

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) | FL All Family 166 | 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.

The motions calendar is limited to a certain number of hearings per day. You must go to <https://www.kingcounty.gov/courts/clerk/calendars.aspx> to find an available calendar date.

Click on “Calendar Availability Tool.” This tool will help you find out when there is availability for your hearing. Pick a date that is displayed as “available.” Use that date to fill out the *Notice of Court Date Family Law Commissioners* form and the *Order to Go to Court for Contempt Hearing*.

- **Date:** Use the available date you found in the Calendar Availability tool; this date must be at least 14 calendar days from the date you plan to have the other party served.
- **Where:** King County Superior Courthouse, 516 3rd Ave, Seattle WA 98104 (Seattle cases) or Maleng Regional Justice Center, 401 4th Ave N, Kent, WA 98032 (Kent cases).
- **Time/Day of the Week:** Check Family Law Motion at 1:30 PM and choose either Attorney Calendar if one or more parties have an attorney **or** Self-Represented Calendar if both parties are self-represented. Attorney Calendar hearings occur on Monday, Tuesday and Thursday. If both parties are self-represented your hearing date should be on Wednesday or Friday.

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: Email Proposed Orders to Family Law Department

At least 14 days prior to the hearing, the *Contempt Hearing Order* and a copy of the *Order to Go to Court for Contempt Hearing (Order to Show Cause)* must also be emailed to:

- KNTFLOrders@kingcounty.gov for motions noted in Kent, and
- SEAFLOrders@kingcounty.gov for motions noted in Seattle.

Step 6: Submission List/Confirm Hearing

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

<https://kingcounty.gov/courts/clerk/calendars.aspx> and must be filed in the court file at least

3 court days by 12 noon before your hearing. You must include the phone number and email address you want the court to use on the Submission List.



Important! If you do not turn in a Submission List your hearing will be stricken.

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 hearings are being conducted by phone or video until further notice. The court will call you at the number you listed on you Submission List. They may call any time from 1:30-4:00 pm.

These procedures may change. Check the family law website at <https://www.kingcounty.gov/courts/superior-court/family/confirmations.aspx> for the latest information on how the hearing will be conducted.