Superior Court of Washington, County of _____

In re:

Petitioner/s *(person/s who started this case)*:

_____

And Respondent/s *(other party/parties)*:

_____

No. _____

Motion for Default
(MTDFL)

Motion for Default

Important! *The person making this motion must ask the court to sign the Order on Motion for Default (FL All Family 162) either at a hearing or at ex parte.*

- *If you must notify the other side about this motion, you may use the Notice of Hearing form (FL All Family 185) unless local rule requires a different form. Contact the court for scheduling information.*

- *If you don't have to notify the other side, you may ask the court to sign the Order "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county.*

1. My name is: _____

2. Request

I ask the court to find the other party, *(name):* _____,
in default, and to approve final orders in this case without the other party's participation
because the other party has not filed a *Response.*

3. Notice about the motion *(check one):*

☐ I will give the other party a copy of this motion and advance notice of the hearing
because s/he has filed a *Notice of Appearance* or appeared in this case in some other
way, or it has been more than one year since s/he was served with the *Summons* and
Petition.

☐ I do not have to notify the other party about this motion because s/he has **not** filed a
Notice of Appearance, has **not** appeared in this case in any other way, AND was
served with the *Summons* and *Petition* less than one year ago.

4. Service of Summons and Petition

The other party was properly served on *(date):* _____ with a *Summons* and *Petition* for this case and any other documents listed in the proof of service filed with the court.

State (or foreign country) where the other party was served: _____

☐ The other party had to be served outside of Washington State because *(explain):*

_____

_____

5. Timing and type of service

The other party was served with the *Summons* and *Petition* by *(check one):*

☐ personal service in Washington State, at least 21 days ago.

☐ personal service outside of Washington State, at least 61 days ago.

☐ mail, at least 91 days ago.

☐ publication, at least 61 days ago.

☐ **For a *Petition to Modify Child Support Order* only:**

    ☐ by mail in Washington State. Service was effective at least 21 days ago.

    ☐ by mail outside of Washington State. Service was effective at least 61 days ago.

6. Correct Court (venue and jurisdiction)

At the time this case was filed:

    The Petitioner lived in *(county and state):* _____

    The Respondent lived in *(county and state):* _____

    The children (if any) lived in *(county and state):* _____

The *Petition* describes how this court has jurisdiction over this case and the parties.

☐ Other *(specify):* _____

_____

7. Active duty military

*(The **federal** Servicemembers Civil Relief Act covers:*
- *Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;*
- *National Guard or Reserve members under a call to active service for more than 30 days in a row; and*
- *commissioned corps of the Public Health Service and NOAA.*

*The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)*

☐ The other party is **not** covered by the state or federal Service Members' Civil Relief Acts. I know this because *(check all that apply):*

☐ The attached report from the Defense Manpower Data Center (DMDC) shows his/her status. *(To get the report, visit* https://scra.dmdc.osd.mil/scra/. *You will need his/her birth date or social security number to search this website.)*

☐ I sent the other party a *Notice to Military Dependent* (form FL All Family 103) to inform him/her of dependents' rights. The other party did not respond within 20 days claiming to be a protected military dependent. Therefore, the other party should not be considered a protected military dependent.

The *Notice* was *(check one):*   ☐ personally served on *(date):* _____

☐ mailed by first class mail on *(date):* _____

☐ I have personal knowledge of the other party's military or dependent status *(explain):* _____

_____

☐ Other *(explain):* _____

_____

☐ The other party **is covered** by the state and/or federal Service Members' Civil Relief Act, but:
- s/he is represented by a lawyer in this case, AND
- s/he has not filed a Response, AND
- the court has not granted a stay (or any stay previously granted has ended).

☐ I **don't know** whether the other party is covered by the state and/or federal Service Members Civil Relief Act. I did the following things to try to find out: _____

_____

8.   Other *(specify):* _____

_____

_____

Person making this motion fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at *(city and state):* _____   Date: _____

▶ _____   _____
Person making this motion signs here   *Print name here*

Lawyer (if any) fills out below

▶ _____   _____   _____
Lawyer signs here   *Print name and WSBA No.*   *Date*