

THURSTON COUNTY CLERK'S OFFICE ROAD MAP - 2015



...A guide for citizens, Attorneys, Legal Secretaries and Paralegal Professionals

Thurston County Clerk

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THURSTON COUNTY CLERK'S OFFICE

ROAD MAP - 2015 ...

Welcome to your Clerk's Office

Welcome to the Thurston County Clerk's Office. We are happy to help you and hope this road map assists you when you have business with the Clerk's Office. The road map is intended as a useful guide to help you in navigating the sometimes complicated court system. As a user, we are very interested in your feedback about the information contained inside.

The Clerk is charged with and committed to preserving the judicial records of Superior Court. The Clerk is an independent elected official as provided by the Washington State constitution whose duties are assigned by statute. The position of Clerk is best characterized as the administrative and financial officer of Superior Court.

We invite you to view the Thurston County Clerk's Office website at www.co.thurston.wa.us/clerk. The best way to reach me directly is email: enlowl@co.thurston.wa.us.

We look forward to receiving your valuable input on what we can do to go from **good** to **great**!

Sincerely,

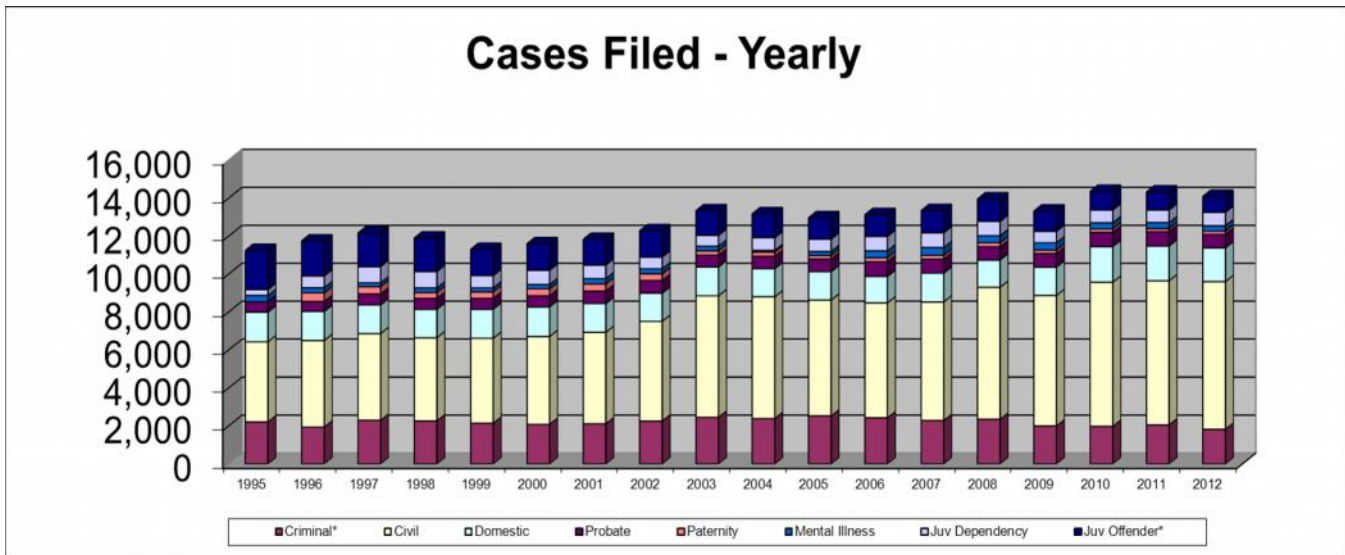
THURSTON COUNTY CLERK

Linda Myhre Enlow

Statistics

The Thurston County Clerk's Office serves the citizens of Thurston County and is responsible for the administrative and financial functions of Superior Court. The Clerk provides support to the Thurston County Superior Court as follows: receiving and processing all legal documents and exhibits filed in Superior Court cases, along with other records required by statute; filing, updating, maintaining and archiving court records; attending and making a record of all court hearings and trials; summoning and processing all superior court proceedings; entering all judgments and processing all appeals from court decisions; receipting and disbursing trust funds, support and restitution payments; providing assistance to victims of domestic violence; providing customers with mandatory forms packets in domestic relation case types; and collecting fees for filings and other services.

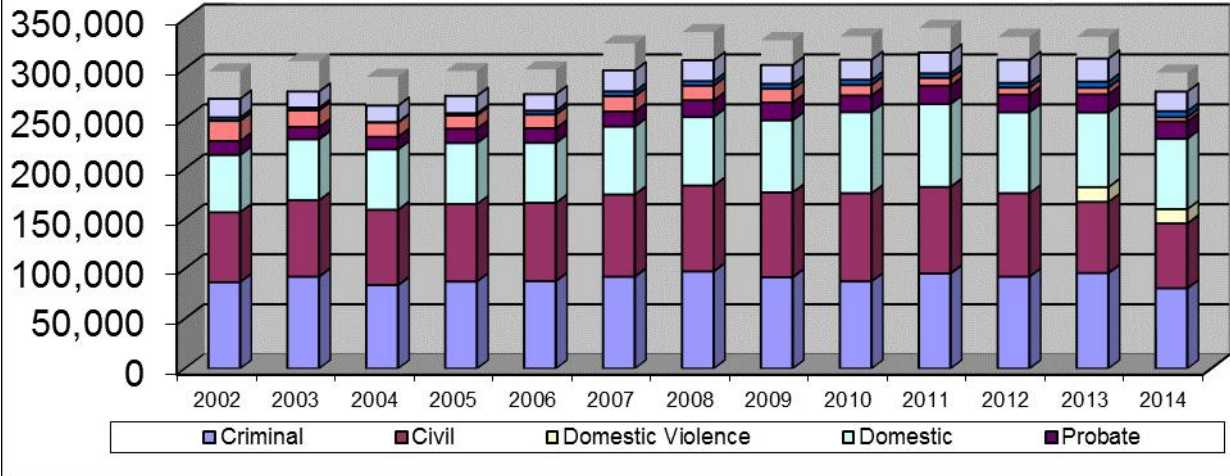
The following statistics represent the number of actual cases and pleadings filed.



Case Type	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Criminal	2,458	2,392	2,528	2,432	2,287	2,351	1,999	1,978	2,058	1,825	1,928
Civil	6,402	6,416	6,107	6,057	6,250	6,956	6,876	7,592	7,593	7,779	7,902
Domestic	1,519	1,482	1,493	1,389	1,513	1,433	1,488	1,880	1,829	1,775	1,827
Probate	620	650	670	779	740	703	720	747	757	713	773
Adoption**	123	106	78	106	103	90	101	97	85	84	75
Paternity	228	221	188	205	198	210	185	182	160	168	138
Mental Illness	243	89	209	365	418	375	384	330	320	294	397
Juv Dependency	571	669	646	759	771	752	601	666	663	699	599
Juv Offender	1,298	1,259	1,128	1,145	1,169	1,182	1,066	987	949	838	776
Total	13,462	13,284	13,047	13,237	13,449	14,052	13,420	14,459	14,414	14,175	14,415

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Pleadings Filed Yearly 2002 - 2014



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Criminal	86,598	92,051	83,578	87,167	87,612	91,946	97,330	91,499	87,399	95,222	92,013	95,632	80,357
Civil	69,881	76,384	75,399	77,366	78,291	82,269	85,887	84,842	88,072	86,594	83,556	71,133	64,949
Domestic Violence												14,819	14,310
Domestic	57,192	60,964	60,339	61,214	60,023	67,894	68,515	72,134	81,220	82,908	80,949	74,734	70,335
Probate	13,980	12,424	12,619	14,316	14,632	15,134	16,771	17,790	16,589	18,334	17,593	18,205	17,290
Adoption/Pat	20,305	16,527	14,177	13,249	13,660	15,391	14,612	13,719	10,553	7,768	7,088	6,556	4,318
Mental Illness	3,394	2,824	605	2,128	3,888	4,678	4,578	4,867	5,064	4,522	4,705	5,981	6,038
Juv Depend	18,697	16,093	16,440	17,466	16,545	21,144	20,794	18,943	20,090	20,930	23,023	23,153	19,619
Juv Offender	27,181	30,256	28,630	24,696	24,626	26,778	28,033	24,689	23,243	24,489	22,932	21,802	18,831
Total	297,228	307,523	291,787	297,602	299,277	325,234	336,520	328,483	332,230	340,767	331,859	332,015	296,047

Mission Statement

THURSTON COUNTY CLERK'S OFFICE EMPLOYEES:

...will efficiently maintain and protect the integrity and accuracy of the judicial records of the Thurston County Superior Court while serving the public in a courteous, professional and timely manner.

Clerk's Office Organization

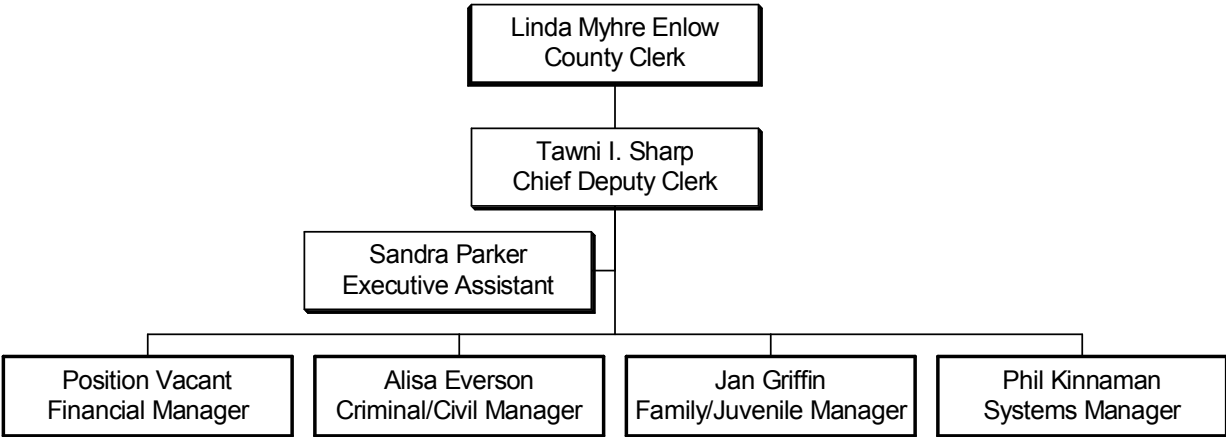
The Clerk's Office is organized in teams according to case type as follows:

Family & Juvenile Team All juvenile offender and dependency cases, probate and guardianship cases, and all family law cases under Title 26 RCW, including paternity, non-parental custody, juvenile, domestic violence, and adoption.

Civil & Criminal Team Includes appeals, unlawful detainer actions, medical malpractice, property disputes, torts, mental illness, and adult criminal cases.

