

## How to **Ask for an Order of Default** If the Respondent has appeared

Use these instructions if the other party appeared at any court hearings, or filed **any** documents, but has not filed the correct Response form, and you want the court to enter an Order of Default against him/her.

Even if the Family Law Commissioner signs the Order on Motion for Default, you must schedule a separate hearing to finalize your case. You can ask the Family Law Facilitator for information and instructions on how to schedule a hearing to finish your case.

### **Talk to a lawyer, if you can**

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court  
516 3<sup>rd</sup> Ave, Room W-382  
Seattle, WA 98104

Maleng Regional Justice Center  
401 4<sup>th</sup> Ave North, Room 3D  
Kent, WA 98032

## Step 1: Fill out these forms.

All of these forms can be downloaded at: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

Form Name	Form Number	Notes	Completed
<a href="#">Motion for Default</a>	FL All Family 161	This is where you tell the court why the other party is in default.	<input type="checkbox"/>
<a href="#">Order on Motion for Default</a>	FL All Family 162	Fill this out the way you would like the Commissioner to decide.	<input type="checkbox"/>
<a href="#">Proof of Mailing or Hand Delivery (for documents after Summons and Petition)</a>	FL All Family 112	See Step 5.	<input type="checkbox"/>

## Step 2: Fill out the Notice of Court Date.

This form can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Notice of Court Date Family Law (Commissioners)	<a href="#">Seattle</a> or <a href="#">Kent</a>	Use either the <a href="#">Seattle</a> or <a href="#">Kent</a> form based on your case designation.	<input type="checkbox"/>

To set your court date you must fill out and file the *Notice of Court Date (Commissioners)* (Kent or Seattle). That form lets you choose a date for your court hearing. The date you choose cannot be before the other party's response deadline. This means the hearing has to be **at least**:

**20 days** from the date they were personally served if they were personally served in Washington

**60 days** from the date they were personally served if they were personally served outside of Washington, or served by publication (because of a court order)

**90 days** from the date they were served by mail (because of a court order)

- Write the date next to “**Calendar Date**”. The date you choose must be at least **14 calendar days** from the date you plan to have the other party served. **Note:** If your case is a Kent case and it is sealed, you cannot select Tuesday for your court date.
- Next to “**Nature of Motion**” write “*Motion for Order of Default*”
- Inside the box labeled “**Family Law Motions**” check the box next to either “*Domestic Motion 9:00 am*” or if you have a sealed case “*Sealed File Motion 1:30 pm*”.
- Be sure to also write in the names of the parties and the case number on the top of page 1; you will also need to sign and provide your contact information on the bottom of page 1.
- On page 2, write all other parties' names and contact information.

## Make 3 copies of your documents.

- **Original** set to file with Clerk's office
- Copy 1 will go to the Commissioner for the hearing
- Copy 2 is to serve on the other party
- Copy 3 you will keep for your records

## Step 3: Take your original forms to the Clerk's Office.

File the originals of the following two forms with the clerk's office (Seattle: E-609; Kent: 2C) at **least** 14 calendar days before your hearing date:

Notice of Court Date (Commissioners)	
Motion for Default	FL All Family 161

## Step 4: Deliver Commissioner's copy

The Commissioner's copy is a set of **all** forms that you completed in step 1. Take this set of copies to the Family Law window (W-292 in Seattle, A1222, next to 1E, in Kent) and turn it in any time before **12:00 noon at least 3 court days** before your hearing.

Copy and complete the chart below to the upper right hand corner of the first page of the set of forms you are delivering to the Commissioner:

<b>Commissioner's Working Papers</b> <b>Family Law Motions</b> Hearing Date: _____ Hearing Time: _____ Presented By: (your name): _____
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## Step 5: Have the other party served

### What to serve

Serve the other party with a copy of all forms except *Proof of Mailing or Hand Delivery form*.

### How to serve

As long as no order restrains you from having contact with the other party, you may deliver or mail the forms yourself at least **14 calendar days** before the hearing (add 3 more days for mailing).

If the other party has an attorney, deliver or mail the forms to the attorney instead. After you have delivered or mailed the forms to the other party or attorney, fill out the *Proof of Mailing or Hand Delivery*. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

You may also have someone else serve the other party or his/her attorney for you. The server must be over 18. After serving, the server fills out the *Proof of Mailing or Hand Delivery* form and returns it to you. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

## Step 6: Confirm your hearing

**Your hearing will be cancelled if you don’t confirm your hearing and deliver the copies to the Commissioner on time.**

**You can confirm by phone, in person, or online. Here is how:**

<p>Call or in person</p> <p>206-477-1523 (Seattle) Room W-292</p> <p>206-477-2750 (Kent) Room A1222</p>	<p><b>3 court days</b> before your hearing between <b>2:30pm</b> and <b>4:15pm</b>. <u>Or</u> <b>2 court days</b> before your hearing between <b>8:30am</b> and <b>noon</b>.</p> <p>When you call, give your case number, date, and time of hearing. The Clerk will give you a confirmation number.</p>
<p>Online:</p> <p><a href="https://blue.kingcounty.gov/courts/superiorcourt/confirmations/default.aspx">https://blue.kingcounty.gov/courts/superiorcourt/confirmations/default.aspx</a></p>	<p>You can confirm your hearing online starting at:</p> <p><b>Noon 3 court days</b> before the hearing until <b>noon of the 2<sup>nd</sup> court day</b> before your hearing.</p> <p>You must give your email address, phone number, and information to identify your case. If you do not get a confirmation email, you must contact the confirmation phone number above before the deadline.</p>

## Step 7: Go to your hearing

- Take your original orders and all copies of the forms you filed.
- Arrive at least 30 minutes early! You will need time to go through security.
- Go to the Family Law window (W-291 in Seattle and 1E in Kent) at the courthouse to check in.
- You must give the Court your original orders if asked. If you want copies of the signed orders on the day of your hearing, tell the Clerk.

**Note:** If the other party files a Response to your petition before or at the hearing, the court will generally not sign the Order on Motion for Default. If a Response is filed before your hearing date, you may choose to cancel your hearing by calling during the confirmation time listed in step 8, and asking that the hearing be stricken. **You must continue to follow your Case Schedule!**