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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. 2021-9
EMERGENCY ADMINISTRATIVE
ORDER RE: EIGHTH 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
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 and Thursday at 3:30 p.m. This
8 calendar should be accessed remotely unless it is impossible to do so. The parties
9 must follow the Clerk's office guidance for checking- in and providing
10 documents to the court, as set forth in the Clerk's office Correspondence,
11 attached as Exhibit A.
12

13 3. **Agreed Orders/ Uncontested Orders-** Agreed or uncontested Orders may be
14 emailed to SuperiorCourt@co.kitsap.wa.us for signature.
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16 4. **Contested Family Law Motions, Motions for Default, Motions to Compel**
17 **Discovery-**
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19 a. **How Initiated.** All motions shall be docketed by filing a Note for
20 Hearing at least fourteen (14) calendar days before the hearing,
21 simultaneously with a Motion and Notice of Hearing and any supporting
22 pleadings, unless this is a re-note of a motion or notice for hearing
23 previously filed, in which event only the Note for Hearing shall be filed.
24 The Note for Hearing shall include the applicable Zoom or telephonic
25 appearance information. The hearing shall be heard on the basis of
26 affidavit and/or declaration.
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- 1 b. **Counter Motions.** In the event there is an existing motion or adequate
2 cause hearing and the responding party wishes to file a counter motion
3 to be heard the same date they may do so without leave of the court by
4 filing a Note for Hearing, Motion and any supporting pleadings, as long
5 as the counter motion and all supporting pleadings are filed and served a
6 minimum of fourteen (14) calendar days before the hearing.
7
8 c. **Notice and Hearing.** Copies of the motion, counter motion, Note for
9 Hearing, together with all supporting documents including affidavits,
10 declarations, exhibits, and any other materials to be considered by the
11 court, shall be served on all counsel and any self-represented party at
12 least fourteen (14) calendar days before the hearing.
13
14 d. **Responsive Affidavits.** Response documents, including briefs or
15 memoranda, if any, shall be filed with the Clerk and copies served on all
16 parties and attorneys no later than 5:00 p.m. three (3) court days prior to
17 the hearing time.
18
19 e. **Reply Affidavits.** Reply documents in strict reply to the motion shall be
20 similarly filed and served no later than 5:00 p.m. one (1) court day prior
21 to the hearing. Reply affidavits may be filed no later than the day of the
22 hearing. Reply affidavits shall be limited to a maximum of three double
23 spaced pages and shall be in strict reply to the responsive affidavit.
24
25 f. **Exhibits and Worksheets.** Mandatory financial declarations and
26 support worksheets as required by RCW 26.09 shall be filed whenever
27 financial matters are at issue. [See KCLCR 77(k)(5).]
28
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1 g. **Benching Materials-** bench copies must be provided to the Court no
2 later than two (2) court days before the hearing. Parties may submit
3 bench copies via email, unless those submissions exceed 100 pages.
4 Bench Copies can be emailed to Superior Court at:
5 SuperiorCourt@co.kitsap.wa.us. Bench copies that exceed 100 pages
6 must not be emailed; rather, they must be provided to the Court as hard
7 copies and should be mailed or delivered to Court Administration.
8

9
10 h. **Proposed Orders.** Draft temporary and final orders following a Court
11 ruling shall be delivered to the Court and to the opposing party no later
12 than noon seven (7) days prior to the scheduled hearing on presentation.
13 Opposing parties who object to any provision of the draft documents as
14 being inconsistent with the Court's ruling must file written objections by
15 5:00 p.m. two (2) court days prior to the hearing. Objections must include
16 the proposed orders as an attachment, specifically identify the
17 objectionable provisions, and shall offer alternative language.
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19
20 i. **Confirmations**

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22 i. Hearings set by order of a judicial officer, including Orders to
23 Show Cause and Presentation of Orders set by a judicial officer
24 in open court following that judicial officer's oral ruling, do not
25 require confirmation and are not subject to continuance except by
26 signed order of that judicial officer.
27

28 ii. All other domestic relations motions must be confirmed in
29 person, by telephoning the Superior Court office at (360) 337-
30

1 7140 (Option 2), or by email at
2 supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon one
3 day before hearings, but no earlier than 48 hours in advance.

4
5 iii. All parentage/ paternity motions must be confirmed in person, by
6 telephoning the Superior Court office at (360) 337-7140 (Option
7 2), or by email at supcourtconfirm@co.kitsap.wa.us no later than
8 12:00 noon one day before hearings, but no earlier than 48 hours
9 in advance.

10
11 iv. Matters not confirmed may be heard only at the discretion of the
12 Court.

13
14 j. **Time Limits.** Parties shall be limited to ten (10) minutes per side during
15 argument. The moving party shall have the opportunity to provide
16 rebuttal argument with any remaining time.