These team members are located in close physical proximity to each other enabling group discussion, problem solving and the ability to assist each other when needed. This also provides a better opportunity to respond to telephone inquiries.

Thurston County Clerk's Office





Courtrooms & Staff

The Thurston County Superior Court bench consists of eight (8) Judges and three (3) Court Commissioners. The following table may be helpful to you. Please refer to the Court Calendar for rotation of Judges serving on civil and criminal trials, criminal presiding, and family and juvenile court matters.

JUDGE	ROOM NO.	JUDICIAL ASSISTANT
Gary R. Tabor	204	Tonya 754-4405
Chris Wickham	4	Bev 709-3232
Anne Hirsch	102	Kristal 709-3052
Carol Murphy	201	Edith 786-5557
Christine Schaller	1	Kelley 709-3247
James Dixon	101	Kristal 709-3052
Mary Sue Wilson	202	Tonya 754-4405
Erik Price	203	Edith 786-5557
Court Commissioner Indu Thomas	3	Bev 709-3232
Court Commissioner Jonathon Lack	2	Bev 709-3232
Court Commissioner Rebekah Zinn		786-5560

Court Reporters
Aurora Shackell 709-3212
Cheri Davidson 786-5570
Pam Jones 786-5571
Rafe Beswick 786-5568
Sonya Wilcox 786-5569
Kathy Beehler 754-4370

Office of the County Clerk - Creation, Powers, Duties

Article 4, § 26, Washington Constitution. The county clerk shall be by virtue of his office, clerk of the superior court.

R.C.W. 36.23.080. Office at county seat. The office of the clerk of the superior court shall be kept at the county seat of the county of which he is clerk.

CR 78(b). Office hours. The clerk’s office with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays.

R.C.W. 2.32.050. Powers and duties generally. The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk...

- (1) To keep the seal of the court and affix it in all cases where he is required by law.
- (2) To record the proceedings of the court.
- (3) To keep the records, files and other books and papers appertaining to the court.
- (4) To file all papers delivered to him for that purpose in any action or proceeding in the court as directed by court rule or statute.
- (5) To attend the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.
- (6) To keep the journal of the proceedings of the court, and under the direction of the court, to enter its orders, judgments and decrees.
- (7) To authenticate by certificate or transcript, as may be required, the records, files or proceedings of the court, or any other paper appertaining thereto and filed with him.
- (8) To exercise the powers and perform the duties conferred and imposed upon him elsewhere by statute.
- (9) In the performance of his duties to conform to the direction of the court.
- (10) To publish notice of the procedures for inspection of the public records of the court.

Practice of Law Forbidden.

R.C.W. 2.32.090. Clerk not to practice law. Each clerk of a court is prohibited during his continuance in office from acting, or having a partner who acts, as an attorney of the court of which he is clerk.

R.C.W. 2.48.200. Restrictions on practice of law by certain officers. No person shall practice law who holds a commission as judge in any court of record, or as sheriff or coroner; nor shall the clerk of the Supreme Court, the Court of Appeals, or of the superior court or any deputy thereof practice in the court of which he or she is a clerk or deputy clerk.

Pleadings

“The formal allegations by the parties of their respective claims and defenses for the judgment of the court; usually used with reference to civil cases, in which the pleadings consist of the complaint, answer, counterclaims, and so forth.”

Pleading Format.

Legal documents must be 8-1/2" x 11". If you are filing smaller pieces of paper, please tape to a standard sheet of paper and do not attach by stapling as they will be scanned. Please comply with the requirements of GR 14 and CR 10 when preparing pleadings. GR 14 was recently amended and provides for additional formatting requirements. The complete text of GR 14 is reproduced below:

GR 14

- (a) **Format Requirements.** All pleadings, motions and other papers filed with the court shall be legibly written or printed. The use of letter-size paper (8-1/2 by 11 inches) is mandatory. The writing or printing shall appear on only one side of the page. The top margin of the first page shall be a minimum of three inches, the bottom margin shall be a minimum of one inch and the side margins shall be a minimum of one inch. All subsequent pages shall have a minimum of one inch margins. Papers filed shall not include any colored pages, highlighting or other colored markings.
- (b) **Exceptions for Exhibits.** This rule is not mandatory for exhibits, but the use of exhibits that comply with this rule is encouraged if it does not impair legibility.
- (c) **Application of Rule.** This rule shall apply to all proceedings in all courts of the State of Washington unless otherwise specifically indicated by court rule.

CR 10

Form of Pleadings and Other Papers.

(a) **Caption.** Every pleading shall contain a caption setting forth the name of the court, the title of the action, the file number if known to the person signing it, and an identification as to the nature of the pleading or other paper.

- (1) *Names of Parties.* ...
- (2) *Unknown Names.* ...
- (3) *Unknown Heirs.* ...

(b) **Paragraphs; Separate Statements.** ...

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(c) **Adoption by Reference; Exhibits.** Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(d) **Paper Size.** All pleadings, motions, and other papers shall be plainly written or printed, and except for exhibits (utilized during a court proceeding), the use of letter-size paper (8 1/2 by 11 inches) is mandatory. The use of letter-size copies of exhibits is encouraged if it does not impair legibility.

(e) **Format Recommendations.** It is recommended that all pleadings and other papers include or provide for the following:

(1) *Service and Filing.* Space should be left at the top of the first page to provide on the right half space for the clerk's filing stamp, and space at the left half for acknowledging the receipt of copies.

(2) *Title.* All pleadings under the space under the docket number should contain a title indicating their purpose and party presenting them. For example:

Use	Do Not Use
Petition for Dissolution	Petition
Defendant's Motion for Support, etc.	Motion
Order for Support	Order
Plaintiff's Trial Brief	Trial Brief

(3) *Bottom Notation.* At the left side of the bottom of each page of all pleadings and other papers an abbreviated name of the pleading or other paper should be repeated, followed by the page number. At the right side of the bottom of the first page of each pleading or other paper the name, mailing address and telephone number of the attorney or firm preparing the paper should be printed or typed.

(4) *Typed Names.* The names of all persons signing a pleading or other paper should be typed under the signatures.

(5) *Headings and Subheadings.* Headings and subheadings should be used for all paragraphs which shall be numbered with roman and/or Arabic numerals.

(6) *Numbered Paper.* Use numbered paper.

Thurston County Clerk's Office Pleading Guidelines

The Thurston County Clerk's Office uses the following guidelines as office policy:

- **2-SIDED DOCUMENTS.** DO NOT FILE 2-SIDED DOCUMENTS. All documents MUST be on single sided paper, including pleadings and any attachments. Failure to comply with the rule may result in missing pages scanned into the imaging system, which affects their permanent storage and Clerks Papers sent to Appellate Courts.
- **TABS** SHOULD NOT BE submitted with pleadings. They cannot be scanned into the imaging system and are, therefore, removed and discarded. Please use some other method to identify your attachments. Tabs can be used on the bench copies submitted to the judicial officer assigned to the case and should be delivered to Superior Court.

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- **BOOKLETS AND PAMPHLETS** SHOULD BE SEPARATED AND SUBMITTED ON SINGLE PAGES. Documents or attachments which are in pamphlet or booklet format must be torn apart for scanning into the imaging system.
- **BINDER CLIPS** should be used on large documents. All staples are removed prior to scanning, and removal of heavy duty staples is difficult. Once scanned, the document will be stapled by our office. Documents which do not fit in binder clips may be submitted in 3-ring binders or with two-hole prong fasteners centered on top of the pleading.
- **ILLEGIBLE DOCUMENTS.** Documents that contain pages of poor scanning quality will be marked as such. Please be sure your pleadings and attachments are of good copying quality.

Case Caption

The case caption should appear no higher than three (3) inches from the top of the page. This allows room for the Clerk’s “Filed” stamp.

On the left hand side and within the three (3) inch top margin, Local Court Rule 10(e) requires all civil, probate/guardianship, family law, and juvenile civil case documents contain the information in the box above the caption. An example of a family law caption is below:

<input type="checkbox"/> EXPEDITE (if filing within 5 court days of hearing) <input type="checkbox"/> No hearing set <input type="checkbox"/> Hearing is set: Date: _____ Time: _____ Judge/Calendar: _____

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY FAMILY AND JUVENILE COURT	
Plaintiff/Petitioner, vs. Defendant/Respondent.	NO. PLEADING TITLE

Case Cover Sheet

New case filings must be accompanied by a Case Information Cover Sheet. This form speeds up the processing of new filings by specifying the cause of action in a matter. Please check only one box and make sure you have signed and dated (if you are an attorney, include your bar number) all pleadings. The cover sheet form for criminal and civil matters is available in the Clerk’s Office and online at www.courts.wa.gov. The cover sheet form for family law, probate/guardianship and juvenile matters is available in the Clerk’s Office and on line at www.co.thurston.wa.us/clerk/Availableforms.htm.

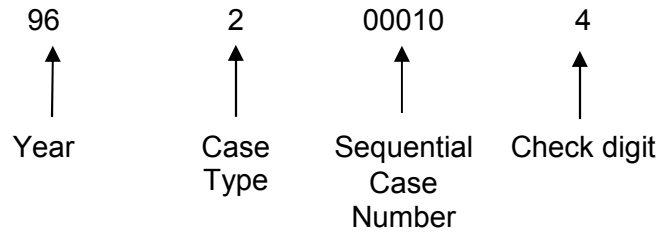
Case Number

Each cause of action filed in the Clerk’s Office is assigned a case number at the time the filing fee is paid.

- **IMPORTANT NOTE.** Wrong case numbers result in lost documents and long delays in documents making it into the court file, and may result in a Faulty Document fee.

- It is extremely important to insure that the proper case numbers are contained on all pleadings filed with the Clerk's Office. Not only does this generate workload problems with the Clerk's Office, but more important to you, we cannot guarantee that pleadings with the wrong number will make it into the court file prior to your hearing for consideration by the Judge/Court Commissioner.
- We would suggest that you check the case number on the beginning document and write it on the front of your file for quick reference. The Clerk's website provides a means for you to search by name, case type and county for the correct case number. Use our website www.co.thurston.wa.us/clerk to check your case numbers.

The numbering system adopted by the State for all counties has four components, as follows:



Year: A two-digit number indicating the year the case was filed.

Case type: A one-digit number representing the case type as follows:

1	Criminal
2	Civil/Domestic Violence
3	Domestic Relations
4	Probate/Guardianship
5	*Adoption *Paternity
6	*Mental Illness/Alcohol Treatment
7	*Juvenile Dependency
8	Juvenile Offender
9	Judgment

Color of File →

*These case types are confidential

Sequential Case Number: Five digits count the cases in sequence of filing, (i.e., this was the 10th case filed in 1996 under the civil case type).

Check Digit: One digit randomly assigned by the computer to ensure accuracy.

