

SNOHOMISH COUNTY DISTRICT COURT
LOCAL RULES

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SCLARLJ 3 - DEFINITIONS

(a) Name of Court. The Snohomish County District Court consists of four divisions and operates in facilities in four electoral districts. Reference to a particular physical location shall specify the electoral district that shall be known as a division of the Snohomish County District Court. The current divisions are as follows:

- (1) Cascade Division - 415 E. Burke Avenue, Arlington, WA 98223-1099
- (2) Evergreen Division - 14414 179th Avenue SE, Monroe, WA 98272-0625
- (3) Everett Division - 3000 Rockefeller Avenue, Everett, WA 98201-4060
- (4) South Division - 20520 68th Avenue W., Lynnwood, WA 98036-7406

(b) "Judge" means a current appointed or elected Snohomish County District Court Judge.

(c) "Judicial Officer" means Judges as defined in SCLARLJ 3(b), Snohomish County District Court Commissioners and Snohomish County District Court Judges Pro Tempore.

[Effective September 1, 2003; Amended September 1, 2019]

SCLARLJ 5 - PRESIDING JUDGE

(a) Appointment. The Court shall be managed by the Presiding Judge, who shall be elected by a majority of the Judges prior to December 1st in the year immediately occurring before the term of office. An Assistant Presiding Judge shall be elected in the same manner.

(b) Appeals.

(1) A decision of the Presiding Judge may be appealed to the Judges by any Judge.

(2) An affirmative vote of a majority of Judges is required to reverse a decision of the Presiding Judge.

(c) Meetings.

(1) Regular Meetings. Regular meetings of the Judges shall be held not less than every quarter. These meetings shall be on such a day as may be designated by the Presiding Judge.

(2) Special Meetings. Special meetings of the Judges may be called at any time by the Presiding Judge or by any four Judges acting jointly. Notice of any such meeting shall be provided each Judge at least 48 hours in advance by personal contact or in writing left at the Judge's assigned division.

(3) Meeting Agendas. The Presiding Judge shall prepare the agenda for Judges' meetings. Any Judge may place any item of business on the agenda.

(4) Voting. At a Judge's meeting, each Judge shall have the right to cast one vote on any issue before the Judges.

(5) Quorum. A quorum for the conduct of business by the Judges shall be a majority of the Judges.

(d) General Responsibilities. In order to assure the expeditious and efficient handling of all cases and an equitable distribution of workload among the several divisions, the Presiding Judge may, by written order, direct that cases be filed in different division(s) than otherwise provided in these rules. It is recommended, but not required, that the Presiding Judge consult with the affected division Judges, affected law enforcement agencies, and other affected parties prior to making such decisions.

[Effective September 1, 2003; Amended September 1, 2004; Amended September 1, 2019]

SCLARLJ 5.2 - COMMISSIONERS AND JUDGES PRO TEMPORE

(a) Court Commissioners shall serve at the pleasure of the Judges and under the direction of the Presiding Judge.

(b) Commissioners shall be compensated at a rate of pay established in the Court's annual budget.

(c) Judges Pro Tempore shall be compensated in an amount that does not exceed the daily rate of compensation earned by Commissioners.

(d) From time to time, the Presiding Judge may appoint Pro Tempore Commissioners as authorized by County ordinance. Pro Tempore Commissioners shall be compensated at the same rate as Judges Pro Tempore.

[Effective September 1, 2003; Amended September 1, 2019]

SCLCRLJ 3 - FILING OF CIVIL AND SMALL CLAIMS CASES

(a) RCW 3.66.040 shall govern the division into which civil and small claims cases are filed. For purposes of this rule, reference to the ‘district’ in the statute shall mean the division of Snohomish County District Court.

(b) Impound Hearings. Impound Hearings shall be filed in the division in which the impound of the vehicle occurred.

(c) Transfer of Civil and Small Claim Cases. A Judicial Officer may transfer non-jury civil or small claims cases to a different division upon the court’s own motion or motion of any party upon a finding of good cause. The Presiding Judge may enter a written order transferring a civil jury case to a different division upon a finding of good cause.

(d) The filing of a case in the improper division does not create a jurisdictional defect and does not deprive the Court of jurisdiction otherwise conferred by law.

