

From: [Yvonne Chin](#)
To: [LR Comments](#)
Subject: Re: Clerk's Alert: Proposed Local Rule Changes Published for Comment
Date: Tuesday, April 30, 2024 3:30:35 PM

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Good afternoon,

I write to provide comments on the proposed change to LCR 40.

Proposed Local Rule Change: "Return Hearings. Hearings on final civil protection orders, except vulnerable adult protection orders, shall be set by the clerk or judicial officer on the Civil Protection Order calendar. Working copies will not be accepted. At the hearing, **both parties may testify**, and the court may consider other relevant evidence. Copies of any writings or other documentary evidence provided to the court must be provided to the other party."

Comments: The proposed court rule change, as currently drafted, lacks clarity due to its omission of crucial language in RCW 7.105.200(5). This is easily rectified by mirroring the language in RCW 7.105.200(5). The current omission leaves room for interpretation that a party may be compelled to testify by either the court or the opposing party, which directly conflicts with .200(5) and is impermissible.

This ambiguity not only poses challenges for pro se litigants, who may find themselves grappling with unfamiliar legal processes, but also creates potential confusion for attorneys tasked with preparing their clients for court. The uncertainty surrounding whether testimony is voluntary could lead to unnecessary preparation for testimony, resulting in wasted time and unnecessary legal costs and fees for attorneys and clients.

By amending the language to mirror RCW 7.105.200(5), the proposed edit would provide much-needed clarity and ensure compliance with the statute. This would alleviate stress for litigants, streamline attorney preparation efforts, and ultimately promote the efficient administration of justice.

Proposed Edit: "Return Hearings. Hearings on final civil protection orders, except vulnerable adult protection orders, shall be set by the clerk or judicial officer on the Civil Protection Order calendar. Working copies will not be accepted. **Hearings may be conducted upon the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. The court may consider other relevant evidence.** Copies of any writings or other documentary evidence provided to the court must be provided to the other party."

Thank you,
Yvonne Chin

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