GR 22. Access to Family Law and Guardianship Court Records. (Portions of the GR 22 below)

(b) Definition and Construction of Terms.

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(3) “Personal health care Record” means any record or correspondence that contains health information that (1) relates to the past, present, or future physical or mental health condition of an individual including past, present or future payments for health care; or (2) involves genetic parentage testing.

(c) Access to Family Law or Guardianship Court Records.

(2) *Restricted Access.* The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 29.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B) and any Personal Information Sheet necessary for Judicial Information System purposes shall only be accessible as provided in sections (g) and (h) herein.

(d) Restricted Personal Identifiers Not Required Except. Parties to a family law case or the protected person in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1) “Sealed financial source documents” filed in accordance with GR 22 (f)(1) below:

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to relocate required by RCW 29.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for Judicial Information System purposes.

(e) Filing of Records in Family Law and Guardianship Cases – Cover Sheet.

(1) This section applies to documents that are intended as reports to the court in family law and guardianship cases, including, but not limited to (A) parenting evaluations, (B) domestic violence assessment reports, (C) risk assessment reports, (D) CPS summary reports, (E) sexual abuse evaluations, and (F) Guardian ad Litem Reports.

(2) Reports shall be filed as two separate documents, one public and one sealed.

(B) *Sealed Document.* The sealed portion of the report shall be filed with a coversheet designated: “Sealed Confidential Report.”

(f) Sealing Financial Source Documents, Personal Health Care Records and Sealed Confidential Reports - Cover Sheet.

(1) Financial source documents, personal health care records, and confidential reports... shall be submitted to the clerk under a cover sheet designated “Sealed Financial Source Documents,” “Sealed Personal Health Care Records,” or Sealed Confidential Report” for filing in the case record of family law or guardianship cases.

(2) All financial source documents, personal health care records, and confidential reports so submitted shall be automatically sealed by the clerk. The coversheet or a copy thereof shall remain part of the public court file.



IMPORTANT: Please file the original and one copy of the cover sheet. The original is maintained in the confidential file and the copy is filed in the public file.

Clerk’s Action Required!!!

[LCR 79(b)(2)] If a pleading requires action by the Clerk, it must be reflected in the heading. The Clerk cannot guarantee that an action ordered in a pleading will be processed as such if the title does not accurately reflect the requested action. Please indicate the words “Clerk’s Action Required” in your heading when necessary.

The list to the right refers to examples of documents wherein Clerk’s action is required:

- Calendar Note
- Designation of Clerk’s Papers
- Note for Trial Setting & Initial Statement of Arbitrability
- Order Disbursing Funds
- Order Directing Family Court Investigation
- Order for Issuance of Bench Warrant
- Order Issuing Writs
- Order of Hearing
- Order Sealing a File/Document
- Restraining Orders
- Wash. State Support Registry documents
- Notice of Appeal
- Order Appointing GAL
- Order Appointing Personal Representative
- Order Changing Venue
- Order Authorizing Removal of Court File
- Order Continuing Hearing
- Order Shortening Time
- Order to Consolidate
- Order to Remove Documents from File
- Order to Show Cause
- Notice of Hearing

Consolidation of Cases

When an Order of Consolidation is filed, all further pleadings will be indexed under the oldest case unless otherwise specified. All further documents must be filed under the number it was consolidated into (the master file). All pleadings should then reflect the cause number of the master file that it is consolidated with. The heading from all cases needs to be included in the heading (i.e., if four cases have been consolidated, there would be four headings with the master case listed first). All pleadings must contain all cause numbers and hearings – CLEARLY marking which cause number is the master file.

Filing

EVERYTHING YOU NEED TO KNOW ABOUT FILING!!!!

The Clerk’s Office is currently open Monday through Friday, from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. (except, of course, legal holidays). A lock box has been provided on the wall outside of each Clerk’s Office for the convenience of attorneys and public who arrive at the main courthouse or Juvenile/Family Law courthouse during the lunch hour and want to file documents. Documents placed in the lock box during the lunch hour will be timed in for filing upon staff’s return at 1:00 p.m.

New cases must be received in our office for processing at least 30 minutes before the office closes. Each document received by the Clerk’s office is date/time stamped. It is then scanned into Liberty (the Clerk’s imaging system) and routed to the filing clerk for placement into the court file (we currently receive and scan 1.7 million pages a year). Once scanned, the document is placed into processing folders (Judgments, Appeals, etc.), if necessary, then placed into a daily folder where it is entered into SCOMIS (Superior Court Management Information System) and indexed into Liberty for later retrieval by staff and public on computers located in the Clerk’s Office. Our clerks enter approximately 1000 documents PER DAY into SCOMIS. To insure accuracy in the docketing of your pleadings, PLEASE...

- Make sure the cause number on your pleadings is correct—don’t assume. We would suggest that you check the cause number on the beginning document and write it on the front of your file for quick reference. **NOTE:** You can go to our web site at www.co.thurston.wa.us/clerk, and click on “**Find a Case Number**” to check case numbers and also view the SCOMIS docket.
- Staple only following pages to any one document face sheet.
- Use paper clips to attach separate documents to one another. This will help to assure that all documents are docketed.
- Do not combine summons and complaints, stipulation and order, or motion and order; they are separate documents and must be filed that way.
- When submitting a document to be filed under more than one cause number, you must provide one copy for each cause number indicated. Please circle the cause number to indicate in which case each pleading should be filed.

Most documents are available for viewing within 48 hours of filing, except judgments and associated documents which must be placed in our “execution” docket. This process can take several days.

Except new case filings, filings for all case types will be accepted at both Clerk’s Offices. However, if you are filing a time sensitive document, please be sure to file it at the facility where the case is being heard according to the expedited process set forth herein.

Matters to be filed can either be personally filed at the front counter, received via the postal service, via legal messenger, and filed electronically (if authorized). When submitting family or juvenile court matters for filing via mail, please put the words “FAMILY AND JUVENILE COURT CLERK’S OFFICE” on the envelope and address it to 2000 Lakeridge Drive SW, Olympia, WA 98502. This will help direct those matters to the correct department.

If you are filing in person, new filings for civil and criminal case types need to be made at the main Clerk’s Office at the Courthouse; and new filings for family law, probate/guardianship, and juvenile case types need to be made at the Clerk’s Office at the Family and Juvenile Court facility located at 2801 32nd Avenue SW, Tumwater.

Appearance/Withdrawal

Whenever you appear, withdraw or substitute as counsel in a case, you must file the appropriate notice (i.e., Notice of Appearance, Notice of Intent to Withdraw, or Notice of Substitution of Counsel) so that our index will reflect the correct attorney of record. In cases of multiple parties, please indicate in the body of your appearance for which plaintiff/defendant you are appearing. If you are signing for another attorney, please sign your name as follows: “John Attorney for James Attorney or John Smith, pro se (if you are representing yourself).” **CR 71** sets forth the requirements with regard to withdrawals by attorneys. Please make sure the proper withdrawal is utilized, i.e., withdrawal by order, withdrawal by notice, or withdrawal and substitution.

Arbitration

All arbitration/mediation documents must be filed with the Arbitration Department of Superior Court.

Arbitration Award. After an Arbitration Award is filed and the case is resolved, in order to complete the case, a “Judgment on Arbitration Award” must be filed. Please refer to Local Rules for Mandatory Arbitration for specific arbitration requirements.

Notice of Appeal and Request for Trial de Novo. Upon the filing of a Request for Trial de Novo on an arbitration award, a \$250.00 filing fee is due.

Bench Copies

LCR 5 provides, in part:

“(c) **Working Copy Designations.** Each working copy of a brief or other material shall be identified as the judge’s copy and shall identify the date when and the judge before whom the matter is scheduled to be heard.”

*ON ALL BENCH COPIES, use the box described in LCR 10(e) for civil type cases. For other case types, **PLACE IN THE UPPER LEFT HAND CORNER THE FOLLOWING:***

BENCH COPY _____
JUDGE _____
HEARING _____
RECEIVED _____

BENCH COPIES SHOULD BE DELIVERED TO THE JUDGE’S JUDICIAL ASSISTANT IN SUPERIOR COURT...

GR 31 AccessTo Court Records

(a) Policy and Purpose. It is the policy of the courts to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by article 1, Section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.

(b) Scope. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Administrative records are not within the scope of this rule. Court records are further governed by GR 22.

(c) Definitions.

- (1) "Access" means the ability to view or obtain a copy of a court record.
- (2) "Administrative record" means any record pertaining to the management, supervision or administration of the judicial branch, including any court, board, or committee appointed by or under the direction of any court or other entity within the judicial branch, or the office of any county clerk.
- (3) "Bulk distribution" means distribution of all, or a significant subset, of all the information in court records, as is and without modification
- (4) "Court record" includes, but is not limited to: (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Court record does not include data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the record.
- (5) "Criminal justice agencies" are government agencies that perform criminal justice functions pursuant to statute or executive order and that allocate a substantial part of their annual budget to those functions.
- (6) "Dissemination contract" means an agreement between a court record provider and any person or entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court or municipal court), that is provided court records. The essential elements of a dissemination contract shall be promulgated by the JIS Committee.
- (7) "Judicial Information System (JIS) Committee" is the committee with oversight of the statewide judicial information system. The judicial information system is the automated, centralized, statewide information system that serves the state courts.
- (8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).
- (9) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(10) "Public purpose agency" means governmental agencies included in the definition of "agency" in RCW 42.17.020 and other non-profit organizations whose principal function is to provide services to the public.

(d) Access. The public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law.

- 1) Each court by action of a majority of the judges may from time to time make and amend local rules governing access to court records not inconsistent with this rule.
- 2) A fee may not be charged to view court records at the courthouse.

(f) Personal Identifiers Omitted or Redacted from Court Records

(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless necessary or otherwise ordered by the Court.

- A). Social Security Numbers. If the Social Security Number of an individual must be included in a document, only the last four digits of that number shall be used.
- B). Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.
- C). Driver's License Numbers.

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court or the Clerk will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

COMMENT

This rule does not require any party, attorney, clerk, or judicial officer to redact information from a court record that was filed prior to the adoption of this rule.

(g) Distribution of Court Records Not Publicly Accessible

(1) A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the inquiry. In order to grant such requests, the court or the Administrator for the Courts must:

- A). Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access.
- B). Determine, in its discretion, that filling the request will not violate this rule.

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- C). Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.
 - D). Assure that prior to the release of court records under section (f) (1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.
- (2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.
 - (3) Criminal justice agencies may request court records not publicly accessible.
 - A). The provider of court records shall approve the access level and permitted use for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not included in a class may request access.
 - B). Agencies requesting access under this section of the rule shall identify the court records requested and the proposed use for the court records.
 - C). Access by criminal justice agencies shall be governed by a dissemination contract. The contract shall: (i) specify the data to which access is granted; (ii) specify the uses which the agency will make of the data; and (iii) include the agency's agreement that its employees will access the data only for the uses specified.

