

How to Ask for an Order of Default If the Respondent has not appeared

Use this packet ONLY if:

- The other party was properly served, and if he/she did not appear at any hearings or file any documents in your case *and* the other party has missed the deadline to respond:

20 days	If respondent was served in person in Washington state
60 days	If respondent was served in person outside of Washington state or by publication.
90 days	If respondent was served by mail.

- If it has been more than a year since the other party was personally served or served by mail, you are required to schedule a hearing in family law and serve the other party with notice of the hearing. Please see Facilitator instruction “Default in Family Law.”

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 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th 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/

Form Name	Form Number	Notes	Completed
Motion for Default	FL All Family 161	This is where you tell the court why the other party is in default.	<input type="checkbox"/>
Order on Motion for Default	FL All Family 162	Fill this out the way you would like the Commissioner to decide.	<input type="checkbox"/>

Note: You must have valid proof of service of the Summons, Petition and Case Schedule. Provide a copy of the *Proof of Personal Service* along with your completed forms.

Step 2: Fill Out the Ex Parte via the Clerk Cover sheet

This form can be downloaded at:

<http://www.kingcounty.gov/courts/clerk/forms.aspx> or it is available at the Clerk's office

Form Name	Form Number	Notes	Completed
Ex-Parte via the Clerk Coversheet	None	Use accurate contact information	<input type="checkbox"/>

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

- Deliver your completed documents to the clerk's office (E-609 in Seattle or 2D in Kent).

For information on how to submit your request via mail or electronically, visit:

<http://www.kingcounty.gov/courts/clerk/documents/ExParte.aspx>

- There is a fee required for the clerk's office to present your documents to the commissioner. If you believe you are eligible for a fee waiver, speak to a clerk or visit: <http://www.kingcounty.gov/courts/clerk/fees.aspx>
- The clerk will notify you of the commissioner's decision by the method you selected in the Ex Parte via the Clerk Coversheet.
- After the Order has been signed the Clerk will automatically file the original documents and return a copy of the Order to you via the method you requested.

Once you receive the signed Order on Motion for Default and you are ready to finalize your case, you can visit the Family Law Information Center for instructions on how to schedule and prepare for your final hearing.