

SETTLEMENT CONFERENCE INSTRUCTIONS FOR PARTIES REPRESENTING THEMSELVES IN KITSAP COUNTY

OFFICE OF THE KITSAP COUNTY CLERK
Prepared by the Kitsap County Courthouse Facilitator

What is a settlement conference?

A settlement conference is a meeting of the parties and a judge in an attempt to settle the case so that a trial will not be necessary. In Kitsap County, the court requires that you have a settlement conference before you have a trial in family law matters (except child support modifications). A settlement conference is attended by the parties, their attorneys if they are represented, a judge (or a judge pro tem or court commissioner), and sometimes a guardian ad litem if one has been appointed and a prosecuting attorney if a party has received public assistance. The judge who conducts the settlement conference will not be the trial judge.

All settlement conferences are confidential. That means no court reporter is present, and offers of settlement are not allowed as evidence at trial. The judge may offer his or her opinion of what the outcome of the case would be if there was a trial. The judge may discuss strengths and weaknesses of your case, and do the same with the other party. If a settlement is reached, the agreement may be placed on the record and the judge may direct one party to prepare the necessary final paperwork to be signed at a later date. If the paperwork has been properly prepared ahead of time in anticipation of agreement, the judge may enter the paperwork at the settlement conference.

When can I schedule a settlement conference?

Before a settlement conference can be scheduled, the case must be “at issue”. That means you and the other party do not agree on issues in your case. The responding party must have filed a “response” to the petition. Once the response has been filed, either party can schedule a settlement conference. The party requesting a settlement conference should first contact the other party and attempt to reach a mutually satisfactory time frame for the settlement conference.

How do I schedule a settlement conference?

Complete a form called NOTE FOR SETTLEMENT CONFERENCE OR SUPPORT MODIFICATION HEARING AND TRIAL SETTING--EXHIBIT C. In the upper left corner, fill in the names of the petitioner and the respondent. The case number is filled in to the right. In the first paragraph, the date that is filled in is the date of the appointment with the Court Scheduler. That date must be a Friday, at 9:00 a.m., at least 7 days after the other party (or the party’s attorney) has received a copy of the complete form, giving advance notice of the appointment. If you do not contact the other party prior to serving the EXHIBIT C form, the date must be at least 10 days after they will receive a copy of the form.

To schedule a Settlement Conference, check the box next to “1. Settlement Conference”. Under Section A, check all applicable boxes for the contested issues in your case. In Section B, write the dates you prefer the conference be scheduled within the next 45 days. Under C, write any dates you will be unavailable to come to court for a settlement conference. Be sure to read Sections D and E.

Check the box next to “3. Check Appropriate Square”, and then choose which of the three boxes is most appropriate in your situation.

On the back, date and sign the form, and print your name in the space that says “Lawyer for”, your address, and your telephone number where you can be reached during court hours. In the spaces at the bottom, write the names, addresses and telephone numbers for the other party or the other party’s attorney, the guardian ad litem, if one has been appointed in your case, and the Prosecuting Attorney (if either party is receiving or has received public assistance).

What do I do with the “Exhibit C” form?

Make enough photocopies of the signed original for yourself and to serve to each of other parties listed on the original form.

The copies can be mailed or personally delivered to all of the other parties, but someone else must do the mailing or delivering for you.

If you contacted the all of the other parties in advance (and marked the 1st or 2nd box in section 3 of the Exhibit C form), then a copy must be personally delivered to each party listed on the form at least 7 days in advance, or mailed at least 10 days in advance of your appointment with the Court Scheduler. If you did not contact all of the other parties in advance (and marked the 3rd box in section 3 of the Exhibit C form), then a copy (and a blank response declaration, as a courtesy) must be personally delivered to each party listed on the form at least 10 days in advance, or mailed at least 13 days in advance of your appointment with the Court Scheduler.

If the copy is delivered in person, the person who delivered the copies should complete a DECLARATION OF SERVICE, indicating the details of delivery of the form. If the copy is mailed, the person mailing the copy should complete a DECLARATION OF MAILING, stating the details of the mailing.

Make a copy of each DECLARATION OF SERVICE and/or DECLARATION OF MAILING form to keep with your records.

