



Northwest Justice Project

**Filing a Motion for Emergency Orders  
for Dissolution Cases and Custody  
Decree or Parenting Plan  
Modifications of Dissolution Cases**

**Instructions and Forms  
April 2011**

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## Section 1: Introduction and Important Information

### A. What is a Motion for an Emergency Order or an Ex Parte Order?

A Motion for an Emergency Order is officially called a Motion for an Ex Parte Restraining Order/Order to Show Cause. It's a way for you to ask the court to enter a court order giving you certain rights and/or protections between the time your family law case is filed and the date it's finished. The main difference between this type of motion and a Motion for Temporary Orders is that you ask the court for a court order that takes effect **immediately**, usually with little or no notice to the other party. The court usually doesn't want to enter an order before the other party has a chance to tell her/his side of the story, so file a Motion for Emergency Orders **only** if there is an emergency or urgent reason why you need an order entered before you can have a temporary orders hearing.

Either the petitioner or the respondent may file a motion for emergency orders. Motions for Emergency Orders can include orders related to issues including the parties' safety, finances, use of property, maintenance (alimony), child support, parenting plans or residential schedules, and guardians ad litem.

- ◆ Don't file a Motion for Emergency Orders unless you have a family law case that is already started, or you're filing a family law case at the same time that you're filing this motion. Example: if you're married and you want a Motion for Emergency Orders, you must have a marital dissolution or legal separation case that is already started (or you must file one along with this motion).
- ◆ If you're filing a Petition to Modify a Parenting Plan, try to file this motion at the same time as your Petition.

◆ **Note on reading this packet:** You'll see footnotes in this packet. Footnotes will tell you the law or court case that supports the statement that comes before the footnote, or will give you special tips, links to relevant websites, or other additional information. Use the legal references in the footnotes to look up the law at your local law library, or to tell the court when you're trying to make a legal argument. CR is the Civil Rules of Washington. GR stands for General Rules. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Custody of Child*. The references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

## **B. Should I use this packet?**

This packet is to help you fill out and file the necessary forms and papers for a Motion for Emergency Orders (called an Ex Parte Restraining Order/Order to Show Cause) when your divorce isn't yet final, or when your divorce is final but you or the other party files a petition to modify the parenting plan. Before using this packet, decide whether to file a Motion for Temporary Orders or a Motion for Emergency Orders or no motion at all. For help deciding, talk with an attorney, or read one of our legal information publications about your family law case (example: [Ending Your Marriage in Washington – The Basics](#)).

◆ **Note for Survivors of Domestic Violence or Unlawful Harassment:** If another party has a history of physically harming you or the children, or has threatened to do so, and if you've had a dating, roommate, marital, or family relationship with that party, or if you're a victim of unlawful civil harassment by the other party, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. Protection order forms are available from the court clerk, from your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. For general information, see our publication [Domestic Violence: How the Legal System Can Help Protect You](#). Note: the "petitioner" in the protection order forms is always the protected person, even if s/he is the respondent in the dissolution.

## **C. What if I have questions that aren't answered in this packet?**

It's always a good idea to talk with an attorney familiar with family law before you file anything with the court. Many counties have family law facilitators who can help you fill out forms, or have free legal clinics where you may get specific legal advice about your case. If you're low-income and don't live in King County, call CLEAR at 1-888-201-1014. If you live in King

County, call the King County Bar Association’s Neighborhood Legal Clinics at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice (ask for a family law clinic). Or go to the website ([www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

**D. What if the other party is in the military or the dependent of someone in the military?**

If the other party is a member on active duty in the military,<sup>1</sup> or is the dependent<sup>2</sup> of a service member who is a resident of Washington on active duty and a National Guard member or a Reservist, talk with an attorney before filing your request with the court. There are special rules for members of the military and certain dependents. Those rules may limit the court’s ability to make any orders adversely affecting the rights of the service member or his/her protected dependent.

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<sup>1</sup> Service members who are protected by the federal Service Members Civil Relief Act, 50 U.S.C. App. Sections 501 *et seq.* include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at [http://www.uscg.mil/legal/la/topics/sscra/sscra\\_guide.htm#coverage](http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage). For Washington State’s Service Members Civil Relief Act, see [RCW 38.42.010](#) *et seq.*

## Section 2: Steps to Take To File Your Motion

The following are the steps to follow in filing your motion. Use this checklist as you go through your case. Many of the steps are explained in more detail later in this packet.

- ❑ 1. **Check for Special Local Rules and Forms.** Check with your county court clerk or family law facilitator to see if your county has its own Motion for Emergency Orders packet. If so, use that packet instead of ours. If you use our packet, get any additional forms that you'll need. Make sure that you know any special deadlines for filing family law motions in the county where your family law case was filed. Also, find out whether your county limits the number of pages you may include in your Motion. Look back at the list of local practice issues in the main filing and responding packet you're using.

◆ A 2007 law<sup>2</sup> requires that the court:

\*check the judicial information system and databases to identify any information relevant to placing the child before entering a permanent or modified parenting plan and

\*in cases where a limiting factor such as domestic violence or child abuse is claimed, have both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.

This law is recent, so ask your local court clerk or family law facilitator about procedures your court is using under this law. You may need to use local forms and procedures not described in this packet.

- ❑ 2. **Gather Your Evidence and other Forms or Packets that You Need.** If possible, get the evidence you'll need now, for use when completing your forms. Think carefully about whether there is information that will help show that what you're telling the court is correct or that what the other party is telling the court isn't true. Your evidence could include:
- **Declarations of Witnesses** – Declarations (sworn written statements) by you and from other people who have personal knowledge about you or the other parties or the children. See Section 6 D on Declarations below.
  - **Records** – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are among the types of records that you might include.
  - **Photographs** – if they help prove or disprove one of the issues in the case.
  - **Financial Information** – if financial issues are included, get evidence of your income and assets, and perhaps evidence of the other party's income and assets. Examples include: paystubs, federal income tax returns, official letters from

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<sup>2</sup> [Ch 496, Laws of 2007](#)

Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.

- 3. **Follow the General Instructions** and fill in the captions of all of the forms.
- 4. **Complete All of the Forms You Need from this and other Packets.**
- 5. **Make the Necessary Copies of Each of the Completed Forms and Other Documents** that you're filing with the court. **Exception: Make just one copy (for yourself) of the confidential information form and addendum, the In Forma Pauperis form, and the Law Enforcement Information Sheet (LEIS). They won't be served on other parties.**
- 6. Go to the courthouse to **Ask the Judge to Sign Your Ex Parte Restraining Order/Order to Show Cause.** The judge may ask you to pay a "bond" when the temporary restraining order is issued. Ask the judge not to make you pay one. Be prepared to show why you can't afford it.<sup>3</sup>
- 7. **Get Certified Copies of the Ex Parte Restraining Order/Order to Show Cause for yourself and the restrained party after the Judge Has Signed It. Get conformed copies for any other parties.** Remember: you can't leave the courthouse with the original of the order. You may need to pay for the certified copy (often \$2-5 for the first page, and \$1-3 for each additional page). Regular (noncertified) copies usually cost much less (15 – 50 cents per page).
- 8. **File Your Papers with the Court Clerk's Office** in the Superior Courthouse where your family law case was filed. Conform the copies.
- 9. **Organize your papers for service, make any necessary additional copies, and Arrange to Serve the Ex Parte Restraining Order & Other Papers on the Other Parties.**
- 10. **Deliver a Set of Working Papers to the Judge, If Necessary.**
- 11. **Have the Server Fill Out and Sign the Return of Service and File it with the Clerk.**
- 12. **Review the Other Party's Response**, if you receive one.
- 13. **Confirm Your Show Cause/Temporary Orders Hearing, If Necessary.**
- 14. **Complete and File your Reply** (if your county allows one) **OR Prepare to Reply at the Hearing.**
- 15. **Go to Your Show Cause/Temporary Orders Hearing.**
- 16. **Get Copies of the Temporary Orders and provide copies to the other parties.** If the temporary order contains a restraining order, you're the protected party, and the order shows

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<sup>3</sup> Paying a bond is depositing money with the court clerk. It's held by the court until after the temporary orders hearing. The bond's used to pay the other party for "costs or damages" the other party claims, if the court finds that you shouldn't have been given a temporary restraining order against that party. See [Civil Rule 65\(c\)](#).

that the restrained party didn't appear in court for the hearing or sign the order, arrange to have the order personally served on the restrained party. Have your server complete a Return of Service form. File that with the clerk. Deliver a copy of the Return of Service to the law enforcement agency named in the order.

