

# How to Schedule an Adequate Cause Hearing

## When changing a parenting plan

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

You may review RCW 26.09.260



The Court must grant Adequate Cause before a Temporary Parenting Plan 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 request the motion for adequate cause as well as a motion for temporary orders for a parenting plan and/or child support (if being held at the same hearing).

Due to COVID-19, all hearings are being done by phone or video and most offices are only providing remote services. You should consult the King County Superior Court webpage for the most up to date information. <https://www.kingcounty.gov/courts/superior-court.aspx>.

### Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms.

If you **cannot** afford a lawyer, you can:

- You can obtain a list of low-cost and free legal resources. <https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>
- Get help from the Family Law Facilitators office. You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

## Step 1: Fill out these forms

This form can be downloaded at: <https://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Notice of Court Date Family Law (Commissioners)	<a href="#">Seattle</a> or <a href="#">Kent</a>	See Step 2	Y

All of 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 Adequate Cause Decision</a>	FL Modify 603		Y
<a href="#">Declaration</a>	FL All Family 135	This is your opportunity to explain why the Court should rule in your favor	Y
<a href="#">Order on Adequate Cause</a>	FL Modify 604	Fill this out the way that you would like the Commissioner to decide	Y

If you will be requesting temporary orders at the Adequate Cause, you will also need:

<a href="#">Motion for Temporary Family Law Order</a>	FL Parentage 323		
<a href="#">Parenting Plan</a>	FL All Family 140		Y
<a href="#">Information for Temporary Parenting Plan</a>	FL All Family 139		Y
<a href="#">Temporary Family Law Order</a>	FL Parentage 324	Fill this out the way that you would like the Commissioner to decide	Y

Fill out these forms if you are asking for Child Support in the motion

<a href="#">Child Support Worksheets</a>	WSCSS-Worksheets		Y
<a href="#">Child Support Order</a>	FL All Family 130	Fill this out the way that you would like the Commissioner to decide	Y
<a href="#">Child Support Schedule &amp; Instructions</a>	Use this information to complete the Worksheets. Online Child Support Calculation software is available at <a href="https://fortress.wa.gov/dshs/dcs/SSGen/Home">https://fortress.wa.gov/dshs/dcs/SSGen/Home</a>		
<a href="#">Financial Declaration</a>	All Family 131		Y
<a href="#">Sealed Financial Source Documents Cover Sheet</a>	All Family 011	Attach the documents listed below to this cover sheet	Y

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 of 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.

**Print these, but do not fill them out yet. You will need them later.**

Form Name	Form Number	Notes	Completed
<a href="#">Proof of Personal Service</a>	FL All Family 101		Y
<a href="#">Proof of Mailing or Hand Delivery</a>	FL All Family 112		Y

## Step 2: Schedule Your “Adequate Cause Hearing”

First decide how the other party will be served. You must pick a date for your hearing that is after the Response time has gone by.

If served **in person in Washington** state, your date must be at least **20 days** from the date of service

If served **in person outside of Washington** state or by publication (because of a court order), your date must be at least **60 days** from date the of service

If served **by mail** when the court has given you permission to do so, your date must be at least **90 days** from the date of service

### 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/courts/clerk/forms.aspx>. 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](mailto:FamilyLawStaffMRJC@kingcounty.gov) or 206-477-1523 for motions noted in Kent, or
- [FamilyLawStaffSeattle@kingcounty.gov](mailto: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: Take your completed forms to the Clerk's office and file them**

At least 14 days before the hearing file the originals of all paperwork from step 1 **except** the following forms (as needed): Order on Adequate Cause, Temporary Family Law Order, Child Support Order. These Orders are your proposed Orders:

E-filing instructions to e-file all documents except your proposed orders can be found on the Clerk's Office website: <https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>

### **Step 5: Submit Proposed Orders to Family Law Department**

You must submit your proposed order online through the **Clerk's Office eFiling System** via the "Proposed Orders (Family Law)" link.

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

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*.

Find this form here: <https://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Completed
<a href="#">Working Paper Submission List</a>	<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 your hearing will be stricken.

## Step 7: Have the other party served

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

### 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 **14 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 the original with the Clerk's Office and keep a copy for your records.

If you had someone else deliver the papers to the other party or attorney, then the server would fill out the *Proof of Personal Service* form. If someone else mails them for you then the server would fill out the *Proof of Mailing or Hand Delivery*.

## Step 8: Reply (if applicable)

If the other party chooses to respond to your motion, they must do so by 12 noon 5 court days before the hearing. If you wish to reply to the other party's response, you must do so by **12 noon 3 court days** before the hearing by filing an additional declaration form. You will make copies of the reply declaration and file the original with the Clerk's office and serve a copy to the other party. If you have already filed our Submission List, you must file a second Submission List to alert the Court of the new document to review for the hearing.

## Step 9: Virtual Hearing

All family law motions are being heard virtually via Zoom. Two days before your hearing:

- Go to <https://kingcounty.gov/courts/superior-court/family/virtual-hearings.aspx>
- [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/courts/superior-court/get-help/Video.aspx>

### 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](mailto:FamilyLawStaffSeattle@KingCounty.gov) for Seattle cases or,
- b. [FamilyLawStaffMRJC@KingCounty.gov](mailto: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.