

WSR 25-02-021
RULES OF COURT
STATE SUPREME COURT
[December 5, 2024]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1616
27—COURTHOUSE FACILITATORS)

The 2023-24 Courthouse Facilitator Advisory Committee, having recommended the suggested amendments to GR 27—Courthouse Facilitators, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2025.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2025. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of December, 2024.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
SUGGESTED AMENDMENTS TO GR 27

1. Proponent

The 2023-2024 Courthouse Facilitator Advisory Committee, which is a committee created by the Supreme Court pursuant to GR 27(b). Members include one representative of the following: Superior Court Judges, Superior Court Commissioners, Superior Court Administrators, County Clerks, Clerk-based Courthouse Facilitators, Administrator-based Courthouse Facilitators, Members of the Access to Justice Board, Members of the Family Law Section of the Washington State Bar Association, Department of Social & Health Services Division of Child Support, Washington Association of Prosecuting Attorneys, Washington Practice of Law Board, Law Librarians, CLEAR Attorneys Northwest Justice Project, and Members of the Gender and Justice Commission.

2. Spokesperson

Name and Title: Kayley Carrillo, Court Program Analyst of the Court Equity and Access Program, within the Office of Court Innovation of the Administrative Office of the Courts.

Email Address: Kayley.carrillo@courts.wa.gov

Phone Number: 360-791-3350

3. Purpose

The 2023-2024 Courthouse Facilitator Advisory Committee makes this proposal for various reasons, the key points are to 1) update law changes, 2) include accessibility language, and 3) change all references from "pro se" to "self-represented persons".

First, to update law changes specifically, RCW 11.88 and RCW 11.92 have been removed from the Rule, by reference. Protection Orders have been added by reference because some counties' Facilitators assist with this case type. Other updates made are to refer to "Court-house Facilitator" as a consistent title, with proper capitalization throughout. The "definitions" section has been alphabetized to improve organization as well as explained in further detail while capturing the essence of the current Rule.

Second, the current Rule has limited language about the Court-house Facilitator's role to provide accessibility help. The Advisory Committee wanted to elaborate on what that help should entail and refer to GR 33 to capture the full extent of ADA Accommodations. Our hope is other committees will take notice and make similar recommendations for Rule changes.

Third, we changed all "pro se" references to "self-represented person". With the help of the Administrative Office of the Court's Court Equity and Access Program, it was decided the Latin term for those without an attorney causes confusion to those whom it describes. "Self-represented person" was the alternative we selected and have updated GR 27 to reflect the change in language.

4. Is a Public Hearing Recommended?

The 2023-2024 Courthouse Facilitator Advisory Committee does not believe a Public Hearing is needed.

5. Is Expedited Consideration Requested?

The 2023-2024 Courthouse Facilitator Advisory Committee does not believe expedited consideration is needed.

GR 27

COURTHOUSE FACILITATORS

(a) Generally. ~~RCW 26.12.240 and RCW 11.88.170~~ RCW 11.130.165 provide a county allow counties to may create a eCourthouse fFacilitator pProgram to provide basic services to pro se litigants self-represented persons in family law and guardianship cases. This Rule applies only to eCourthouse fFacilitator pPrograms created pursuant to RCW 26.12.240 or RCW 11.88.170/RCW 11.130.165.

(b) The Washington State Supreme Court shall create a Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications, and develop and administer a curriculum of initial and ongoing training requirements, and address legal, ethical, and access-related issues (including access for persons with disabilities, language barriers and others who experience barriers that limit their ability to effectively participate in legal proceedings) for Family Law and Guardianship Courthouse Facilitators. The Administrative Office of the Courts shall assist counties in administering Family Law Courthouse Facilitator Programs and update the training curriculum biennially.

(c) Definitions. For the purpose of this rule, the following definitions apply:

(1) Basic Services include but are not limited to:

A. Referrals: Making referrals to legal and social service resources, including legal aid, pro bono, lawyer referrals, alternate

dispute resolution programs, and other appropriate resources, including on-line resources where relevant forms and instructions can be obtained.

B. Access and Accessibility: Assisting individuals in the preparation of forms and materials for the waiver of filing fees and surcharges (GR 34), requests for reasonable accommodations (GR 33), and the appointment of interpreters for individuals who are Deaf, hard of hearing, or who do not speak, read, or write English proficiently. Additionally, educating individuals about available language and accessibility resources. Explanation and instruction regarding Court Rules and procedures related to use of technology, including but not limited to remote or virtual court appearance and e-filing; assistance with remote/virtual appearance at hearings to assist the court and self-represented persons.

C. Court Procedures: Assisting self-represented persons to identify and understand how basic court rules, procedures, and logistics apply to their cases, including how to comply with requirements for starting the case, when and how to file and serve motions and other necessary documents, scheduling hearings, authenticating and presenting documents, preserving and appealing decisions, discovery rules and options, obtaining and enforcing judgements or other final orders (including trial setting and related rules) and other procedures relevant to their cases.