- ❑ **17. If you Disagree with the Court's Order, Quickly Decide Whether to File a Motion or Appeal. Deadlines are very Short!**

### Section 3: What is In This Packet?

This packet contains many of the forms you'll need to file a Motion for Emergency Orders. Alternatively, you may download court forms in Microsoft Word format at <http://www.courts.wa.gov/forms>.

Also read the next section to decide what additional forms and packets you'll need for your motion.

Following is a list of the blank forms in this packet:

| <b>Form Title</b>   | <b>Form Number</b>            |
|---|-------------------------------|
|   |                               |
| Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause | WPF DR 04.0150                |
| Ex Parte Restraining Order/Order to Show Cause                                | WPF DR 04.0170                |
| Law Enforcement Information Sheet (LEIS)                                      | WPF All Cases 01.0400<br>LEIS |
| Declaration of Witness  | WPF DRPSCU 01.0100            |
| Sealed Personal Health Care Records (Cover Sheet)                             | WPF DRPSCU 09.0260            |
| Sealed Confidential Reports (Cover Sheet)                                     | WPF DRPSCU 09.0270            |
| Financial Declaration   | WPF DRPSCU 01.1550            |
| Sealed Financial Source Documents Form  | WPF DRPSCU 09.0220            |
| Temporary Order   | WPF DR 04.0250                |
| Order Appointing Guardian Ad Litem on Behalf of Minor                         | WPF DR 04.0200                |
| Return of Service   | WPF DRPSCU 01.0250            |

## Section 4: What Other Forms And Documents Will I Need That Aren't In This Packet?

You may need other packets and forms to file and finish your motion. How many other packets you need depends on the facts of your case. Read the following list. Then check off the boxes next to the other packets you need. Get those documents or packets before filling out your forms. Download our other packets on the internet at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) before filing your forms for this packet.

- Parenting Plans and Child Support for Dissolution Cases** - If there are any children involved in your case, and you want to ask the court to enter a temporary order about custody and visitation (a parenting plan), and/or child support, get this packet.
- Filing, Responding, and Finishing a Petition for Dissolution, or Filing, Responding to, and Finishing a Petition to Modify a Parenting Plan** – We have packets to start, respond to, and finish cases for dissolution (divorce) and parenting plan (custody) modification. One of these types of cases must be started before or at the same time as a request or motion for emergency orders is made. If you're trying to modify your parenting plan, you'll probably need to schedule an adequate cause hearing to be heard before or on the same day as the hearing on your motion for emergency orders. Get the [Filing a Petition to Modify a Parenting Plan in a Dissolution](#) packet.
- Declaration Regarding Public Assistance: WPF SRPSCU 01.0600**: We don't include this form in our packets because it's an optional form and because our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state's signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. However, some people may need the form if it's required in your county or if you need to verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. This form is available at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- [Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. Include the state as a party and serve them with papers you file.
- Local County Court Forms and Rules**. Some counties have other special forms that you may need that aren't in this packet, and most will have special "local rules" that you'll need to know about to file your motion. Check with the Court Clerk's office or Family Law Facilitator in your county for more information.

◆ **Some county clerk's offices have forms and local rules available online.** Check whether your county's local rules or forms are available online at the OAC website: <http://www.courts.wa.gov/rules/local.cfm?group=superior>.
- Financial Information**. If you're filing a motion about child support, maintenance, attorney's fees or any financial issues, in general, you'll need:
  - Your federal income tax returns from the last two years.

◆ If you have no copies of your income tax returns, request copies from the IRS (there is a fee). Contact your local IRS office for the request form. Or ask your local IRS office to give you a computer printout of your income tax returns. While these aren't as good as photocopies, they're better than not having your tax returns. Go to your local IRS office for more information. If you filed no income tax returns, explain that in your declaration and give the court other papers that verify your income.

- Your pay stubs. (Provide stubs for at least a month. It's best to give the last six months of pay stubs or back to January 1<sup>st</sup>, whichever is longer).
- If you receive some type of benefits, official letters from Social Security, L&I, Employment Security, or DSHS showing how much you receive in benefits.
- If you're self-employed, or you have no pay stubs or tax returns, get papers that prove what your income is. This could include, for example:
  - Bank account statements and check registers
  - Business tax returns or records, or 1099 forms
- Any other information necessary to support your request for financial relief (for example, the other party's income tax returns or pay stubs, bank account statements, copies of bills, etc.)
- In some counties, you may need to provide more financial information as required by local court rules. Ask your court clerk's office or Family Law Facilitator to find out if your county requires more information.

## Section 5: Follow These General Instructions Before You Begin To Fill Out The Forms

**These general instructions will apply to all the forms you complete. The instructions cover all types of family law cases, so some of the information may not be used in your particular case.** A Sample form at the end of this section may help you understand these instructions better.

**The caption.** The caption includes the name of your case, the case number, the name of the court, the title of the court paper and, sometimes, the type of case. It appears at the top of the first page of every form.

**Name of the court:** Write in the name of the county where the case is filed in the blank space where the form reads "Superior Court of Washington County of \_\_\_\_\_."

**Name of the case:** Copy the case name from the petition. If you're filing the case at the same time you use this packet, follow the "case name" instructions in the Filing packet you're using.

**Case number.** When the petitioner first files the papers to begin the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must write that case number on every paper they file with the court and serve on the other parties during the case. Write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number"). When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. It doesn't matter if the case number is written or stamped. If you're filing a modification/adjustment case in the same court that entered the order you're asking to modify/adjust, use the case number on that order.

◆ You must write or stamp the case number on the first page of every copy of every paper you file with the court and on the copies you make for other parties. If you don't, your papers may be lost, or they may be returned to you. Some courts will also fine you for filing incorrect forms.

**Title.** Each form has a title. The title is on the right-hand side of the form under the case number. Sometimes the full title is pre-printed on the form. Sometimes you must add more information to complete it. (Example: on a declaration, you write in the name of the person completing the declaration.)

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper and you may write on only one side of the paper. The first page of each paper that you file must have a 3 inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. Use black or dark blue ink. If your forms don't follow these rules, the court clerk may refuse to file them or may make you pay a fine.

**The contents.** Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use BLACK OR DARK BLUE INK. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you've correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Don't write in the margins of any page or the clerk may reject your form.

**Dates.** On the last page of most forms (not including orders), there's a space for the person who completes a form to write the date that the form is signed. Dates in orders will be filled in by the judge when s/he signs the order.

**Signatures.**

- **Your signature**

After you fill out a form, look for the place(s) requiring your signature:

- Some forms have one signature line for "petitioner" or "respondent." After you fill out a form such as the petition, sign at the place that applies to you. Look carefully. Some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
- When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked "signature of moving party or lawyer." Look carefully. Some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
- When you prepare an order and plan to present it for the judge to sign, look for each place marked "presented by." Sign in the space underneath.

- **Judge's Signature:** Leave the judge's signature line and the date blank.

- **Other party's signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – s/he can choose to sign, or not. However, if you've prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge's decisions (or the judge may require the other party to sign), even if the party isn't happy with the decision itself.

- Agreed orders. If the other party agrees with the orders you've written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
- Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you didn't prepare the order, you may be asked to sign in a blank under these words. If you check "Approved for entry," this means that you are agreeing that the judge should sign the order as it is written. If "Notice of Presentation Waived" is checked, that means that you're agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.

