



Superior Court of Washington
County of Kitsap

Feulner
Petitioner,
and
Wood
Respondent.

No. 0713-017131

TRIAL ASSIGNMENT

DOMESTIC RELATIONS
TRACK III

(ASTD)

The above-entitled case has come before the undersigned judge in settlement conference.

The attorney for the Petitioner is Pro se

The attorney for the Respondent is Pro se

- ☒ The Petitioner was present at the settlement conference.
☒ The Respondent was present at the settlement conference.

FINDINGS OF THE COURT:

* Adelino ~~Feulner~~ Feulner also in person

1. A further settlement conference has been set on _____ at _____ ☐ a.m. ☐ p.m.
for Department No. _____.

SETTLEMENT CONFERENCES MUST BE CONFIRMED NO LATER THAN NOON THE COURT DAY PRIOR TO
THE HEARING DATE. Call 360-337-7140 [option #2] or E-Mail: supcourtconfirm@kitsap.gov.

2. The issues that remain to be heard at trial are:

☒ Child Support ☒ Parenting Issues ☐ Property Division ☐ Maintenance
☐ Other _____

3. This case is assigned a trial date which shall begin at 9:00 a.m. on March 12, 2024

4. The parties state the length of trial to be 3 days

5. Other: Court will separately issue order apt. GAZ

DATED: 10/11/23

cc:

Attorney for Petitioner

Attorney for Respondent

Guardian ad Litem

JUDGE / COURT SCHEDULER

Lenore Feulner
Petitioner

Heather Wood
Respondent

March 12, 2023

Criteria for establishing permanent parenting plan.

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

- (a) Differences between the parents that would substantially inhibit their effective participation in any designated process;
- (b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and
- (c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(5)(a), when it finds that:

- (i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and
- (ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

- (i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;
- (ii) Both parents are opposed to mutual decision making;
- (iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

- (i) The existence of a limitation under RCW 26.09.191;
- (ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(5)(a);
- (iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(5)(a); and

- (iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

- (i) The relative strength, nature, and stability of the child's relationship with each parent;
- (ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;
- (iii) Each parent's past and potential for future performance of parenting functions as defined in *RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
- (iv) The emotional needs and developmental level of the child;
- (v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
- (vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and
- (vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

[2007 c 496 § 603; 1989 c 375 § 10; 1987 c 460 § 9.]

NOTES:

*Reviser's note: RCW 26.09.004 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (3) to subsection (2).

Part headings not law—2007 c 496: See note following RCW 26.09.002.

Custody, designation of for purposes of other statutes: RCW 26.09.285.

10 TRIAL TIPS IN FAMILY LAW CASES

Getting Ready for Trial is Hard and Complicated Work - Be Prepared

1. **TRIAL MEMORANDUM.** Write a short summary of what you are asking for and why. Break it down into sections: division of property, debts, parenting plan, child support and maintenance.
2. **PREPARE YOUR QUESTIONS.** Think out what you want to present to the Court and write down the key points you must make. Write out the questions you believe are important so you won't forget to ask them. List the specific points you want to make to the Court so you can check them off as you make your points.
3. **EXHIBITS.** You must bring the **originals and 3 copies** of any documents, papers or pictures you want the Court to consider. Bring them to the courtroom early (no later than 8:30) so that the Clerk can properly mark them. Make a List of your Exhibits so you can keep track of them.
4. **WITNESSES.** Your Witnesses must be ready to go when the trial is called. If a Witness is not needed for several hours, make sure they are available within 10 to 15 minutes with a quick phone call. Before the day of trial, make a List of the names of your witnesses. File the original and give a copy to the Judge and the opposing party.
5. **PARENTING PLAN.** Bring 4 copies of the Parenting Plan you are proposing for your children.
6. **CHILD SUPPORT.** Bring your most recent pay stubs, W-2 and last year's tax return. Prepare Child Support Worksheets using the income you have and that of the other parent, and prepare an Order of Child Support. Again, bring 4 copies of everything.
7. **MAINTENANCE.** Bring your most recent pay stubs, W-2, last year's tax return and a completed Financial Declaration which details your income and expenses. Also bring any other documents you feel support your request for maintenance or your position that maintenance is not appropriate.
8. **OBJECTIONS AND MOTIONS.** The Rules of Evidence and the Civil Rules control how the trial will be conducted by the Judge. If an "Objection" is made, do not interrupt until the nature of the Objection is stated. The Court will then allow you to respond, and the Court will then rule on the Objection. Do not speak to the opposing party during objections, speak only to the Judge and speak only one at a time.
9. **OPENING + CLOSING STATEMENTS.** You get to address the Court at both at the beginning and at the end of the trial. You should summarize what you want and why you want it. Be brief, concise and as specific as you can in stating what you want the Court to do.
10. **TIMELINESS.** Be in the courtroom at least 15 minutes before the trial is scheduled to start. You will be able to get settled and comfortable, but **NEVER BE LATE.**

TIPS FOR REPRESENTING YOURSELF IN FAMILY LAW MATTERS

Should I Represent Myself?

