the registries shall be made in the exercise of the court's sound discretion. The court may, but is not obligated to, appoint a person whom all the parties have stipulated to serve as guardian ad litem or court visitor. Agreement of all parties will not suffice when one or more parties is alleged to be under a legal disability.
- (3) In making appointments from a registry, among other factors, the court will consider the facts of the case, and the skills, experience, and knowledge of persons on the registry.
- (4) Guardians ad litem and court visitors shall be appointed from the registry in a manner which, to the extent possible, equalizes the workload among persons on the registry. Guardians ad litem and court visitors shall periodically notify the court of their current caseload, and shall promptly notify the court of any temporary unavailability to serve.
- (5) Guardians ad litem and court visitors may temporarily decline appointments due to their workloads. However, each guardian ad litem and court visitor must accept a minimum of one appointment annually. Any guardian ad litem or court visitor suspended for failure to accept a minimum of one annual appointment may be reinstated by the Presiding Judge.

(d) Retention on Registry/Grievance Procedures.

- (1) A person shall remain on the registry unless the person fails to maintain current application and training requirements, the person notifies the registry of his/her/their desire to be removed from the registry, or the person is removed or suspended as provided herein.
- (2) Complaints regarding a guardian ad litem or court visitor shall be directed to the Court Administrator. All complaints shall be in writing on a form prescribed by the court and shall bear the name, signature, and address of the complainant. A complaint must be filed within one year from the date of the acts complained of.
- (3) Complaints shall be forwarded to the presiding judge or his/her/their designee(s) and shall be processed as follows:
 - (A) If the complaint related to an on-going case, the complainant shall be advised that the complaint may be addressed only in the case at bar, either by seeking the removal of the guardian ad litem/court visitor or by contesting the information contained in the guardian ad litem's or court visitor's report or testimony. Such complaints shall be processed in a manner which assures that the trial judge remains uninformed of the complaint. This process shall be completed in 25 days.
 - (B) If the complaint relates to a case in which final orders have been entered, the presiding judge or his/her/their designee(s), shall review the complaint and either:
 - (1) make a finding that the complaint has no merit on its face and so inform the complainant in writing; or
 - (2) make a finding that the complaint may have merit and require the guardian ad litem or court visitor to provide a written response within 10 business days. The guardian ad litem or court visitor shall be provided with a copy of the complaint. The guardian ad litem's or court visitor's response to the complaint shall be reviewed and such additional investigation as deemed necessary shall be conducted.

Findings shall be made as to whether and on what basis the complaint has merit, and such findings shall be forwarded to the guardian ad litem/court visitor and complainant. If a complaint is found to have merit, the guardian ad litem or court visitor may be admonished, reprimanded, referred for additional training, or suspended or removed from the registry. This process shall be completed within 60 days. If the guardian ad litem or court visitor is removed or suspended, an order shall be signed.

(4) Complaints shall be confidential unless they are deemed to have merit. Findings regarding complaints determined to have merit shall be made part of the guardian ad litem's or court visitor's file and shall be made available upon request, provided, however, confidential information regarding the parties shall not be made available.

(5) If a guardian ad litem or court visitor is removed from the registry pursuant to disposition of a grievance under this rule, the registry manager shall send notice of such removal to the Administrative Office of the Courts (AOC).

(e) Payment of Guardians ad Litem and Court Visitor.

(1) In Family Law cases, the order appointing a guardian ad litem shall provide for payment of the guardian ad litem's fees. The court may order either or both parents to pay for the guardian ad litem's fees based upon their ability to pay. The guardian ad litem shall provide a monthly accounting of his/her/their time and billing for services to the parties. The order appointing the guardian ad litem shall provide that the guardian ad litem may charge up to \$3,000.00 without further court approval. Additional fees may be charged only with court approval.

(2) In [Title 11 RCW](#) matters, the court shall set the hourly rate and maximum amount in the order appointing the guardian ad litem or court visitor. The fee shall be charged to the individual subject to conservatorship or individual subject to guardianship unless the court finds such payment would result in financial hardship, in which case, the county shall be responsible for such costs. In matters where no guardian or conservator is appointed, the fee may be charged to the petitioner, the individual subject to conservatorship/guardianship or apportioned. If the petition is found to be brought in bad faith, the fee shall be charged to the petitioner.

(3) Guardians ad litem and court visitors paid at public expense shall accept compensation provided under the court's administrative order regarding such payment.

(f) Application of Washington's Superior Court Guardian ad Litem Rules to Court Visitors.

(1) Unless otherwise provided by statute, this court's local court rules, or orders entered in individual cases, Rules 2, 3, and 4(a) through 4(g) of the [Superior Court Guardian ad Litem Rules \(GALR\)](#) shall apply to court visitors.

[Adopted effective September 1, 2020; Amended effective September 1, 2021; Amended as an emergency rule effective December 15, 2021; Amended on a permanent basis effective September 1, 2023.]