

Respond to a motion (general)

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If you receive **motion** papers in a court case, read them carefully. The papers will say what the other side is asking for. If you don't agree with the requests, you must respond in writing and go to any hearing that's scheduled. If you don't respond on time, the other side will probably get what they're asking for.

If you received a **petition** or **complaint**, you must respond to a court case, not just a motion.

Fast facts

A motion is any request a party makes to the judge while your case is in progress, before or after a trial.

For most motions, the requesting party (sometimes also called the moving party) must put all their requests and evidence in writing, schedule a hearing, file their papers with the court clerk, and serve the other party (you).

When you receive a motion, you should respond in writing. You can file written statements (called declarations) from yourself and other people supporting your side.

This is different from a trial, where witnesses must testify in person. The judge holds a trial to make a final decision on all issues in your case.

Step-by-step

1. **Find out your deadline!** Every county's motion response deadline is different. It could be anywhere from **1 week** to **1 day** before the hearing. It might not be listed on the papers you received. Contact the court clerk's office (https://www.courts.wa.gov/court_dir/?fa=court_dir.county) to ask what the deadline to respond is. Tell the clerk what type of motion you received and when the court hearing will be.

For family law and guardianship cases, many courts have Facilitators (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) who can help you navigate the court process. They can't give legal advice, but can answer procedural questions.

If you think you need more time to respond, you should still get ready for the hearing as best you can. Also contact the other party to see if they'll agree to reschedule (to continue) the hearing to a later date.

2. **Gather your evidence and write a declaration** explaining your side. There are different Declaration forms for family law, protection order, and general civil cases.

In your declaration, put what you disagree with and what you want the court to do. You may also want to file a financial declaration, child support worksheets, or a proposed parenting plan if the motion involves those issues.

You can also have other people write declarations if they have helpful information. Think carefully about what information can help show what you're telling the judge is correct, or what the other side is saying isn't true.

It's important to put your response in writing. You and your witnesses probably won't be able to testify at the hearing. The judge usually decides based on the written documents filed and any legal argument you make at the hearing.

If you have other documents that help prove your points, you can attach them as "Exhibits" to your declaration. Organize your Exhibits so the judge can understand them. Add labels and dates to pictures, texts or emails

- **Examples to attach as Exhibits:** text messages, photos, bills, school grades, daycare records, criminal history, law enforcement records.

Some confidential documents should be filed separately under a sealed cover sheet. This keeps them out of the public court file. You must still serve them on the other party. **Examples:** paystubs, tax returns, bank statements, benefit statements, medical or treatment records, special

education records, confidential evaluations or reports.

If you're afraid for your safety or the children's safety, you can block out information identifying your location on the copies you file with the court and give the other party.

If you want the judge to order something the other party's motion doesn't cover, you must file your own motion to ask for that. You should still respond to the other party's motion.

3. **Make copies.** You'll generally need a set of copies of your completed paperwork for your own records, and one set for each other party to your case. In some courts, you also need an extra set of working copies for the judge.

If a child support prosecutor (often called "the state") is involved in your case, you'll need to serve them with a copy of everything you file in court. Make an extra copy to serve on them.

4. **File with the court clerk by the response deadline.** File the originals with the Superior Court Clerk. Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

5. **Have copies served on the other party by the response deadline.** If the other party has a lawyer, serve the lawyer instead.

Unless there's a restraining order against you, you can serve the papers yourself, but it is better to have someone else do it. Ask an adult friend or relative to do it for you.

You can serve by hand delivery or first-class mail. You can only serve by email or fax if the other party has put in writing that they agree to accept legal papers for this case in that way. Follow the rules to serve papers after a case starts. Whoever serves the papers must sign Proof of Mailing or Hand Delivery.

6. **Go to the hearing.** For how to prepare and what to expect at a court hearing, read chapter 4 of File for and respond to temporary or immediate orders, or search WashingtonLawHelp.org for your type of motion.

7. **Get copies of any orders the judge signs.** Ask the clerk how to get the copies you need.

It's important to follow the court orders. If you don't, the other party may ask a judge to find you in contempt.

8. **If you disagree with the judge's decision, try to talk to a lawyer right away.** You might want to file a motion for revision or reconsideration. You must file those motions **within 10 days** of the order you want to change.

You can also make your own motions.

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