

# Eviction court hearings

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If a landlord files an eviction court lawsuit (called an Unlawful Detainer Action) against you, you should be given an opportunity to go to a hearing in front of a judge, called a Show Cause Hearing. Read this to learn the basics about how to prepare for and go to a Show Cause hearing in an eviction case.

If your landlord files an eviction lawsuit against you, you should be given an opportunity to go a hearing in front of a judge and defend yourself against the eviction.

In Washington, an eviction lawsuit is called an Unlawful Detainer Action (UDA). When the lawsuit begins, your landlord should serve you with court papers, called a **Summons** and a **Complaint**.

The Summons should have a deadline to respond in writing. The Summons may also list a date and time of a Show Cause Hearing in front a judge. You may also receive another court paper (separate from the Summons) called an **Order to Show Cause** which should have a date and time for the hearing.

The **Show Cause Hearing** is your opportunity to defend against the eviction in front of a judge.

If you do not go to the Show Cause Hearing, you may lose the eviction suit automatically and the landlord may be able to get an eviction order from the judge that a sheriff can post on your door and then force you out.

If you receive the eviction court Summons and Complaint, you may be eligible for free legal help if you have a low income.

If you need an interpreter or accommodation for a disability, try to contact the court as soon as possible to ask for help attending the hearing.

## **What happens at a Show Cause Hearing?**

A judge will decide if you have a good defense to the eviction. You may win the case right there. Or the judge might give you a full trial to fight the eviction.

A judge who thinks your arguments are not strong enough may rule that the landlord can evict you immediately and how much you owe the landlord.

Your landlord's lawyer will argue why the landlord should evict you. Then you may argue why they should not.

### **Can I ask for an electronic or virtual hearing instead of going in person?**

Probably. As of 2023, eviction courts have more discretion to hold eviction hearings remotely (over the phone or video). You can read the law about this at RCW 59.18.412 (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.412>).

Tenants or landlords can request that an eviction hearing be conducted remotely (over the phone, video, or other electronic means). Courts should grant requests from a tenant to appear remotely, unless the judge finds that there is "good cause" to require in-person attendance or for the hearing to be held using a specific technology.

Courts are supposed to provide instruction to tenants about how to attend eviction hearings remotely. Tenants should be able to ask for a remote hearing by email, fax, or other electronic means.

Try to contact the court where your case was filed about remote hearings and try to talk to a lawyer about your case and how to respond.

### **What do I need to do to prepare for a Show Cause Hearing?**

Whether or not you have a lawyer in your case, here are some things you can do to prepare for your Show Cause Hearing.

**Gather important evidence** that will help support your defense to the eviction. Evidence may include documents and photos, for example:

- Your lease or rental agreement and move-in condition checklist
- Any receipts for money you have paid to your landlord or repair people or others (deposit, rent, fees, repairs, damages)
- All notices or court papers that your landlord has given you
- All notices or court papers that you have given your landlord
- Photos of conditions of the rental unit or of repairs you've done

**Try to bring original documents and also copies for the court.**

**Ask any witnesses who can support your defenses to come to the hearing.**

**If you are going to the hearing in person, research how the courthouse works:**

- Parking or public transit options
- How long it takes to get into the court through security
- Where the court room is for Show Cause Hearings

**If you are going to a virtual or remote hearing, read these [tips for phone and video hearings](#).**

**Practice what you are going to say at the hearing.** You may not get very much time because Show Cause Hearings are often very short.

Read more [practical tips for going to court](#).

### **What happens at a Show Cause Hearing?**

The judge usually starts by describing the court's procedure, and then calls the first case. You may have to wait for several other hearings before yours is called.

When the judge announces your case, go to the front of the courtroom with your evidence and witnesses. The judge will probably ask you and all your witnesses to swear tell the truth before testifying.

### **What should I say at the hearing?**

Explain why the landlord should not evict you by presenting defenses to what the landlord said in the Complaint.

If the landlord claims you owe money, but you have receipts that showed you paid, you can show the receipts. If you have paid money for repairs the landlord refused to make, you can explain how much you paid.

If the landlord did not give you a proper eviction notice or court papers, explain how they were not proper.

If you have witnesses, ask the judge if they can testify. The judge may allow you to ask them what they personally witnessed about your case.

### **What will the judge do at the hearing?**

**The judge may ask you and the landlord to try to settle the case.** The judge may ask you and your landlord (or their lawyer) to go out into the hallway and work out an agreement then come back and show it to the judge for approval.

The judge may also rule immediately about the case.

**If the judge thinks you have shown a good reason why the eviction shouldn't happen, the judge may dismiss the case against you.** Depending on the reasons the judge gives, the landlord may or may not try to file another case against you. Try to talk to a lawyer if you think the case should not have been brought and you want to try to stop the eviction court record from showing up later when you try to rent another place.

**If the judge agrees with the landlord, the judge may sign a court eviction order.** The landlord may give this eviction order to the sheriff who may ()post another eviction order (called a Writ of Restitution) on your door. You may then only have a few days to move out or the sheriff may force you out.

Even if you lose at the Show Cause Hearing, you may still have a chance reinstate your lease after the eviction order.

**If the judge cannot decide whether or not the case should be dismissed, the judge may order a full trial** to decide the case within 30 days. You may ask to have a jury hear a full eviction trial. Try to get legal help before any trial.

### **What if I miss the Show Cause Hearing?**

If you do not show up at the hearing (whether in person or a remote hearing), the judge may rule that the landlord wins and sign an eviction order against you. The judge may also sign a judgment that says you owe the landlord money, and this may include rent, damages, court costs, and lawyer fees.

Even if you lose at the Show Cause Hearing, the landlord cannot physically force you to move. Only the sheriff can force you to move off the property.

If you have a very good reason why you could not attend the Show Cause Hearing, you may be able to vacate the judgment and cancel the eviction. This process can be difficult, so try to get legal help as soon as possible if you missed a Show Cause Hearing.

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