

## How to **Ask for an Order of Default** If the Respondent has appeared

Use these instructions if the other party appeared at any court hearings, or filed **any** documents, but has not filed the correct Response form, and you want the court to enter an Order of Default against him/her.

Even if the Judge signs the Order on Motion for Default, you must still finalize your case. You can ask the Family Law Facilitator for information on how to finish your case.

### **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](http://www.courts.wa.gov/forms)

Form Name	Form Number	Notes	Completed
<a href="#">Motion for Default</a>	FL All Family 161	This is where you tell the court why the other party is in default.	<input type="checkbox"/>
<a href="#">Order on Motion for Default</a>	FL All Family 162	Fill this out the way you would like the Judge to decide.	<input type="checkbox"/>
<a href="#">Proof of Mailing or Hand Delivery</a>	FL All Family 112	See Step 5.	<input type="checkbox"/>

## Step 2: Fill out the Notice of Court Date.

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- Chief UFC Judge	<a href="#">Chief UFC</a>		<input type="checkbox"/>

To set your court date you must fill out and file the *Notice of Court Date*. That form lets you choose a date for your court hearing. The date you choose cannot be before the other party's response deadline. This means the hearing must be **at least**:

**20 days** from the date they were personally served if they were personally served in Washington

**60 days** from the date they were personally served if they were personally served outside of Washington, or served by publication (because of a court order)

**90 days** from the date they were served by mail (because of a court order)

The date you choose **must** be at least **14 days** after the day you file the Notice of Court Date **and** at least **14 days** from the day you plan to have the other party served. Allow **17 days** if serving by mail. Check the box that says:

Motions for Default when there has been an appearance (Friday 1:30 pm)

### Make 3 copies of your documents.

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

### Step 3: Take your original forms to the Clerk’s Office.

File the originals of the following two forms with the clerk’s office (Seattle: E-609; Kent: 2C) at least 14 calendar days before your hearing date:

Notice of Court Date- Chief UFC Judge	
<a href="#">Motion for Default</a>	FL All Family 161

### Step 4: Judge’s working copy

WORKING COPIES: Working copies through e-working copies are strongly encouraged. If you cannot submit e-working copies you may deliver a working copy to Room C-203 at the downtown courthouse or email a copy to [Sutton.Court@kingcounty.gov](mailto:Sutton.Court@kingcounty.gov). If you do not provide e-working copies you must file a [Submission List](#) with the last set of documents submitted to the court and email a copy to the bailiff at [Sutton.Court@kingcounty.gov](mailto:Sutton.Court@kingcounty.gov).

#### PROPOSED ORDERS:

Email the following order to the chief UFC bailiff in Word format.

<a href="#">Order on Motion for Default</a>	FL All Family 162
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You can find the contact information for the Chief UFC Judge at <https://kingcounty.gov/en/court/superior-court/about-superior-court/judges-staff/judges> Find the chief UFC judge on the list of judges and click on their name.

### Step 5: Have the other party served

#### What to serve

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

#### How to serve

If no order restrains you from having contact with the other party, you may deliver or mail the forms yourself at least **14 calendar days** 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*. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

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 Mailing or Hand Delivery* form and returns it to you. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

## **Step 6: Attend your hearing**

All hearings will be conducted remotely unless directed to appear in person by the court. For the Default calendar on Friday at 1:30 p.m., go to [www.zoom.us](http://www.zoom.us) and enter the Meeting ID listed on the form, Notice of Court Date-Chief UFC Judge.