- **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who’s writing the declaration.

**Place signed.** Declarations and Returns of Service must include the place they’re signed, as well as the date (example: Signed this 10th day of October 2005 at Seattle, WA).

**Identifying Information.** Court rules try to protect privacy but also allow for public access to certain information in court files. The three boxes discuss these rules: [GR 15](#), [GR 22](#) and [GR 31](#).

## Box #1

### Things You Should Not Write in Most of Your Court Papers:

General Rules [22](#) & [31](#) try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public (except for some aspects of parentage cases), and may be available to the public on the internet.

Except where instructions about a specific form tell you otherwise (example: the forms in Box #3), use these rules for papers you file with the court.

**Residence Address (Where you Live) and Telephone Number:** You don’t have to write these in court papers. However, you do need to write in an address where you can get mail from the court. Also, it’s a good idea to give the court a phone number where you can be reached.

**Social Security/Driver’s License, ID Numbers of Adults and Children:** You’re not required to write these in court papers. If you do, write only the last four digits, not the whole number.

**Dates of Birth of Children:** Don’t write them in court papers.

**Bank Account, Credit Card Numbers:** Write the bank name, type of account (savings, checking, etc.), and only the last four digits of the account number.

## Box #2:

### Private Information That Should Be Filed With Sealed Cover Sheets:

If a sealed cover sheet is used, this information is usually available to the other party and the court but is not placed in the public file.

**Financial Information:** If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them

to a Sealed Financial Source Documents form to ensure that they won't be available to the public.

**Medical or Mental Health Records or Information:** If you file papers containing health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form so that they won't be available to the public.

**Confidential Reports:** Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are intended for court use must have two sections, a public section and a private section. The private section of the report should be attached to a Sealed Confidential Reports Cover Sheet.

**Retirement Plan Orders:** Certain retirement information belongs in the public file, but "Retirement Plan Orders" don't. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition or see an attorney if this affects your case.

**Other Kinds of Confidential or Embarrassing Information Not Mentioned Above.** If the paper that you want to keep confidential is not in the above list, you may need to file a motion with the court to ask permission to have that paper, or part of a paper, sealed under General Rule [\(GR\) 15](#). There's no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

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### Box #3

#### **When You Should Write Private Information In Court Forms:**

These forms are not placed in the public file, and information in them is usually not available to the other party.

You're required to fill in your personal information completely (including children's full names, dates of birth, your residence address, social security numbers, etc.): Confidential Information Form, Vital Statistics Form, Domestic Violence Information Form, Foreign Protection Order Form, and Law Enforcement Information Sheet. If you're afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

**SAMPLE FORM**

Fill in the county where you are filing or where your case was already filed.

Fill in the name of the Petitioner here.

or Court of Washington  
County Of Evergreen

In re the Marriage of:

Fill in Respondent's name.

JANE DOE,  
and  
JOE DOE,

Petitioner,  
  
Opposing party.

This sample case name is for dissolution cases. This information may be different depending upon the type of case.

Your court case number. Assigned by the court when you file your case.

Form title.

NO. 08-3-99999-9

**Note for Motion Docket**

**(No Mandatory Form Developed)**

TO THE CLERK OF COURT AND TO: **Joe Doe**  
**99 Railway Lane**  
**Treelane, WA 98000**

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: Monday, October 4, 2008

HEARING TIME: 10:00 a.m.

LOCATION: Treelane Superior Courthouse

COURTHOUSE ROOM: 2

ADDRESS: 102 West Broadway  
Treelane, WA 98000

NATURE OF MOTION: **Temporary Orders regarding parenting plan, child support, and restraining orders.**

\_\_\_\_\_  
Jane Doe, Petitioner  
1212 S. Harriet Drive  
Treelane, WA 99999

## Section 6: Instructions for Filling Out Individual Forms

### A. Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause - WPF DR 04.0150

The Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause has two purposes. First, it requests a restraining order right away because there is an emergency. Second, it sets up a show cause/temporary orders hearing so the court can decide whether to extend the restraining orders and whether to grant other temporary orders (which can include a temporary parenting plan and temporary order of child support, as well as a temporary restraining order which contains restraints, orders use of property and who pays debts, and orders a GAL or other parenting investigator). If you're filing this motion as part of a Petition to Modify a Parenting Plan, schedule your Adequate Cause hearing on the same day as your motion hearing, if possible. For more information on modification cases, see our packet [Filing a Petition to Modify Your Parenting Plan in a Dissolution](#).

**Caption.** Fill in the caption.

**Section I. Motion.** The Motion/Declaration for Ex Parte Restraining Order contains many different requests. Mark an "X" in each box that is next to a sentence describing things that you want the court to do.

**Paragraph 1.1. Ex Parte Restraining Order.** This is a list of things that you may ask the court to order immediately, before the show cause/temporary orders hearing.

- If you check a box on the far left of the form, make sure that you check the appropriate boxes and fill in the blank lines that are in that paragraph, too. Example: if you check the box for restraints on the transfer of property, also show who should be restrained.
- **Safety Restraints.** You may ask the court to order the other party not to disturb you or come near you or your children. Note: you must be able to show an urgent need for these types of restraints before you'll get them. If you can't show that there is some risk of harm to you or the children, it's unlikely that the court will force the other parent to move out of your home before a hearing can be held.
  - To stop the other party from bothering or harassing you (called "disturbing the peace"), check the second box on the Motion form. Then, check the box to show who should be restrained.
  - To stop the other party from coming to your home, check the third box. Write the other party's name in the first blank. If the other party and you still live together, check the box before "the parties shared residence." If you're already separated, check the box before "residence of." Then write your name in the blank. You don't need to give your address if the other party doesn't know it. If you give your address anyway, write your name in the next blank and then write the address in the final blank in the paragraph.
  - If you want the other party to stay away from your home, work or school (or the children's school or daycare), check the 4<sup>th</sup> box. Write the names of the children to be protected in the blank.

- If you want the other party to stay a certain distance away from your home, school or work (or the children's), check the 5<sup>th</sup> box. Write in the distance away from you and/or your children that you want the other party to stay (example: "150 feet" or "500 feet") and the names of the children to be protected.
  - If you want the other party to be restrained from molesting,<sup>4</sup> harassing, stalking, or assaulting, check the 6<sup>th</sup> box, write the other party's name in the first blank. Write your name (and the name of any children to be protected) in the second.
  - To stop the other party from removing the children from Washington, check the 7th box on the motion form and check the box identifying the other party.
- **Financial Restraints.** If you're getting a divorce, check the boxes for financial restraints to try to stop the other party from taking large amounts of money out of bank accounts or selling property before your divorce is finished. Check boxes 1 and 8.
  - **Other.** For other immediate restraints, check the "other" box. Write in what you'd like the court to order.

**Paragraph 1.2. Other Ex Parte Relief.** If you want the court to order that the children will stay with one parent or the other until the show cause/temporary orders hearing, check the first box and check the box for the parent the children should live with until the temporary orders hearing. To ask the court to give the children to you when they're currently with the other parent, check the second box (Other). Write the date and time when the children should be given to you. Example: write "[Other parent] shall bring the children to [your name]'s residence on [Date/Time]." If you want to set a schedule for the other parent to visit the children prior to the hearing, or you want other relief, check the second box next to "other." Write in the blank what you'd like the court to order.

**Paragraph 1.3. Surrender of Deadly Weapons.** If the other party owns guns, knives or other deadly weapons, and you fear that the other party may harm you, your children, or someone else with them, check the second box. Then check the box identifying the other party. Explain in your declaration the specific reasons why you believe the other person should turn in their weapons.

**Paragraph 1.4. Other Temporary Relief.** This is a list of things that you're asking the court to order after your show cause/temporary orders hearing is held. If you don't want the court to order any of these things, check "Does not apply." Otherwise, check the second box. Then check the box for the other party, and check each thing that you want the court to order. With each box you check, fill in any necessary blanks and check the appropriate boxes in the text for that box.

