

Temporary Motion

Often parties will need to file a motion with the Court to request temporary relief while their case is ongoing.

A motion for a temporary order will state what the party is asking the Court to consider and the decision the party is asking the Court to make in the temporary order. The motion is usually accompanied by other documents, which could include declarations and financial or medical records.

Whether or not to file a motion to request a temporary order is a strategic decision and the attorneys at Lutz Law Offices are well prepared to discuss the pros and cons of a motion in your action. Our attorneys can also help if you need to respond to a motion filed by the other party.

Preparation is Critical

Washington courtrooms are busy places and the dockets are often long, with the commissioner or judge hearing multiple other cases the same day. Typically, the Court will not take oral testimony and will rely solely upon the written materials submitted in advance of the hearing. Preparation for a motion is therefore critical and the attorneys at Lutz Law Offices can assist with the many and varied details.

Since a temporary order may stay in place for the duration of the entire case, you will want to think about issues impacting your case now and in the months ahead. Depending upon the type of motion, declarations from you and other people might be critical, and will need to be part of the planning process as written declarations often take time to obtain.

Key Documents

Similarly, if key documents are needed to support your position, you should have those in advance of filing your motion. When the motion is filed a date for the hearing will be selected. The party filing the motion has to serve the other party with all the documents and the other party can file their own response, with supporting declarations and documents. The party filing the motion will have an opportunity to file a reply to the other party's response.

Rules for Motion

There are special rules for motions and these can vary in different counties, including the timing for scheduling a hearing and submitting your materials to the Court and the other party. Depending on the type of motion, it may be heard by a commissioner or a judge, but most family law motions are heard by a commissioner. The attorneys at Lutz Law Offices are familiar with the rules and will work with you to prepare for the motion and hearing.

At the hearing, the Court will hear oral argument from the attorneys or the parties if they are pro se (appearing without counsel). The Court will have read the "working papers" provided by the parties and may have questions to ask about the case. Our attorneys are experienced in appearing at Court for hearings and responding to questions from the bench.

Most jurisdictions impose strict limits on the length of a hearing, and attorneys at Lutz Law Offices know how to highlight the important areas while covering all the issues. When the Court has heard from both parties, the commissioner or judge will give a decision and the parties must then prepare an order. Usually the order is entered before the parties leave the courtroom, although some jurisdictions require a presentation of the order at a later date.

There may be times when a party is unhappy with a commissioner's ruling and wants to revise the decision. A motion for revision may be made to the trial judge and the Court will not usually consider new evidence. Again, time limits apply and whether or not to contest a ruling is a strategic decision to discuss with an attorney at Lutz Law Offices.

Lutz Law Offices, P.S.
311 River Road, Suite 208 • Puyallup, WA 98371 • .253.466.4074
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