

How to Schedule an Adequate Cause Hearing

When changing a parenting plan

An Adequate Cause hearing is for the court to decide whether the case meets the legal criteria for a modification and should go to trial or be dismissed.

You may review RCW 26.09.260



The Court must grant Adequate Cause before a Temporary Parenting Plan or other Temporary Order can be entered in the modification case. A party may file a motion for Temporary Orders to be heard at the same time as the Adequate Cause hearing. These instructions describe how to request the motion for adequate cause as well as a motion for temporary orders for a parenting plan and/or child support (if being held at the same hearing).

Talk to a lawyer if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They provide *legal information* only and **are not intended** to be a substitute for legal advice.

Facilitators cannot provide legal advice or complete your forms for you. It's a good idea to talk to a lawyer before you file any forms.

- You can get information about their services and a list of low-cost and free legal resources at <https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/family-law-facilitators>.

Step 1: Fill out these forms

This form can be downloaded at: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms>

Form Name	Form Number	Notes	Completed
Notice of Court Date Family Law (Commissioners)	Seattle or Kent	See Step 2	<input type="checkbox"/>

All these forms can be downloaded at: www.courts.wa.gov/forms/

Form Name	Form Number	Notes	Completed
Motion for Adequate Cause Decision	FL Modify 603		<input type="checkbox"/>
Declaration	FL All Family 135	This is your opportunity to explain why the Court should rule in your favor	<input type="checkbox"/>
Order on Adequate Cause	FL Modify 604	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>

If you will be requesting temporary orders at the Adequate Cause, you will also need:

Motion for Temporary Family Law Order	FL Parentage 323		<input type="checkbox"/>
Parenting Plan	FL All Family 140		<input type="checkbox"/>
Information for Temporary Parenting Plan	FL All Family 139		<input type="checkbox"/>
Temporary Family Law Order	FL Parentage 324	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>

Fill out these forms if you are asking for Child Support in the motion

Child Support Worksheets	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Order	FL All Family 130	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>
Child Support Schedule & Instructions	Use this information to complete the Worksheets. Online Child Support Calculation software is available at https://fortress.wa.gov/dshs/dcs/SSGen/Home		
Financial Declaration	All Family 131		<input type="checkbox"/>
Sealed Financial Source Documents Cover Sheet	All Family 011	Attach the documents listed below to this cover sheet	<input type="checkbox"/>
<p>You must provide copies of financial documents, including:</p> <ul style="list-style-type: none"> ▪ Your W-2s and complete personal tax returns for the past 2 years ▪ Your most recent pay stubs (at least 6 months) ▪ Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more ▪ Statements from all of your banks and financial institutions for the past 6 months 			

Note: The other parent can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.

Print these, but do not fill them out yet. You will need them later.

Form Name	Form Number	Notes	Completed
Proof of Personal Service	FL All Family 101		<input type="checkbox"/>
Proof of Mailing or Hand Delivery	FL All Family 112		<input type="checkbox"/>

Step 2: Schedule Your “Adequate Cause Hearing”

First decide how the other party will be served. You must pick a date for your hearing that is after the Response time has gone by.

If served **in person in Washington** state, your date must be at least **20 days** from the date of service

If served **in person outside of Washington** state or by publication (because of a court order), your date must be at least **60 days** from date the of service

If served **by mail** when the court has given you permission to do so, your date must be at least **90 days** from the date of service

1. Picking a Hearing Date and Time:

The motions calendar is limited to a certain number of hearings per day. You must go to <https://superiorcourt.kingcounty.gov/famlaw/scheduling/calendar> to view availability and schedule your motion with the family law department.

Please note that you must schedule each motion individually. You cannot make one reservation for multiple motions (Example- Contempt/Temporary Orders or temporary orders/Motion to Enforce). Only the motions properly scheduled will be heard.

2. Pick the Correct Calendar:

There are court calendars for cases where neither party is represented by an attorney, and for cases where at least one party has an attorney. There may also be calendars for TBA motions or reconsiderations. Make sure to pick the correct calendar on the calendar tool.

You will need your case number, contact information and information for the other party to complete the reservation.

3. Filing your documents:

Once you have reserved your spot on the calendar, the reservation system will give you the *Notice of Court Date* to file, or you can download the form at <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms>. you must file a *Notice of Court Date* and your motion within **3 court days** of your reservation.

If you make a reservation but fail to file the Motion and Notice of Court date within 3 court days, your reservation may be stricken.

IMPORTANT! If the court determines that you are reserving space on the calendar in bad faith, you may be subject to sanctions. You should only reserve a hearing date when you intend to move forward with the motion.

4. Cancelling or Rescheduling a Hearing:

If you need to cancel or reschedule your hearing you must immediately contact:

- FamilyLawStaffMRJC@kingcounty.gov or 206-477-1523 for motions noted in Kent, or
- FamilyLawStaffSeattle@kingcounty.gov or 206-477-2750 for motions noted in Seattle

Please do not reserve more than one slot per motion. Important! If you are rescheduling court staff will move your reserved time to the new date. If you fail to timely strike your hearing, or re-note the motion without alerting family law staff, you may be subject to sanctions.

Step 3: Make copies

How many copies do I need?

