

# Respond to a Washington court case when you live out-of-state

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What to do if you've been served with a petition or complaint filed with a court in Washington State and you live in another state.

If someone is suing you, you must respond in writing by the deadline stated in the court papers. This isn't always easy to do, especially if you're being sued in a court in a state that you don't live in. Make sure you get started right away figuring out how to do this and what to say in your response.

## **Should I try to get a lawyer in Washington State?**

When you have a legal matter, it's often best to work with a lawyer ([https://www.americanbar.org/groups/legal\\_services/flh-home/](https://www.americanbar.org/groups/legal_services/flh-home/)). When your case is in a different state from where you live, a lawyer in the other state can represent you. This can make it easier for you to take part in the case, especially if you live far away from the court where the case was filed.

In most cases, you must pay a lawyer. You can contact the legal aid office in your state (<https://www.lawhelp.org/>) to find out if you qualify to get free legal

help. If you qualify, your local legal aid office might contact the Northwest Justice Project (<http://nwjustice.org/>) (NJP) in Washington State to ask them to represent you. You can also contact NJP directly.

If you can't find a lawyer, you must represent yourself.

### **Should the case even have been filed in Washington State?**

It depends on whether Washington has **jurisdiction**. Jurisdiction is a court's power to hear your case. There are special laws about jurisdiction in child custody cases. If the case is about something else, another state law in section RCW 4.12 (<https://apps.leg.wa.gov/rcw/default.aspx?cite=4.12>) might apply.

**Jurisdiction** also refers to which state court has authority over you (personal jurisdiction). Generally, a Washington court can't make decisions that affect your rights unless you have some connection to the state.

**Important!** If you've never lived in Washington or done business here, a Washington court may not have authority (jurisdiction) over you. Try to talk to a lawyer before doing anything else if you think the court doesn't have jurisdiction. If you want to argue about jurisdiction, you must do that **before** filing anything else.

### **But is the case filed in the right county in Washington?**

It depends. **Venue** is the county your case is filed in. The right venue could be:

- The place where an event happened or where one of the other parties to the case lives
- The place where your child under age 18 lives

## **I think this case was filed in the wrong state or county. What can I do?**

Try to talk to a lawyer. **Jurisdiction can be very complicated.**

If you want your case moved to a different state or county, you should **ask for this in your response**. Don't wait to bring this concern to the judge's attention. We have forms and instructions to ask to move your case to another county within Washington (change venue).

## **What happens if I don't respond to the case at all?**

Even if you disagree about the county or even the state that the case is filed in, you must respond in writing to say so and to otherwise give your side of the story. If you don't, the person who sued you can ask the judge for a default decision. That means they can ask the judge to give them whatever they asked for in the court case, without any input from you.

## **Can I file my court papers online (e-file)?**

Maybe. It depends on the court. Check the court clerk's website, or contact them directly to ask. You can find court contact info on the state courts directory ([http://www.courts.wa.gov/court\\_dir](http://www.courts.wa.gov/court_dir)). You might have to set up an account or pay a fee to e-file.

## **Can I attend court hearings remotely?**

Since the COVID-19 pandemic, more courts are using phone and video hearings. To ask about attending a hearing remotely, contact the court and the courtroom where your hearing is scheduled. Check the court's website or the state courts directory ([http://www.courts.wa.gov/court\\_dir](http://www.courts.wa.gov/court_dir)) for contact info.

Depending on the county, you might need the judge's approval beforehand to attend a hearing remotely. The judge might ask for proof that you have "good cause" to do so. Good cause could include:

- You live out of state
- You live over 2 hours from the courthouse
- You have a medical condition which keeps you from traveling
- You're in jail or prison and can't come to court

### **What is a settlement conference?**

The court where your case is filed might require you to try to work out your disagreement without going to trial, for example at a settlement conference. At a settlement conference, a volunteer judge or lawyer meets with you and the other party to help you talk about issues, solve differences, and reach agreement so that you don't need a trial.

Usually, you must be in person for a settlement conference. If you have good reasons, you might be able to attend by phone or online. Contact the judge or lawyer in charge of your settlement conference to ask.

If the county where your case is filed doesn't require settlement conferences, but you still want to try to resolve the case without going to trial, you can try using a mediation service.

**WashingtonLawHelp.org** gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.

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