How to
Vacate a Judgment or Order
In an Active Case (Trial is still pending) (temporary orders)

Do not use this instruction if:

- You are vacating an Order of Default in any case other than a child support modification
- You are vacating an order of dismissal or final orders
- If parties agree, and are ready to enter agreed final orders

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
Family Law Notice of Court Date (Commissioners)	Seattle or Kent	See Step 2	☐

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 Commissioner to decide.	☐
Proof of Personal Service	FL All Family 101	Form is signed by the Server. See **Step 5**.	☐
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 5**.	☐

You will also need the following:

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.**	☐

Step 2: How to Choose a Court Date

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:**
   You will pick "Attorney Represented Motions" if there is an attorney on the other side or "Self-Represented Motions" if there are no attorneys involved. 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 calendar days** of your reservation.

   If you make a reservation but fail to file the Motion and Notice of Court date within 3 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:**
   In the event that 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: Get an Ex Parte Commissioner's Signature on the *Order to Go to Court (Order to Show Cause)* and File your Documents.

Ex Parte via the Clerk is a service provided by the Clerk's Office. Submit your Motion and 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 provide your papers electronically to Ex Parte via the Clerk. Please see qsg_fileintoexisting_english.pdf for instructions on how to use the KC Script Portal.

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: Submit Proposed Orders to Family Law Department

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

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		☐

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: https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms. 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.

Step 7: Have the other party served.

What to serve
Serve the other party with all forms that you completed in step 1.

How to serve

Someone over age 18 – **not you** - must serve (give) the other party copies of your court papers along with the Summons, Petition and Order Setting Domestic Case Schedule. After serving, the server fills out a *Proof of Personal Service* form and gives it to you. Keep a copy for your records and file the original with the Clerk's Office.

If you are the respondent and you have been served with a Summons and Petition, you may deliver or mail the forms to the other party (petitioner). Then fill out a *Proof of Mailing or Hand Delivery* form. Make one copy of this form for your records and file the original with the Clerk's Office.

If this motion involves child support and if any of the children have ever been on public assistance, you must also deliver a set of copies to the King County Prosecuting Attorney Family Support Section.

Step 8: 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.**