17
18 k. **Nonappearance.** Upon the nonappearance of a non-moving party, the
19 court may enter orders consistent with the Moving Party's Motion, so
20 long as proof of service is filed with the Court.

21
22 **5. Domestic Relations Settlement Conferences-** settlement conferences shall
23 occur via Zoom.

24 a. **Mandatory Settlement Conferences.** In each dissolution, declaration of
25 invalidity, or legal separation, counsel and the parties shall participate in
26 a settlement conference presided over by a judge or court commissioner.
27 Settlement conferences are mandatory.
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1 b. **How scheduled.** The above referenced filing deadlines do not apply to
2 scheduling of a Settlement Conference. All notes for Settlement
3 Conferences shall be docketed by filing a Note for Settlement Conference
4 at least seven (7) calendar days before the Settlement Conference setting
5 is placed on the calendar.
6

7 c. **Attendance and Preparation Required.** No later than noon the day prior
8 to a settlement conference that has been scheduled pursuant to section (a),
9 each party shall have submitted to the other party and the Court a
10 completed settlement conference memorandum and a completed
11 “Domestic Relations Form” in the form of Exhibit G. The attorneys shall
12 come prepared to discuss in detail and in good faith all unresolved issues
13 in the case and, in addition, all pretrial matters if the case is not settled.
14

15 d. Failure to Serve Settlement Conference Memorandum and “Domestic
16 Relations Form”/Exhibit G. Failure to serve a completed settlement
17 conference memorandum and a “Domestic Relations Form” in the form
18 of Exhibit G and/or an equivalent upon the other parties and provide the
19 original for the settlement conference judge, as required, may, at the
20 discretion of the judge, result in the settlement conference judge striking
21 the scheduled settlement conference and setting a subsequent settlement
22 conference on the Court’s next available date.
23

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

4
5 f. **Proceedings Confidential.** Proceedings of settlement conferences shall,
6 in all respects, be confidential and not reported or recorded. No party shall
7 be bound unless a settlement is reached. When a settlement has been
8 reached, the Court may, at its discretion, and with the consent of the
9 parties, order any agreement to be placed on the record.

10
11 g. **Judge Disqualified for Trial.** A judge presiding over a settlement
12 conference shall be disqualified from acting as the trial judge or exercising
13 discretion in regard to subsequent motions in that matter.

14
15 **6. Domestic Relations Trials-** Parties may agree to proceed to a bench trial in the
16 following manner:

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

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

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

21
22 d. In the event that a party does not wish to conduct a trial by Zoom and
23 does not wish to appear in the courthouse during the COVID-19
24 pandemic, the trial shall be continued. This provision applies through
25 June 30, 2021. On July 1, 2021, this provision shall be as follows: In the
26 event that a party does not wish to conduct a trial by Zoom and does not
27 wish to appear in the courthouse during the COVID-19 pandemic, the
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1 trial may be continued. A party seeking a continuance must note the
2 motion to continue in accordance with the notice provisions stated
3 herein.

- 4
- 5 e. If you are proceeding to trial, hard copies of your exhibits must be
6 provided to opposing counsel (or party if self-represented) no later than
7 72 hours before trial, excluding weekends and holidays.
- 8
- 9 f. Exhibits should be dropped off to the Clerk's Office or physically mailed
10 to the Clerk's Office to be received no later than 72 hours prior to the
11 trial, excluding weekends and holidays. Please use the following address:

12
13 **Kitsap County Clerk's Office**

14 **Attn: Kara Barnes**

15 **614 Division St, MS-34 Port Orchard, WA 98366**

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

22 **7. Kitsap County Local Family Law Rule 10-Mandatory Parenting Seminar.**

23 This rule is suspended for no / low conflict cases in which there are agreed /
24 unopposed Parenting Plans, until further order of the court.

25

26 **8. Formal Proof.** Formal proof to finalize a domestic relations case shall be
27 permitted by declaration.

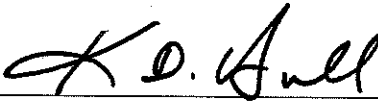
28 **9. Court Interpreter.** If a party needs an interpreter, the party may notify the Court
29 Scheduler at by email at jkluver@co.kitsap.wa.us, of the need for an
30

1 interpreter with the following information: name, case number, hearing date and
2 time, and the language for the interpreter needed.

3 10. **Conflicts in rules.** In case of a conflict in rules, this Order supersedes any
4 previously published rule.

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6 11. **Expiration.** This Order expires on midnight on October 1, 2021, unless
7 rescinded, modified, or renewed before then.

8
9 DATED – JULY 27, 2021

10 

11 KEVIN D. HULL, Presiding Judge
12 Kitsap County Superior Court