(e) These rules do not govern the filing of any petition for civil protective orders. Such petitions may be filed in any division of the Snohomish County District Court.

[Effective September 1, 2003; Amended September 1, 2019]

SCLCRLJ 26 - DOCUMENT ADMISSIBILITY

(a) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at the trial, but only if:

(1) the party offering the document serves on all parties at least fourteen (14) days prior to the trial date in accordance with CRLJ 5 (a) notice, accompanied by a copy of the document and the name, address, and telephone number of its author or maker; and

(2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof related to the weight of the evidence admitted, nor does it restrict the court's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties.

(b) The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

(3) A bill, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items or repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United State government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;

(c) Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

[Effective September 1, 2012; Amended September 1, 2019]

SCLCRLJ 38 - JURY TRIAL

(a) Jury Trial

(1) Confirmation Required. Two Court days prior to the jury trial date, the party demanding a jury trial shall email confirmation to DCJuryConfirmations@snoco.org between 8:30 AM and 4:30 PM, and confirm that the case is going to proceed to jury trial. Confirmation must include the name of the person confirming, the party they represent, the

case number and the Division where trial is calendared. Failure to confirm may result in a jury panel not being available.

(2) This procedure may be modified by written order entered in a particular case.

[Effective: September 1, 2018.]

SCLSPRLJ 1 - NAME CHANGES

(a) Identification required. Applicants for a name change pursuant to RCW 4.24.130 must present valid photo identification at the time of application. Acceptable forms of identification include a Washington State Driver's License, Washington State ID Card, US Passport or US Military ID. Other forms of valid photo identification may be accepted at discretion of a Judicial Officer. A copy of the photo identification must accompany application for name change.

(b) Name Change for Minor Child

(1) Birth Certificate. A certified copy of any minor applicant's birth certificate must be presented to the clerk for verification, copying and filing with the application for name change.

(2) Parental Consent. A minor child must be represented by a parent or legal guardian. Both biological or legal parents or guardian must approve the change of name either by personal appearance at the time of the hearing or by verified affidavit. In the absence of consent from one of the biological or legal parents, the court may grant the petition if such action would be in the best interests of the child and the non-consenting parent has received notice of the hearing on the petition.

(3) Notice of Hearing. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4. Petitioner shall file proof of service of the Petition and hearing date on other parties at least ten (10) days prior to the hearing. The notice requirement may be waived by a Judicial Officer upon a finding of good cause.

(4) Notice by Publication. A person petitioning to change the name of a minor child may move the court for an order authorizing notice to a parent by publication. The requesting parent must certify under penalty of perjury that the whereabouts of the other parent are unknown. If authorized by the court, publication of a single notice in a newspaper of general circulation in the county of the non-consenting parent's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name

the petitioner desires the child to assume, and sets forth the reasons for requesting the change of name.

[Effective September 1, 2003; Amended September 1, 2019]

SCLIRLJ 2.3 – FILING

Notices of Infraction shall be filed in the division where the violation is alleged to have occurred.

[Effective September 1, 2003; Amended September 1, 2019]

SCLIRLJ 2.6 - HEARINGS BASED ON WRITTEN STATEMENTS

Contested and mitigation hearings based on written statements are authorized, as provided in IRLJ 2.6.

[Effective September 1, 2003]

SCLIRLJ 3.1 - PRELIMINARY PROCEDURES FOR CONTESTED HEARINGS

Subpoenas in Municipal Cases. In municipal cases where a party has requested that a witness be subpoenaed, the clerk may reschedule the hearing to the municipality's next available bench trial calendar.

[Effective September 1, 2003]

SCLIRLJ 3.5 - DECISION ON WRITTEN STATEMENTS

Decisions on written statements are authorized, as permitted in IRLJ 3.5.

[Effective September 1, 2003]

SCLCrRLJ 3.1 – CERTIFICATES OF COMPLIANCE FOR INDIGENT DEFENDANTS

(a) Certificates of Compliance with the Standards for Indigent Defendants required by CrRLJ 3.1 shall be filed quarterly with the Snohomish County District Court Clerk's Office.

(b) All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrRLJ 3.1 Certificate of Compliance with the Standards for Indigent Defendants is on file with the Snohomish County District Court Clerk's Office.