(h) Bulk Distribution of Court Records

- (1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.
- (2) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.
- (3) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

(i) Appeals. Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

- (i) Notice. The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.
- (j) Access to Juror Information. Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.
- (k) Access to Master Jury Source List. Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.
[Amended effective October 26, 2004; amended effective January 3, 2006.]

Confidential Filings

Sealed Pursuant to Local Rule 79(b)(4)

“Sealed Paper. The clerk of the court shall seal and not permit examination of the following: psychological evaluations, sociological evaluations, mental evaluations and reports of guardian ad litem in family law matters, except by court order in conformity with GR 15. If sealed, papers may be unsealed only by court order, by motion and with notice, in conformity with GR 15.”

When preparing an Order Appointing Guardian ad Litem in domestic relation cases, the Order should contain the following language: ***The Clerk of the Court shall place the Guardian ad Litem’s written report in a confidential/sealed file and shall not disclose said report to anyone without further order of this Court, except in oral or written reports to the Court, the parties, and their counsel.***

Documents falling under the scope of LR 79(b)(4) should contain the following language in the caption:

[Clerk’s Action Required—Document Sealed Pursuant to LR 79(b)(4)]

Sealed Pursuant to Court Order

If you have documents that you want placed in a confidential file, a court order is required unless it is made confidential pursuant to LR 79. If a court order was entered which seals documents, it must be drawn to our attention. Please indicate in the caption of the sealed document:

[Clerk’s Action Required—Document Sealed Pursuant to Order entered (date)]

Sealed Pursuant to Statute

Likewise, if a document is sealed pursuant to statute, it is necessary that this is drawn to our attention. Please indicate in the caption:

[Clerk’s Action Required—Document Sealed Pursuant to RCW _____]

Conforming

The Clerk’s office makes available name stamps of all the Judges/Commissioners, along with file date stamps at the front counter or in the public viewing room at Family Court. When filing original documents, please feel free to ask for whatever stamp you may need and conform as many copies as you wish.

Discovery

Unpublished depositions, Interrogatories and responses thereto are not filed with the Clerk’s Office unless specific pages are used in a pleading or by order of the court. If presented for filing, **they will be returned and a faulty document fee will be assessed.**

E-Commerce

You can purchase Thurston County Superior Court documents from the Clerk’s website at www.co.thurston.wa.us/clerk. Documents from the year 2000 to present, with the exception of domestic files which are available from 2004 to present, are available for purchase online. If you need documents filed prior to this time, please email your request to: ecommercesupport@co.thurston.wa.us and provide the case number and the specific document(s) you need.

IMPORTANT NOTES:

READ the eCommerce User’s Guide before using eCommerce; and/or Watch the video on the ecommerce login page, which shows the process of using eCommerce.

Please **do not call the clerk’s office** with eCommerce questions and issues. If you do not find the answer to your question using the icon on the top right of the eCommerce login page (SUPPORT Q&A page), email eCommerce support at: ecommercesupport@co.thurston.wa.us. eCommerce support is only available during normal working hours. Issues with eCommerce after hours are handled the following work day. All support is handled through email.

There are no refunds, so please read the instructions on how to use eCommerce and what to do if you fail to return to our system after a successful credit card transaction.

E-Filing

The Thurston County Clerk’s offers e-filing for Superior Court documents. Time and cost savings are the benefits of using our e-file service. This service also eliminates travel to/from the courthouse, parking issues, and any lines at the front counter.

IMPORTANT E-FILE INFORMATION ON ALL CASE TYPE DOCUMENTS E-FILED:

The first page of any document e-filed must have the upper right-hand corner of the document empty so it does not affect the automated time-stamp.

- Any document that is not a legal pleading and/or does not have room for the automated file stamp in the upper right-hand corner must have a cover sheet as the first page of the document.
- Before emailing your request to start e-filing, ensure your document(s) comply with all of the filing requirements outlined below.
- **eFiling is NOT available to the general public at this time.**



SEALED DOCUMENTS (All Case Types)

- Cover sheets for sealed documents **must be attached as PAGE ONE** to the document that needs to be sealed per (LCR 79). A separate copy of the cover sheet itself must also be e-filed for filing in the public file.
- For information on the appropriate cover sheet to use and to download the forms, click on the “Available Forms” link on our website.

Question: What documents can be e-filed?

Response: Documents (pleadings) related to an open court case in Thurston County Superior Court.

Question: Can I get a conformed copy when I e-file?

Response: No. The confirmation email you receive back from the e-filing department is your confirmation that the document was filed.

Question: How can I begin e-filing?

1. Ensure that you have a scanner that can create a single, multi-page document image that is in the Group Type IV TIF format and is configured for 200x200 dpi (dots per inch), black and white, compressed. We do not accept .PDF images at this time.
2. Designate someone in your office as your primary contact person. Have this person scan a multi-page .TIF image (per the specifications in the user guide) and email it to: tcclerk_efile@co.thurston.wa.us. This image will be verified for both quality and format.
3. Upon completion of the image testing, the primary contact will perform a TEST e-filing. Upon that success, you may officially begin filing documents through the e-file service.

NOTE: Your scanner should have an automatic document feeder (ADF) to ensure that you are able to continue scanning all pages of a document should your scanner limit your ability to place all pages in the ADF at one time.

If you do not have a scanner, be sure to provide the specifications of the image needs when purchasing a scanner at any office supply. Also, be sure to check the specifications of any scanner purchased on the internet.

4. Download a copy of the “User’s Guide” from our website, showing image specifications and the steps involved in performing an actual e-filing. Once you have the equipment pursuant to the User’s Guide, and have emailed your request to begin an e-file test, we will contact your primary contact person.
5. Once we have received your sample scan of a multi-page .TIF image, we will work with you or your primary contact throughout the process of getting you up and running with our e-filing service. (Once the testing begins, please ensure you or your primary contact is available to complete the testing in a timely manner).
6. Upon successful completion of the testing process, you will be asked to delete your copy of the initial User’s Guide and you will be provided with your office’s personal User’s

Guide, which will contain office-specific requirements for e-filing your Superior Court documents with the Thurston County Clerk’s Office.

When you are ready, email your request and attach your document image to begin e-filing testing. Shortly after receiving your request, you will receive an email with instructions to begin testing. Be sure to periodically check your “Junk Mail” if you do not see our email in your Inbox.

Expedites

If you are filing pleadings or documents late (i.e., you are filing on Friday and know that there is a hearing on Monday), be sure to complete the expedite box on the documents and let staff know that you are filing an expedited document. This will help our staff in processing your filing quickly and make sure that the documents are given to the appropriate clerk to be placed in the file before the hearing date.

LCR 10(e) requires every document filed to contain certain information in the top left-hand corner of the first page in substantially the following format. If the pleading should be expedited, check both boxes and complete the hearing information before filing.

<input type="checkbox"/> EXPEDITE (if filing within 5 court days of hearing)
<input type="checkbox"/> No hearing set
<input type="checkbox"/> Hearing is set: Date: _____ Time: _____ Judge/Calendar: _____

EXPEDITE FILINGS MUST BE MADE WITH THE CLERK’S OFFICE AT THE FACILITY WHERE THE CASE IS BEING HEARD.

Please see the Clerk’s **FAULTY DOCUMENT POLICY** located on our website at www.co.thurston.wa.us/clerk.

Fax Filings

FAX FILINGS ARE NOT ACCEPTED!!!! *The Clerk’s Office does not accept documents faxed to our office.* When faxing documents to another party for filing with this office, please be sure to comply with all requirements of GR 17, especially GR 17(a)(2). Documents filed on facsimile thermal graphic paper will be returned. GR 17(a)(5). They cannot be filed in the Court file as the acid contained in the paper will age the file and destroy the documents. Court files are permanent records and must not be destroyed. Please make copies of these documents on bond paper prior to filing and indicate on the document “Faxed Copy.” In order to file a faxed copy of a document, the person filing must complete the affidavit provided in GR 17. A form for the affidavit is located on our website at www.co.thurston.wa.us/clerk.

Proposed Orders

The Clerk’s Office **does** accept proposed orders for filing. Proposed orders will be stamped PROPOSED across the first page of the proposed order. If you file a proposed order, please bring a new original to present at the scheduled hearing date or *ex parte*.



Filing Fees

If paying in person, personal checks, company or firm checks, money orders, cashier's checks, VISA/MasterCard, and cash will be receipted for any monetary transaction. Please refer to the Fee Schedule on the Clerk's website for a listing of fees charged for all case types. We do not accept personal checks for payments or requests for filings sent via the U.S. Mail.

Counterclaims

The fee for filing a counterclaim in a civil case is \$240.00. Counterclaims received without the appropriate fee will be returned and a faulty document fee will be assessed. Please see the Clerk's Office fee schedule for more information about fees.

Fees for Change of Venue

When changing venue, please make sure that your firm check in the amount of the filing fee accompanies your Order for Change of Venue and that it is made payable to the Clerk of the receiving court. Also include a separate check made payable to Thurston County Clerk for the processing fee of \$20.00 plus \$.50 per page copy charge. All fees paid to the Court are non-refundable.

Fee Schedule

The various fees charged by the Clerk's Office are listed in the fee schedule published on the Clerk's website. The fee schedule outlines the fees charged by case type and refers to the corresponding statute or rule imposing the fee.

Time Requirements

Please refer to the Superior Court Time Requirements for filing time requirements for all case types, calendars, and court proceedings.

Records

All court records must be kept by the County Clerk. Court records include clerk's minutes, court reporter notes, and evidence or exhibits introduced at trial. These court records may be classified in many categories, but the four major categories of court work may be divided into the following areas:

- Civil
- Criminal
- Domestic
- Probate/Guardianship

The Clerk's Office also records four additional general types of court actions, which are confidential in nature and not accessible to the public:

- | | |
|------------------|---------------|
| • Mental Illness | RCW 71.05.620 |
| • Adoption | RCW 26.33.330 |
| • Paternity | RCW 26.26.200 |
| • Juvenile Civil | RCW 13.50.100 |

These case types are confidential pursuant to the above statutes, and files may only be reviewed as permitted by the pertinent statute or upon court order for good cause shown.

Location of Court Records

Civil and Criminal Division. All records for the following case types are secured in the Clerk’s Office located on the first floor of Building 2 at the Thurston County Courthouse, 2000 Lakeridge Drive SW, Olympia, Washington 98502:

- Criminal (case types 1)
- Civil, except domestic violence (case type 2)
- Mental Illness and Alcohol Treatment (case types 6)

Family and Juvenile Court Division. All Records for the following case types are secured in the Clerk’s Satellite Office located on the first floor at the Family and Juvenile Court facility:

- Domestic Violence (case type 2)
- Domestic Relations (case type 3)
- Probate/Guardianship (case type 4)
- Paternity/Adoptions (case type 5)
- Juvenile Civil (case type 7)
- Juvenile Offender (case type 8)

Case File Index. All case records are indexed and are available for public access. There are four public computer terminals in the lobby of the main courthouse facility and three at the family and juvenile facility. Files can now be accessed via computer. Copies may be made directly from those computers at a cost of \$.50 per page. Staff no longer pulls files for review. Files are pulled only when needed for a court hearing. Counter staff can help if you need assistance at the public computers.

