

RECEIVED FOR FILING
KITSAP COUNTY CLERK

OCT 22 2020

ALISON H. SONNTAG

KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON

IN RE THE KITSAP COUNTY COURTHOUSE AND THE
PANDEMIC OUTBREAK OF THE CORONAVIRUS
DISEASE 2019 (COVID-19)

No. 2020-20
EMERGENCY ADMINISTRATIVE
ORDER RE: FIFTH ORDER
REGARDING DOMESTIC
RELATIONS CASES

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).¹

Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public, the recommendations of the Health Department, and the authority granted by Order No. 25700-B-602 ¶1 (Mar. 4, 2020), No. 25700-B607 ¶15 (amended Mar. 20, 2020), No. 25700-B-614 ¶11 (Apr. 3, 2020), and No. 25700-B-615 (April 13, 2020), additional immediate action by the Kitsap County Superior Court is required.

NOW, THEREFORE, it is hereby ORDERED that effective immediately and until further Order of the Court-

¹ Hereafter "disease."

1 1. **Previous Orders-** All previous Emergency Administrative Orders and Correspondence
2 issued by this Court remain in full effect except where modified below. Specifically,
3 Emergency Administrative Order 2020-12 remains in effect re digital signatures.

4 2. **Ex Parte Calendars-** emergency matters may be brought on the *ex parte* calendar at
5 8:30 a.m. This calendar should be accessed remotely unless it is impossible to do so.
6 The parties must follow the Clerk's office guidance for checking- in and providing
7 documents to the court, as set forth in the Clerk's office Correspondence, attached as
8 Exhibit A.
9

10 3. **Agreed Orders/ Uncontested Orders-** Agreed or uncontested Orders may be emailed
11 to SuperiorCourt@co.kitsap.wa.us for signature.
12

13 4. **Contested Family Law Motions, Motions for Default, Motions to Compel**
14 **Discovery-**

15 a. **How Initiated.** All motions shall be docketed by filing a Note for Hearing at
16 least fourteen (14) calendar days before the hearing, simultaneously with a
17 Motion and Notice of Hearing and any supporting pleadings, unless this is a re-
18 note of a motion or notice for hearing previously filed, in which event only the
19 Note for Hearing shall be filed. The Note for Hearing shall include the
20 applicable Zoom or telephonic appearance information. The hearing shall be
21 heard on the basis of affidavit and/or declaration.
22

23 b. **Counter Motions.** In the event there is an existing motion or adequate cause
24 hearing and the responding party wishes to file a counter motion to be heard the
25 same date they may do so without leave of the court by filing a Note for
26 Hearing, Motion and any supporting pleadings, as long as the counter motion
27 and all supporting pleadings are filed and served a minimum of fourteen (14)
28 calendar days before the hearing.
29
30

- 1 c. **Notice and Hearing.** Copies of the motion, counter motion, Note for Hearing,
2 together with all supporting documents including affidavits, declarations,
3 exhibits, and any other materials to be considered by the court, shall be served
4 on all counsel and any self-represented party at least fourteen (14) calendar days
5 before the hearing.
- 6 d. **Responsive Affidavits.** Response documents, including briefs or memoranda,
7 if any, shall be filed with the Clerk and copies served on all parties and attorneys
8 no later than 5:00 p.m. three (3) court days prior to the hearing time.
- 9 e. **Reply Affidavits.** Reply documents in strict reply to the motion shall be
10 similarly filed and served no later than 5:00 p.m. one (1) court day prior to the
11 hearing. Reply affidavits may be filed no later than the day of the hearing. Reply
12 affidavits shall be limited to a maximum of three double spaced pages and shall
13 be in strict reply to the responsive affidavit.
- 14 f. **Exhibits and Worksheets.** Mandatory financial declarations and support
15 worksheets as required by RCW 26.09 shall be filed whenever financial matters
16 are at issue. [See KCLCR 77(k)(5).]
- 17 g. **Benching Materials-** bench copies must be provided to the Court no later than
18 two (2) court days before the hearing. Parties may submit bench copies via
19 email, unless those submissions exceed 100 pages. Bench Copies can be
20 emailed to Superior Court at: SuperiorCourt@co.kitsap.wa.us. Bench copies
21 that exceed 100 pages must not be emailed; rather, they must be provided to the
22 Court as hard copies and should be mailed or delivered to Court Administration.
- 23 h. **Proposed Orders.** Draft temporary and final orders following a Court ruling
24 shall be delivered to the Court and to the opposing party no later than noon
25 seven (7) days prior to the scheduled hearing on presentation. Opposing parties
26
27
28
29
30

1 who object to any provision of the draft documents as being inconsistent with
2 the Court's ruling must file written objections by 5:00 p.m. two (2) court days
3 prior to the hearing. Objections must include the proposed orders as an
4 attachment, specifically identify the objectionable provisions, and shall offer
5 alternative language.
6

7 **i. Confirmations**

8 i. Hearings set by order of a judicial officer, including Orders to Show
9 Cause and Presentation of Orders set by a judicial officer in open court
10 following that judicial officer's oral ruling, do not require confirmation
11 and are not subject to continuance except by signed order of that
12 judicial officer.
13

14 ii. All other domestic relations motions must be confirmed in person, by
15 telephoning the Superior Court office at (360) 337-7140 (Option 2), or
16 by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon
17 one day before hearings, but no earlier than 48 hours in advance.
18

19 iii. All parentage/ paternity motions must be confirmed in person, by
20 telephoning the Superior Court office at (360) 337-7140 (Option 2), or
21 by email at supcomiconfinn@co.kitsap.wa.us no later than 12:00 noon
22 two days before hearings.
23

24 iv. Matters not confirmed may be heard only at the discretion of the Court.
25

26 **j. Time Limits.** Parties shall be limited to ten (10) minutes per side during
27 argument. The moving party shall have the opportunity to provide rebuttal
28 argument with any remaining time.
29
30

1 k. **Nonappearance.** Upon the nonappearance of a non-moving party, the court
2 may enter orders consistent with the Moving Party's Motion, so long as proof
3 of service is filed with the Court.