- "Maintenance" means "alimony" or financial support for one spouse from the other spouse.
- If you have children in common, check the boxes asking the court to enter a parenting plan and set child support. Use the forms in our packet called [\*Parenting Plans and Child Support for Dissolution \(Divorce\) Cases and for Modification of Dissolution Cases\*](#).
- If one of the parties is on active duty in the military and you have a proposal for how to accommodate that parent's have time with the child, check the "approves the Temporary

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<sup>4</sup> The term "molesting" can be confusing. If you check this box, you're not accusing the other party of sexually molesting you or the children. You're asking the court to order the other person not to bother you or the children.

Residential Time re Military Parents” box and the box that follows as appropriate. Be sure to fill out and attach form WPF DR 01.420 (download it at [www.courts.wa.gov](http://www.courts.wa.gov)) showing the specifics of the proposal.

- If you’re getting a divorce, whether you own or rent your home, ask the court to order that one of you be allowed to continue to live in the home and one of you leave.
- If you have other property that you’d like to use before trial (such as your car), check the “orders the use of property” box.
- Check the box that “makes each party immediately responsible for their own future debts” so that you won’t be obligated to pay debts the other party creates after the temporary order is entered. If there are debts that need to be paid before your case is finished, check the box “divides responsibility for the debts.” Then explain in your declaration which debts you want the other party to pay.
- If you think that the children may not be safe with the other parent (examples: due to domestic violence, alcohol or drug abuse, or abuse of the children), check the box appointing a guardian ad litem (GAL). For more information on GALs, see our publications [How to Request a GAL in Divorce Cases](#), and [Working with GALs and Parenting Evaluators: Tips for Parents in Family Law Cases](#).
- Write in additional requests for temporary relief in the “other” box.

**Paragraph 1.5. Other.** Use this blank only if you want the court to order other things that aren’t already listed in the motion. Write what you want the court to order in the blank. Example: you could ask the court to order a parenting evaluation rather than appointing a GAL.

**Signature.** Write in the date, sign your name as the “Signature of Moving Party or Lawyer.” Print your name on the line below.

## **Section II. Declaration**

**Paragraph 2.1. Injury to Be Prevented.** This is where you write the injuries you’re afraid will happen if you don’t get the emergency order. Look back at the motion. Explain the injuries that you fear will happen if the court doesn’t enter the emergency order. Examples: destruction of property, getting hit or hurt by the other party, or your children being hurt or taken away by the other party. If the children usually live primarily with you most of the time, make that very clear. Give details about how long the children have lived primarily with you. If you’re asking the court to change custody before the hearing on your motion, be aware: this is an extraordinary request. The court will often order that the children should stay with the custodial parent until the hearing, unless you show evidence that convinces the court that there is an urgent reason (example: the children’s safety) to order that the children must be moved before the other party gets notice and the chance to have a hearing.

**Paragraph 2.2. Reasons Why the Injury May Be Irreparable.** Write in reasons why, if the injuries you described do happen, they are irreparable (can’t be fixed). Example: if another party destroyed your property or takes all the money out of the bank accounts, you may never get it back. If another party hit you, that couldn’t be undone. If another party takes your children, you might not be able to find them and they might be harmed.

**Paragraph 2.3. Clear and Convincing Reasons Why Weapons Should be Surrendered.** If you checked the box on the motion form asking the other party to give up his or her weapons,

check the second box in this paragraph. Then check the box identifying the other party. Write specific reasons why it's necessary in the blank. Otherwise, check the "Does not apply" box.

**Paragraph 2.4. Reasons for a Temporary Order.** In most cases you'll check the second box. Write the reasons why your temporary orders are necessary and should be ordered. You may need more room than is provided on the form. If you fill the form out on the computer, type as many lines as you need and the form will get longer. If you're handwriting the form or typing it on a typewriter, write "See attached pages" in this section. Attach any additional pages. Or, write "see attached Declaration" and write a separate declaration that explains why you're asking for what you asked for, using the Declaration of Witness form. (Your total pages must not go over your court's page limits for motions. Any attached pages must meet the format rules for pleadings. The format rules are in the "general Instructions" section.)

Write the reasons why the court should place the children with you, if you asked for this in your motion. Explain why your parenting plan is in the children's best interests.

**Paragraph 2.5. Service Member or Dependent of Service Member<sup>5</sup>.** If the other party is on active duty in the military (including National Guard, Coast Guard, Reserves as well as Army, etc.), or the dependent (usually minor child or spouse) of someone on active duty or a person who received over half of his/her support in the last six months from the service member, and might not be present at the hearing because of this, check the box. Then write in the blank why it's important for the court to grant the things you're asking for before the other party can return. If the other party is not in the military or the dependent of a military service member, write in the blank "the other party is not in the military and isn't the protected dependent of a service member."

If you include personal health records or financial information or confidential reports, follow the instructions at the end of the form about using sealed cover sheets to protect the information from the public file.

**Signature.** Fill in the date and location and sign in the appropriate spaces. Print your name. If you attach additional pages, ALSO add your signature as well as the date and location, and the wording "I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct" at the end of your statement.

**Section III. Efforts to Give the Other Party Notice.** Write in the blank what you'll do to contact the other party or his/her lawyer before you go to get your ex parte order signed. If you're not going to try to give the other party notice before you get your ex parte order signed, write that in the blank. Write the reasons why the court shouldn't require notice. Example: you fear that notice would result in another party hurting you or destroying property.

**Signature.** Date and sign the form. Print your name in the blank below your signature.

**B. Ex Parte Restraining Order/Order to Show Cause – WPF DR 04.0170**

**Caption.** Fill in the caption. If you're asking for a safety restraining order ( in Paragraph 4.1), check the two boxes below the title of the form next to *Clerk's Action Required* and *Law Enforcement Notification*.

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<sup>5</sup> See the main Filing or Responding packet you're using for information on service members and dependents who are protected.

**Restraining Order Summary.** Look at paragraph 4.1. If you're not going to check any of the boxes in paragraph 4.1, then check "Does not apply." Skip to Section I. If you plan to check any of the boxes in that paragraph, check the second box. In the first blank, print the other party's name. In the second blank, write your name and, if you want your children to be protected, write their names, too.

### **Section I. Show Cause Order.**

Check the box that identifies the other party.

Write the date (example: Wednesday, February 10, 2008) and time of your hearing in the blanks (circle a.m. or p.m.). In most cases, give yourself a few days extra, so that you'll have time to serve the other party and still give that party proper notice. Write the name of the courthouse on the blank next to "Place." Write the courtroom number next to "Room/Department."

◆ **Getting a Hearing Date.** Set the hearing date far enough away so that you'll have time to give the other party enough notice. In most counties, you must give the other party at least five court days' (business days that aren't holidays) notice, not including the date that the other party gets the papers.<sup>6</sup> However, some counties require much more advance notice (such as 14 days) in many cases. In addition, many courts have special days and times and courtrooms where family law motions are heard. If you'll ask the court to set your hearing more than 14 days away, you must show "good cause" (a good reason) for asking for more time.<sup>7</sup> Check with your family law facilitator, court clerk, or the local court rules to find out how much notice to give for a family law motion, what time you may set your hearing, and the courtroom number where your hearing will take place.

### **Section II. Basis.**

Check the box in the text that identifies the other party .

### **Section III. Findings.**

If the other party is on active duty in the military (or the dependent of someone on active duty), check the box next to "Further, the court finds that . . ." If the other party is not in the military, or not on active duty, or not the dependent of an active duty service member, skip this paragraph.

