How to
Vacate a Judgment or Order
In front of a Judge

Use these instructions to ask a Judge to "undo" an order or judgment. **Do not use** these instructions if you are asking to "undo" a temporary order signed by a commissioner.

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

Motion for Order for: [*to Vacate Judgment/Order*]	FL All Family 181	There is no standard form for a Motion to Vacate. Use the standard motion form as a template.	☐
Order to Go to Court (Order to Show Cause)	FL All Family 183	See **Step 2** for information on how to choose a hearing date.	☐
Declaration of (Name) _____.	FL All Family 135	Explain why the Court should agree with your request.	☐
Order	FL All Family 182	Fill this out the way you would like the Judge to decide.	☐
Proof of Personal Service	FL All Family 101	Form is signed by the Server. See **Step 6**.	☐
Declaration: Personal Service Could Not be Made in Washington	FL All Family 102	Only use if the other party is personally served out-of-state. See **Step 6.**	☐

You will also need the following:
Forms can be downloaded here: https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms

Copy of the court order(s) you are requesting be vacated.		If you do not have a copy of the order, you may obtain a copy through the clerk's office. **Attach the order to your motion.**	☐
Notice of Court Date Family Law-Chief UFC Judge OR Notice of Court Date Judges: Kent or Seattle	Form available on the superior court clerk's page of the King County website	You will also need to fill this form out with the same court date the bailiff gives you if your case involves minor children. See step 2	☐

Step 2: How to choose a court date.

Date: **Contact the correct Judge's bailiff** and ask for a hearing date. You can read the local rules (LFLR 5). This date must be at least **nine court days** from the date you plan to have the other party personally served.

Time: Ask Bailiff for the time of the hearing. Find the Bailiff's contact information here: https://kingcounty.gov/en/court/superior-court/about-superior-court/judges-staff/judges

Address: Seattle Courthouse, 516 Third Ave, Seattle, WA 98104 (Seattle cases).
Maleng Regional Justice Center, 401 Fourth Ave N., Kent, WA 98032 (Kent cases).

Room: Ask the Bailiff for the room number

Docket/Calendar: write the name of the Judge

Step 3: Make copies.

- **O**riginal set, except the Order, is to file with the Clerk's office.
- Copy **1** is for your records.
- Copy **2** is to serve the other party.
- Copy **3** is for the Judge
- Copy **4** is for the Prosecuting Attorney's Office **only if** you are seeking to vacate an Order of Child Support and the child(ren) receives or has received public assistance.

Step 4: Take the originals of your completed forms to the Clerk's Office to submit Ex Parte via the Clerk.

Ex Parte via the Clerk is a service provided by the Clerk's Office. Submit your Motion and the Order to Go to Court (Order to Show Cause) to the Clerk and pay the Ex Parte via the Clerk processing fee. The Clerk will present the Order to the Commissioner for you. 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. ***You cannot proceed until this Order is signed by a commissioner.***

You can submit your documents to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

OR

You may also provide your papers electronically to Ex Parte via the Clerk. Please see: qsg_epvc_english.pdf

There is a fee; if you cannot afford to pay the fee, apply to waive the fee. Forms and instructions are at: https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments/fee-waiver

Step 5: Deliver the Judge's Copy.

The Judge's copy is a set of ***all*** forms from Step 1, including the Order and turn it in at least **9 court days** before your hearing date.

NOTE: Your assigned judge will tell you how they like to receive working copies. Make sure to follow all instructions from your assigned judge. If the judge does not specify how they would like to receive working copies, you may:

1. E-file the Judge's working copies via the Clerk's Office E-Working Copies: https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/e-working-copies;

OR

2. Take this set of copies to the Judge's Mailroom (C203 in Seattle and 2D in Kent) and turn it in any time before **12:00 noon** at least **9 court days** before your hearing date.

Copy and complete the chart below on the upper right-hand corner of the first page of the set of forms you are delivering to the Judge.

Write the following on the top right.

Judge's Working Copies
Name of Judge: _____
(Write "Chief Judge". "Chief Civil" or the Judge's name if one was assigned)
Hearing Date: _____
Presented By (Your name): _____

Step 6: Have the other party served.

What to serve

Copies of all the forms from step 1, as well as the signed Order to Go to Court from step 4, need to be served on the other party.

Deadline for service

The documents must be served at least **9 court days** before the hearing you scheduled.

How to serve

- Someone over 18 – **not you** – must serve (give) the other party copies of your court papers.
- After serving, the server fills out the *Proof of Personal Service* form (FL All Family 101) and gives it to you. (If the other party is personally served outside Washington State, fill out and file form FL All Family 102 also.)
- File the original *Proof of Personal Service* with the Clerk. Keep a copy. You will need it at your hearing.

Step 7: Reply to any Response (if applicable)

If the other party chooses to respond to your motion, they must do so **by 12 noon 4 court days before** the hearing. If you wish to reply to their response, you must do so **by 12 noon 2 court days before** the hearing.

Step 8: Prepare for the hearing.

The Judge's Bailiff will let you know if you are to appear over the phone or virtually through Zoom.