

CONTEMPT MOTION

King County Family Law Facilitators: Instruction # E-5
King County Local Family Law Rule
Revised Code of Washington 7.21, 26.09.160, 26.18.150(2)

IF YOU ARE ASKING THAT THE OTHER PARTY BE FOUND IN CONTEMPT, THE OTHER PARTY MAY BE ENTITLED TO A PUBLIC DEFENDER. THIS MAY ALLOW THE OTHER PARTY TO POSTPONE THE HEARING FOR 3 WEEKS OR MORE. YOU MAY WANT TO CONSIDER COURT ACTION OTHER THAN A CONTEMPT MOTION. TALK TO AN ATTORNEY FOR ADVICE.

STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS

Obtain the following forms:

- [Motion and Declaration for an Order to Show Cause re: Contempt/Judgment, WPF DRPSCU 05.0100](#)
Fill out this form stating specifically how the other party violated the order and what type of relief you are seeking. Fill in the blanks that ask for your name, the other party's name, dates, amounts, etc.
- [Declaration form, WPF DRPSCU 01.0100](#)
Use this form to describe your situation in more detail. Others who know about your case may write separate declarations on your behalf. You may attach to your Declaration additional evidence such as police reports. ***You must attach to your own declaration a copy of the King County Order that was violated by the other party.***
- [Sealed Financial Source Documents, WPF DRPSCU 09.0220, if applicable](#)
If your contempt action involves financial matters, you may have financial documents to submit to the court to support your motion. Attach **copies** of these documents to this form. The documents filed under this cover sheet will not be available for viewing by the general public, except by court order. Parties and attorneys of record in the case will have access to the documents. A separate copy of the cover sheet, without attachments, should be filed at the same time and will be part of the court public record.
- [Order to Show Cause re: Contempt/Judgment, WPF DRPSCU 05.0150](#)
Choose a court date for the contempt hearing in the Family Law Department that is at least 14 days from the day you plan to have the other party **personally** served with a copy of your "contempt motion packet". Do not count the day of service in the 14 days. You may choose any weekday that is not a Court holiday. The time of the hearing will be at 9:00 a.m., unless you have a sealed file. ***If you have a sealed***

file, you must schedule your hearing for 1:30 p.m. If you have a Seattle case, your sealed file motion can be heard any weekday that is not a court holiday. If you have a Kent case, your sealed file motion can be heard any weekday that is not a court holiday except Tuesday. If you have a Seattle case, the “Place” is the King County Courthouse, 516 3rd Avenue, Seattle. The “Room/Department” will be W-291/Family Law. If you have a Kent case, the “Place” is the Maleng Regional Justice Center, 401 Fourth Avenue North, Kent. The “Room/Department” is 1F/Family Law.

- **[Order on Show Cause re: Contempt/Judgment, WPF DRPSCU 05.0200](#)**
Fill this form out according to how you would like the Court to rule on the day of your hearing. Sign under “Presented by:” on the last page.
- **Copy of the King County Order that the other party violated. You will attach a copy of this Order to your Declaration. *If your order is from another county or state, check with an attorney before filing this motion.***
This is your copy of the Order that was violated. Indicate specific provisions which you feel the other party has violated.
- **[Return of Service, WPF DRPSCU 01.0250](#)**
This form should be completed by the Server of your motion papers after the other party has been served. The server must be someone, other than yourself, who is over 18. The server must sign the Return of Service form after service and return it to you. Make 1 copy for yourself and file the original with the Clerk’s Office. Bring the copy with you to your hearing.
- **[Declaration Regarding Personal Service Outside the State of Washington, WPF DRPSCU 01.0180](#)** (if applicable)

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators’ office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you throughout the proceeding, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

STEP 3: MAKE COPIES AND TAKE YOUR COMPLETED FORMS TO THE CLERK'S OFFICE

Make 3 copies (4 if the other party has an attorney) of your completed forms.

SEE DIAGRAM BELOW

Originals	Copy Set #1	Copy Set #2	Copy Set #3
<p>File with Clerk:</p> <ul style="list-style-type: none"> • Motion & Declaration for Order to Show Cause re: Contempt • Declaration (with copy of the Order that was violated attached) • Sealed Financial Source Documents cover sheet with attachments • Order <u>to</u> Show Cause re: Contempt 	<p>Working Papers</p> <ul style="list-style-type: none"> • Motion & Declaration for Order to Show Cause re: Contempt • Declaration (with copy of the Order that was violated attached) • Sealed Financial Source Documents cover sheet with attachments • Order <u>to</u> Show Cause re: Contempt • Order <u>on</u> Show Cause re Contempt (<i>Proposed</i>) 	<p>Have this set served on the other party (and deliver an identical set to the other party's attorney)</p> <ul style="list-style-type: none"> • Motion & Declaration for Order to Show Cause re: Contempt • Declaration (with copy of the Order that was violated attached) • Sealed Financial Source Documents cover sheet with attachments • Order <u>to</u> Show Cause re: Contempt • Order <u>on</u> Show Cause re Contempt (<i>Proposed</i>) 	<p>Keep for your records</p> <ul style="list-style-type: none"> • Motion & Declaration for Order to Show Cause re: Contempt • Declaration (with copy of the Order that was violated attached) • Sealed Financial Source Documents cover sheet with attachments • Order <u>to</u> Show Cause re: Contempt • Order <u>on</u> Show Cause re Contempt (<i>Proposed</i>)