### **Section IV. Order.**

**Paragraph 4.1. Restraining Order.** Look at the Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause form that you already completed. Check the boxes for the same items that you checked in the Motion. Fill in the blanks and appropriate boxes inside any paragraph you've checked. **Note: the Order boxes aren't in the same order as the Motion boxes. Read each item to mark the correct ones.** If you're not asking for of the restraints listed in 4.1, check the first box "Does not apply." If you're asking for any restraints in 4.1, then also check the box "Clerk's Action." In the blank, print the name of the police department that patrols your home area (example: Bellevue Police Department, or Pierce County Sheriff).

<sup>6</sup> [Civil Rule \(CR\) 6\(d\).](#)

<sup>7</sup> [CR 65\(b\).](#)

**Paragraph 4.2. Other Restraining Orders.** Again, look at the Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause form that you already completed. Check the same items that you checked in the Motion. Fill in the blanks and appropriate boxes inside any paragraphs you've checked. If you wrote in other immediate restraints in the motion, write the additional items here.

**Paragraph 4.3. Surrender of Deadly Weapons.** If your motion asked for surrender of weapons, check the second box here. Write the other party's name in the blank. Then check one of the two indented boxes below. If you check the first of these two boxes, write in the name of the County whose sheriff will receive the weapons from the other party. If you check the second of these two boxes, write in the name of any person or organization you want to receive the weapons. Most people write the police department nearest to the other party home.

**Paragraph 4.4. Expiration Date.** Most people don't need to write anything in this paragraph. However, if you need the Ex Parte Order to last more than 14 days (example: if you're in a county that requires at least 14 days' notice to the other party before the hearing), see the "other" paragraph, below.

**Paragraph 4.5. Waiver of Bond.** Check the second box.<sup>8</sup>

**Paragraph 4.6. Other.** If you're asking the court to set your hearing more than 14 days after you'll ask the court to sign this Ex Parte Restraining Order form, then write in this blank "The court finds good cause to extend the date of expiration of this order to the date indicated in Section I." Also write any other orders that you want the court to enter immediately.

**Signature.** Don't write the date or time or write on the judge's signature line. Under "Presented by," sign your name. Print your name on the blank below that.

### **C. Law Enforcement Information Sheet (LEIS) - WPF All Cases** **01.0400**

This form is sent to your local law enforcement agency so they can enter your restraining order into the police computer. **Don't give this form to any other party** in your case. Don't include it in with the papers that you've served.

Write the name of the court and your case number in the first blanks. Under that, check the second box ("*dissolution... paternity*").

**Restrained Person's Information.** In each blank, write information about the restrained party (his/her name, driver's license number, nickname, sex, etc). Fill out this form as completely as you can. You don't need to know all of the answers.

**Does the Restrained Person Have a Disability, etc.?** If you check the "yes" box, please write out a description that will help law enforcement in serving the order.

**Hazard Information.** If the restrained person has a history of mental health problems, assault(s), or drug/alcohol abuse, check each box that applies.

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<sup>8</sup> Under [CR 65\(c\)](#), the court may require you to pay a bond (money deposit) to the court when you ask for the restraining order. The bond would be used to pay any of the other party's costs and damages if the court decides later that the restraining orders shouldn't have been entered against the other party. In most family law cases, the court will waive payment of a bond.

If you think the restrained person might use weapons, circle the type of weapon. Check the box showing where they usually keep the weapon. Write details at the end of the item.

**Current Status.** Read each question and circle the appropriate answer “Y” for yes, “N” for no, or “N/A” for doesn’t apply.

**Protected Person’s Information.** In each blank, write your name, sex, race, birth date, and the other requested information. If the other party already knows your address, write your address in the blank under “If your information isn’t confidential.” If you don’t want the other party to know your address, write under “If your information is confidential” the name, address and telephone number of a “contact” where you can be safely and reliably contacted. Example: a friend or family member, or post office box.

**Minor’s Information.** If you have children, write each child’s information in the blanks.

At the end of the form, next to “*Filled out by,*” write in your name and the date. If you’ve written on the back of the form, check the box next to “*see reverse for additional information.*”

**Victim’s Household Members or Adult Children Protected:** fill in the information for any of these who are protected by the order.

#### **D. Declaration of Witness – WPF DRPSCU 01.0100**

At your hearing, you and the other party won’t be given much time to speak – usually 10 minutes or less. The judge usually won’t let you testify about facts in your case. Because of this, you must explain on the forms you’re filing with the court why you need the emergency and temporary orders you’re requesting. The judge will decide whether or not to grant your orders based mainly on the written information you’ve given to the court. Another reason that you must include all of your evidence in support of your motion with the motion papers is that the other party must be given a chance to read your papers before the hearing and write a response to the judge.

The best way to do this is by using Declarations. A Declaration is a statement, sworn to be the truth under penalty of perjury, by any person who has direct knowledge about the issues in your motion. Attach documents to Declarations, such as copies of bills, school records, medical or treatment records, police records, etc., as long as the attachments follow the court’s format rules. (See the “General Instructions” section for a summary). Call the papers that you attach to your declaration Exhibits and either number them (1,2,3) or letter them (A,B,C). If the person writing the declaration refers to private health or financial information in a declaration or wants to include it with the declaration, don’t attach the exhibit directly. Follow the procedures for sealed cover sheets, described in the General Instructions and below.

In addition to the information included in your Motion for an Ex Parte Restraining Order/Order to Show Cause, write out your own declaration on a Declaration of Witness form to give additional information about why your other temporary orders should be approved. Start by explaining why you need to ask the court to enter an order before the other party has a chance to respond. Put your most important points first. A Declaration of Witness should also be used for other people who are making statements on your behalf, such as family members, friends, teachers, counselors, or other people who have directly seen, heard or otherwise witnessed important events that impact your situation.

Caution: by presenting a declaration from a witness, you may be giving up the right to keep confidential other information that witness may have about you or the child/ren.

### a) **Some brief rules about witness Declarations**

Put the most important points at the beginning. Less important points should come later.

Base the statement on the writer's own personal knowledge (what s/he saw or experienced firsthand), not what someone else told the writer. Exception: the writer may talk about what one of the other parties has said.

The writer should explain how well s/he knows you or the people s/he is writing about, how often s/he sees the people, and in what situations. Example: "Mr. Jones has worked for me at Acme Plumbing for 15 years. I see him almost every day at the office. In addition, because our sons are on competing soccer teams, I have seen him coaching his son's games three or four times this season. I've been invited into his home a two or three times for dinner with his family over the years I've known him."

The writer must type the declaration or print it neatly in **black or dark blue ink**. (A few courts require that all declarations be typed.) If the declaration is difficult to read, the judge may not try.

Don't make the declarations too long.

Stick to the issues the judge will be deciding. Be specific on those issues.

- Example: in a parenting dispute, general statements, such as "she is a bad mother," or "the children are much happier now living with Mary," aren't helpful. Instead, the declaration should describe specific things, and state when and where incidents occurred, such as, "I live on the same street as Joe. About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. Joe was standing next to his car. I smelled liquor on his breath. I've seen him weaving down the road in his car three other times this year."
- In a child support dispute without parenting issues, the statement above may not be relevant to the issues before the court. If it's not relevant, don't include it.

Attach extra pages to the declaration if you need more space. However, make sure that the writer of the declaration signs and dates the declaration in the space that says "I declare under penalty of perjury..." Your extra pages should also have margins of at least one inch, and you should number all the pages at the bottom.

**Some courts (such as King Co.) limit the number of pages that you can file with a motion or response. Check your local rules, or ask the court clerk's office or the facilitator.**

If you attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, etc., refer to them in the declaration and call the attached documents exhibits and number them Exhibit Number 1, Exhibit Number 2, etc.

- If the papers to be attached don't require a sealed cover sheet (see the General Instructions section if you're not sure), staple them to the declaration.
- If the papers to be attached do have personal medical or mental health information, or financial records, or confidential court reports, write an exhibit number or letter on each paper that will be attached. When the person writing the declaration mentions that paper, they should use that exhibit number or letter & write it's "filed with the Sealed Personal Health Care Records cover sheet on \_\_\_\_\_ (date)." Don't staple the paper to the declaration. Instead, attach the paper to the appropriate Sealed Cover Sheet form before you file and serve it.