Public Access to Records

As mentioned above, court files are scanned and available for viewing on the public computers in the Clerk’s Office lobby. Clerk’s staff is also available via our “Records Search” process. The fee for records searches is \$30.00. See the Records Search section below for additional information.

Copying

The fee for certified copies of any document on file or of record in the Clerk’s office is \$5.00 for the first page and \$1.00 for each additional page, per document. RCW 36.18.016(4). Copies not needing certification are 50¢ per page. Faxed copies are \$5.00 for the first page and \$1.00 for each additional page. Electronic copies (copies emailed to you) are 25¢ per page. Copies on CD are available for large copy requests. There is an additional fee of \$25.00 per CD for this service. Copying of specific pages is not allowed for certified copies. The entire document must be copied, if you are requesting the Clerk’s Office to certify the copy.

A self-addressed envelope **WITH ADEQUATE POSTAGE** must also be provided for the return of your documents if they are to be mailed. Please also use an envelope of adequate size to accommodate the copies you request. For example, a standard size envelope will not accommodate copies of Findings of Fact, Conclusions of Law, Order of Child Support, Parenting

Plan and Decree in a domestic matter. If adequate envelopes and adequate postage are not provided, your initial request will be returned without the documents you are seeking.

Sealed Files

The Clerk shall not permit the examination of any sealed file except by order of a Judge pursuant to statute and GR15. Applications to examine a sealed file shall be made to the Assigned or Presiding Judge. No order permitting the examination of any sealed file shall be entered without a written motion and affidavit showing good cause. The Court may, in its discretion, require notice to be given to any party in interest before permitting such examination. (See also LSPR 93.04(a) for adoptions).

Records Search

The Clerk’s Office will search its records for any request made. The records search fee is \$30.00. If the search involves more than one hour of time, the fee will be charged at the rate of \$30.00 per hour. Please send mail requests and inquiries to:



Linda Myhre Enlow
Thurston County Clerk
2000 Lakeridge Drive SW
Olympia, WA 98502

Court Rules

Copies of local court rules can be purchased at the Clerk’s Office for a fee of \$10.00. The current revision is September of 2013.

Calendaring

Case Assignments

Thurston County Superior Court utilizes an Individual Case Assignment system. At the time of filing, all civil cases (except Unlawful Detainer) are assigned a Judge and given a status conference date. This is a random process performed by computer system. Along with your receipt for filing fee, you will be given a Notice of Assignment/Notice of Status Conference form. This notice states the department and judge to which the case is assigned and sets forth a status conference date and time.

Once your case is assigned a judge, much of your future scheduling and questions can be directed to that Judge’s Judicial Assistant. The listing of Superior Court staff in the beginning of this book gives you the names and phone numbers of these assistants.

Clerk’s Dismissal

If a case has not been completed, and there has been no activity for 12 months, a Clerk’s Notice of Dismissal for Want of Prosecution is sent to all parties who have appeared in the case according to the provisions of CR 41 or LRALJ 10.2. If the parties do not respond, a Clerk’s Order of Dismissal will be entered thirty (30) days following the date of mailing. Nonetheless, it is not uncommon for the court to schedule an inactive matter for a show cause hearing for dismissal. There is a \$30.00 fee for the Clerk’s Office to initiate a Clerk’s dismissal and obtain

the appropriate order to close the case. You can view the complete Dismissal policy on our website at www.co.thurston.wa.us/clerk.

Concurrent Cases

The Family Court and Juvenile Court shall have concurrent jurisdiction over any contemporaneous action under Chapters 13.32A; or 13.34 RCW, or Title 26 RCW. LSPR 94.01. These actions are filed in either Family Court or Juvenile Court and involve the same family or child and have had court action within the previous twelve (12) months.

Notices of Issue

You may acquire the appropriate Notice of Issue form from the Clerk’s website at www.co.thurston.wa.us/clerk. And, remember to abbreviate or shorten the parties named in your caption to keep all of the appropriate information on the first page.

Telephonic Court Hearings

Please make requests for telephonic court hearings to the assigned judge’s Judicial Assistant or to the Superior Court Administrator’s Office. Please make a notation on the Notice of Issue that a telephonic hearing was arranged. Telephonic requests made at Family and Juvenile Court require a showing of living or practicing law a significant distance from this area.

Court Calendar

Court calendar information can be accessed from the Clerk’s website at www.co.thurston.wa.us/clerk. You can find information such as civil and criminal presiding judges for each calendar month, assignments to jury and civil trials by the month, canceled and full calendars, and holidays.

Time Requirements

Superior Court and Family and Juvenile Court Time Requirements, as prepared by the Clerk’s Office, provides all the information you need for scheduling hearings of every case type: days, times, confirmation procedures, as well as timelines for filing documents, responses, and reply documents.

Confirmations

All confirmations should be completed via the Clerk’s Website and should be made according to the time frames imposed by Local Rules. You will find a list of calendars and their confirmation deadlines under the Court Calendars section of this Roadmap.

NOTE: Confirmation deadlines are as follows:

- MC Civil Motion Calendars – by noon 3 court days prior to hearing;
- MC DOL Revocations/Unlawful Detainer Calendars – by noon 3 court days prior to hearing;
- FJC Probate/Guardianship calendars – By noon 3 court days prior to hearing;
- FJC Revision/Presentation Calendars – by 10:00 am 3 court days prior to hearing.



IF YOU FAIL TO CONFIRM YOUR HEARING, YOUR MOTION CAN BE STRICKEN FROM THE DOCKET AND NOT HEARD. LATE CONFIRMATIONS WILL NOT BE POSTED ONCE THE CALENDAR HAS BEEN FINALIZED.

Fax Confirmations. Faxed confirmations are no longer accepted by the Clerk’s Office. Please use the Clerk’s website at www.co.thurston.wa.us/clerk and click on the Hearing Confirmations tab to confirm your hearing.

Phone Confirmation. Telephone confirmations are no longer accepted.

Confirmation Information.

General Confirmation Information Needed ¹
Assigned Judge
Gary Tabor
Chris Wickham
Anne Hirsch
Carol Murphy
James Dixon
Christine Schaller
Erik Price
Mary Sue Wilson
Case Title
Responsible Attorney
Person Confirming (if different from the responsible attorney)
Your E-mail Address
Your Telephone Number
Calendar Date
Whether or not you are confirming, continuing or striking. (If you are continuing the hearing, please provide the date you are continuing the hearing to.)

¹Any unusual circumstances which may arise will be responded to via telephone or email according to past practices. Do not confirm by different methods (Internet and/or telephone) or switch from one to the other for continuances, strikes or replies. This will avoid any question that may arise as to the sequence of events.

Ex Parte Actions

A judicial act or proceeding is said to be *ex parte* when it is taken or conducted at the request and for the benefit of one party only, without notice to the opposing party or other person; also refers to the department of the court in which such actions and proceedings are conducted.

If an order is received by mail or if a member of the Clerk’s Office is requested to present the order for signature, pursuant LCR 79(a) and RCW 36.18.016(10), fees for *ex parte* action are \$30.00 for pulling the file, presenting the documents to the Judge, conforming copies and returning them to the moving party. RCW 36.18.016(10); LCR 79(a). The \$30.00 processing fee is charged even if the order is not signed. This fee is subject to change. Please check the Clerk’s website for updates prior to sending in your fees.

If you have a matter for entry of an order and cannot appear in court, you may go to Superior Court and request a judge or court commissioner to sign the matter *ex parte*. *Ex parte* matters should be presented to the department assigned to the case. LCR16(g). All judicial officers will call for *ex parte* matters at the start of their routine calendars or you may present your matter to an *ex parte* judicial officer designated by the court for that day or week. *Ex parte* by designated judicial officer may be presented Monday through Friday, except legal holidays, as follows:

Superior Court Main Courthouse Complex	1:00 p.m.
Superior Court Family and Juvenile Court	8:30 – 9:00 a.m. 4:00 – 4:30 p.m.

Examples of matters that can be presented *Ex Parte* include:

- Agreed/Stipulated Orders
- Orders of Default
- Orders of Default Judgment
- Judgments against Garnishee Defendant
- Judgments on Arbitration Award
- Probate Orders
- Orders for Preplacement/ Postplacement Reports
- Orders of Dismissal

If you are submitting an order for signature through the mail, please enclose the following:

- Check for \$30.00 per case
- Original order(s) and supporting documents
- Double check for accurate cause number and caption
- Order or supporting documents cannot be faxed documents
- Agreed/stipulated orders must be signed by all parties
- Any copies you wish conformed and returned
- Self-addressed, stamped envelope of adequate size and postage
- Cover letter explaining your request



Civil Motion Calendar

Civil Motions are heard Fridays at 9:00 a.m. before the assigned judge. Confirmations for this calendar are required by noon three (3) court days prior to hearing. LCR 16(f).

- Late confirmations must be approved by Superior Court Administration prior to being submitted to the Clerk's Office.
- If you are notified by the Clerk's Office that your motion has been continued by the court to another date or transferred to another department, it is your responsibility to notify opposing counsel.

Family Law Calendars

Pursuant to Local Special Proceeding Rule 94.03(b), motions in family law actions with attorneys are heard on the Family Law Calendar held every Tuesday and Thursday at 9:00 a.m. If the Family Law Calendar for a specific date becomes full, your hearing will be continued one week to the Family Law Calendar. You will NOT be alerted of this fact. Confirmation will be required for that calendar or you may request the case be continued to another date. You can check the status of your matter on our website. If your matter gets "bumped," it **is your responsibility to notify opposing counsel and confirm the matter for the new hearing date.**

- Confirmations for the Judge's Friday presentation/revision calendar must be made no later than 10:00 a.m., three (3) court days prior to your scheduled hearing date.
- The Commissioner's Tuesday/Thursday family law with attorneys' calendars, and the juvenile or family law Court Commissioner Conflict/Concurrent Case calendars, must be made no later than 10:00 a.m., two (2) court days prior to your scheduled hearing date.
- Confirmations for the Judge's Monday probate/guardianship calendar are to be made no later than 12:00 noon, three (3) court days prior to your scheduled hearing date.
- Motions for Revision are noted for the Friday Motion Calendar at Family and Juvenile Court and are scheduled for 9:00 a.m. If you have a conflict case, contact Bev Morgan at 709-3232.
- Matters involving meretricious relationships with no children are noted on the family law calendars.