File the original EXHIBIT C and original DECLARATION OF SERVICE/DECLARATION OF MAILING forms at the Clerk’s Office no later than 7 days before your appointment with the Court Scheduler.

What do I do the day of the appointment with the Court Scheduler?

Plan on arriving at the Courthouse by 8:50 a.m. the day of your appointment. Go to Room 210 and sign in on the form provided at the counter. When it's your turn, your name will be called. After the date for the settlement conference has been decided upon, you'll get a copy of the form setting that date.

It is not mandatory that you attend your appointment with the Court Scheduler. **However, if you do not attend, your settlement conference will be scheduled without your input. If you fail to keep your current address listed in your court file, you may not receive notice of the date of future court hearings including the settlement conference. Therefore, you are strongly urged to attend the appointment with the Court Scheduler.** If you do not attend, the Court Scheduler will set the date for the settlement conference and will mail notice to you at the address provided on Exhibit C.

How do I prepare for the settlement conference?

Kitsap County Local Rules require that you complete "Exhibit G" in preparation for your settlement conference. Additional documents will need to be attached to Exhibit G if there are parenting plan, child support, or financial issues in your case. Make two photocopies from the original (plus copies for the guardian ad litem and/or prosecuting attorney, if applicable). It's also a good idea to write a letter to the Settlement Conference Judge outlining the major unresolved issues in your case. A sample format is attached.

You will give the copies of Exhibit G, any supporting documents, and your settlement conference letter to the judge and the others on the morning of the settlement conference.

You must confirm your settlement conference. Do this by calling (360) 337-7140 between noon two days before and noon one day before your settlement conference. You will be offered a menu of choices. Follow the recorded directions carefully. If your settlement conference is not properly confirmed, it will not be held, and you will have to start the entire procedure again.

What do I do the day of the settlement conference?

Attendance is mandatory. **DO NOT BRING YOUR CHILDREN TO THE SETTLEMENT CONFERENCE.** Plan on arriving at the courthouse at least 15 minutes before your settlement conference. Go to Room 210, walk in and look on the counter for a clipboard of papers that list the cases scheduled for conferences that day. Find your case and sign in indicating your presence. Place the originals of your settlement conference documents in the box marked "Settlement Conference". Give a copy of each to the other party or his/her attorney, and to the guardian ad litem and prosecuting attorney if either is involved, being sure to keep a copy for yourself. When all parties to your

conference have checked in, you will be assigned a number establishing your turn with the judge. When it is your turn, your number will be called and you will be taken to a judge's office, conference room, or courtroom. Listen carefully to everything that is said, and pay especially close attention to what the judge says.

If agreement is reached, the judge may direct you to a courtroom to place the agreement on the record. The judge may also direct one party or the other to prepare the final documents and may set a date for presentation of those orders. If the final papers have been properly prepared ahead of time in anticipation of settlement, the judge may enter them at the settlement conference.

If an agreement is not reached, the judge will ask the Court Scheduler to set the date for the trial. You will be given a copy of the trial setting form. It is strongly recommended that you seek the advice of an attorney if a trial is necessary.

Exhibit C



**Superior Court of Washington
County of Kitsap**

_____,
Petitioner,
vs.
_____,
Respondent.

No. _____

**NOTE FOR SETTLEMENT CONFERENCE
OR SUPPORT MODIFICATION HEARING
AND TRIAL SETTING**

**DOMESTIC RELATIONS – TRACK III
(NTC)**

TO COURT SCHEDULER AND OPPOSING COUNSEL:

Please take notice this case will be placed on the setting docket for assignment on the _____ day of _____, 20____ at 9:00 a.m.

