

# 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 an “answer” or “response” to the petition. Once the answer or response has been filed, either party can schedule a settlement conference. The party requesting a settlement conference must 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”. **This form is printed on both sides. Make sure you fill out both sides.** 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 seven days after the other party (or the party’s attorney) has received a copy of the complete form, giving advance notice of the appointment.

To schedule a Settlement Conference, check the box next to “1. Settlement Conference”. Under Section A, check the types of issues that apply 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. 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. If none of the boxes is appropriate because you have not yet attempted to contact the other party or attorney, do so now, wait a reasonable time for a response, and then choose the appropriate box. Fill in any blanks for the choice you have selected.

On the back, date and sign the form, and write your name in the space that says “Lawyer for”, followed by the words “pro se” (for example: Pat Smith, Pro Se), your address, and your telephone number where you can be reached during court hours. In the space indicated, write the names, addresses and telephone numbers for the other party or the other party’s attorney, and guardian ad litem if one is involved.

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

Make at least two photocopies of the signed original (additional copies may be necessary for the Prosecuting Attorney if either party is receiving or has received public assistance, and for the guardian ad litem, if one is involved.) The original is filed in the Clerk’s Office no later than Monday the week of your appointment with the Court Scheduler. One copy must be provided to the other party or other party’s attorney (and the prosecuting attorney and guardian ad litem, if applicable) at least 7 days before the Friday 9:00 a.m. appointment with the Court Scheduler. If you choose to mail the copy, it must be mailed at least 10 days in advance. It’s a good idea to have someone else do the mailing for you. Regular U.S. mail is sufficient. The person mailing the copy should complete a statement under penalty of perjury stating the details of the mailing. A form entitled “Declaration of Mailing” is attached to this packet for that purpose. If the copy is delivered to the other party or attorney (and prosecuting attorney and guardian ad litem if applicable) in person, the party, attorney or guardian ad litem should initial your copy indicating proof of receipt, and a “Declaration” (WPF DR 09.0100) should be completed indicating the details of delivery of the form. Make a copy of the Declaration or Declaration of Mailing, file the original in the Clerk’s Office, and stamp the copy. If a professional process server has served the form, an affidavit of service will be prepared by the server. It is your responsibility to make sure the original is filed with the Clerk in Room 202.

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

Plan on arriving at the courthouse by 8:50 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 E” in preparation for your settlement conference. Make two photocopies from the original (more copies if there is a guardian ad litem in your case or if the prosecuting attorney is involved). 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. If residential placement or visitation is at issue, you may also provide your proposed Parenting Plan. Exhibit E, your settlement conference letter and proposed Parenting Plan are given to the judge and the others 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 \_\_\_\_\_, 200\_\_\_\_ 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. The Court is requested to set the hearing/settlement conference date.
- I have contacted the opposing counsel/party/guardian ad litem by telephone or mail and am unable to obtain agreement on hearing dates. 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:

**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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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	\$

**YOU MUST ATTACH:**

1. Proposed Child Support Order, Support Worksheets and current pay stubs. Form WPF DR 01-050.
2. Completed Financial Declaration. Form WPF DR 01-055
3. Proposed Parenting Plan, if disputed.

**PROPERTY DIVISION:**

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

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

Settlement Conference Letter  
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:

I would like to see those issues resolved this way:

My spouse (or the other parent) and I have been unable to resolve these issues ourselves because:

Thank you for any guidance you can give us.

Very truly yours,

(signature)

Print your name and address



**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KITSAP**

In re:

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
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 documents enclosed, with sufficient postage affixed, in the United States mail.

The documents are: \_\_\_\_\_

\_\_\_\_\_

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

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF**

In re:

and

Petitioner,

Respondent.

**NO.**

DECLARATION OF

\_\_\_\_\_  
[NAME]  
(OPTIONAL USE)  
**(DCLR)**

This declaration is made by:

Name: \_\_\_\_\_

Age: \_\_\_\_\_

Relationship to the parties in this action:

\_\_\_\_\_

I DECLARE that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

