

# Motion for Reconsideration of a Commissioner's Order

NOTE: Use these instructions if you have an order that was signed by a Commissioner. If your order was signed by a Judge, do not use this instruction. Ask a Facilitator.

A motion for Reconsideration asks the judicial officer who made a decision in your case to reexamine or “reconsider” their initial decision. Motions for Reconsideration are done in writing.

Motions for Reconsideration must be filed and served on the other party within 10 calendar days of the Commissioner's decision. The parties do not appear before the Commissioner for oral argument unless the Commissioner requests it.

## 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: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Notice of Court Date Family Law Non Capped	<a href="#">Seattle</a> or <a href="#">Kent</a>	See Step 2	<input type="checkbox"/>

All of these forms can be downloaded at: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

<a href="#">Motion</a>	FL All Family 181	Tell the Court what you are requesting be changed from the original order.	<input type="checkbox"/>
<a href="#">Declaration</a>	FL All Family 135	Explain why the Court should agree with your request.	<input type="checkbox"/>
<a href="#">Order</a>	FL All Family 182	Fill this out the way you would like the Commissioner to decide.	<input type="checkbox"/>

Fill out these forms after the other parent is served (see Step 6), make a copy and file them.

<a href="#">Proof of Personal Service</a>	FL All Family 101	This is for the server to fill out after copies of your court papers are served on the other party. See Step 6.	<input type="checkbox"/>
<a href="#">Proof of Mailing or Hand Delivery</a>	FL All Family 112	See Step 6.	<input type="checkbox"/>

## Step 2: How to choose a court date.

To set the date the commissioner will decide on your motion, you must fill out and file the *Notice of Court Date Family Law Non Capped*, Kent or Seattle. Choose a court date that is that is at least **9 court days** from the date you plan to file the *Notice of Court Date*. The date you choose cannot be more than 30 days from the date of the original decision. You will not come to court for a hearing on the date you set. The Commissioner will review your motion without oral argument. To fill out the *Notice of Court Date*:

- Fill in your name, email address and phone number
- Write "Motion for Reconsideration" next to "name of motion"
- Write in the court date you have chosen next to "Calendar Date."
- Fill in the other party's name and the court date you have chosen
- Check the box "Motion for Reconsideration" and write in the name of the Commissioner who signed the Order you are asking to be reconsidered
- Sign and date and list your address or email address where the other party can send you documents. Also write the parties' names and service addresses on the second page of this form.

### Step 3: Make Copies of all documents in Step 1 (except proof of service or proof of mailing)

#### How many copies do I need?

- **Original** set to file with Clerk's office
- **Copy 1** will go to the Commissioner for the hearing
- **Copy 2** is to serve on the other party
- **Copy 3** you will keep for your record

### Step 4: 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 and Proof of Service or Proof of Mailing.

#### E-File your completed forms with the Clerk's Office

How to e-file into an existing case:

<https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/eFileIntoExistingCaseGuide.ashx?la=en> also found here: <https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>

### Step 5: Email Proposed Orders to Family Law Department

You must submit your proposed orders 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

The Submission List is a list of the filed documents you want the court to review for your hearing. The Submission List form can be found at:

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 Submission list must be filed in the court file at least **2 court days by 12 noon** before your hearing. You must include the phone number and email address on the Submission List even

though the Court will not call you for this hearing. It is without oral argument. If you do not turn in a Submission List the Commissioner may not review your motion.

## **Step 6: Have the other party served.**

### **What to serve**

Serve the other party with a copy of all forms and any other documents you are submitting to the Commissioner for the Motion for Reconsideration. The other parties must be served within 10 days of the Commissioner's oral decision.

### **How to serve**

#### **If a trial date is scheduled in your case:**

Provided that no order restrains you from having contact with the other party, you may deliver or mail them yourself within 10 calendar days of the Court's oral decision (*If you mail them, you must mail them within 7 days of the Court's oral decision*). If the other party has an attorney, deliver or mail to the attorney instead. After delivering or mailing the documents, fill out the [Proof of Mailing or Hand Delivery](#). Make 1 copy of this form for your records and file the original with the Clerk's office.

#### **If a trial date is not scheduled in your case:**

Someone other than yourself, who is over the age of 18, must serve the documents on the other party within 10 calendar days of the Court's oral decision. If the other party has an attorney, have the attorney served instead. The Server must complete and sign the [Proof of Mailing or Hand Delivery](#) form and return it to you. Make 1 copy for your records and file the original with the Clerk's office.

If the King County Prosecuting Attorney's Office was involved in the original motion, you must deliver a copy of all forms and documents for the Motion for Reconsideration to the King County Prosecuting Attorney Family Support Division

## **Step 7: Reply to any Response by the other party (if applicable)**

Once the commissioner reviews your motion they can either:

- 1) Deny your motion without a response from the other party or
- 2) Ask the other party for a response.

You will receive a letter or email letting you know if they have denied the motion or if they are asking for a response. If a response is requested the letter or email will include deadlines for the response and your reply to the response.

If you wish to reply to the other party's response, you must file and serve your reply by the date listed on the letter. You must also file an updated Submission List to include your reply declaration.