4 5. **Domestic Relations Settlement Conferences-** settlement conferences shall occur via
5 Zoom.

6 a. **Mandatory Settlement Conferences.** In each dissolution, declaration of
7 invalidity, or legal separation, counsel and the parties shall participate in
8 a settlement conference presided over by a judge or court commissioner.
9 Settlement conferences are mandatory.

10 b. **How scheduled.** The above referenced filing deadlines do not apply to
11 scheduling of a Settlement Conference. All notes for Settlement
12 Conferences shall be docketed by filing a Note for Settlement Conference
13 at least seven (7) calendar days before the Settlement Conference setting
14 is placed on the calendar.

15 c. **Attendance and Preparation Required.** No later than noon the day prior
16 to a settlement conference that has been scheduled pursuant to section (a),
17 each party shall have submitted to the other party and the Court a
18 completed settlement conference memorandum and a completed
19 "Domestic Relations Form" in the form of Exhibit G. The attorneys shall
20 come prepared to discuss in detail and in good faith all unresolved issues
21 in the case and, in addition, all pretrial matters if the case is not settled.

22 d. Failure to Serve Settlement Conference Memorandum and "Domestic
23 Relations Form"/Exhibit G. Failure to serve a completed settlement
24
25
26
27
28
29
30

1 conference memorandum and a “Domestic Relations Form” in the form
2 of Exhibit G and/or an equivalent upon the other parties and provide the
3 original for the settlement conference judge, as required, may, at the
4 discretion of the judge, result in the settlement conference judge striking
5 the scheduled settlement conference and setting a subsequent settlement
6 conference on the Court’s next available date.
7

8
9 e. **Mandatory Confirmations.** All settlement conferences must be confirmed
10 by telephoning the Superior Court office at (360) 337-7140 (Option 2), or
11 by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon
12 one day before hearings, but no earlier than 48 hours in advance. Failure
13 to confirm may result in the imposition of terms and/or sanctions as the
14 Court may deem appropriate.
15

16
17 f. **Proceedings Confidential.** Proceedings of settlement conferences shall,
18 in all respects, be confidential and not reported or recorded. No party shall
19 be bound unless a settlement is reached. When a settlement has been
20 reached, the Court may, at its discretion, and with the consent of the
21 parties, order any agreement to be placed on the record.
22

23
24 g. **Judge Disqualified for Trial.** A judge presiding over a settlement
25 conference shall be disqualified from acting as the trial judge or exercising
26 discretion in regard to subsequent motions in that matter.

27
28 **6. Domestic Relations Trials-** Parties may agree to proceed to a bench trial in the
29 following manner:

30
a. The parties may agree to conduct the trial via Zoom.

- 1 b. The parties may agree to appear in person.
- 2 c. The parties may agree that one party appear by Zoom and the other appear in
- 3 person.
- 4 d. In the event that a party does not wish to conduct trial by Zoom and does not
- 5 wish to appear in the Courthouse during the COVID-19 Pandemic, the trial shall
- 6 be continued.
- 7
- 8 e. If you are proceeding to trial, hard copies of your exhibits must be provided to
- 9 opposing counsel (or party if self-represented) no later than 72 hours before
- 10 trial, excluding weekends and holidays.
- 11
- 12 f. Exhibits should be dropped off to the Clerk's Office or physically mailed to the
- 13 Clerk's Office to be received no later than 72 hours prior to the trial, excluding
- 14 weekends and holidays. Please use the following address:

15 **Kitsap County Clerk's Office**

16 **Attn: Kara Barnes**

17 **614 Division St, MS-34 Port Orchard, WA 98366**

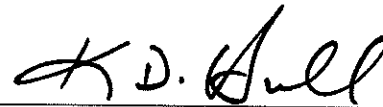
- 18
- 19 g. If bench copies of exhibits are included, the Clerk's Office will ensure that they
- 20 are delivered to Superior Court.
- 21
- 22 h. If possible, please send an electronic exhibit list to Kara at
- 23 kbarnes@co.kitsap.wa.us
- 24 **7. Kitsap County Local Family Law Rule 10 -Mandatory Parenting Seminar.** This
- 25 rule is suspended for no / low conflict cases in which there are agreed / unopposed
- 26 Parenting Plans, until further order of the court.
- 27
- 28 **8. Formal Proof.** Formal proof to finalize a domestic relations case shall be permitted
- 29 by declaration.
- 30

1 9. **Court Interpreter.** If a party needs an interpreter, the party may notify the Court
2 Scheduler at by email at jkluver@co.kitsap.wa.us, of the need for an interpreter with the
3 following information: name, case number, hearing date and time, and the language for
4 the interpreter needed.

5 10. **Conflicts in rules.** In case of a conflict in rules, this Order supersedes any previously
6 published rule.
7

8 11. **Expiration.** This Order expires on midnight on January 29, 2021, unless rescinded,
9 modified, or renewed before then.

10 DATED – OCTOBER 22, 2020

11 

12
13 KEVIN D. HULL, Presiding Judge
14 Kitsap County Superior Court
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30