The sealed cover sheet forms are described elsewhere in this packet. (Also see the General Instructions section about the types of papers to keep out of the public file.)

If the declaration talks about personal medical or mental health information, or financial records, attach the declaration to the appropriate Sealed Cover Sheet form before you file and serve it. The sealed cover sheet forms are described elsewhere in this packet. (Also see the General Instructions section of this packet about the types of papers to keep out of the public file.)

### **b) Filling out the Declaration form**

#### **Caption.**

Fill out the caption and make as many copies of this form as you'll need before any other information is added. This way, you'll have blank forms with just the caption on them, so that you may give a copy to each witness to fill out and have one for you to use, where necessary.

On the right side of the caption, after the words "declaration of...", write in the witness's name.

#### **This declaration is made by.**

Write in the name, age and the relationship to the parties in the case (example: "Maria Garcia" "29," "petitioner's friend," mother's counselor," "child's daycare provider") in the blanks.

#### **Blank Lines**

On the blank lines, after the words "I declare," the person writing the declaration should type or print neatly in black ink the information that s/he wants to tell the judge. (A few courts require all declarations to be typed.) Follow the suggestions in the paragraphs above.

#### **Signature Line**

Have the witness date and sign at the signature line, and print his/her name and the city and state where s/he signed the declaration. Declarations don't have to be notarized because the witness is swearing the statements are true under the penalty of perjury.

### **E. Sealed Personal Health Care Records (Cover Sheet) – WPF DRPSCU 09.0260**

Unless you learn that a local procedure requires otherwise, use this form whenever you file any papers with the court that mention health care of any kind -- mental health care, physical health care, health insurance, or medical bills -- to make sure the records aren't available to the public. Use this cover sheet on any records or correspondence containing information that relates to the past, present, or future physical or mental health condition of an individual, including past, present or future payments for health care.

Some of the papers that should be filed with this cover sheet are:

- medical and mental health records and bills
- letters or declarations from doctors and counselors
- medical bills & statements of medical coverage (or denial)
- cost estimates for medical care
- social security and L&I and other disability program letters and records

- medical evaluations
- medical insurance records
- dental records
- records of alternative health care practitioners such as massage therapists, acupuncturists or chiropractors
- genetic parentage testing.

Put this cover sheet on declarations that mention medical or mental health conditions.

Keep a blank copy of this form in case you need to file more health care records later.

Attach the confidential personal health care records to this form.

Fill out the caption.

Check the boxes next to each type of paper that you're filing. Usually this will be only the box before "relates to the past, present, or future..."

**F. Sealed Confidential Reports (Cover Sheet) – WPF DRPSCU 09.0270**

This form is used whenever certain confidential reports are filed with the court. These include reports such as the following when intended as reports to the court in a family law case:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people
- CPS reports
- See the form for other types of reports

In addition to the private part of the report, the person preparing the report needs to file a public portion that simply lists the materials or information reviewed, the individuals contacted, the tests conducted or reviewed, and the conclusions or recommendations reached.

Instructions for the Sealed Reports form:

1. **Caption.** Fill out the caption.
2. Check the boxes next to the type of report.
3. At the top of the first page of the report, about one inch from the top of the paper, write "Sealed."
4. Attach the confidential part of the report to this form. If you're afraid for your safety or the safety of the children, block out information that identifies location and address on the copies that you file with the court and deliver to the other parties.
5. The person submitting the records should sign on the line under "submitted by."

**G. Financial Declaration – WPF DRPSCU 01.1550**

The Financial Declaration tells the court how much income you make, and how much you must pay in monthly expenses and bills. Complete this form if the motion you're filing or responding

to asks for maintenance, child support, attorney’s fees, or any type of financial relief. If you have children and are using our packet called [\*Parenting Plans and Child Support\*](#), you’ll notice that the Parenting Plans and Child Support packet also tells you how to fill out a Financial Declaration. You only need to complete one Financial Declaration for this motion.

◆ If there is more than one other party for whom you need to give the court financial information, make at least one more copy of page 2 & 3 of the blank Financial Declaration form.

**Caption.** Fill in the caption, your name, and your date of birth.

### **I. Summary of Basic Information.**

Skip this section and come back to it after you have completed the rest of the form.

### **II. Personal Information.**

**Paragraph 2.1.** Under “occupation,” write your current job. For example, you might be a teacher, software engineer, farm worker, unemployed, etc.

**Paragraph 2.2.** Fill in the highest year of education you completed.

**Paragraph 2.3.** Check yes or no. If you are working now, fill in only 2.3a. If you are not working now, fill in only 2.3 b.

### **III. Income Information.**

This section asks for information about the parties’ incomes. If you do not know how much another party’s income is, you should give your best estimate, or use the support schedule’s instructions for imputing income. You do not have to fill in sections 3.1 and 3.2 if you are a parent and complete the child support worksheets.

Nonparents using this form need to complete sections 3.1 and 3.2 about their own financial situation. In addition, if the nonparents have not completed child support worksheets detailing the parents’ finances, they should put the parents’ income information here.

Write your name above one column and the other party’s name above the other column. If there are more parties, make another copy of page 2 and 3 of the Financial Declaration, and write on it your case number, and the other party’s name as well as their financial information. If you need to attach this separate page, write on this financial declaration form that the other party’s information is attached, and make sure you write the name of the party you are describing in each column of the form and your attachment. For example: if the other parties are the children’s mother and father, you could write your name and financial information in the first column of this financial declaration, write the father’s information in the second column, and attach a separate copy of page 2 and 3 with one of the columns filled out with the mother’s name and financial information.

- **Fill in the income information and income deduction information requested,** making sure that you use the correct column for each party named at the top of the column.

- **Income From Benefits.** Do not include income from needs-based public assistance (TANF, SSI, GA-U, VA benefits, food stamps) under section 3.1.<sup>9</sup> If a parent receives Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from an employer), fill that amount in under 3.1.e "Other Income."
- **Work-Related Disability Benefits:** If the child/ren receive dependent benefits as a result of a parent's disability (as may happen when the parent gets SSDI, L&I and some employer-paid disability benefits) or Social Security retirement, the payments that they receive directly count as income to that parent even if the money is actually paid to the other parent or custodian. Make sure to add those amounts to income of the parent who gets SSDI, L & I) under 3.1.e. **Those benefits should also be credited as child support paid by the parent** (in other words, the obligated parent's support should be reduced dollar for dollar by the amount of the dependent benefits his/her children receive directly for current child support). See RCW 26.18.190; In re Marriage of Maples, 78 Wash. App. 696 (1995).
- **Deductions From Income.** If you include deductions from income other than income tax, FICA, and L&I payments, provide documents that prove each deduction.<sup>10</sup> Pay stubs may show union and pension plan deductions; however, you will need to provide additional documents (such as some pages from a collective bargaining agreement or employee handbook, or a letter from the employer) showing that these deductions are required. If pension deductions are voluntary, show documents to prove that the deduction has been taken for at least two years or it may not be allowed. If you are claiming business expenses, be prepared to present business records and receipts showing how much your expenses are if the other party disputes your claims. Follow the instructions at the end of the Financial Declaration Form and attach private financial information to the Financial Source Documents Cover Sheet.

### **Paragraph 3.3**

Follow the instructions to fill in monthly net income.

### **Paragraph 3.4. Miscellaneous Income.**

Under miscellaneous income, fill in any money received regularly, and describe it in the blanks. This is the place to fill in the amounts a party receives in TANF, GA-U, SSI, and food stamps.

### **Paragraph 3.5. Income of Other Adults in the Household.**

Fill in the gross monthly income of the other adults in the household. That income will not be included in calculating the basic child support obligation, but might be considered by the court if someone asks for a deviation from the standard child support amount.

### **Paragraph 3.6. Disputed income.**

If you think the income of any party will be disputed, state what you believe the correct amount of income is for that party and explain why you believe that is the true amount.

