

Motions Packet



Civil

Contents:

- a) Filing a Written Motion Civil Guide
- b) Motion and Affidavit in Support of Motion
- c) Notice of Motion
- d) Response to Motion and Supporting Declaration
- e) Affidavit of Service

FILING A WRITTEN MOTION

Civil - This guide is not applicable to motions filed in child & family protection cases, child in need of services cases, and protection order cases.

You may file a written motion to communicate with a judge about your case. A written motion explains a problem and requests the judge to do something about it. Written motions can be used for many issues. These include, but are not limited to: requests to change a hearing date (motion to continue), requests to end a case (motion to dismiss), requests to schedule a court date (motion to hold a hearing), and requests to attend a hearing by phone (motion to appear telephonically).

1. Can't the clerk just talk to the judge for me?

NO! The motion process must be followed. Court Clerks are not allowed to give legal advice and cannot talk to a judge about your case for you.

2. What if my problem is an emergency?

You may submit a motion requesting an emergency order from the Court. If using the Court's form, check the "Emergency" box in the upper right hand side of the motion and affidavit form. Explain the emergency and clearly state what you are asking the Court to do. The judge will determine whether to grant your request for an emergency order.

If an emergency involves *child abuse or neglect* report the child abuse or neglect to one of the following agencies:

- Puyallup Children's Services – (253) 680-5532
- Puyallup Tribal Police Department – (253) 680-5656

If an emergency involves the *abuse or neglect of an elder or a vulnerable Tribal adult* report the abuse or neglect to one of the following agencies:

- Puyallup Adult Protective Services – (253) 382-6070 or
(253) 382-6071
- Puyallup Elders Services Program – (253) 680-5480
- Puyallup Tribal Police Department – (253) 680-5656

3. How do I file a motion?

STEP 1: Read this guide carefully

Read this guide and the attached forms carefully before completing the forms.

STEP 2: Gather Documentation/Information

If necessary, locate any documents with dates and details that will help you complete the forms and explain your request. Documents that support your request must be submitted with the motion.

STEP 3: Complete the Motion

A motion form is attached. You are not required to use this specific form to make your motion. Your motion should be complete and written clear enough so that a judge can read and understand what you are requesting.

If, for genuine safety reasons, you are requesting the Court to keep your contact information confidential for purposes of this proceeding, fill out the Court's address and telephone number as your contact information on the Motion. Put your actual address on the Statement of Address form so that your address may remain confidential.

STEP 4: File the Motion

To file a motion with the Court, submit the motion and any supporting documents to the Court Clerk during business hours (M-F 8 a.m. - 5 p.m.; closed for holidays). The Clerk's office is located inside the Puyallup Tribal Court facility.

Step 4.1: Submit to the Court Clerk

- Completed motion
- Any supporting documents

Step 4.2: Get a Hearing Date

- Get a copy of your motion that the clerk has file stamped.
- Receive your hearing date. You will get a hearing date unless the motion is ex parte or an emergency.

4. What do I do after I file a motion?

After a motion is filed with the Court, you must provide the documents to the other party and file an Affidavit of Service with the Court that states how that party was served.

STEP 1: Complete both pages of the Notice of Motion form.

- STEP 2:** At least *10 days* prior to the motion hearing, provide the other party with:
 - a copy of the motion with hearing date and all attachments submitted to the Court.
 - the notice of motion with all attachments (response to motion and affidavit form and affidavit of service form).

- STEP 3:** Provide the Court with proof of service.
 - Fill out the Affidavit of Service.
 - File the Affidavit of Service with the Court.

5. When will the Court consider my motion?

All motions will be reviewed by the judge. Depending on the motion, the judge may decide to take immediate action or may hear your motion at the scheduled motion hearing.

6. What happens at the motion hearing?

You must show up to the motion hearing unless you receive an order from the Court striking the hearing. If you do not come to the hearing the judge will deny your motion. At the hearing, the judge will hear from the parties and decide whether or not to grant the motion.

You may confirm your motion hearing by calling the Court Clerk two days prior to the hearing. The Court Clerk may be reached at (253) 680-5585.

7. What happens after the hearing?

What happens after the hearing depends on what the judge orders. The order will outline the next step in the process so it is important to read the order and fully understand its contents.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re _____

DOB: _____

Minor child Vulnerable Tribal Adult

=====

_____,
Petitioner,

v.

_____,
Respondent.

Case No. _____

**MOTION AND AFFIDAVIT IN
SUPPORT OF MOTION (Non-CR)**

Emergency

Hearing Date: _____

Hearing Time: _____

****Court Clerk Action Required****

**PLEASE PRINT CLEARLY AND COMPLETE ALL SECTIONS TO THE BEST OF
YOUR ABILITY. BE SURE TO SIGN WHERE INDICATED.**

1. I, _____, am the Petitioner Respondent Other: _____
_____ in the above named case. My contact information is:

Mailing Address: _____
Address City State Zip Code

Telephone: (_____) _____ Message: (_____) _____

I left the above contact information blank because my contact information is confidential. I have provided the Court a Statement of Address and I may be served at the Court Clerk's office.

