

**WCSPR 94.08**  
**Filings in Family Law Cases**

(a) **Application of Rule.** This rule shall apply to:

- (1) All family law petitions seeking dissolution of marriage, legal separation, or declaration of invalidity;
- (2) Actions brought by parties to non-marital personal relationships involving parenting or distribution of assets/liabilities; and
- (3) Actions to modify previously entered parenting plan final orders.

(b) **Court's Automatic Temporary Order.** Upon the filing of a Summons and Petition in any of the actions specified in sections (a) (1) and (2) above, the court on its own motion shall automatically issue a Temporary Order that includes the following provisions:

- (1) The parties be restrained from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued.
- (2) The parties be restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance, except as agreed in writing by the parties.
- (3) Each party shall be immediately responsible for his or her own future debts whether incurred by credit card or loan, security interest or mortgage, except as agreed in writing by the parties.
- (4) Both parties must have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied.
- (5) For those actions in which children are involved:
  - (i) Each parent be restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supersede previously issued orders to the extent the orders may be inconsistent.
  - (ii) Each parent shall insure that the child(ren) not be exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).

(c) **Filing of Parties' Financial Declarations and Verified Statement of Assets and Liabilities.** Within 30 days after the filing of an appearance or answer or other responsive pleading in any of the actions specified in section (a) (1) and (2) above, each party shall serve on the opposing party:

- (1) A Financial Declaration (in all cases involving a request for child support, maintenance or attorney fee, the declaration shall also be filed with the court); and
- (2) A Verified Statement of Assets and Liabilities including both marital and separate assets and liabilities of any kind in the form set out in Appendix E. The Verified Statement of Assets and Liabilities shall not be filed with the court. Each party shall then file with the court a Declaration of Service attesting that the Financial Declaration and Verified Statement of Assets and Liabilities has been provided to the other party within the 30-day time limit. All parties have a duty to supplement the financial information when additional information becomes available.

(d) **Required Attendance at Parenting Seminar.** Within 30 days after the filing of an appearance or answer or other responsive pleading in any of the actions specified in section (a) above which involves minor children, the parties shall register for a court approved parenting program on the effects of family transitions on children, unless the parties have previously attended such a course. In cases filed pursuant to the Uniform Parentage Act, RCW 26.26, the parenting program is required only if a party petitions for a permanent court-ordered residential schedule when no such schedule currently exists. If domestic violence has occurred in the relationship as evidenced by the criteria set forth in (g) (2)-(4) below, then the parties shall individually attend a court-approved parenting program which includes the effects of family violence on children. Each party shall attend the appropriate seminar within 60 days of registering.

(e) After completion of the appropriate seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider.

(f) The court may waive attendance at the parenting program upon motion for good cause shown. Unless waived by the court, failure to attend the appropriate parenting program may result in a finding of contempt and imposition of sanctions.

(g) **Exchange of Parenting Plans.** Within 14 days of completing the appropriate program as described in (d) above, each parent shall provide the other parent with a Proposed Parenting Plan if they have not already done so. The requirement of a "behavioral evaluation" shall be added as a sub-category to non-emergency health care in the Major Decisions section of the Parenting Plan. Where there is joint decision-making, the following "red flag" behavior provision shall be included in the Parenting Plan:

(1) The parents shall be responsible to observe and note at-risk behavior of the children, including, but not limited to:

- (i) Depressed mood or verbalizing suicidal thoughts,
- (ii) Increase in aggressive behavior or acting out,
- (iii) Running away from home,
- (iv) Abnormal amount of physical illness,
- (v) Changes in sleeping or eating habits,
- (vi) Undesirable changes in school confirmed by teacher, such as significant drop in grades, missing classes, disciplinary problems, etc.,
- (vii) Juvenile delinquency problems.

(2) If any of the above symptoms or problems occur and last for two weeks or more, the parents shall address the problem with each other and with the child.

(3) If the parents see no change in the symptoms or behavior within two weeks, the child's health care physician shall evaluate the child. The parents have designated

Dr. \_\_\_\_\_ as the child's health care physician.

(h) **Mediation in Contested Cases.** Except as provided in section (g) below, in all cases specified in section (a) having unresolved issues (except child support issues), both parties shall in good faith engage in mediation with a court approved mediator in an effort to resolve the case. The parties may either agree to a mediator from the court approved list or the mediator will be determined by use of a strike list. The cost of mediation shall be paid by the parties in proportion to their incomes. Either party may seek a court apportionment of the cost of mediation.

(i) **When Mediation Is Not Required.** Mediation shall be required as provided in section (f), except in the following cases:

- (1) For good cause shown upon motion and approval by the court; or
- (2) Where a domestic violence restraining order or protection order (excluding ex-parte orders) involving the parties has been entered by a court at any time within the previous 12 months;
- (3) Where a domestic violence no contact order exists pursuant to RCW 10.99;
- (4) Where the court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arms length mediation.

(j) Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not be required as set forth in (g)(2), (g)(3) or (g)(4) above if the moving party believes that the parties would be able to mediate their dispute at arms length under the particular circumstances of the case.

(k) **Settlement Conferences.** If, after mediation in good faith, or where mediation is not required, there remain unresolved issues in any case specified in section (a), the parties shall personally participate in a settlement conference conducted by a judicial officer or, for good cause shown, a person approved by the court in advance. Five days prior to the settlement conference, each party shall submit their list of unresolved issues to the settlement officer. The settlement conference shall take place no later than 2 weeks prior to trial.

(l) **Exchange of Settlement Offers.** If the settlement conference does not result in complete resolution of the case, each party shall submit to the other a written settlement proposal addressing all unresolved issues. This offer shall be submitted within 5 days of the settlement conference.

(m) **Failure to Comply.** A party's compliance with the provisions of this rule may be enforced upon Motion and Order to Show Cause. Unless compliance is waived by the court for good cause shown, the court may order appropriate sanctions including costs, attorney's fees, and adoption of the complying party's proposal.

(n) **Award of Attorney's Fees.** Requests for fees at the conclusion of trial may be denied unless the settlement proposals required in section (i) are filed with the court. In no event shall the settlement proposals be filed or otherwise communicated to the court until after trial. In awarding fees and costs the court may, in addition to other considerations required by law, consider the settlement proposals.  
[Revised 1/18/2007]

(o) **Judicial Information System Background Checks.** Prior to presenting a permanent parenting plan to the court for approval, the party or parties shall submit a completed judicial information service (JIS) background check form to the Whatcom County Clerk. Such request shall include the names and dates of birth of all persons residing in each residence and must be submitted no fewer than fourteen days prior to the date of presentation of the final parenting plan. Upon receipt of a completed JIS background check form, the Court shall complete a search of the Judicial Information System for the existence of any information and proceedings relevant to the placement of the child. This search shall be performed no more than 30 days prior to the proposed date of presentation of the permanent parenting plan. The results of such search shall be available to the judicial officer presiding over the entry of the permanent parenting plan at least two court days prior to the proposed presentation date. Both the completed JIS background check form and the results of the search shall be filed under seal in the GR 22 file.

[Revised 7/1/09]