

TOP TEN RECOMMENDATIONS FOR ENSURING ADEQUATE FINDINGS OF FACT

From Judge Beth M. Andrus (ret.)
Washington State Court of Appeals, Division 1 (2018-2023)

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1. CR 52 requires the entry of **written findings** of fact and conclusions of law after a bench trial.

2. Written findings should **track the applicable statutory language**.

3. Findings of fact should **identify the specific evidence** on which the court relied to support its ultimate findings.



4. Findings of fact should not summarize testimony but should **specify whose testimony the court found credible**.

5. Findings of fact must be **based on evidence admitted at trial**, not on evidence admitted in prior hearings or evidence admitted for a non-substantive, limited purpose.

6. Findings of fact should include a **recitation of the applicable burden of proof**.

7. **Identify any rebuttable presumptions** on which the trial court relied.



8. If the court relied on exhibits to support certain findings, the trial court should **include a citation to the exhibits** by number in the written findings.

9. The doctrine of res judicata does not prevent a parent from relitigating certain findings of fact in a dependency order and the trial court **should not rely on this doctrine** in termination findings of fact.

10. A termination order should contain a **written finding that the parent is currently unfit** to parent the child.