How to Get Money Out of the Clerk's Office

Funds Managed by Clerk's Office

- Clerk's Trust Fund
 - Criminal defendant payments
 - Civil deposits/judgments
 - Bail
 - Interpleaders
 - Minor settlements
- Individual investments

The following are the procedures that will be observed for disbursement of funds which have been paid into the Registry of the Court.

- An appropriate order directing the disbursements of funds is required.
- Bail can be disbursed two judicial days after receipt of an appropriate order.
- Cash payments and state warrants can be disbursed two judicial days after date of deposit or receipt of an appropriate order, whichever is later.
- All other checks (including insurance company checks) can be disbursed 10 working days after date of deposit, or two judicial days after an appropriate order, whichever is later.

Handling Deposited Funds

- Deposit pending court decision
 - Money will be deposited in Clerk's Trust Fund (interest collected by County), unless the Clerk receives a **written** request for the deposit of funds in an interest-bearing account. Written request needs to contain specific information so check with Clerk's Office. (RCW 36.48.090).
 - If a request is received for the investment of said monies, the Clerk is entitled to 5% of the interest earned for services rendered. (RCW 36.48.090)
- Interpleader/Foreclosure Sale Excess, Stakeholder's Deposit
 - Stakeholder may file action without filing fee, but Clerk is to recoup filing fee from deposit.
 - Make deposit with **two** checks (*one for the filing fee and one for the balance*), or,
 - Assure that order disbursing proceeds includes the payment of the filing fee.

Investment and Bank

- Investment recommendations are welcome
 - How long before money will need to be withdrawn?
 - Are there immediately foreseeable medical needs? (Avoid early withdrawal penalties).
 - How do passbook and term deposits or CD interest rates compare?
- Funds may be deposited only in an approved PUBLIC DEPOSITARY.
- Absent any advice, the Clerk will invest in a treasury money market account.

Minor Settlements

- Order approving settlement and directing payment of proceeds must include:

- Payee's name, amount and mailing or check delivery instructions.
 - Minor's name and Social Security Number (for IRS interest income reporting purposes).
 - Name and address of guardian to receive bank statements.
 - If appropriate, include language that the minor is entitled to receive funds and accrued interest, without further order of the court, at a certain age.

Orders to Disburse

- It is easier for us to mail all checks to the attorney, for delivery or forwarding to hospitals, insurance companies, attorneys, etc., but we may not do that unless the order directs us.
- If money was *invested*, be sure to include "*plus accrued interest*" - if you don't, the disbursement is incomplete and will require another order to disburse the interest.
- If interest is to be split, describe the split in %'s, not in sums certain, as amounts will change each day until the investment is withdrawn.
- Remember that 5% of the interest will be disbursed to the Clerk, whether or not it is mentioned in the order.

Bail

- May not be invested for benefit of payor (*any interest earned by Clerk's Trust Fund goes to County*).
- Will be returned only to **payor**, per court order.
- There is no automatic return of bail.
- Prosecutor must approve any order to return and Judge must sign order.

Criminal Legal Financial Obligation (LFO) Payments:

Pursuant to RCW 10.82.090, interest shall accrue on all outstanding LFO's. The accounting system in the Clerk's Office automatically calculates monthly interest charges on criminal accounts receivable. The system posts this calculation on the first day of the month for the previous month.

The accounting department may write off interest amounts up to \$5.00 if the LFO has been paid in full the previous month.

Multiple Cases.

If a payor has not designated which case funds are to be applied to, the Clerk's Office will apply the full amount of the payment received to the oldest legal financial obligation (LFO) with restitution owing. The Clerk's Office will not divide payment of under \$10.00 between two cases for the same defendant.

Civil Appeal Bonds

Civil appeal bonds may be invested, upon written request, like other civil deposits.

Child Support & Maintenance Checks

- Cash payments are processed and disbursed with 48 hours of date received.
- Personal checks and money orders are held for ten (10) court days and then forwarded to the designated party.
- Payments that are not claimed within 60 days will be returned to payor.

Stop Payment Items

If it is necessary for us to stop payment on a check - the check may be re-issued 5 working days following placement of stop payment with financial institution. There is a charge of \$50.00 for all stop payment items.

Returned Check - NSF

There is a charge of \$50.00 for all checks returned due to nonsufficient funds (NSF).

Appeals

Appeals from Superior Court to Court of Appeals or Supreme Court

The Notice of Appeal or Notice of Discretionary Review must be filed in Superior Court (and the \$290 filing fee paid) within 30 days of entry of the order on the trial court's decision. Payments should be made payable to the Thurston County Clerk (we do not accept personal checks sent via U.S. Mail). When filing your appeal, remember to attach to your Notice a copy of the order or judgment being appealed. Filing the Affidavit of Service simultaneously with your Notice will save a lot of time and paperwork. If the appellant is indigent, remember to file your Motion and Order of Indigency with your Notice.

When preparing the Designation of Clerk's Papers and Exhibits, remember to include the Clerk's sub numbers and filing dates along with your description of the document. (RAP 9.6) If you supplement the Designation, remember to include only those additional documents you want sent to the Appellate Court to avoid documents being transmitted twice. While exhibits marked during the trial court proceedings won't have a sub number, the Exhibit List does have exhibit numbers. The Exhibit List should be designated if you are designating exhibits. In Administrative Law Review cases, it is helpful if you make a notation in your Designation requesting the Administrative Record be transmitted to the Appellate Court. It is not necessary to individually list any portion of the Administrative Record in your Designation since the entire record will be transmitted. (RAP 9.7)

The Designation of Clerk's Papers and Exhibits should be filed with both the trial court and the Appellate Court. (RAP 9.6) Statements of Arrangements and Briefs should be filed directly with the Appellate Court, not the trial court. (RAP 9.2; RAP 10.2)

Original Verbatim Reports of Proceeding should be filed by the court reporter with the trial court together with diskettes. (RAP 9.5) It is helpful if you would request private court reporters, who may not be familiar with the filing procedure, to notify the Clerk's Office when they file their Verbatim Report that the case is on appeal so it can be properly processed. This will avoid your transcript being docketed into the court file rather than forwarded to the Appellate Court.

In cases where the Appellate Court has rendered its decision and returned the case to the trial court, the prevailing party must obtain an amended judgment in the trial court in order to enforce the Appellate Court's decision. The amended judgment must be presented before and signed by a judge in the trial court and will be based upon the mandate issued by the Appellate Court. Don't forget your first page judgment summary directing the award of any costs of the appeal and directing the trial court clerk to modify, reverse, set aside or vacate the original judgment, if applicable. (RCW 4.64.030)

Appeals of Decisions by Courts of Limited Jurisdiction to Superior Court

Appeals of decisions rendered by Courts of Limited Jurisdiction should be filed directly with the court whose decision is being appealed pursuant to Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The lower court will file the Notice of Appeal with the Superior Court and assist you in perfecting your appeal to the Superior Court.

While most appeals filed in the Superior Court are RALJ cases, not all appeals fall under RALJ. RALJ 1.1 outlines the appeals processed pursuant to RALJ.

Administrative Law Reviews (ALR)

Petitions for Judicial Review should be filed with the Superior Court within the applicable statutory time limits. Don't forget to make arrangements with the agency to have the numbered and counted certified Administrative Record (including transcripts) filed with the Superior Court. LCR 40(h). Administrative Records, which are not properly numbered or counted, will be returned unfiled. Once the case is completed, the Administrative Record is returned to the agency certifying it to the court. LR 79(d)(7).

Adoption

Once the parent-child relationship between the natural parent and child is severed (terminated), either voluntarily or involuntarily, the court may proceed to allow the adoptive parents to adopt the child. The adoption is sought by filing a petition for adoption and is final in a decree of adoption. The filing fee cannot be waived for an attorney or a pro se petitioner. Confidential information should not be included in the Decree of Adoption. Once the Decree is final, the file is sealed and cannot be opened without court order. (See also LSPR 93.04(a)).

Upon completion of the adoption and entry of a decree, please ask for an adoption packet at the Clerk's office. This packet includes both Vital Records forms for processing new birth certificates and DSHS Application for Adoption Registration forms.

Confidential/Sealed Records

All records of any proceeding under this chapter (RCW 26.33.330) shall be sealed and shall not be thereafter open to inspection by any person except upon order of the court for good cause shown...

Civil Actions

Civil Rule 3: Commencement of Action

Except as provided in rule 4.1, a civil action is commenced by service of a copy of a summons together with a copy of a complaint, as provided in rule 4 or by filing a complaint. Upon written demand by any other party, the plaintiff instituting the action shall pay the filing fee and file the summons and complaint within 14 days after service of the demand or the service shall be void. An action shall not be deemed commenced for the purpose of tolling any statute of limitations except as provided in RCW 4.16.170.

The party who initiates a civil lawsuit is known as the plaintiff. The party defending against the lawsuit is known as the defendant. A summons is a document prepared by the plaintiff to formally notify the defendant that a lawsuit is being commenced. A complaint is a document prepared by the plaintiff to specify the reasons for the lawsuit and the relief sought. You must have a summons and complaint in order to open a civil file. An answer is the defendant's written response to the complaint. The plaintiff's attorney and the defendant's attorney are called the attorneys of record. Please use our Notice of Issue form for civil actions.

Depositions

Foreign Depositions for Local Actions

For use in existing Thurston County Case for Out-of-State Deposition—New Action to be Filed Out-of-State. CR 45(d)(3).

When it is necessary to depose an individual who lives out of state on a Thurston County case, a Subpoena may be secured according to the laws of such state. The following pleadings are normally filed or presented ex parte to request a deposition out-of-state, using the Thurston County Cause Number:

- Petition (or motion and declaration) for Commission to Take Out-of-State Deposition (original + 1 to conform).
- Notice of Taking Deposition outside of state (original + 1).
- Notice of Issue (unless submitted to Clerk for ex parte presentation).
- Thurston County Fees:
 - (1) ex parte fee (\$30.00) (if submitted to Clerk for ex parte presentation).
 - (2) certified fees for a certified copy of the Commission and Order.
- Order Granting Commission to Take Deposition Out of State (original + 1) if the Clerk is directed to issue the Commission, include "CLERK'S ACTION REQUIRED." Fees for certified copies apply.
- Commission to Take Deposition Outside the State of Washington (original + 1). Fees for certified copies apply.
- Preaddressed, stamped envelope and extra copies to return conformed copies (if submitted to Clerk for ex parte presentation).

Local Depositions for Foreign Action

For use in existing out-of-state case for Thurston County deposition--new action to be filed in Thurston County. CR 45(d)(4).