D. Completion of Forms: Explaining legal terms, assisting self-represented persons to identify, select, and complete forms that have been approved by the Court, Clerk's Office, or the Administrative Office of the Courts, and reviewing documents to determine whether the forms have been properly completed and procedural requirements satisfied. This includes assisting self-represented persons to calculate child support using financial information they provide on required forms.

E. Assisting with Proceedings Under Directions of the Court: Attendance at hearings to assist the Court where allowed by local practice; assistance with preparation of court orders under the direction of the Court.

~~(1)-(2)~~ A ~~Courthouse Facilitator~~ **Courthouse Facilitator** is an individual who has met or exceeded the minimum qualifications and completed the curriculum developed by the Courthouse Facilitator Advisory Committee and ~~who is providing~~ is providing basic services in family law or guardianship cases in a Superior Court.

~~(2)-(3)~~ **Family Law Cases** refer to those initiated under Title 26 and include, but are not limited to: ~~divorce dissolution of marriage, invalidity, and legal separation; establishment of parentage, de facto parentage, parenting plan, and child support; modification of dissolution matters such as child support, parenting plans, and previously entered non-parental custody orders, minor guardianship or visitation, and parentage by unmarried persons to establish paternity, child support, child custody, and visitation; and relative (non-parent) visitation.~~

~~(3)-(4)~~ Guardianship cases **Guardianship cases** include adult, minor, and veteran guardianship cases filed under chapters 11.88, RCW 11.90, 11.92, RCW 11.130, and RCW 73.36 RCW.

(5) Protection Order cases include cases filed under RCW 7.105.

~~(4) "Basic Service" includes but is not limited to:~~

~~(A) referral to legal and social service resources, including lawyer referral and alternate dispute referral programs and resources on obtaining forms and instructions;~~

~~(B) assistance in calculating child support using standardized computer-based program based on financial information provided by the pro se litigant;~~

~~(C) processing interpreter requests for facilitator assistance and court hearings;~~

~~(D) assistance in selection as well as distribution of forms and standardized instructions that have been approved by the Court, Clerk's Office, or the Administrative Office of the Courts;~~

~~(E) assistance in completing forms that have been approved by the Court, Clerk's Office, or the Administrative Office of the Courts;~~

~~(F) explanation of legal terms;~~

~~(G) information on basic court procedures and logistics including requirements for service, filing, scheduling hearings and complying with local procedures;~~

~~(H) review of completed forms to determine whether forms have been completely filled out but not as to substantive content with respect to the parties' legal rights and obligations;~~

~~(I) previewing pro se documents prior to hearings for matters such as dissolution of marriage, review hearings, and show cause and temporary relief motions calendars under the direction of the Clerk or Court to determine whether procedural requirements have been complied with;~~

~~(J) attendance at hearings to assist the Court with pro se matters;~~

~~(K) assistance with preparation of court orders under the direction of the Court;~~

~~(L) preparation of pro se instruction packets under the direction of the Administrative Office of the Courts.~~

~~(d) Courthouse Facilitators shall, whenever reasonably practical, obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each person utilizing the services of the Courthouse Facilitator. The prescribed disclaimer shall be in the format developed by the Administrative Office of the Courts.~~

~~(e)(d) No attorney-client relationship or privilege is created, by implication or by inference, between a Courthouse Facilitator providing basic services under this Rule and the users (self-represented persons) of Courthouse Facilitator Program services.~~

~~(f)(e) Courthouse Facilitators providing basic services under this Rule are not engaged in the unauthorized practice of law. Upon a Courthouse Facilitator's voluntary or involuntary termination from a Courthouse Facilitator Program, that person is no longer a Courthouse Facilitator providing services pursuant to RCW 26.12.240, or RCW 11.88.170/RCW 11.130.165, or this Rule.~~

~~(f) Courthouse Facilitators shall, whenever reasonably practical, obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each self-represented person utilizing the services of the Courthouse Facilitator. The prescribed disclaimer shall be in the format outlined in the Courthouse Facilitator Manual.~~

~~(g) Courthouse Facilitators shall ensure their services are meaningfully available to persons with disabilities and persons for whom English is not their primary language. Consistent with the general expectations outlined in GR 33, Courthouse Facilitators shall, upon request, make reasonable accommodation to enable persons with disabilities to effectively access services from the Courthouse Facilitator. Courthouse Facilitators shall coordinate interpreter services to ena-~~

ble persons for whom English is not a primary language and persons who are Deaf or hard of hearing to effectively access services from the Courthouse Facilitator.

[Adopted effective September 1, 2002; Amended effective August 2, 2016; July 27, 2021.]