

How to Present a Motion before the Commissioner After You Have Filed to Modify Child Support

You may use this instruction ONLY if you have a pending child support modification case that you started after you filed a *Petition to Modify Child Support Order (FL Modify 501)*.

Use this packet if you want to ask the Court for an order to change the trial date, allow for in person testimony at the hearing, or relating to discovery.

You and the other party will be informed of the Commissioner's or Judge's decision by mail. ***There will not be an actual court hearing on this motion unless the Commissioner or Judge orders it.***

Note: *Before filing any motion, check the Case Schedule which was provided when the Child Support Modification case was filed with the Clerk for any deadlines that may apply.*

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 Non-Capped	Seattle or Kent	See Step 2.	<input type="checkbox"/>

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

Motion for Order for: _____	FL All Family 181	Tell the Court what you are requesting.	<input type="checkbox"/>
Declaration of (name): _____	FL All Family 135	Explain why the Court should agree with your request.	<input type="checkbox"/>
Order: _____	FL All Family 182	Fill this out the way you would like the Commissioner to decide.	<input type="checkbox"/>
Proof of Personal Service	FL All Family 101	This is for the server to fill out after copies of your court papers are served on the other party.	<input type="checkbox"/>
Proof of Mailing or Hand Delivery	FL All Family 112		<input type="checkbox"/>

Step 2: Fill out the Notice of Court Date to Schedule Hearing.

To set your court date, you must fill out and file the *Notice of Court Date Family Law Non-Capped*, Kent or Seattle.

- **Date:** The date you choose must be at least **fourteen calendar days** from the date you plan to have the other party served. If you are mailing the documents, you must add *three days* to the 14-day notice requirement. There is no “Time” for hearings without oral argument.

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 on the Trial by Affidavit calendar.

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 Family Law motions. 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.

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.

- **Name of Motion:** Write a brief title for your motion, for example, “Motion to Change Trial Date (Child Support Modification)”, or “Motion Requesting Oral Testimony (Child Support Modification)”. **Note:** If you are asking the Court to allow live testimony you will need to file supporting information, see LFLR 14 (c)(2)(A) and (B).
- **Motions for Trial by Affidavit (TBA) Commissioner** -select this option in the box on page one

Note: Be sure to also write in the names of the parties and the case number on the top of page 1; you will also need to sign and provide your contact information on the bottom of page 1. On page 2, write all other parties’ names and contact information.

How many copies do I need?

- **Original** set to file with Clerk’s office
- **Copy 1** will go to the judicial officer for the hearing
- **Copy 2** is to serve on the other party
- **Copy 3** you will keep for your records

Step 3: Take your completed forms to the Clerk’s office and file them.

File with the Clerk (2C in Kent and E-609 in Seattle) the originals of all papers from Step 1 **except** the Order. This Order is called your Proposed Order.

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) <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/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	<input type="checkbox"/>

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 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 or cancelled. 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 5: Have the other party served.

What to serve

Copies of all the forms from step 1 need to be served on the other party.

Deadline for service

If the documents will be delivered or personally served, the documents must be served at least **14 calendar days** before the hearing you scheduled.

If the documents will be mailed, generally you must add 3 days to the above deadline. (See Washington State Superior Court Civil Rule 6 for specific information.)

How to serve

You may deliver or mail the documents yourself (provided that no order restrains you from having contact). If the other party has an attorney, deliver or mail the forms to the attorney instead. After you have delivered the forms to the other party or attorney, fill out the *Proof of Mailing or Hand Delivery (for documents after Summons and Petition)* (FL All Family 112) form.

You may also have someone else serve the other party or his/her attorney for you. The server must be over 18. After serving, the server fills out the *Proof of Personal Service* (FL All Family 101) form and returns it to you.

Make one copy of the *Proof of Mailing or Hand Delivery (for documents after Summons and Petition)* or *Proof of Personal Service* form for your records and one copy for the Judge. **Note:** if you did not include a copy of the form with the first set of papers you delivered to the Judge's Mailroom (see Step 4), deliver a copy to the Judge's Mailroom as soon as possible, following the same information in Step 4.

File the original form with the Clerk's Office.

Step 6: Wait for the Commissioner's decision.

Since this motion is heard without oral argument, the parties will be informed of the Commissioner's decision by mail in the pre-addressed, stamped envelopes you provided.

Step 7: 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