SCLCrRLJ 3.2 - BAIL IN FELONY OFFENSE CASES

A person subject to custodial arrest for a felony offense shall be held until they have posted bail according to the following schedule or appeared before a Judicial Officer. Nothing in this rule shall limit the authority of a Judicial Officer to set bail in a different amount in an individual case.

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| 1. Class A felonies and attempts, conspiracies, and solicitations to commit Class A felonies. | Bail shall be set by a judicial officer. |
| 2. The following Domestic Violence related felony crimes and attempts, conspiracies and solicitations to commit such crimes: <ul style="list-style-type: none">-- Assault 2, DV-- Assault 3, DV-- Assault of a Child 2, DV-- Assault of a Child 3, DV-- Burglary 2, DV-- Child Molestation 2, DV-- Child Molestation 3, DV-- Criminal Mistreatment 1, DV-- Criminal Mistreatment 2, DV-- Cyberstalking, DV-- Drive by Shooting, DV-- Kidnapping 2, DV-- Malicious Mischief 1, DV-- Malicious Mischief 2, DV-- Rape 3, DV-- Rape of a Child 3, DV-- Residential Burglary, DV-- Stalking, DV-- Telephone Harassment, DV-- Unlawful Imprisonment, DV | Bail shall be set by a judicial officer. |

- Violation of a temporary, permanent, or final Domestic Violence Court Order that is punishable as a felony
3. The following, when committed as a felony offense: Bail shall be set by a judicial officer.
 - Driving under the Influence
 - Physical Control

 4. Class B felonies involving crimes against persons \$25,000
(as defined in RCW 9.94A.422(2))and attempts, conspiracies, and solicitations to commit such crimes.

 5. The following Class B felony crimes and attempts, conspiracies, \$25,000
and solicitations to commit such crimes:
 - Assault by Watercraft
 - Bribe Received by a Witness
 - Criminal Mistreatment 1
 - Drive by Shooting
 - Escape 1
 - Hit & Run, Death
 - Holding Hostages or Interference with Officer's Duty
 - Intimidating a Judge
 - Malicious Placement of an Explosive 2
 - Malicious Placement of an Imitation Device 1
 - Manslaughter 2
 - Promoting Commercial Sexual Abuse of a Minor
 - Threats to Bomb
 - Unlawful Possession of a Firearm 1

 6. All other Class B felonies(including attempts, conspiracies, \$10,000
and solicitations to commit such Class B felonies).

 7. Class C felonies involving crimes against persons \$10,000
(as defined in RCW 9.94A.422(2)) and attempts, conspiracies, and solicitations to commit such crimes.

 8. The following Class C felonies and attempts, \$10,000
conspiracies, and solicitations to commit such crimes:
 - Bail Jumping with a Class B or C Offense
 - Child Molestation 3
 - Criminal Mistreatment 2
 - Criminal Trespass Against Children
 - Custodial Interference 1

- Custodial Interference 2
- Custodial Sexual Misconduct 1
- Escape 2
- Harassment
- Hit & Run, Injury
- Hit & Run with a Vessel, Injury
- Indecent Exposure to a Person Under Age 14
- Luring
- Machine Gun or Short-Barreled Shotgun or Rifle Possession Prohibited
- Malicious Harassment
- Sexual Exploitation of a Minor
- Sexual Misconduct with a Minor 1
- Tampering with a Witness
- Telephone Harassment
- Threats Against the Governor
- Voyeurism

9. Class C felonies, all other cases \$5,000

[Readopted Effective September 1, 2008; Amended September 1, 2019]

SCLCrRLJ 3.3 - SERVICES OTHER THAN A LAWYER

Pursuant to CrRLJ 3.1(f)(2), all requests and approval for investigative, expert or other services under CrRLJ 3.1(f) are hereby delegated to the Snohomish County Office of Public Defense (OPD). Upon finding that investigative, expert, or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the OPD shall authorize the services. The OPD shall set both the hourly rate and total remuneration for such expert(s) or other services based upon usual and customary rates in the community for such services at public expense. Where, after review by the Director of the OPD, services are denied in whole or in part, the defendant may move for de novo review before a Judicial Officer in the Division in which the case is filed.

