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KITSAP COUNTY CLERK

2, 2022

**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. 2022-03  
EMERGENCY ADMINISTRATIVE  
ORDER RE: TENTH 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).<sup>1</sup>

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-

<sup>1</sup> 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 should be accessed remotely unless it is impossible to do so.  
9

10 3. **Agreed Orders/ Uncontested Orders-** Agreed or uncontested Orders may be  
11 emailed to [SuperiorCourt@co.kitsap.wa.us](mailto:SuperiorCourt@co.kitsap.wa.us) for signature.  
12

13 4. **Contested Family Law Motions, Motions for Default, Motions to Compel**  
14 **Discovery-**

15 a. **How Initiated.** All motions shall be docketed by filing a Note for  
16 Hearing at least fourteen (14) calendar days before the hearing,  
17 simultaneously with a Motion and Notice of Hearing and any supporting  
18 pleadings, unless this is a re-note of a motion or notice for hearing  
19 previously filed, in which event only the Note for Hearing shall be filed.  
20 The Note for Hearing shall include the applicable Zoom or telephonic  
21 appearance information. The hearing shall be heard on the basis of  
22 affidavit and/or declaration.  
23

24 b. **Counter Motions.** In the event there is an existing motion or adequate  
25 cause hearing and the responding party wishes to file a counter motion  
26 to be heard the same date they may do so without leave of the court by  
27 filing a Note for Hearing, Motion and any supporting pleadings, as long  
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as the counter motion and all supporting pleadings are filed and served a minimum of fourteen (14) calendar days before the hearing.

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

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

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

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

g. **Benching Materials-** bench copies must be provided to the Court no later than two (2) court days before the hearing. Parties may submit bench copies via email, unless those submissions exceed 100 pages.

Bench Copies can be emailed to Superior Court at:

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SuperiorCourt@co.kitsap.wa.us. Bench copies that exceed 100 pages must not be emailed; rather, they must be provided to the Court as hard copies and should be mailed or delivered to Court Administration.

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

i. **Confirmations**

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

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.

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

7                   iv. Matters not confirmed may be heard only at the discretion of the  
8                   Court.  
9

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

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

18                  5. **Domestic Relations Settlement Conferences-** settlement conferences shall  
19                  occur via Zoom.

20                  a. **Mandatory Settlement Conferences.** In each dissolution, declaration of  
21                  invalidity, or legal separation, counsel and the parties shall participate in  
22                  a settlement conference presided over by a judge or court commissioner.  
23                  Settlement conferences are mandatory.  
24

25                  b. **How scheduled.** The above referenced filing deadlines do not apply to  
26                  scheduling of a Settlement Conference. All notes for Settlement  
27                  Conferences shall be docketed by filing a Note for Settlement Conference  
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1 at least seven (7) calendar days before the Settlement Conference setting  
2 is placed on the calendar.

- 3 c. **Attendance and Preparation Required.** No later than noon the day prior  
4 to a settlement conference that has been scheduled pursuant to section (a),  
5 each party shall have submitted to the other party and the Court a  
6 completed settlement conference memorandum and a completed  
7 “Domestic Relations Form” in the form of Exhibit G. The attorneys shall  
8 come prepared to discuss in detail and in good faith all unresolved issues  
9 in the case and, in addition, all pretrial matters if the case is not settled.  
10  
11 d. Failure to Serve Settlement Conference Memorandum and “Domestic  
12 Relations Form”/Exhibit G. Failure to serve a completed settlement  
13 conference memorandum and a “Domestic Relations Form” in the form  
14 of Exhibit G and/or an equivalent upon the other parties and provide the  
15 original for the settlement conference judge, as required, may, at the  
16 discretion of the judge, result in the settlement conference judge striking  
17 the scheduled settlement conference and setting a subsequent settlement  
18 conference on the Court’s next available date.  
19  
20 e. **Mandatory Confirmations.** All settlement conferences must be confirmed  
21 by telephoning the Superior Court office at (360) 337-7140 (Option 2), or  
22 by email at [supcourtconfirm@co.kitsap.wa.us](mailto:supcourtconfirm@co.kitsap.wa.us) no later than 12:00 noon  
23 one day before hearings, but no earlier than 48 hours in advance. Failure  
24 to confirm may result in the imposition of terms and/or sanctions as the  
25 Court may deem appropriate.  
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1 f. **Proceedings Confidential.** Proceedings of settlement conferences shall,  
2 in all respects, be confidential and not reported or recorded. No party shall  
3 be bound unless a settlement is reached. When a settlement has been  
4 reached, the Court may, at its discretion, and with the consent of the  
5 parties, order any agreement to be placed on the record.  
6

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

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

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

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

15 c. The parties may agree that one party appear by Zoom and the other  
16 appear in person.  
17

18 d. In the event that a party does not wish to conduct a trial by Zoom and  
19 does not wish to appear in the courthouse during the COVID-19  
20 pandemic, the trial shall be continued. This provision applies through  
21 June 30, 2021. On July 1, 2021, this provision shall be as follows: In the  
22 event that a party does not wish to conduct a trial by Zoom and does not  
23 wish to appear in the courthouse during the COVID-19 pandemic, the  
24 trial may be continued. A party seeking a continuance must note the  
25 motion to continue in accordance with the notice provisions stated  
26 herein.  
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1 e. If you are proceeding to trial, hard copies of your exhibits must be  
2 provided to opposing counsel (or party if self-represented) no later than  
3 72 hours before trial, excluding weekends and holidays.

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

8  
9 **Kitsap County Clerk's Office**

10 **Attn: Kara Barnes**

11 **614 Division St, MS-34 Port Orchard, WA 98366**

12 g. If bench copies of exhibits are included, the Clerk's Office will ensure  
13 that they are delivered to Superior Court.  
14

15 h. If possible, please send an electronic exhibit list to Kara at  
16 [kbarnes@co.kitsap.wa.us](mailto:kbarnes@co.kitsap.wa.us).  
17

18 7. **Formal Proof.** Formal proof to finalize a domestic relations case shall be  
19 permitted by declaration.


20 8. **Court Interpreter.** If a party needs an interpreter, the party may notify the Court  
21 Scheduler at by email at [jkluver@co.kitsap.wa.us](mailto:jkluver@co.kitsap.wa.us), of the need for an  
22 interpreter with the following information: name, case number, hearing date and  
23 time, and the language for the interpreter needed.  
24

25 9. **Conflicts in rules.** In case of a conflict in rules, this Order supersedes any  
26 previously published rule.  
27

28 10. **Expiration.** This Order expires on midnight on April 29, 2022, unless rescinded,  
29 modified, or renewed before then.  
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DATED – JANUARY 27, 2022



KEVIN D. HULL, Presiding Judge  
Kitsap County Superior Court

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