1 SETTLEMENT CONFERENCE:

A. Nature of Issues

- Property Division Debt Division Maintenance
 Custody Parenting Plan Visitation
 Other: _____

B. Preferred Settlement Conference dates within 45 days from this note:

C. Dates unavailable for settlement conference:

D. Settlement conferences are mandatory in all domestic relations cases except support modifications.

E. All parties must attend and be prepared to seriously negotiate settlement.

2. SUPPORT MODIFICATIONS:

A. Preferred Support Modification hearing dates within 60 days from this note:

B. Dates unavailable for Support Modification hearing:

3. CHECK APPROPRIATE SQUARE:

- I have contacted by telephone or mail opposing counsel/party/guardian ad litem who agrees the settlement conference/support modification may be set anytime after (date)_____.
- I have contacted the opposing counsel/party/guardian ad litem by telephone or mail and have received no response or no agreement on hearing dates. The Court is requested to set the hearing/settlement conference date.
- No contact has been made with opposing counsel/party/guardian ad litem, but all have been served with a copy of this notice in time to allow a response within 10 days. The Court will set the hearing/settlement conference date.

I hereby represent to the Court that this case is at issue. If the case is not settled at the pre-trial conference, the Court is requested to assign a trial date.

DATED: _____

Signed: _____

Lawyer for: _____

Address: _____

Telephone: _____

Names, addresses and telephone numbers of other attorneys or pro se parties and guardian ad litem in this case:

Name: _____

Name: _____

Lawyer for: _____

Lawyer for: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

Name: _____

Name: _____

Lawyer for: _____

Lawyer for: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

Name: _____

Name: _____

Lawyer for: _____

Lawyer for: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

**Superior Court of Washington
County of Kitsap**

In re:

Petitioner(s),

and

Respondent(s).

No.

**Response Declaration of
(name) _____
re: Scheduling of Settlement
Conference/Support Modification
Hearing (Optional Use*)
(DCLR)**

This declaration is made by:

Name: _____

Age: _____

Relationship to the parties in this action: _____

I Declare:

This matter has been noted for Settlement Conference or Child Support Modification Scheduling on _____
(date) _____ at 9:00 a.m.

My preferred Settlement Conference or Child Support Modification dates are as follows:

The dates that I am unavailable for a Settlement Conference or Child Support Modification hearing are as follows:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at [City] _____, [State] _____ on [Date] _____.

Signature of Declarant

Print or Type Name

***Note to Declarant:** This is an optional use form. You can avoid having the settlement conference/support modification conflict with your schedule by completing and filing this original form at the Kitsap County

Clerk's Office and providing copies to the Court Scheduler and opposing party prior to the date and time listed on the Note for Settlement Conference or Support Modification Hearing and Trial Setting form.



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KITSAP**

In re:

and Petitioner,

Respondent.

No. _____

**DECLARATION OF MAILING
(DCLRM)**

THIS FORM IS NOT PROOF OF SERVICE OF PROCESS

Name of Declarant: _____

On _____ (date), I mailed a true and correct copy of each of the documents listed below to (name) _____, at (address) _____,

by placing a correctly addressed envelope with the document enclosed, with sufficient postage affixed, in the United States mail.

The document is: Exhibit C: NOTE FOR SETTLEMENT CONFERENCE OR SUPPORT MODIFICATION HEARING AND TRIAL SETTING, DOMESTIC RELATIONS – TRACK III

I declare under penalty of perjury under the laws of the State of Washington that the above statement is true and correct.

Signed at _____ on _____.
(City and State) (Date)

Signature of Declarant

Print or Type Name



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KITSAP**

Plaintiff/Petitioner,
and

Defendant/Respondent.

No. _____

**DECLARATION OF SERVICE
(AFSR)**

I DECLARE:

1. I am over the age of 18 years, and I am not a party to this action.
2. I served (name) _____ with the following documents:
Note for Settlement Conference or Support Modification Hearing and Trial Setting

3. The date, time and place of service were (if by mail, refer to Paragraph 4 below):
Date: _____ Time: _____ AM/PM
Address: _____
4. Service was made pursuant to Civil Rule 4(d)
 - by delivery to the person named in paragraph 2 above.
 - by delivery to _____ (name), a person of suitable age and discretion residing at the respondent/defendant's usual abode.
5. Other:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (place) _____, on (date) _____
_____.

Fees: Service _____
Mileage _____
Total _____

Signature

Print or type name



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KITSAP**

DOMESTIC RELATIONS INFORMATION FORM

Date: _____

Husband

Petitioner

Cause No.: _____

Wife

Respondent

PARTIES:

HUSBAND/FATHER		WIFE/MOTHER	
Name:	Age:	Name	Age:
Address:		Address:	

Date of Marriage:	Date of Separation:
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DEPENDENT CHILDREN:

Name	Age	This Marriage	Prior Marriage	Percent Residential Time		Since
				Father %	Mother %	

CHILD SUPPORT:

1.