[Effective September 1, 2018; Amended September 1, 2019]

SCLCrRLJ 3.7 – MOTIONS

(a) Confirmation Required. Two court days prior to the calendared hearing date, the party demanding a CrRLJ 3.5 hearing and the moving party for all motions filed pursuant to CrRLJ 3.6, SCLCrRLJ 3.7(b), CrRLJ 8.3 and any other motion to suppress evidence or motion to dismiss, shall email confirmation to dcmotionconfirm@snoco.org between 8:30 AM and 4:30 PM, and

confirm that the motion is going to proceed. Confirmation must include the name of the person confirming, the party they represent, the case number, the Division where hearing is calendared and whether the defendant is in custody. Failure to confirm may cause the case to be stricken from the motion calendar.

(b) Pre-Trial Motions to Admit, Exclude or Suppress Evidence. Unless otherwise ordered by a Judicial Officer, all pre-trial motions to admit, exclude or suppress evidence that require the presentation of testimony or other evidence shall comply with the requirements of CrRLJ 3.6 and shall be heard not later than 1 week prior to the trial date.

(c) CrRLJ 3.5 Motions. Unless otherwise ordered by a Judicial Officer, hearings pursuant to CrRLJ 3.5 shall be heard not later than 1 week prior to the trial date.

(d) Timing. The filing, content and calendaring of motions is governed by CrRLJ rules 3.6, 8.1 and 8.2, except that any responsive pleadings must be filed and served not later than 12:00 pm on the court day before the scheduled hearing. Bench copies of all pleadings shall be provided at the time of filing and shall designate the date and time of the hearing.

[Effective January 30, 2019; Amended September 1, 2019]

SCLCrRLJ 5.1 - COMMENCEMENT OF ACTIONS.

(a) Under Municipal Ordinances. Complaints for the violation of a municipal ordinance should be heard in the division in which the municipality exists.

(b) Under Other Laws. All criminal and criminal traffic actions should be filed in the division where the violation is alleged to have occurred.

[Effective September 1, 2003]

SCLCrRLJ 5.2 - TRANSFER OF CASES

(a) A Judicial Officer may transfer criminal cases to another division upon the court's own motion or motion of any party upon a finding of good cause.

(b) A defendant on probation in more than one division may have their probation consolidated to one division at the direction of a probation officer. Probation should consider where the defendant resides, current probation staffing levels and probation caseloads in making any consolidation decision

[Effective September 1, 2003; Amended September 1, 2019]

SCLCrRLJ 6.1.1 - TRIAL BY JURY.

(a) Confirmation Required. Two court days prior to the jury trial date, the defendant if appearing pro se, or the defendant's attorney if represented by counsel, and the plaintiff shall email confirmation to DCJuryConfirmations@snoco.org between 8:30 AM and 4:30 PM, and confirm that the case is going to proceed to jury trial. Confirmation must include the name of the person confirming, the party they represent, the case number, the Division where trial is calendared and whether the defendant is in custody. Failure to confirm may result in a jury panel not being available.

(b) Trial Briefs and Motions in Limine. All trial briefs and motions in limine shall be filed with the Court and opposing party no later than noon the court day prior to the first day of the trial term for which the case has been confirmed.

[Effective: September 1, 2018; Amended September 1, 2019]

SCLCrRLJ 7.1 - DEFERRED PROSECUTION. PETITION AND ORDER.

(a) A Petitioner seeking Deferred Prosecution pursuant to RCW 10.05 shall comply with the following requirements:

- (1) The Petition, proposed Order and all documentation required by this rule shall be filed with the Probation Department and the prosecuting authority no later than seven (7) days prior to the proposed entry date.
- (2) The Petition and Order shall be submitted on forms approved for use by the Court.
- (3) The Petitioner shall submit proof of completion of at least eighteen (18) hours of treatment and current treatment compliance.
- (4) The Petitioner shall submit proof of installation of an ignition interlock device if the substance abuse disorder assessment includes a finding of alcohol dependency.

(b) Mental Health Deferred Prosecution. A Mental Health Deferred Prosecution shall contain the following provisions:

- (1) A minimum of two (2) years of mental health treatment with a Washington State licensed mental health provider.

(2) Total abstinence from alcohol and all other non-prescribed mind-altering drugs;

(3) Proof of a substance use disorder assessment from a Washington State licensed or certified substance abuse treatment provider and compliance with the recommended course of treatment unless waived by a Judicial Officer.

[Effective September 1, 2005; Amended September 1, 2019]