

How to Ask for a Contempt Order

If the other party does not obey a court order

You should **only** use these instructions if the order you want the other party to follow is about:

- Visitation or residential time with the children (Parenting Plan, Residential Schedule, Custody Order, etc.);
- Child Support;
- Maintenance (i.e. alimony or spousal support)

When you ask for a Contempt Order, the other party may have the right to a Public defender. That means the hearing could be postponed for several weeks.

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:

All of these forms can be downloaded at www.courts.wa.gov/forms/

Name of Form	Form No.	Notes
Motion for Contempt Hearing	FL All Family 165	Attach a copy of the Order that the other party disobeyed. If the Order is from another county, talk to a lawyer first.
Declaration	FL All Family 135	
Order to Go to Court for Contempt Hearing (Order to Show Cause)	Seattle or Kent	See Step 2 for information on how to choose a hearing date.
Notice of Court Date Family Law (Commissioners)	Seattle or Kent	See Step 2.
Proof of Personal Service	FL All Family 101	This is for the server to fill out after copies of the court papers are served to the other party
Contempt Hearing Order	FL All Family 167	Fill out the way you want the Commissioner to decide. Write “PROPOSED” at the top of each copy, but not the original.

If the motion involves financial issues, you will also fill out these forms

Financial Declaration of (Name) ____.	FL All Family 131		<input type="checkbox"/>
Sealed Financial Source Documents Cover Sheet	FL All Family 011	Attach the documents listed below to this cover sheet	<input type="checkbox"/>
For the court to decide on financial issues, you must provide copies of financial documents, including: <ul style="list-style-type: none">▪ 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			

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/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 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.

- **Original** set to file with the Clerk’s Office.
- **Copy 1** is to serve the other party
- **Copy 2** you will keep for your records.

Step 4: Submit your documents Ex Parte via the Clerk.

Ex Parte via the Clerk is a service provided by the Clerk’s Office. Submit all documents listed in step 1(except the *Contempt Hearing Order and Proof of Service*) and a Clerk will give your *Order to Go to Court for Contempt Hearing (Order to Show Cause)* to a Commissioner to sign and return a signed copy to you.

You can submit your documents to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

OR

You may also provide your papers electronically to Ex Parte via the Clerk. Please see: <https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/eExParteviatheClerkGuide.ashx?la=en>

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/~media/courts/Clerk/forms/ifp-clerk-fee.ashx?la=en>.

Step 5: Submit Proposed Orders to Family Law Department

You must submit your proposed orders online through the **Clerk's Office eFiling System** <https://dja-efsp.kingcounty.gov/EFiling/Logon/Logon.aspx> 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

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

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 *Submission List* form can be found at: <https://www.kingcounty.gov/courts/clerk/forms.aspx>. 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. 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://dia-prd-ecexap1.kingcounty.gov/> by entering your case number, clicking on the document list, and referring to the Sub Number Column.

Step 7: Have the other party served.

The other party must be served a copy of all of your court papers (except the *Return of Service*) at least **14 days** before the hearing.

How to Serve:

- Someone over 18 – **not you** – must serve (give) the other party copies of your court papers.
- After serving, the server fills out the *Proof of Personal Service* form (FL All Family 101) and gives it to you. (If the other party is personally served outside Washington State, fill out and file form FL All Family 102 also.)
- File the original *Proof of Personal Service* with the Clerk. Keep a copy. You will need it at your hearing.

Step 8: 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 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.