In the event a Subpoena is needed to issue out of the Thurston County Superior Court for an out of state case, the following is submitted:

- Thurston County Fees:
 - Filing fee (\$240.00)
 - Ex parte fee (\$30.00) (if request made by mail)
 - Subpoena issuance fee (\$20.00, per subpoena)
- Proposed Order Directing Clerk to Issue Deposition Subpoena with notation "CLERK'S ACTION REQUIRED" (original + 1).
- Proposed Deposition Subpoena directed to the individual with a signature block to be signed by the Clerk (original + 2).

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- Stamped, pre-addressed envelope for return of conformed copies (if request made by mail).

Status Conference

The purpose of the status conference is to address all issues in the Case Schedule Order and to enter the order. LCR 16(d). The status conference is scheduled, and a judge is assigned, at the time of filing the Complaint. The date selected cannot be earlier than the first Friday which falls 60 days after the date of filing.

Unlawful Detainer

A statutory procedure by which a landlord can legally evict a tenant in default on his or her rent.

~ Black's Law Dictionary.

In some cases, in an unlawful detainer action, the filing of the action alone is enough to achieve the relief requested, i.e., payment of overdue rent or eviction of tenant. Therefore, the initial filing fee is reduced to \$85.00. If the defendant chooses to answer the complaint, however, and it is necessary to proceed with an order to show cause, the Plaintiff must pay the additional \$112.00 toward the \$197.00 filing fee. This remainder of the filing fee must be paid prior to proceeding with the unlawful detainer action. The Plaintiff can, however, proceed to judgment without an answer from the defendant without paying the additional \$112.00. If any orders are to be signed thereafter (such as a judgment on answer of garnishee or a supplemental proceedings order), the balance of any unpaid filing fee becomes due.

Criminal Actions

The superior court has jurisdiction to hear any case involving a violation of state law. It is the only trial court with jurisdiction over felonies (misdemeanors and gross misdemeanors are generally initiated in district court).

The state initiates a criminal case by filing an Information or an indictment. The Information is a charging document based upon a prosecuting attorney's determination that the accused has committed a crime. An indictment is a charging document initiated by a grand jury. There is no filing fee required in a criminal proceeding filed by the state.

Please use our Notice of Hearing form for criminal actions. You may obtain the current forms from our website.

Special Criminal Proceedings (SCP's) are actions by the Prosecutor's Office requesting judicial authority for Intercept Warrants, body wires, and recordings.

Drug Court: Thurston County has implemented its own drug court program. This program offers non-violent drug offenders an opportunity to change their lives. For more information about this program, please contact the Drug Court Coordinator, Ellen Goodman, at 786-5217.

Domestic Actions

In Domestic Relations cases the documents are called petition and response rather than complaint and answer.

The party who initiates a dissolution is known as the petitioner. The other party is known as the respondent. When naming supporting documents, and in the text, please refer to the parties as either Petitioner/Mother; Petitioner/Father; Respondent/Mother, or Respondent/Father. This eliminates any confusion which may be caused by the use of just Petitioner or Respondent.

A summons is a document prepared by the plaintiff to formally notify the defendant that a dissolution of marriage is being commenced.

A petition is a document prepared by the plaintiff to specify the reasons for the dissolution and the relief sought. Both a summons and petition are required to open a new file, along with a completed Vital Statistics form. A response is the respondent's written response to the petition.

Please use the Family Court Notice of Issue form when noting matters up for hearing. You may obtain the current forms from our website.

Use of standard forms is now mandatory in marriage dissolutions, nonparental custody actions, and actions brought under the Uniform Parentage Act. A party may delete unnecessary portions of the forms according to the rules established by the Administrative Office of the Courts. A party may supplement the mandatory forms with additional material. A party's failure to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. However, the court may require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

Dissolution and legal separation cases involving children are subject to family court orientation. Orientation must be scheduled at the time each new case is filed and must be attended within 30 days from the date of filing. Family court orientation is an informational session in which litigants are provided with an opportunity to schedule the required Consider the Children seminar and also to attend a power point presentation regarding family law matters and procedures. The Facilitator's power point presentation is designated to help parents understand the court process. The Facilitator's presentation provides valuable information that is useful to parents in processing their dissolution to completion.

A person who is unable to pay the filing fee by reason of poverty may be entitled to file the petition *in forma pauperis* (without charge). The Petitioner seeking waiver of fee must present a motion, affidavit, and appropriate order to a judge for approval and signing of the order. The signed Order Informa Pauperis must then be presented with initial pleadings for filing without fee. Please note, however, that a \$20.00 facilitator fee is required even if you have obtained a filing fee waiver, unless specifically waived in the order.

To accurately process your domestic case filing, don't forget to complete a Confidential Information form and Vital Statistics form for each new domestic filing. Forms can be obtained from the Department of Health or from the Clerk's Office.

GR 22

The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

<p>Definitions:</p> <ol style="list-style-type: none"> 1. Case Record means any record pertaining to a particular case or controversy maintained by the court. 2. Family Law case means any case filed under Chapter 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, and 26.52 RCW. 3. Personal Privacy is unreasonably invaded only if disclosure of information about the person or the family would (a) be highly offensive to a reasonable person and (b) is not of legitimate concern to the public. 4. Public access means unrestricted access to view or copy a requested document filed in a court case. 5. Restricted personal identifiers means a party's social security number, a party's driver's license number, a party's telephone number, and social security number of a child and date of birth of a child. 6. Sealed Financial Source Documents, means income tax returns, W-2s and schedules, wage stubs, credit cards statements, financial institution statements, check registers, retirement plan orders, as well as other financial information sealed by the court. 7. Sealed Personal Health Care Documents, means any record or correspondence that contains health information that: (1) relates to the past, present, or future physical or mental health condition of an individual including past, present or future payments for health care; or (2) involves genetic parentage testing. 8. Sealed Confidential Reports, applies to documents that are intended as reports to the court in family law and guardianship cases, including parenting evaluations, domestic violence assessment reports, risk assessment reports, CPS summary reports, sexual abuse evaluations, and Guardian ad Litem Reports.
<p>Restricted Access Documents:</p> <ul style="list-style-type: none"> • The Confidential Information Form, • Sealed Financial Source Documents, Sealed Personal Health Care Documents and Sealed Confidential Reports, • Domestic Violence Information Form, • Notice of Intent to Relocate required by RCW 29.09.440, and • Personal Information Sheet necessary for the Judicial Information System purposes shall only be accessible as follows: <p>The following persons shall have access to <u>all</u> records and files in family law cases, unless otherwise provided by statute or court order.</p> <ul style="list-style-type: none"> • Judges, commissioners, and other court personnel carrying out the business of the court. • Any state administrative agency of any state that administers programs under Title IV-A, D, or E of the federal Social Security Act. <p>Parties to a case shall have access to all documents filed in a family law case, EXCEPT the following:</p> <ul style="list-style-type: none"> • Personal Information Sheet • Guardian ad Litem Report • Documents pursuant to LCR 79 • Confidential Information Form • Domestic Violence Information Form • Foreign Protection Form • Law Enforcement Information Sheet • Vital Stat Form <p>Attorney's of record shall have access to all documents filed in a family law case, EXCEPT:</p> <ul style="list-style-type: none"> • Personal Information Sheet • Confidential Information Form, • Law Enforcement Information Sheet • Vital Stat Form

Pattern Forms

The Clerk's Office has available for purchase to the public all domestic pattern forms. A list of available packets and prices can be found on the Clerk's website. Pattern forms are also available over the Internet at www.courts.wa.gov/forms.

Self Help Center

The Thurston County Clerk’s Office was the first in the State of Washington to create a Self Help Center for family law pro se litigants. It explains different avenues available in the family law arena and guides litigants to the proper pattern forms for their needs. The Self Help Center is located in the viewing room at the Clerk’s Office located at the Family and Juvenile Court facility.

Parenting Seminars

Pursuant to LSPR 94.06, all cases under Ch. 26.09, 26.10, or 26.26 RCW filed after December 1, 1994 wherein a parenting plan or residential plan for minor children is to be entered require completion of a parenting seminar. Parties are required to serve a form entitled “Information for Persons Involved in a Custody Action” with the petition.

The seminar is to be completed by the parents within 60 days and a certificate showing completion needs to be filed in the action. The parents may each attend different sessions. The court may waive the seminar requirement for good cause shown.

Mandatory Mediation (Child Custody and Visitation Issues)

In any proceeding in which custody or visitation is at issue (except juvenile court dependency proceedings), mandatory mediation is required pursuant to LSPR 94.05 before proceeding to trial. Parties are required to serve a form entitled “Mandatory Parenting Plan Program” with the petition.

A Declaration of Completion is to be filed by the mediator within seven days of completion. This requirement may be waived by the court for good cause.

Note for Settlement Conference (Family Law)

All contested domestic relations cases shall be set for settlement conference prior to assignment of trial. LSPR 94.04(f). Notices and supporting documentation are to be filed fourteen (14) days prior to the date set in your notice. A sample domestic Request/Response to Schedule Settlement Conference or Trial Setting is attached. Please use blue paper for this form.

Settlement Conference Statements must be delivered to the Judicial Assistant at Family and Juvenile Court (not the Clerk’s Office) and served on the other party no later than five (5) days prior to the scheduled conference. Written appraisals of substantial assets shall also be available at the settlement conference. If the case does not settle, a trial date shall be immediately assigned.

Pursuant to LSPR 94.04(f), Settlement Conference Statements must be filed and served no later than five (5) days prior to the scheduled conference or it may be stricken from the calendar.

Restraining Orders (Domestic Actions)—IMPORTANT INFORMATION

When there is a domestic case and a related domestic violence case, a separate Restraining Order must be entered in each case.

When Restraining Order Entered

Restraining Orders which contain language that the order is to be placed into the state-wide computer system used by law enforcement agencies must be handled appropriately. Improperly prepared Restraining Orders or those presented without Law Enforcement Information Sheets are rejected by law enforcement agencies who are to input information into the state-wide computer system.

In the event the proper steps are not followed, the Restraining Order may not be placed into the computer system, which could thereby result in risk to the protected party.

- Use Proper Law Enforcement Agency in Restraining Order. The law enforcement agency which will input the Restraining Order into the computer system is the jurisdiction within which the petitioner resides. If petitioner resides within the city limits, you need to name that city’s police department as the law enforcement agency to enter the data. If the petitioner resides in an unincorporated area, you need to name the Sheriff of that county as the inputting agency. **Law Enforcement Agencies will not place the information into their state-wide computer system unless you have named the proper jurisdiction—that is where the petitioner resides.**
- Purchase Restraining Order at Time of Filing. File the original and **purchase one certified copy for the Clerk’s Office to deliver to the appropriate law enforcement agency.** The charge for certified copies is \$5.00 for the first page and \$1.00 for each additional page.
- Law Enforcement Information Sheet. **Complete and attach a Law Enforcement Sheet to every Restraining Order.** Names, addresses, and other information on the Information Sheets change and Law Enforcement Agencies require an Information Sheet every time a Restraining Order is provided to them. **Law Enforcement Agencies will not enter the Restraining Order into their system without it.**

When Restraining Order Served

Be sure to notify the Law Enforcement Agency who is responsible for inputting the information into the state-wide computer system when the restrained party has been served. A copy of the Affidavit of Service should be provided to them.