## **IV. Available Assets.**

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<sup>9</sup> [RCW 26.19.071\(4\).](#)

<sup>10</sup> [RCW 26.19.071\(5\).](#)

Fill in your assets. Liquid assets are cash, things that you own that could easily be sold for cash (e.g., stocks, bonds, etc.)

#### **V. Monthly Expense Information.**

Fill in your monthly household expenses. In the first sentence, fill in the number of dependents who actually live with you (e.g., number of children in your household). This does not include children who do not live with you most of the time. Fill in your best estimate of each expense. Many expenses are not paid every month. For those expenses, take the actual amount you pay and calculate the monthly average. For example, if you pay your car insurance every six months, take the amount you pay, divide it by 6, and put that amount in the blank under 5.5.

Your total monthly expenses may end up being larger than your net monthly household income. That is common, particularly for people who have a low income. In reality, when you do not have enough money to meet all of your expenses, you may put off paying a certain bill, or you might make other cutbacks in your expenses. You do not need to make sure that your monthly expenses are equal to or less than your income. On the other hand, if your expenses are far greater than your income, the court might ask questions about how you are meeting your expenses. You should be prepared to show the court how you are doing it.

**Paragraphs 5.10. Installment Debts & 5.11 Other Debts.** Section 5.10 is for giving more details about expenses that are already listed as expenses in 5.1 through 5.8. For example, you would fill in your mortgage and your car loan here, even though you probably already included your mortgage as an expense under 5.1. If you have other debts, such as credit card debts that you have not already included as expenses in sections 5.1 – 5.8, you should fill them in under 5.11.

**Paragraph 5.12. Total Expenses.** Add paragraphs 5.9 and 5.11.

#### **VI. Attorney Fees.**

If you hire an attorney for this case, you should fill in those expenses, as well as any costs (for serving the other party, mailing, filing fees, etc.) here. If you owe debts to an attorney for another case, you should put that in section 5.11.

#### **Signature:**

Do not forget to sign at “Signature of declarant”) and date the form and fill in the city and state where you sign it.

#### **Financial Records List:**

Do not attach your financial records to this form. Check the boxes for the records you will give the court and the other parties and write descriptions of those records in the space provided. Attach the financial records to the sealed financial source documents cover sheet form (also in this packet).

#### **H. Sealed Financial Source Documents (Cover Sheet) – WPF DRPSCU 09.0220**

Petitioners and respondents must use this form whenever they file private financial documents with the court. Keep a blank copy of this form in case you need to file more financial documents later. You may attach one form to a stack of documents.

1. **Caption.** Fill in the caption.
2. **Check the boxes next to each type of paper that you are filing.** The instructions to the child support worksheets tell you which documents you need to file if you are submitting child support worksheets.
3. If you are afraid for your safety or the safety of the children, you may block out information that identifies location on the copies that you file with the court and deliver to the other parties.
4. The person submitting the form should sign under “submitted by.”
5. At the top of the first page of each set of financial papers, about one inch from the top of the paper, write “Sealed.”

## **I. Temporary Order – WPF DR 04.0250**

The Temporary Order is a court order that you’ll ask the judge to sign at your show cause/temporary orders hearing. This is your proposal. The judge may change it after your hearing. Your proposed order should list all of the relief that you asked for in your motion. Look back at your Motion/Declaration for an Ex Parte Restraining Order/Order to Show Cause form and at your Ex Parte Order. Check the same items and fill in the necessary blanks in the Temporary Order. **Note: the Order boxes aren’t in the same order as the Motion boxes, and in some cases the restraints are in a different paragraph of the Temporary Order. Read each item to mark the correct ones.**

In addition to the Temporary Order, you may also need a Temporary Parenting Plan and Order of Child Support if you have children and an Order Appointing Guardian ad Litem if you’re asking for a GAL. You may also need an Order re Adequate Cause if you’re filing a Petition for Modification of Parenting Plan.

The following instructions are for writing a proposed order. If you prepare this form after the show cause/temporary orders hearing, write it to show the judge’s decision, even if it’s different than what you wanted.

**Caption.** Fill in the caption. If you propose a safety restraining order (under Paragraph 3.1), check the boxes under the title next to the words *Clerk’s Action Required* and *Law Enforcement Notification*. Check the box *Clerk’s Action Required* if the order includes a money judgment.

### **Section I. Judgment/Order Summaries.**

#### **1.1 Restraining Order Summary.**

If there’ll be no restraining orders, check the box *Does not apply*. If there’ll be safety restraining orders (if any of the restraints in paragraph 3.1 of the Temporary Order will be checked), check the box next to *Restraining Order Summary is set forth below* and fill in the names of the person restrained and the persons, including children, to be protected in the blanks.

#### **1.2 Money Judgment Summary.**

If one party will be ordered to pay the other party a lump sum of money (such as for attorney’s fees), check the second box and fill in the blanks.

- A. Judgment creditor. The person who’s collecting the money.

- B. Judgment debtor. The person who owes the money.
- C. Principal judgment amount. The total amount owed, without interest.
- D. Interest to date of judgment. The amount of interest owed, if any.
- E. Attorney fees.<sup>11</sup> The amount of any attorney fees one party will be ordered to pay the other.
- F. Costs. The amount of any costs (for the motion, or for other costs of this court case besides attorney fees) that one party will be ordered to pay the other. Costs usually include things like messenger or process server fees.
- G. Other recovery amount. Any other amounts of money that you didn't include above.
- H. Interest rate on the judgment. The usual rate of interest is 12%. The maximum interest rate presently permitted is 12% simple interest.
- I. Interest rate on attorney fees. The maximum interest rate presently permitted is 12% simple interest.
- J. Attorney for judgment creditor. The name of the attorney representing the person who's collecting the money.
- K. Attorney for judgment debtor. The name of the attorney representing the person who owes money.
- L. Other. Fill in any other important information related to the judgment in the blank.

## **Section II. Basis.**

If the party who didn't file the motion is on active duty in the military, or the dependent of someone on active duty as described in this paragraph, and the temporary order is to be issued in spite of that service, check the box next to "Further, the court finds." If that person isn't in the military or a military dependent, skip to Section III.

## **Section III. Order.**

### **3.1 Restraining Order.**

*Previous Order.* Our instructions for this form are in both our temporary orders and emergency orders packets. The "previous order" item in the form usually applies only if you're filing or responding to a Motion for an Ex Parte Restraining Order/Order to Show Cause (rather than to a Motion for a Temporary Order).

- If there is no restraining order (usually where a party files or responds to a Motion for Temporary Order, rather than a Motion for an Ex Parte Order), don't check any items under "previous order." Skip to the instructions after "Violation of a Restraining Order."
- If there is a restraining order, write in the date of that order. Then check one indented box. If you're writing a proposed order:
  - If you want the judge to sign or keep a restraining order at the show cause/temporary orders hearing, check the third box, "is terminated and replaced by the following<sup>12</sup>."

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<sup>11</sup> This packet doesn't tell you how to request attorney's fees or when the court might award them.

- If you don't want any restraining order after the show cause/temporary orders hearing, check the second box "is terminated."

Fill in the name of the police department that patrols where the protected person lives. (Example: King County Sheriff).

### **Text after, "Violation of a Restraining order"**

If there won't be any restraining order in your case, check the box "does not apply."

If you'll be asking the judge to sign a new or replacement restraining order at the show cause/temporary orders hearing, check each item that should apply in your case. If you check a box in the far left for a restraining order, make sure to check appropriate indented boxes and fill in necessary blanks in the paragraph you've checked. **Note:** the Order boxes aren't in the same order as the Motion boxes, so, if you're looking back at the motion, read each item carefully.

Fill in the name of the police department that patrols where the protected person lives. (Example: King County Sheriff).

