

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 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:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court
516 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th Ave North, Room 3D
Kent, WA 98032

Step 1: Fill out these forms.

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

Form Name	Form Number	Notes	Completed
Motion for Default	FL All Family 161	This is where you tell the court why the other party is in default.	<input type="checkbox"/>
Order on Motion for Default	FL All Family 162	Fill this out the way you would like the Judge to decide.	<input type="checkbox"/>
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)	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: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Notice of Court Date- Chief UFC Judge	Chief UFC	Use either the Seattle or Kent form based on your case designation.	<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 has to 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	
Motion for Default	FL All Family 161

Step 4: Email your proposed Order

Email the following order to the chief UFC bailiff.

Order on Motion for Default	FL All Family 162
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You can find the contact information for the Chief UFC Judge at <https://www.kingcounty.gov/courts/superior-court/directory/judges.aspx>. 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

As long as 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 7: Attend your hearing by phone

Parties must appear by phone. To appear for the hearing call the court at 1:30 pm on the date of your hearing. Call (206) 263-8114 and enter conference ID number 504484#.