

How to Respond to a Notice of Hearing for Adequate Cause In a Modification case

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

You may review RCW 26.09.260, the statute regarding this requirement, available at <http://apps.leg.wa.gov/rcw/>.



The Court must grant Adequate Cause before any Parenting Plan, Order of Child Support, 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 respond to the motion for adequate cause as well as to 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

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

| Form Name | Form Number | Notes | Completed |
|---|-------------------|---|--------------------------|
| 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"/> |

Fill out these forms if the other party asked for a Temporary Parenting Plan in the motion

| | | | |
|--|-------------------|--|--------------------------|
| Parenting Plan (Proposed) | 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"/> |

Also fill out these forms if the other party is asking to change 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"/> |

You must provide copies of financial documents, including:

- 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 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.

Step 2: Make Copies

Which documents do I need copies of?

- Declaration
- Proposed Order on Adequate Cause (does not get filed but must be served)
- Parenting Plan documents (as needed)
- Child Support documents (as needed)

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

File the originals of all the paperwork in Step 1 **except** the following forms (as needed): Order on Adequate Cause, Temporary Order, Child Support Order. These Orders are your proposed Orders. See Step 4 for instructions on where to submit these. These documents **must be filed 5 court days before the hearing, by 12 noon.**

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 3: Have the other party served

Serve the other party with a copy of all forms completed in Step 1.

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 **5 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 this document with the Clerk's Office.

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

Step 3: 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 4: Submission List

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*. The *Submission List* form can be found at:

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, the Court may not contact you for your hearing or consider your response. 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 6: 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/en/court/superior-court/courts-jails-legal-system/court-calendars-locations-operations/virtual-hearings-trials/video-participation>

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.