Motion

2. I am asking the Court to: *(check all that apply)*

Dismiss the case. Hold a hearing. Reconsider a judgment entered.

Continue the _____ hearing scheduled for _____ at _____.

Other: _____

Affidavit in Support of Motion

3. I am asking the Court to do this because: *(if this is an emergency, explain why)*

I have attached additional pages or documents to support my request.

*****DO NOT SIGN UNTIL DIRECTED TO DO SO BY THE NOTARY PUBLIC*****

WAIVED

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and all attachments are true and correct to the best of my knowledge and belief.

Date: _____ Affiant Signature: _____

Date: _____ (If any) Co-Affiant Signature: _____

Signed and sworn to before me on _____, by _____.

Date

Affiant

Notary _____

Signature

Notary Public in and for _____

State of: _____

County of: _____

My commission expires: _____

Affix stamp or seal

WAIVED

WAIVED

PLEASE TAKE NOTICE: Notary requirements are waived until further notice per General Order No. 2020-0002, et seq. Please sign and date this form without a Notary.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re _____

DOB: _____

Minor child Vulnerable Tribal Adult

=====

_____,
Petitioner,

v.

_____,
Respondent.

Case No. _____

NOTICE OF MOTION (Non-CR)

Emergency

TO: _____, Petitioner

_____, Respondent

_____, Other: _____

The purpose of this notice is to inform you that a motion has been filed in the above entitled case. A copy of the motion submitted to the Court and all attachments should be included with this Notice of Motion. These papers should be provided to you at least 10 days prior to the motion hearing.

If you want the Court to consider your position on the motion you must do the following:

1. **Respond to the motion.** Your response should explain your position on the motion and the reasons for your position. You may provide a written response and you may also provide a verbal response at the motion hearing.

Your response can be made in writing by filing a statement with the Court. You should also attach any documents that support your petition. If you file a written response, you must provide a copy of that statement to all parties and submit an Affidavit of Service to the Court. The Affidavit of Service informs the Court how you provided copies of your response to the other party.

A Response to Motion and Supporting Declaration form is included with this notice as a courtesy, however you are not required to use this specific form for your response. An Affidavit of Service form is also included.

2. **Attend the motion hearing.** The hearing will be held at 1451 E. 31st St. Tacoma, WA 98404 and is scheduled for _____ at _____.

Date *Time*

Your appearance is mandatory. Although not required, the Court requests that you call the Court Clerk at least two days prior to the scheduled hearing to confirm the hearing date. The Court Clerk can be reached at (253) 680-5585.

If you do not provide a response the Court may grant the other side's motion and give them what they have requested.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re _____

DOB: _____

Minor child Vulnerable Tribal Adult

=====

_____,

Petitioner,

v.

_____,

Respondent.

Case No. _____

**RESPONSE TO MOTION AND
SUPPORTING DECLARATION
(Non-CR)**

Emergency

**PLEASE PRINT CLEARLY AND COMPLETE ALL SECTIONS TO THE BEST OF
YOUR ABILITY. BE SURE TO SIGN WHERE INDICATED.**

1. I, _____, am the Petitioner Respondent Other: _____
_____ in the above named case. My contact information is:

Mailing Address: _____
Address City State Zip Code

Telephone: (_____) _____ Message: (_____) _____

I left the above contact information blank because my contact information is confidential. I have provided the Court a Statement of Address and I may be served at the Court Clerk's office.

Response

2. I oppose do not oppose oppose in part to the motion because:

Supporting Declaration

3. The reason for my response is:

I have attached additional pages or documents to support my response.

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and all attachments are true and correct to the best of my knowledge and belief.

Date: _____

Declarant Signature: _____

Date: _____

(If any) Co-Declarant Signature: _____

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re _____,
DOB(s): _____

Plaintiff(s)/Petitioner(s),
v.

Defendant(s)/Respondent(s).

Case No. _____

AFFIDAVIT OF SERVICE

1. I, _____, certify that I served the Plaintiff/Petitioner
 Defendant/Respondent Other: _____, a true copy of the following documents:
 Petition Notice of Hearing Other: _____
 Summons Motion Other: _____

2. I served said document(s) by:
 personally delivering to _____ on _____
Name *Date*
At _____, at _____
Street Address, City, State, Zip Code *Time*
 mailing to _____
Street Address or P.O. Box, City, State, Zip Code
via first class mail certified mail, return receipt requested other: _____
 emailing to _____
Email Address

DO NOT SIGN UNTIL DIRECTLY WAIVED DO SO BY THE NOTARY PUBLIC

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and attachments are true and correct to the best of my knowledge and belief.

Date: _____ Affiant's Signature: _____

Signed and sworn to before me on _____, by _____
Date *Affiant Printed Name*

Notary Signature: _____
Notary Public in and for _____
State of: _____
County of: _____
My commission expires: _____
Affix stamp or seal

WAIVED

PLEASE TAKE NOTICE: Notary requirements are waived until further notice per General Order No. 2020-0002, et seq. Please sign and date this form without a Notary.