	NET INCOME	SUPPORT
Husband/Father:	\$	
Wife/Mother:	\$	

2. Tax Exemptions allocated as follows: _____

3. Exceptional support considerations: _____

4. Child Support presently being paid \$ _____ per month; since _____

5.Summary of proposed residential arrangements for the children: _____

YOU MUST ATTACH:

1. Proposed Child Support Order, Support Worksheets and current pay stubs.
2. Completed Financial Declaration. Form WPF DRPSCU 01.1550
3. Proposed Parenting Plan, if disputed.

MAINTENANCE:

1. Requested: \$ _____ per month, duration: _____
2. Presently being paid: \$ _____ per month, for _____ months.

HUSBAND/FATHER INCOME:

Employer/Other Source	Length	Gross Income	Net Income
Total Income			

WIFE/MOTHER INCOME:

Employer/Other Source	Length	Gross Income	Net Income
Total Income			

FACTORS RELATING TO AWARD OF MAINTENANCE: _____

IF ATTORNEY FEES ARE AT ISSUE:

1.	Incurred to Date	\$	Paid To Date	\$
2.	Ordered to Date	\$	Paid to Date	\$
3.	Requested to Date	\$	Estimate to Trial	\$

PROPERTY DIVISION:

ASSETS:	Fair Market Value	Debt Owed	Net to Husband	Net to Wife
Real Estate:				
Home	\$	\$	\$	\$
Other Real Property	\$	\$	\$	\$
	\$	\$	\$	\$
Vehicles (Year/Make):				
	\$	\$	\$	\$
	\$	\$	\$	\$
Household Goods	\$	\$	\$	\$
Tools/Equipment	\$	\$	\$	\$
Recreational/Hobby Equipment	\$	\$	\$	\$
Business/Profession:				
Husband	\$	\$	\$	\$
Wife	\$	\$	\$	\$
Investments	\$	\$	\$	\$
Life Insurance Cash Value	\$	\$	\$	\$
Retirement:				
Husband	\$	\$	\$	\$
Wife	\$	\$	\$	\$
IRA's, TSP's, 401-K's, etc.:				
Husband	\$	\$	\$	\$
Wife	\$	\$	\$	\$
Receivables	\$	\$	\$	\$
Other Assets:				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
Debts:	(\$)	(\$)	(\$)	(\$)
TOTALS	\$	\$	\$	\$
Equalization:	\$	- \$	divided by two (2)	= \$

Proposed Percentage Division: _____ % to Husband _____ % to Wife
Effects of Proposed Division: \$ _____ to Husband \$ _____ to Wife

Settlement Conference Letter (Optional)
Sample Format

Date: _____

Settlement Conference Judge
Kitsap County Superior Court
614 Division Street
Port Orchard, WA 98366

Re: Settlement Conference, Case No. _____

Your Honor,

The unresolved issues in our case are:

- | | | |
|---|---|--|
| <input type="checkbox"/> Property division | <input type="checkbox"/> Child Support | <input type="checkbox"/> Spousal Maintenance |
| <input type="checkbox"/> Debt division | <input type="checkbox"/> Parenting Plan | <input type="checkbox"/> Restraining Order |
| <input type="checkbox"/> Other (specify): _____ | | |

I would like to see those issues resolved this way:

Property division (complete a property & debt worksheet. Why/how is your proposed division fair and equitable?) _____

Debt division (complete a property & debt worksheet. Why/how is your proposed division fair and equitable?) _____

Child Support (has it been calculated using the guidelines? Is there a legal basis to support an upward or downward deviation? Are there other support expenses or issues not addressed in the worksheets or proposed order?) _____

Parenting Plan (why/how is your proposed parenting plan in the child(ren)'s best interest?)

Spousal Maintenance (how much maintenance per month? For how long? Why is it needed? What is it needed for?) _____

Other: _____

Thank you for any guidance you can give us.

Very truly yours,

(signature)

(print name and address below signature)