



Setting Family Law Motions Hearings For Lawyers and Parties

KING COUNTY SUPERIOR COURT
UPDATED 6/25/2021

Family Law Motions Calendar Procedures:

Step 1: Make sure the motions calendar is hearing the type of motion you want to schedule:

1. Under [Emergency Order 24](#), [extended](#) to July 30, most family law motions calendars are capped and family law motions hearings are taking place by telephone or video if possible; in-person hearings are taking place only if using phone or video is impossible, or if ordered by the court.
 - a. All motions traditionally heard by commissioners (under LFLR 5) are being heard on the family law motions calendars, *except* motions for default that require notice are being heard by the Chief UFC Judge on Friday at 1:30 p.m..
 - b. Family law motions calendars are now taking place only in the afternoon, on the 1:30 PM calendar. Morning calendars in the family law motions department are for Domestic Violence Protection Order hearings only.
 - c. General family law motions (any motion to be set to family law commissioners *other than* motions on the Trial by Affidavit (child support modification) calendar, motions for reconsideration to a FL commissioner, and state/defense motions on state child support enforcement and parentage/adjustment calendars) are now capped. All motions heard by family law commissioners must now be set on the correct day of the week (see below, Step 2, #3); for general family law motions, parties filing a motion must ensure there is availability for their motion to be heard **before** they set the date (see below, Step 2, #2).

Step 2: Choose the correct hearing date:

1. For general family law motions, the motion must be filed and served at least 14 days before the hearing. The response must be filed and delivered by noon 5 court days in advance. The reply (if any) must be filed no later than noon 3 court days in advance of the hearing date.
2. Family law motions calendars have limited availability. Check online at <https://superiorcourt.kingcounty.gov/famlaw/scheduling/calendar> to find a calendar that has spots available.
3. You must choose the correct day of the week for your hearing date, depending on whether an attorney is involved (NOTE: **CHECK IN TIME BEGINS ½ HOUR BEFORE, at 1PM**):

IF THERE IS AN ATTORNEY ON ONE OR BOTH SIDES, SCHEDULE YOUR HEARING ON:	IF BOTH SIDES ARE SELF-REPRESENTED, SCHEDULE YOUR HEARING ON:
MONDAY 1:30 PM (CHECK IN 1PM)	WEDNESDAY 1:30 PM (CHECK IN 1PM)
TUESDAY 1:30 PM (CHECK IN 1PM)	FRIDAY 1:30 PM (CHECK IN 1PM)
THURSDAY 1:30 PM (CHECK IN 1PM)	

4. General family law motions may be heard without oral argument if both parties agree. Without oral argument means that the motion is decided based on the written documents that are submitted, without the parties or lawyers participating in the hearing. There is limited availability for motions without oral argument, regardless of whether it is a SEA or KNT case. You must check online at <https://superiorcourt.kingcounty.gov/famlaw/scheduling/calendar> to make sure a slot is available. When you note your motion, you must provide proof that *both sides agree*

to have the motion heard without oral argument. All other procedures below also apply for this type of motion.

Step 3: Fill out and file a Notice of Court Date form:

1. For general family law motions, *other than* Motions on the TBA calendar, Motions for Reconsideration, and state/defense child support enforcement or state parentage/adjustment calendars, use the Notice of Court Date - FL Commissioners form to reserve your spot on the calendar you chose. Choose the SEA version for Seattle cases, and KNT for Kent cases.
2. For motions on the Trial by Affidavit (child support modification) calendar, motions for reconsideration to a family law commissioner, and motions set by the state/defense on their child support enforcement or parentage calendars, use the Notice of Court Date – Non-Capped Motions – FL Commissioners form. Choose the SEA version for Seattle cases, and KNT for Kent cases.
3. These forms are available at the drop-down menu at <https://kingcounty.gov/courts/clerk/forms.aspx>.
4. NOTE: You must file a *Notice of Court Date* and your motion within **3 calendar days** of your reservation. **If you make a reservation, but fail to file the motion and notice of court date within 3 days, your reservation may be stricken parties or counsel who do this repeatedly may be sanctioned.**

Step 4: Confirm your Hearing

All parties must file a **Working Papers Submission List**, found here

https://kingcounty.gov/~media/courts/Clerk/forms/Submission_List_final.ashx?la=en

- a. The **moving party** MUST file the Submission List no later than **noon 3 court days before the hearing, to confirm the hearing**. If the Submission List is not filed on time, the hearing will not be confirmed, and there will be no hearing.
- b. The responding party must file their Submission List with their response, by **noon 5 court days before the hearing** when the response is due.

Step 5: Submit Proposed Orders to the Court Before Your Hearing Date

Proposed Orders from all parties must be submitted to the court. From the moving party, the proposed orders shall be submitted at least 14 days prior to the hearing (on the motion filing deadline). From the responding party, the proposed orders shall be submitted by noon 5 judicial days prior to the hearing (on the response deadline). Your proposed orders must also be transmitted to the other parties.

- a. For family law motion and TBA hearings, you must submit proposed orders online through the Clerk's Office eFiling System via the "Proposed Orders (Family Law)" link. There is no fee for this service at this time.
- b. Continue to also file your proposed parenting plans and proposed child support worksheets, as required by statute and/or rule, and other proposed orders (if desired) as exhibits or attachments to your motion or declaration. Continue to also submit copies of all proposed orders to the other party/ies in your case in advance per relevant rule(s) and emergency processes, where applicable.

