

LSPR 94.03G FAMILY COURT CASE SCHEDULES

(a) Application. It is the intent of this rule that all cases at the FJC be heard in a timely fashion and guided by the policy of a Unified FJC. It is with those policies in mind that the following rules shall apply.

(b) Cases Governed by Case Schedules. Unless otherwise provided in these rules or ordered by the court, all actions commenced in the FJC shall be issued a Case Schedule Notice by the clerk at the time of filing.

(c) Cases Not Governed by Case Schedules. Unless otherwise ordered by the court, the following cases shall not be issued a Case Schedule Notice under this rule upon filing of an initial pleading:

- (1) Civil protection orders (RCW chapter 7.105);
- (2) Minor guardianships;
- (3) Child support modification/adjustment;
- (4) Adult guardianship, conservatorship, and probate;
- (5) Juvenile (civil and offender);
- (6) Dependency;
- (7) Terminating parental rights; and
- (8) Dependency guardianship.

(d) Case Schedule Notice. Except as otherwise provided in these rules or ordered by the court, when an initial pleading is filed and a new family law case file is opened, the clerk shall prepare and file a Case Schedule Notice and deliver the Case Schedule Notice to the party who filed the initial pleading.

(1) Initial Pleading Electronically Filed. When an initial pleading is electronically filed, the clerk shall prepare, file, and provide an electronic copy of the Case Schedule Notice by email to the party filing the initial pleading at the time a case number is assigned.

(2) Initial Pleading Filed in Paper Form. When an initial pleading is filed in paper form, the clerk shall prepare, file, and provide, at no charge, 2 hard copies of the Case Schedule Notice to the party filing the initial pleading.

(e) Service of Case Schedule Notice.

(1) The party filing the initial pleading shall serve a copy of the Case Schedule Notice to all other parties, along with the Summons and Petition and other documents required by these rules; provided, if the party filing the initial pleading serves another party with the Summons and Petition before filing the initial pleading with the court, the party filing the initial pleading shall serve the other party with the Case Schedule Notice no later than 5 days after the Case Schedule Notice is filed by the clerk. If the initial pleading is served by publication, the Petitioner shall serve this Notice within 5 days of the other party's first appearance.

(2) A party who joins an additional party or intervenes in an action shall serve the additional party with the current Case Schedule Notice together with the first pleading served on the additional party.

(f) Contents of Case Schedule Notice (Notice). The actions and mandatory completion dates set forth in the Notice shall be determined based on whether the case involves a child.

(1) *Case Involving a Child.* When an initial pleading in a case involving a child is filed, the Case Schedule Notice shall set forth actions and mandatory completion dates based on the following schedule:

(A) Orientation under LSPR 94.11(d);

(B) Attendance of the parenting class "Consider the Children" within 45 days after the filing of the initial pleading;

(C) Responses pursuant to CR 4.1;

(D) Mediation pursuant to LSPR 94.05(b);

(E) Appointment of a GAL, if requested by a party, upon a Motion to Appoint a GAL that shall be filed within 4 months after the filing of the initial pleading and noted to be heard within 14 days of its filing; and

(F) Request to Schedule Settlement Conference & Trial pursuant to LSPR 94.03D(a)(2).

(2) *Case not Involving a Child.* When an initial pleading is filed, the Notice shall include only the dates set in (C) and (F) above.

(g) Case Schedule Order. Except as otherwise provided in these rules or ordered by the court, upon receipt of the Request to Schedule Settlement Conference and Trial and Response thereto, court administration shall prepare and file a Case Schedule Order and provide a copy to each of the parties.

(h) Contents of Case Schedule Order.

(1) The Case Schedule Order shall set forth the times and dates for the settlement conference, trial confirmation hearing, and trial. Settlement conference shall be scheduled to occur approximately 8 weeks prior to trial. Trial confirmation shall take place approximately 11 days before trial.

(2) The Case Schedule Order shall set forth actions and mandatory completion dates based on the following schedule:

(A) Except as otherwise provided in these rules, the parties shall exchange Settlement Conference Statements no less than 14 days before settlement conference.

(B) Provided issues remain at the end of settlement conference, the parties shall fill out and file a Family Law Trial Selection Form immediately upon the conclusion of settlement conference.

(C) No later than noon (12:00 p.m.) the day after settlement conference, each party shall provide to the other party and file with the clerk all of his/her expected witnesses on the required Witness List form. As to each witness, each party shall state the name, address, phone number and email contact information for each witness, the length and topic of the witness's expected testimony, and whether the witness is a fact or expert witness. The only exception is for witnesses whose testimony cannot reasonably be anticipated before receipt of the other party's witness list; each witness who cannot be listed ahead of time shall be disclosed promptly upon anticipating the need for the witness to testify.

(D) No less than 6 weeks prior to the first day of the week trial is scheduled to commence, all discovery shall be completed, except as otherwise ordered by the court.

(E) For family law cases, no less than 30 days prior to the first day of the week trial is scheduled to commence, each party shall file, serve on the other party and provide to court administration a Pre-trial Statement on the prescribed form. For dependency cases, a Pre-Trial Statement should be submitted no less than 14 days prior to the first day of the week trial is scheduled to commence.

(F) All deadlines imposed by LSPR 94.03E.

(i) Amendment of Case Schedules. The court, either on its own initiative or on motion of a party, for good cause shown, may issue an Amended Case Schedule Notice or Case Schedule Order. The hearing for Motion to Amend Case Schedule Notice or Case Schedule Order shall be scheduled on the judge's Motion Calendar. If a Case Schedule is modified on the court's own motion, the court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation, except with approval of the assigned judge or as provided below:

(1) The deadline for disclosure of possible primary witnesses may be extended by written stipulation of all parties without a court order for an additional period not to exceed 14 days, provided that the stipulation contains the following provision: “No party may assert this delay in the disclosure of witnesses as a basis for a continuance of the established trial date.”

(2) The discovery deadline may be extended by written stipulation of all parties for an additional period not to exceed 14 days, provided that the stipulation contains the following provision: “No party may assert this extension of the Discovery Cutoff as a basis for a continuance of the established trial date.”

(j) Enforcement; Sanctions; Dismissal; Terms.

(1) Failure to comply with the Case Schedules may be grounds for sanctions and terms, including, but not limited to, dismissal of the case or exclusion of evidence or witnesses at trial.

(2) The court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedules established by these rules.

(3) If the court finds that an attorney or party failed to comply with the Case Schedules and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both. In addition, the court may impose such other sanctions as justice requires.

(4) As used with respect to the Schedules, “terms” means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; “monetary sanctions” means a financial penalty payable to the court; and “other sanctions” includes, but is not limited to, the exclusion of evidence.

[Adopted effective January 13, 2020; Amended effective September 1, 2021; September 1, 2022; September 1, 2023.]