Although you have an absolute right to represent yourself, there are significant risks and responsibilities which go along with that right. It is important that you carefully examine the risks at every stage of the court process to determine if you are able to go forward without an attorney. Family Law cases are often difficult because of the law, the facts and the emotions of the case. When children are concerned, the level of difficulty rises considerably. Neither the Clerks nor the Judges can answer legal questions on how to proceed. They cannot tell you what to do with your case. If you choose to represent yourself, be aware that you are solely responsible for your own advice and decisions. You are your own attorney and must act accordingly.

Before You Begin

- ◆ Keep all of your legal papers organized and in one place. You may need many copies of each document, and you will receive papers from the other party in addition to what you prepare. Use post-it notes, separate folders, color-coded folders or other methods to organize original documents for filing, your copies and other copies.
- ◆ Keep track of important dates in your case, such as filing deadlines, response deadlines, confirmation times, hearing dates and trial dates.

Preparing Your Forms

- ◆ Family Law Forms for Court Pleadings are available for purchase at the Clerk's Office. You can purchase individual forms or do-it-yourself packets that contain both forms and instructions.
- ◆ Family Law Forms for Court Pleadings are available on-line, but make sure they are current and that you print them correctly.
- ◆ It is a good idea to review all pleadings with the Courthouse Facilitator before going forward to make sure you have the right Form.

Preparing for Court Hearing

- ◆ **Getting a Hearing**
 - You must file a written Motion (that explains what you want and why), supporting declarations and other documents and a form that tells everyone when the Hearing will be held (Note for Hearing, Note for Motion Docket or Order to Show Cause). The originals of these documents must all be filed at the Clerk's Office.
 - Copies of all of your documents must be properly served on the other party, and you must file an Affidavit of Service that copies were served.
 - Copies of all of your documents must also be provided to the Judge. These copies are called "Bench Copies", and they are what the Judge will review before the Hearing - NOT the court file!
 - **YOU MUST CALL THE COURT TO CONFIRM THAT YOU WILL APPEAR AT YOUR HEARING NO LATER THAN NOON THE DAY BEFORE YOUR HEARING.**

- **On The Day of the Hearing**

- ◆ **BE ON TIME!** If you are late, your case may not be heard.
- ◆ **DRESS PROFESSIONALLY.** Your clothing should be neat and clean, and you should be well groomed.
- ◆ **Do Not** bring children into court.
- ◆ **Do Not** chew gum.
- ◆ **TURN OFF YOUR CELL PHONE(S).** Phones that ring or otherwise disrupt court proceedings may be confiscated until the end of the entire Calendar.

What Happens at a Court Hearing

The courtroom will be full of other litigants. Get there early. The Judge will call the cases by name, and you should respond that you are **present and ready to proceed**. If you do not see the other side in your case, you should ask the Judge to **"Poll the Courtroom"** for the other side.

If both sides are present, you will be assigned a number for argument. After all cases have been assigned numbers, the Court will take matters which are agreed or summary. After summary matters, the Judge will call cases in the order assigned.

Unless there is a Restraining Order in place, it is appropriate to seek out the other side before your Hearing starts and discuss what areas of agreement might be possible. That way you can focus the argument to those matters in dispute.

When your case is called, you walk forward to the Bar, behind which are sitting the Clerk and Judge. You can put your papers and notes on top of the Bar. Do not bring any food or drink up with you.

Oral Argument

The party who brought the Motion will go first. You have a maximum of 10 minutes to make your arguments. Don't waste your time. Consider carefully what you wish to say before coming to Court. Speak only to the Judge and not to the other party. Unless you have a legal objection, do not interrupt the other side. You will get your turn.

You cannot testify in your presentation. All of the facts of your story must be set out in the written materials you have already served and filed, including Bench Copies. Witnesses may not testify at Hearings. You must have a written Declaration or Affidavit from a witness for the Judge to consider what they might have to say. Neither side is permitted to surprise the other with information not previously disclosed.

Keep your argument simple: tell the Judge **what you want**, then tell the Judge **why you want it**, and then conclude with a summary of **what you want**.

After hearing from both sides, the Judge will give a decision. You should write down what the Judge says. Ask questions if you do not understand something about the ruling before you leave the Bar. A written Order must be prepared to reflect what the Judge ruled.

After Court Hearing

If you are the one seeking an Order of the Court, have a proposed Order with you so that the Judge's ruling can be set out in writing and filed promptly. If you did not bring a proposed draft Order with you, a Hearing may be set for the presentation of the written Order on a date certain in the future. You can make an appointment to see the Courthouse Facilitator for help.

If you disagree with the Judge's decision, you should consult the Court Rules or seek legal advice concerning your options, which may include revision, reconsideration and/or appeal. Getting a Judge's ruling reversed is usually because of an error or mistake made during the Hearing by a party or the Court. It will not be reversed simply because you disagree with the ruling.