



Going to Your Unlawful Detainer (Eviction) Hearing

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- ❖ Read this only if you live in the state of Washington.
 - ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.
 - ❖ **COVID-19 Update! Eviction law is changing quickly. There are temporary bans and changes to how courts handle evictions.** Things may be different depending on where you live. Get the latest information and learn about help for evictions in your area at WashingtonLawHelp.org: [Coronavirus \(COVID-19\): There are only a few reasons your landlord can evict you right now](#)
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Should I use this?

Yes, if both these are true:

1. Your landlord gave you a Summons and Complaint for Unlawful Detainer.
2. You have responded by submitting at least a Notice of Appearance. You plan to fight the eviction.

What is a Show Cause hearing?

If you get an **Order to Show Cause** with the Summons and Complaint, the landlord has scheduled a court hearing. We call that hearing a **Show Cause Hearing**.

If you get an Order to Show Cause and want to fight the eviction, you must **go to the hearing**. It is not enough to just

- Deliver your Notice of Appearance or Answer
- Deliver your rent to the Superior Court Clerk **or** file a Sworn Statement

When and where will the hearing be?

The date and time will be on the Order to Show Cause. **You must be on time!**

What happens at a Show Cause Hearing?

A judge or commissioner will decide if you have a good defense to the eviction. You may win the case right there. Or the judge might grant you a full trial to defend yourself.

A judge who thinks your arguments are not strong enough can rule

- That the landlord should evict you immediately
- How much you owe the landlord

Your landlord's lawyer can argue why the landlord should evict you. Then you argue why they should not.

How do I get ready for the hearing?

1. Gather all important papers or documents you need to argue your case. This may include:
 - your lease or rental agreement
 - your security deposit receipt
 - your move-in condition checklist
 - your list of things wrong with the place
 - rent receipts and cancelled checks
 - your eviction notices
 - the Summons and Complaint
 - your copies of your Notice of Appearance or Answer, stamped with the date you delivered them to the landlord's lawyer and the court
 - any written estimates for repairs to damages in the place
 - receipts for repairs you had done to the place

- photos of any problems with the place

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- ❖ Bring originals if you can. Bring an extra copy in case the court wants to keep anything.
 - ❖ If you are not sure you need something, bring it anyway!
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2. Ask any witnesses who could support your case to come to the hearing. They must have seen in person the damage or disputes between you and your landlord. The more witnesses with personal knowledge about your case, the better.
3. Watch how the system works before your hearing. Ask the court clerk when the court holds “show cause” hearings. Sit in on a hearing to get an idea how yours will go.
4. Before the hearing, practice what you want to say. Your presentation should be organized and short. Make a list of important points.
5. Let your witnesses know beforehand what you will ask them.

What if I do not speak English?

If you do not speak English or have a speech or hearing impairment, you have the right to an interpreter in court. **You must let the court know as far in advance as possible** that you want an interpreter.

Where do I go for my hearing?

When you arrive at the courthouse, check in with the court clerk. The clerk will tell you where to go. They may have posted the list of cases the court will hear that day outside the courtroom **or** they may read it aloud at the start of the session. If they do not list or read your case name, see the court clerk.

What happens at the hearing?

The judge usually starts by describing the court's procedure. Then they call the first case.

When the judge announces your case, go forward with your evidence and witnesses. Usually, all plaintiffs, defendants, and witnesses must swear to tell the truth before testifying.

What should I say at the hearing?

- 1.** Explain why the landlord should not evict you. Tell the court if your landlord did not make needed repairs, says you did not pay rent but you did, did not give you proper notice for changing a rule, or gave you any notices late. If you deducted costs from your rent for repairs, say so.
- 2.** Show the judge any evidence you brought. See “How do I get ready for the hearing,” above.
- 3.** If you have witnesses, tell the judge you would like them to testify. Ask them about why the landlord should not evict you.

If the landlord is trying to evict you for not paying rent, you can ask the court for a payment plan. Use [Motion to Reinstate Tenancy under RCW 59.18.410\(2\) and for Order of Limited Dissemination Form](#).

When does the judge announce a decision?

After hearing both sides, the judge may decide one of these:

- 1. You lose the case.** The judge decides you do not have a good defense. The judge will direct the sheriff to evict you. The judge might decide you owe your landlord money. The judge might tell you then how much you must pay your landlord, or make that decision later.
- 2. You win.** The judge decides you presented a good defense to the eviction. The judge dismisses the case. You do not have to move out, at least for now. The judge might rule this way because the landlord did not follow the right

procedures for eviction. The landlord may still be able to evict you later, after fixing any mistakes she made in the eviction process.

- 3. The judge needs a full trial to decide the case.** You get a trial date. If you are still living on the property, there will be a trial within 30 days.

Will a jury hear my case?

Not at a “show cause hearing.”

If the judge orders a full trial, you have the right to a jury. If you want one, be aware that you may have to pay for one. Ask the court clerk for more information.

What if I miss the Show Cause Hearing?

If you do not go, or are even a few minutes late, you will probably lose. The judge will let the landlord evict you. The sheriff can force you to leave the property. You may have to pay everything the landlord’s Complaint asked for. This can include rent, damages, court costs, and lawyer fees.

Can my landlord physically force me to leave the property?

No. Only the sheriff can physically move you off the property. The landlord must go to court to get the sheriff involved.

I got a “writ of restitution” at the Show Cause Hearing. Can I still stop my eviction?

Maybe not. It is very hard to stop an eviction at this point. You might be able to stop it if the landlord did something wrong in the eviction process. Try to get legal help right away.

If you were evicted because you owed rent, you may be able to “reinstate” your lease (save your tenancy) if you can pay everything you owe (back rent, court costs and attorneys’ fees) within 5 days of the court entering the judgment against you. You will have to make a formal request to the court (a “motion”) to do this before the sheriff comes to put you out. Use [Motion to Reinstate Tenancy under RCW 59.18.410\(2\) and for Order of Limited Dissemination Form.](#)

You may also be able to file a motion asking for a payment plan. Use [Motion to Stay Enforcement of Writ of Restitution and for Payment Plan Under RCW 59.18.410\(3\) Form](#).

These motions are complicated. Try to get legal help as soon as possible.

Get Legal Help

Outside King County, call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm. Interpreters are provided.

In King County, call 2-1-1 weekdays between 8:00 am - 6:00 pm. They will refer you to a legal aid provider.

If you are age 60 and over, you can call CLEAR*Sr at 1-888-387-7111, statewide.

You can also apply online with CLEAR*Online: nwjustice.org/get-legal-help.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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