When Restraining Order Terminated

It is just as important to follow the appropriate steps to terminate a Restraining Order. **Failure to properly terminate a Restraining Order could result in the improper detention of the restrained party.**

- When a Restraining Order is terminated by any document, include in the document that the Clerk’s Office is to forward a copy of the Order to the law enforcement agency who is responsible for inputting the data into the computer system. It is important to **name the law enforcement agency** and note in the caption **“Clerk’s Action Required—Restraining Order Terminated.”**

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- Since most Restraining Orders are effective during the pendency of the action only, **language to this effect must be contained in all Decrees unless the Restraining Order is being made permanent.**

PRO SE REPRESENTATION

Parties representing themselves in any action are called pro se litigants. The majority of pro se representation occurs in family law case types.

When a party files a Petition for Dissolution "pro se," he or she is representing him/herself in a divorce action, without counsel. Pursuant to LCR 11(c), both parties must file a Notice of Appearance Pro Se when representing themselves. Please use our Family Law Notice of Issue when noting matters on the docket for hearing; use the Notice of Issue form when scheduling final hearings. Final hearings cannot be noted unless your paperwork has been approved by an attorney or courthouse facilitator and is in the court file.

Thurston County now offers the services of a Family Court Facilitator to pro se litigants for family law case types. The Facilitator is located at the Clerk's Office at the Family and Juvenile Court complex. RCW 26.12.240 allows the collection of a \$25.00 user fee for each time the service is used by a pro se litigant. **The Facilitator does not give legal advice.** The Facilitator is there to assist with the completion of forms, procedures and protocol of the courtroom and as a referral to other services in the community.

DOMESTIC VIOLENCE

Our Domestic Violence Liaison will assist petitioners with application for protection orders between the hours of 8:00 and 5:00, excluding the lunch hour, Monday through Friday, at the Clerk's Office at the Family and Juvenile Court complex. Victims are urged to be in the Clerk's Office as early as possible to complete the forms packets to ensure that a judicial officer will be available for hearing their petition. Domestic Violence petitions are generally heard at 1:30. Emergency petitions can be heard later in the day. Petitioners should plan for at least one to two hours to complete the process. There is no filing fee for a domestic violence petition for protection order.

Judgments

RCW 4.64.060. Execution docket - Clerk's Duties. Every County Clerk shall keep in the Clerk's Office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it.

INTEREST: Money judgments bear interest at a rate specified by statute, and the interest becomes part of the judgment itself.

EXPENSE/COSTS: In most cases, the prevailing party is also entitled to be reimbursed by the losing party for certain expenses incurred in the case. Expenses to be reimbursed are called costs. (The prevailing party is generally also entitled to attorney's fees in the nominal amount allowed by statute.)



STATUTORY ATTORNEY'S FEES: RCW 4.84.080. When allowed to either party, costs, to be called the attorney's fee, shall be as follows: (1) In all actions where judgment is rendered, \$125.00; (2) In all actions where judgment is rendered in the supreme court or the court of appeals, after argument, \$125.00.

Costs and statutory attorney's fees are taxed to the losing party and allowed or awarded to the prevailing party on the basis of a cost bill filed by the prevailing party. The clerk enters the amount of costs in the judgment/execution docket, along with the judgment, interest, and attorney's fees, if any. The amount to be entered is obtained from the cost bill.

In a civil case, a party in whose favor a judgment has been rendered may, within ninety (90) days before the expiration of the original ten-year period, apply to the court that rendered the judgment for an order granting an additional ten (10) years during which an execution may be issued. The petitioner shall pay to the court a filing fee equal to the filing fee to file a civil case and the application shall be accompanied by an updated judgment summary. The filing fee required shall be a recoverable cost and included in the summary.

JUDGMENT SUMMARY: In order for a judgment to be perfected, a judgment summary must appear on the front page of the judgment directly below the caption. This is true for all judgments in civil, domestic, probate, paternity and criminal cases, including liens, foreign judgments, etc. Any judgment submitted without a summary cannot be perfected until a summary is received by the Clerk. The Judgment Summary should include the following information:

Judgment Summary

A. Judgment Creditor: _____

B. Judgment Debtor: _____

C. Principal judgment amount from _____
 _____ to _____ \$ _____

D. Interest to date of judgment \$ _____

E. Attorney's fees \$ _____

F. Costs \$ _____

G. Other recovery amount \$ _____

H. Principal judgment shall bear interest at ____% per annum

I. Attorney's fees, costs and other recovery amounts shall bear interest at ____ % per annum

J. Does the Judgment provide for an award of any right, title or interest in real property? Yes No. If so, insert the following:
 Abbreviated legal description, including lot, block and plat or section, township and range (full legal description found on page ___ of the judgment):

 Assessor's Parcel No. _____

K. Does the Judgment provide an award for motor vehicle damages under RCW 46.29.270? Yes No. If so, the Clerk of the Court shall give notice of this Judgment to the Dept. of Licensing as outlined in RCW 46.29.310.

L. Attorney for Judgment Creditor: _____

M. Attorney for Judgment Debtor: _____

N. Other: _____

When any judgment for the payment of money is paid or satisfied, partially or wholly, **REMEMBER** to file your satisfaction or partial satisfaction of judgment with the Clerk's Office so the record is complete and accurately reflects the payment of a judgment.

MENTAL HEALTH ACTIONS

The proceeding is generally commenced by a mental health professional (MHP) who works closely with law enforcement officials and the prosecuting attorney, and whose responsibility is to receive complaints from the public and to identify cases in which the commencement of a commitment proceeding is warranted.

The person being committed is called the respondent. The petition, entitled In re the Detention of: is filed by the state and is exempt from a filing fee.

Confidential/Sealed Records

The files and records of court proceedings under Chapter 71.05 RCW shall be closed and not open to public inspection by any person other than "the individual who is the subject of a petition and to the individual's attorney, guardian ad litem..." except upon order of the court for good cause shown. RCW 71.05.620.

PATERNITY ACTIONS

By statute, the court is authorized to conduct a proceeding to determine whether a person is the natural parent of a child. See RCW 26.26.030. Usually the proceeding is initiated to determine whether a man is the father of a child and, if so, whether he should contribute to the support of the child. **Paternity actions are most often initiated by the state Family Support Services.**

Confidential/Sealed Records

All papers and records, other than the final judgment and matters related to the enforcement of the final judgment are confidential. RCW 26.26.200. These files are not open to inspection by any person except upon order of the court for good cause shown. In paternity actions, the statute requires that all papers and other records are confidential, with the following exception: the final judgment and matters related to its enforcement.

PROBATE

Probate is a formal process by which the court oversees the settlement of a deceased person's estate. A person who dies and leaves a will is said to have died testate. A person who dies without leaving a will is said to have died intestate.

An executor is the person named in the decedent's will to supervise the distribution of the estate. An administrator is the person appointed by the court to supervise the distribution of the estate if the decedent died intestate. Personal Representative is a general term referring to an executor or administrator and is often abbreviated PR.

PLEASE NOTE: A Guardianship file or a Will only file can be migrated into an estate case upon the death of a party with a \$230.00 filing fee. The cause number assigned to the original file would remain the same.



File the original Will if the estate is testate. Make sure to state the amount of the bond in the Order Admitting the Will and/or Appointing a Personal Representative. RCW 11.28.185. The Oath must be notarized.

Letters will be issued upon the filing of the order and oath of personal representative. Forms are located on the Clerk's website. A certified copy of the Letters is \$5.00.

GUARDIANSHIPS

A guardianship is a statutorily defined and court controlled procedure for taking care of a person and/or estate of someone who is incapacitated. The term "incapacitated" now takes the place of previously used words like "ward," "incompetent," or "disabled". Guardianships are most often created or imposed when an individual has lost the capacity to make or communicate decisions because of their mental or physical disability, such as occurs with some of our elderly or disabled citizens.

- Notice of Appointment of Guardian must be personally served upon the alleged incapacitated person and guardian ad litem, along with a copy of the Petition for Appointment of Guardian not more than five (5) days after the petition has been filed.
- Before appointment as the Guardian, the petitioner must complete the training for lay guardians at www.courts.wa.gov/layguardiantraining. Once completed, print the Declaration of Training Completion and file it with the Clerk's Office.
- A Personal Care Plan must be filed with the court within three (3) months of the appointment of guardian and then updated annually.
- An Inventory must be filed within three (3) months of the appointment of Guardian.
- Annual reports must be filed with the Court annually within ninety (90) days of each anniversary of appointment as guardian.
- A full and final accounting must be filed within thirty days from termination of Guardianship.

Our Guardianship Monitoring Program researches guardianship cases and visits wards, brings current old guardianships and reviews annual reports.

WEB SITE ACCESS

The Thurston County Clerk's Office maintains a web site at www.co.thurston.wa.us/clerk where various forms and information may be found. The following table will assist you in utilizing the website as you navigate through the Court Calendars and the Hearing Confirmation sections.

CALENDARS

You may access the Superior Court calendars by clicking the *Court Calendars* tab on the Clerk's Website Home Page. You can then access the appropriate calendar.

- Civil calendars are finalized and posted to the web by mid-afternoon on Wednesdays.
- Family Law calendars and the Juvenile Commissioner's Concurrent/Conflict calendar are finalized and posted to the web by mid-afternoon at least two court days prior to the hearing.

Posted Calendars for calendars requiring confirmation will reflect confirmation, strikes and continuances and will not be updated to reflect any additional changes after the initial posting. Calendars requiring confirmation are outlined below. Confirmation is not required for all other calendars.

TIME	DAY	CALENDAR	CONFIRM
9:00	Tuesday	Family Law w/Attorney	10:00 a.m. 2 court days prior to calendar
9:00	Tuesday	Concurrent--Juvenile Commissioner	10:00 a.m. 2 court days prior to calendar
9:00	Tuesday	RALJ Appeals	12:00 noon 3 court days prior to calendar
9:00	Thursday	Family Law w/Attorney	10:00 a.m. 2 court days prior to calendar
9:00	Friday	Civil Motion Calendars	12:00 noon 3 court days prior to calendar
9:00	Friday	Civil Miscellaneous	12:00 noon 3 court days prior to calendar
9:00	Friday	Judge's Motion to Revise; Change of Venue	10:00 a.m. 3 court days prior to calendar
10:00	Friday	Unlawful Detainer	12:00 noon 3 court days prior to calendar
2:00	Friday	Probate/Guardianship	12:00 noon 3 court days prior to calendar

