

How to Ask for an Order of Default If the Respondent has not appeared

Use this packet ONLY if:

- The other party was properly served, and if he/she did not appear at any hearings or file any documents in your case *and* the other party has missed the deadline to respond:

20 days	If respondent was served in person in Washington state
60 days	If respondent was served in person outside of Washington state or by publication.
90 days	If respondent was served by mail.

- If it has been more than a year since the other party was personally served or served by mail, you are required to schedule a hearing before the Chief UFC Judge and provide the other party with notice of the hearing. Please see Facilitator instruction “Default if Respondent has Appeared.”

Talk to a lawyer if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They provide *legal information* only and **are not intended** to be a substitute for legal advice.

Facilitators cannot provide legal advice or complete your forms for you. It’s a good idea to talk to a lawyer before you file any forms.

You can get information about their services and a list of low-cost and free legal resources at <https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/family-law-facilitators>

Step 1: Fill out these forms.

All 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 Commissioner to decide.	<input type="checkbox"/>

Note: You must have valid proof of service of the Summons, Petition and Case Schedule. Provide a copy of the *Proof of Personal Service* along with your completed forms.

Step 2: Fill Out the Ex Parte via the Clerk Cover sheet

This form can be downloaded at: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms> or it is available at the Clerk's office

Form Name	Form Number	Notes	Completed
Ex-Parte via the Clerk Coversheet	None	Use accurate contact information	<input type="checkbox"/>

Step 3: Submit original forms to the Clerk's Office.

- Deliver your completed documents to the clerk's office in person (E-609 in Seattle or 2C in Kent).

Or

For information on how to submit your request via mail or electronically ex parte via the clerk, visit: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/ex-parte-via-the-clerk>

- There is a fee required for the clerk's office to present your documents to the commissioner. If you believe you are eligible for a fee waiver, speak to a clerk.
- The clerk will notify you of the commissioner's decision by the method you selected in the Ex Parte via the Clerk Coversheet.
- After the Order has been signed the Clerk will automatically file the original documents and return a copy of the Order to you via the method you requested.
- Once you receive the signed Order on Motion for Default and you are ready to finalize your case, you can visit the Family Law Information Center for instructions on how to schedule and prepare for your final hearing.