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DAVID T. LEWIS III

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. 2022-09

**EMERGENCY ADMINISTRATIVE
ORDER RE: ELEVENTH 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-B-607 ¶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
2 Correspondence issued by this Court remain in full effect except where modified
3 below. Specifically, Emergency Administrative Order 2020-12 remains in effect
4 re: digital signatures.
5

6 2. **Ex Parte Calendars-** emergency matters may be brought on the *ex parte*
7 calendar every day at 8:30 a.m. and Monday, Thursday and Friday at 3:30 p.m.
8 This calendar may be accessed remotely and counsel/parties are encouraged to
9 do so.
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11 3. **Agreed Orders/ Uncontested Orders-** Agreed or uncontested Orders may be
12 emailed to SuperiorCourt@co.kitsap.wa.us for signature.
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14 4. **Contested Family Law Motions, Motions for Default, Motions to Compel**
15 **Discovery-**

16 a. **How Initiated.** All motions shall be docketed by filing a Note for
17 Hearing at least fourteen (14) calendar days before the hearing,
18 simultaneously with a Motion and Notice of Hearing and any supporting
19 pleadings, unless this is a re-note of a motion or notice for hearing
20 previously filed, in which event only the Note for Hearing shall be filed.
21 The Note for Hearing shall include the applicable Zoom or telephonic
22 appearance information. The hearing shall be heard on the basis of
23 affidavit and/or declaration.
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26 b. **Counter Motions.** In the event there is an existing motion or adequate
27 cause hearing and the responding party wishes to file a counter motion
28 to be heard the same date they may do so without leave of the court by
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1 filing a Note for Hearing, Motion and any supporting pleadings, as long
2 as the counter motion and all supporting pleadings are filed and served a
3 minimum of fourteen (14) calendar days before the hearing.

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5 c. **Notice and Hearing.** Copies of the motion, counter motion, Note for
6 Hearing, together with all supporting documents including affidavits,
7 declarations, exhibits, and any other materials to be considered by the
8 court, shall be served on all counsel and any self-represented party at
9 least fourteen (14) calendar days before the hearing.

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11 d. **Responsive Affidavits.** Response documents, including briefs or
12 memoranda, if any, shall be filed with the Clerk and copies served on all
13 parties and attorneys no later than 5:00 p.m. three (3) court days prior to
14 the hearing time.

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16 e. **Reply Affidavits.** Reply documents in strict reply to the motion shall be
17 similarly filed and served no later than 5:00 p.m. one (1) court day prior
18 to the hearing. Reply affidavits may be filed no later than the day of the
19 hearing. Reply affidavits shall be limited to a maximum of three double
20 spaced pages and shall be in strict reply to the responsive affidavit.

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22 f. **Exhibits and Worksheets.** Mandatory financial declarations and
23 support worksheets as required by RCW 26.09 shall be filed whenever
24 financial matters are at issue. [See KCLCR 77(k)(5).]

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26 g. **Benching Materials.** Bench copies must be provided to the Court no
27 later than two (2) court days before the hearing. Parties may submit
28 bench copies via email, unless those submissions exceed 100 pages, until
29
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1 June 10, 2022 at 4:30 p.m., at which time the Superior Court will cease
2 to accept emailed Bench Copies of any length. Until June 10, 2022,
3 Bench Copies can be emailed to Superior Court at:
4 SuperiorCourt@co.kitsap.wa.us Bench copies that exceed 100 pages
5 must not be emailed; rather, they must be provided to the Court as hard
6 copies and should be mailed or delivered to Court Administration. The
7 Court will continue to receive agreed / uncontested orders (including
8 formal proof and final domestic relations orders) via email beyond June
9 10th (see paragraph 3).

12 h. **Proposed Orders.** Draft temporary and final orders following a Court
13 ruling shall be delivered to the Court and to the opposing party no later
14 than noon seven (7) days prior to the scheduled hearing on presentation.
15 Opposing parties who object to any provision of the draft documents as
16 being inconsistent with the Court's ruling must file written objections by
17 5:00 p.m. two (2) court days prior to the hearing. Objections must include
18 the proposed orders as an attachment, specifically identify the
19 objectionable provisions, and shall offer alternative language.