Step 5: Plan to Attend Your Hearing

Virtual hearings are encouraged. Family law motions and trials by affidavit are being heard virtually on the Zoom platform as of 6/1/2021. For detailed information about how to appear at your virtual hearing, and to enter your virtual courtroom, online links as well as alternate telephone numbers to call in will be posted at least 2 judicial days prior to your hearing, at: [Virtual Family Law Hearings - Afternoon Links](#). Scroll down to find the date of your hearing; your case number and last names will be listed, as well as links to and call-in numbers for, your virtual courtroom.

- **If you do not have access to the internet**, you must call at least 2 judicial days in advance to obtain the correct number to use for your hearing:
 - 206-477-1523 for Kent (KNT) cases, or
 - 206-477-2750 for Seattle (SEA) cases

If you cannot appear virtually, you may appear in person. You will be required to follow any/all public health and safety rules currently in place to ensure the safety of everyone involved.

Trial by Affidavit Calendar Procedures

- Trial by Affidavit (TBA) calendars are being heard by family law commissioners.
- Parties are required to submit their paper Working Papers in a plastic-covered Trial Notebook to the judges' mailroom (C-203 in Seattle; 2D in Kent).
- The moving party's Working Papers/Trial Notebook/Submission List *confirms* the trial.
- Deadlines are per the case scheduling order and relevant local rules, except that the moving party's working papers and Submission List are now to be submitted with the reply.
- Submit paper copies of your proposed orders with your working papers. Submit Word version electronic copies of your proposed orders as follows:
 - a. For Trials by Affidavit, submit proposed orders online through the [Clerk's Office eFiling System](#) via the "Proposed Orders (Family Law)" link. There is no fee for this service at this time.
- *Motions* in a TBA case are *set without oral argument* and *noted to the TBA commissioner*. To set such motions, use the Notice of Court Date – Non-Capped Motions - FL Commissioners found in the drop-down menu of KCSC clerk's forms here: <https://tinyurl.com/ClerkForms>.

Motions for Reconsideration to FL Commissioner Procedures

- To set a motion for reconsideration to a family law commissioner, follow the relevant local rules as may be modified by [Emergency Order 24](#). Use the Notice of Court Date – Non-Capped Motions - FL Commissioners, to set the motion. The form is found in the drop-down menu of KCSC clerk's forms here: <https://tinyurl.com/ClerkForms>.
- Once the motion is filed and served, and the court receives notice of the motion, the commissioner may or may not request a response to the motion. *Do not respond to a motion for reconsideration unless you receive notice from the court that your response is requested.*
- **Motions for reconsideration do not require confirmation, but the moving party should file a Working Papers Submission List, and submit proposed orders to the other party, and to the court as follows:**
 - a. You must submit proposed orders online through the [Clerk's Office eFiling System](#) via the "Proposed Orders (Family Law)" link. There is no fee for this service at this time.
- **If a response is requested by the court, the responding party must also file a Submission List and submit a Proposed Order in WORD format to the relevant address above, by the response deadline.** If the moving party files a reply, an updated Submission List and any Amended Proposed Order should also be submitted.

NOTE: If you represent yourself and you do not have access to the Internet, please contact the Family Law Information Center (FLIC), at 206-263-3542, to request assistance with filing paperwork and submitting proposed orders, if needed.

UFC Chief/Trial Judge (IC Judge) Procedures

NonParent Custody *Note: Because of a change in the law, Non-Parent Custody cases must be finalized by the end of the State of Emergency in WA State (previously extended from the end of 2020), or they will be dismissed. King County will give parties 30 days' notice of dismissal. See a summary of the law change [here](#).*

- Motions for temporary orders and adequate cause must be heard by the assigned (IC) judge.
- You must contact the IC judge's bailiff *before* noting those motions to request a hearing date. If you are requesting an Order to Show Cause from ex parte, you will have to provide proof to ex parte that the judge approved the date you propose. Submit the proof (e.g. a copy of your email with the bailiff) with your motion and proposed Order to Show Cause.

Minor Guardianship (UGA) Cases: The Uniform Guardianship Act ("UGA", **RCW 11.130**) replaces the prior NonParent Custody law. [King County Local Court Rule 98.22](#) governs filing of these cases, including motions in this type of action. [KCSC issued an order in December 2020](#) indicating how these cases shall be managed. More detailed information about King County's process for Minor Guardianship cases can be found [here](#).

- Motions for an Immediate Emergency Guardianship Order must be presented to the [Ex Parte Department](#) in person (by Zoom currently; see link for details and updates).
- The return hearing on the motion is heard by the assigned judge.
- Motions to release CPS information, to appoint an attorney or court visitor, or not to have to serve certain documents on a minor should be submitted to [Ex Parte Via the Clerk](#).
- Other motions may be set before the assigned judge. Contact the bailiff for direction as to whether to set before the judge or in Ex Parte.

Motions in Family Law Cases Not Heard on the Family Law Motions Calendar:

Emergency Motions re Modifications without pending Petition for Modification:

Other Motions to be Heard by IC Judges:

- Specific motions in family law cases, as listed in King County Superior Court Local Family Law Rule [5\(d\)\(1\)](#), are to be heard by the assigned trial or "IC" ("Individually Calendared") Judge.
- Parties must obtain a date for the hearing from the relevant judge's bailiff **before** filing the motions and filling out the [Notice of Court Date – Judges](#), located at: <https://www.kingcounty.gov/courts/clerk/forms.aspx>.