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

Step 4: Take your completed forms to the Clerk's office and file them

At least 14 days before the hearing file the originals of all paperwork from step 1 **except** the following forms (as needed): Order on Adequate Cause, Temporary Family Law Order, Child Support Order. These Orders are your proposed Orders:

E-filing instructions to e-file all documents except your proposed orders can be found on the Clerk's Office website: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing>

Step 5: Submit Proposed Orders to Family Law Department

Proposed orders (as needed): Order on Adequate Cause, Temporary Family Law Order, Child Support Order. These Orders are your proposed Orders

You can submit your proposed order online through the **Clerk's Office eFiling System** <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing> via the "Proposed Orders (Family Law)" link.

If you are not represented by an attorney, you can submit paper copies of proposed orders to the Judge's Mailroom in an envelope marked "Attn: Family Law Commissioner" with their full name, case number and hearing date. Orders for cases with a "KNT" designation should be dropped off in room 2D in Kent. Orders for cases with an "SEA" designation should be dropped off in room C-203 in Seattle.

If you are the person asking for the motion, submit your proposed order at least 14 calendar days prior to the hearing. If you are the person responding to the motion, the proposed order is due 5 court days prior to the hearing.

Step 6: Submission List/Confirm Hearing

All documents that will be considered **must** be filed in the clerk’s office (either e-filed or physically delivered) and served on the other party. Once you have filed the documents you must file a *Working Papers Submission List*.

Find this form here: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms>

Form Name	Completed
Working Paper Submission List	<input type="checkbox"/>

The Working Papers Submission List accomplishes two purposes:

1. **It confirms that you want your hearing to move forward-**The *Working Papers Submission List* is due by the reply deadline for the moving party (noon 3 court days prior) and the response deadline for the responding party (noon 5 court days prior). If you fail to file your submission list by the deadlines listed above, your hearing will not take place. It is suggested that the submission list be filed electronically to avoid processing delays.
2. **It lets the Commissioner know what to read to prepare for the hearing.** The submission list shall list all documents that the parties want the court to consider. It must list your motion. If the submission list does not list required documents, such as the motions, your hearing may not go forward.

If you have filed multiple motions for one case, and have reserved a spot for each motion, you may file one submission list for all properly reserved motions.



Important! If you do not turn in a Submission List your hearing will be stricken. Do not leave the submission number column blank on the Submission List. The submission number is the number each document is assigned when it is filed. The submission numbers are located at <https://dja-prd-ecexap1.kingcounty.gov/> by entering your case number, clicking on the document list, and referring to the Sub Number Column.

Step 7: Have the other party served

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

How to serve

Provided that no order restrains you from having contact with the other party, you may deliver or mail them yourself at least **14 court days by 12 noon** 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* form. File the original with the Clerk's Office and keep a copy for your records.

If you had someone else deliver the papers to the other party or attorney, then the server would fill out the *Proof of Personal Service* form. If someone else mails them for you then the server would fill out the *Proof of Mailing or Hand Delivery*.

Step 8: Reply (if applicable)

If the other party chooses to respond to your motion, they must do so by 12 noon 5 court days before the hearing. If you wish to reply to the other party's response, you must do so by **12 noon 3 court days** before the hearing by filing an additional declaration form. You will make copies of the reply declaration and file the original with the Clerk's office and serve a copy to the other party. If you have already filed our Submission List, you must file a second Submission List to alert the Court of the new document to review for the hearing.

Step 9: Virtual Hearing

All family law motions are being heard virtually via Zoom. Two days before your hearing:

- Go to <https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-calendars-locations-operations/superior-court-calendars-schedules/virtual-family-law-hearings>
- Click on the green button that says "Virtual Hearing Links- 1:00 p.m. Calendar"
- Find the name of your case. The zoom link you will use to appear for your hearing will be to the right of your case number.

If you cannot access Zoom for your hearing, you may also use the phone number provided to appear by phone. If you cannot go online to get the hearing information, at least two days before your hearing, call and leave a message at:

- 206-477-1523 for motions noted in Kent, or
- 206-477-2750 for motions noted in Seattle

Court staff will contact you back to let you know how to appear.

For more guidance on Video Hearings, please visit: <https://kingcounty.gov/courts/superior-court/get-help/Video.aspx>

Important tips for your Zoom hearing:

1. **If you are on time for your hearing and you are not let into the meeting within 15 minutes** after your scheduled hearing time, please email
 - a. FamilyLawStaffSeattle@KingCounty.gov for Seattle cases or,

- b. FamilyLawStaffMRJC@KingCounty.gov for Kent cases.

Do not leave the waiting room. If you cannot email the court, call 206-263-0635 for assistance.

2. Once in the meeting please:

- a. Mute yourself and turn off your camera until you are called on.
- b. Rename yourself with your last name, first name (example: "Doe, Jane").
- c. If you get disconnected on accident you can click the link again or call the associated phone number and you will be let back into the meeting.

3. The coordinator will perform a check-in. Please remain muted and do not speak until your name or case number is called.

4. After check-in, wait and remain muted with your camera off until the court is ready for your hearing. Your hearing may start at any time between 1:00 and 4:00 pm. When called, identify yourself each time you speak and conduct yourself as you would if you were in a physical courtroom, meaning there are other people present for their hearings too.

5. After your hearing is over you are welcome to leave the meeting.



IMPORTANT! If you do not turn in a submission list, or you do not appear for your hearing on-time, the hearing may be conducted without you or stricken.