22 i. **Confirmations**

24 i. Hearings set by order of a judicial officer, including Orders to
25 Show Cause and Presentation of Orders set by a judicial officer
26 in open court following that judicial officer's oral ruling, do not
27 require confirmation and are not subject to continuance except by
28 signed order of that judicial officer.
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ii. All other domestic relations motions must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon one day before hearings, but no earlier than 48 hours in advance.

iii. All parentage/ paternity motions must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon one day before hearings, but no earlier than 48 hours in advance.

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

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

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

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

a. **Mandatory Settlement Conferences.** In each dissolution, declaration of invalidity, or legal separation, counsel and the parties shall participate in

1 a settlement conference presided over by a judge or court commissioner.

2 Settlement conferences are mandatory.

3 b. **How scheduled.** The above referenced filing deadlines do not apply to
4 scheduling of a Settlement Conference. All notes for Settlement
5 Conferences shall be docketed by filing a Note for Settlement Conference
6 at least seven (7) calendar days before the Settlement Conference setting
7 is placed on the calendar.
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10 c. **Attendance and Preparation Required.** No later than noon the day prior
11 to a settlement conference that has been scheduled pursuant to section (a),
12 each party shall have submitted to the other party and the Court a
13 completed settlement conference memorandum and a completed
14 “Domestic Relations Form” in the form of Exhibit G. The attorneys shall
15 come prepared to discuss in detail and in good faith all unresolved issues
16 in the case and, in addition, all pretrial matters if the case is not settled.
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19 d. Failure to Serve Settlement Conference Memorandum and “Domestic
20 Relations Form”/Exhibit G. Failure to serve a completed settlement
21 conference memorandum and a “Domestic Relations Form” in the form
22 of Exhibit G and/or an equivalent upon the other parties and provide the
23 original for the settlement conference judge, as required, may, at the
24 discretion of the judge, result in the settlement conference judge striking
25 the scheduled settlement conference and setting a subsequent settlement
26 conference on the Court’s next available date.
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1 e. **Mandatory Confirmations.** All settlement conferences must be confirmed
2 by telephoning the Superior Court office at (360) 337-7140 (Option 2), or
3 by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon
4 one day before hearings, but no earlier than 48 hours in advance. Failure
5 to confirm may result in the imposition of terms and/or sanctions as the
6 Court may deem appropriate.

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8 f. **Proceedings Confidential.** Proceedings of settlement conferences shall,
9 in all respects, be confidential and not reported or recorded. No party shall
10 be bound unless a settlement is reached. When a settlement has been
11 reached, the Court may, at its discretion, and with the consent of the
12 parties, order any agreement to be placed on the record.

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

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19 **6. Domestic Relations Trials.** Parties may agree to proceed to a bench trial in the
20 following manner:

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

22 b. The parties may agree to appear in person.

23 c. The parties may agree that one party appear by Zoom and the other
24 appear in person.

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26 d. In the event that a party does not wish to conduct a trial by Zoom and
27 does not wish to appear in the courthouse during the COVID-19
28 pandemic, the trial may be continued. A party seeking a continuance
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1 must note the motion to continue in accordance with the notice
2 provisions stated herein.

3 e. If you are proceeding to trial, hard copies of your exhibits must be
4 provided to opposing counsel (or party if self-represented) no later than
5 72 hours before trial, excluding weekends and holidays.
6

7 f. Exhibits should be dropped off to the Clerk's Office or physically mailed
8 to the Clerk's Office to be received no later than 72 hours prior to the
9 trial, excluding weekends and holidays. Please use the following address:
10

11 **Kitsap County Clerk's Office**

12 **Attn: Kara Barnes**

13 **614 Division St, MS-34 Port Orchard, WA 98366**
14

15 g. If bench copies of exhibits are included, the Clerk's Office will ensure
16 that they are delivered to Superior Court.
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18 h. If possible, please send an electronic exhibit list to Kara at
19 kbarnes@co.kitsap.wa.us.

20 7. **Formal Proof.** Formal proof to finalize a domestic relations case shall be
21 permitted by declaration.
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23 8. **Court Interpreter.** If a party needs an interpreter, the party may notify the Court
24 Scheduler at by email at jkluver@co.kitsap.wa.us, of the need for an
25 interpreter with the following information: name, case number, hearing date and
26 time, and the language for the interpreter needed.
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28 9. **Conflicts in rules.** In case of a conflict in rules, this Order supersedes any
29 previously published rule.
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