Take the completed forms to the ExParte via the Clerk window in the Clerk's Office and pay the processing fee. Complete the ex-parte cover sheet and select the method for picking up your copies of the signed orders. The Clerk will present the order to the Commissioner on your behalf. After the order has been signed the Clerk will automatically file the original documents and return the copies of the order to you using the method you requested.

STEP 4: Deliver Working Papers and Have the Other Party Served

Write the word "Proposed" on the copies only of the Order on Show Cause. Do not write this on the original. You will bring the completed original of this form to your hearing.

Deliver Working Papers (a copy of all forms except the Return of Service) to the Family Law Coordinator. In the upper right hand corner of the first page of your Working Papers write the following:

WORKING PAPERS

FAMILY LAW
HEARING DATE: _____
HEARING TIME: _____ AM/PM
NAME: _____
(Moving Party)

Have the other party served with a copy of all forms (except the return of service) at least 14 days prior to the day of the hearing. Someone, other than yourself, who is over 18, must serve the other party these forms in the same manner as original service of a Summons. After service has been completed, the Server must fill out the Return of Service form and give it back to you. Make a copy for your records. File the original with the Clerk's office. Stamp your copy of the Return of Service with the Clerk's date stamp to show that you filed the original with the Clerk. Bring your copy of the Return of Service to the hearing. ***If the other party has an attorney, the Server must also deliver a set of copies to the attorney.***

If personal service is made outside the state of Washington, you must also file a "Declaration Regarding Personal Service Outside the State of Washington" (WPF DRPSCU 01.0180), explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

STEP 5: CONFIRM HEARING ONLINE, BY PHONE OR IN PERSON
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Confirm Your Hearing Online anytime between 12:01 noon three days prior to your hearing and 12:00 noon two days prior to your hearing.

To confirm your hearing online, or to find out if the party who scheduled the hearing has confirmed it, visit <http://your.kingcounty.gov/flmco/> and follow the instructions provided there. You will need to know:

1. The Cause/Case Number for your case
2. The Name of the Calendar on which the hearing is set.
3. The Time of the Calendar (morning or afternoon).
4. The Name of the Motion.
5. The Name of your Attorney (if any).

You also will need to provide a contact email address and a contact phone number so the court can respond to your request.

Call the Confirmations Coordinator at (206) 296-9340 for Seattle cases or (206) 205-2550 for Kent cases. ***You must call either 3 court days prior to the hearing between 2:30 p.m. and 4:15 p.m. OR 2 court days prior to the hearing between 8:30 a.m. and 12:00 noon.*** Tell the Confirmations Coordinator you are calling to confirm your hearing and give the Coordinator your case number and the date of your hearing.

IF YOU FAIL TO CONFIRM YOUR HEARING, IT WILL BE AUTOMATICALLY CANCELLED!

If the other party responds to your motion, you may reply to the other party's response. Use a Declaration form for your reply. You can also have witnesses write a reply declaration on your behalf. Your reply must be filed and served by 12:00 noon 2 court days prior to your hearing (see Step 5 for instructions on how to file, deliver, and serve your reply declaration).

STEP 6: ATTEND YOUR HEARING

EXPECT THAT YOU MAY HAVE TO WAIT UP TO 3 HOURS FOR YOUR HEARING. **SEATTLE CASES:** DO NOT BRING CHILDREN WITH YOU TO YOUR HEARING. **KENT CASES:** THERE IS A CHILD CARE CENTER ON SITE AT THE REGIONAL JUSTICE CENTER. PLEASE CALL THE CHILD CARE CENTER AT (253) 854-5625 AT LEAST *ONE WEEK PRIOR* TO YOUR HEARING DATE TO SCHEDULE A SPOT FOR YOUR CHILD(REN) IF NECESSARY. ***NOTE: CENTER USE IS RESTRICTED TO PARENTS/GUARDIANS WHO ARE CONDUCTING OFFICIAL BUSINESS IN THE COURTHOUSE.***

Arrive at the Family Law window 30 minutes early to check in for your hearing.

Bring to your hearing the following:

- the original of the Order on Show Cause re: Contempt/Judgment
- your copy of all forms, including the Return of Service

DO NOT LEAVE THE COURTHOUSE WITH THE ORIGINAL ORDERS SIGNED BY THE COMMISSIONER.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association.