*Service.* Leave the two boxes in this part of paragraph 3.1 blank if you're preparing a proposed order. You or the judge will need to check one of these boxes at the show cause/temporary orders hearing. If the party to be restrained comes to the hearing, or if s/he signs this order, check the first box under "Service." If s/he doesn't, check the second box. If the party to be restrained neither signs the Temporary Order nor appears in court, follow the instructions in the Order and in this packet about serving the Temporary Order on the restrained party after the judge signs it.

*Expiration date:* If you want the restraining order to last either more or less than 12 months, fill in a date in the blank at the end of the last part of this paragraph.

### **3.2 Temporary Relief.**

Check each box in paragraph 3.2 of this form that includes relief you want the court to order (or that the judge did order, if you're preparing this form after your show cause/temporary orders hearing).

If you check a box in the far left part of the Temporary Order form, make sure to check appropriate boxes and/or fill in appropriate blanks that are in the paragraph that you checked. Example: if you check the first box, setting maintenance, check who should pay it, write in the monthly amount of maintenance, the date maintenance will start, the date due, and then check the box showing how maintenance will be collected. DCS will collect maintenance only if they're also collecting child support.

If you're asking for (or the judge orders) restraints listed in this paragraph, check the boxes for those restraints and complete the required information. If a requested restraint isn't listed on the form, check the "other" box and write it in.

If there'll be a temporary parenting plan and/or a temporary order of child support, check the appropriate boxes. If the court will decide on the use of property, check that box in the temporary order and write in the property affected and who'll have use of it. If the court will order division of debts, write in the debts and how they'll be divided. If one party will be

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<sup>12</sup> You may be able to check the first box if your future restraining order will be exactly the same as your existing restraining order, but it's hard to know if that'll be true when you write a proposed order, so we don't recommend it.

awarded the family home and the other party ordered to vacate it, check and fill in two boxes in paragraph 3.2.

### **3.3 Bond or Security.**

Sometimes the court orders one of the parties to post a bond or security with the court clerk (this could be money, for example). You check *Does not apply*. If the judge wants to order one party to post a bond, s/he'll write that in.

### **3.4 Other.**

Write in any additional things that you want the court to order. Make sure that this "other" includes any additional items you properly requested that haven't been already covered in the order.

**Signature.** Don't date the form or sign on the line that says Judge/Commissioner – the judge will do that at your hearing. Do sign and write the date under "Petitioner" if you're listed as the petitioner in the caption, or "Respondent" if you're listed as respondent. Check "Presented by," and print your name in the blank below your signature.

If the other party agrees with everything you're asking for in the Temporary Order, the other party can sign the order before the hearing. (Also complete the Service information in Paragraph 3.1). S/he should write the date on the other signature line, check "approved," and "notice of presentation waived" and then sign and print their name.

## **J. Order Appointing Guardian Ad Litem on Behalf of Minor – WPF DR 04.0200**

Use this form only if you want the judge to appoint a Guardian Ad Litem for your minor children as part of your motion. If you have no children in common with the other party, or you don't want a GAL, skip this form. Use this form in a dissolution or modification case if you have concerns about the safety and well-being of the children and you believe that a GAL is necessary to make recommendations about what is in the children's best interests.

◆ Note: If the court assigns a CASA or a Family Court Services social worker to your case rather than a private GAL, the court might have a special form to fill out at the hearing. Those forms aren't usually available ahead of time. If needed, the Judge will fill one out at your hearing. If you're requesting a private GAL to make recommendations about a parenting plan that would be in the best interest of the children, the form included in this packet is correct.

**Caption.** Fill in the caption.

### **Section I. Basis.**

**Paragraph 1.1. Basis for the Appointment.** Check the correct box, corresponding with the type of case you're involved with. (Example: if you're in a dissolution, check the first box).

**Paragraph 1.2. Children to Whom the Order Applies.** Check which party requested the GAL, and list the full names and ages of the children for whom the GAL is being appointed.

### **Section II. Findings.**

### **Section III. Order.**

**Paragraph 3.1. Appointment of Guardian ad Litem.** If you know the name of the GAL to be appointed, fill it in before your hearing. Remember: the GAL has to agree to serve, and either the other party will have to agree to that GAL or the court will choose the specific GAL for your case. Most counties just appoint the next name off of a rotating list of available GALs unless there are special circumstances, so you usually won't fill in the name of the GAL before your hearing.

**Paragraph 3.2. Duties of the Guardian ad Litem.** This section explains, in detail, the duties of the GAL assigned to your case. The language in this paragraph is "standard." It remains the same in most cases. If your case has special circumstances, use the "other" section to write down specific directions that specify the issues to be investigated (such as child abuse or the impact of domestic violence on the child. This section is also where the due date for the GAL report can be found. The court might order a specific date. Otherwise the report is due to you and all parties or your lawyers at least 60 days before trial.

### **Paragraphs 3.3 and 3.4. Other Duties and Guardian ad Litem Access to Children, Records and Information.**

These sections explain other GAL responsibilities, and list the information that should be made available to the GAL, including health records, CPS records, criminal records, and school records. The GAL will have court permission to talk with anyone who has information that is needed for your case, and will be allowed to meet with you, the other party, and your children with or without either parent.

### **Paragraph 3.5. Payment of Fees and Costs.**

If you know the GAL's hourly fee, fill that in the blank. Otherwise, the judge should fill in the hourly fee and total amount that the GAL can charge without coming back to court for approval.<sup>13</sup> Make sure to fill in the blanks about how the parties should divide the GAL's fees and costs. Usually, the judge will order each parent to pay his or her proportionate share according to the child support worksheets (line 6) or will have them split it 50/50. If one party can't afford to pay the GAL, write that the other party should pay 100%. Be aware: the judge may change this at the hearing.

### **Paragraph 3.6. Consent of Children over 12 to Investigation.**

If you have children who are 12 years of age and older, the GAL needs the child's consent to obtain medical, psychiatric or other information from experts who have treated the child. If possible, ask the child to sign the GAL order at the bottom. Then, check the box saying that the child gave his/her consent. Otherwise, check the box saying that the child didn't give consent.

### **Paragraph 3.7. Authorization for Release of Information.**

If you don't give your consent for your records to be accessed in this order, check "Does not apply." If you do give your consent, check the second box.

### **Paragraph 3.8. Termination of Appointment.**

Unless you want the GAL's appointment to end before your case is finished, check the first box. If you want the GAL's appointment to end on some other date, check the second box and write the date in the blank.

### **Paragraph 3.9. Other.**

Write in any additional details about the GAL that you want to add.

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<sup>13</sup> [RCW 26.12.183](#).

## Section 7: Instructions for Filing and Serving Papers

After you've filled out the forms, file them with the court and then have them served on the other parties. This section explains these steps. **Before filing and serving your papers, make sure you've completed all the forms you need, including forms from any other packets.**

Example: many people need forms from our packet [Parenting Plans and Child Support for Dissolution Cases and Modifications of Dissolution Cases](#). Use the checklists in this packet to be sure you have what you need.

### A. Filing your Motion with the Court and Asking the Judge to Sign Your Order

File the original forms in court. You must have already filed your Petition for Dissolution or Modification (or have it with you to file immediately) when you ask the judge to sign your ex parte order.

If the petition has already been filed, follow the instructions below to present your motion for Ex Parte Order to the judge.

If you're filing the Petition at the same time you're requesting an Ex Parte Order, follow the steps below and also the steps for filing your petition in the main filing packet you're using: [Filing for a Dissolution of Marriage](#) or [Filing a Petition to Modify/Adjust Your Parenting Plan or Custody Decree in a Dissolution Case](#).

Have your ex parte order signed by a judge before you file and serve it.

- Make at least two copies of every paper**, including the proposed orders and financial documents. One copy is for the other party, and one is for you, **except** make just one copy of the Law Enforcement Information Sheet. (This form isn't given to the other party.) If there is more than one other party to your case, or you must give the judge working papers, make additional copies.
- Organize your forms into three full sets (one set of originals and two sets of copies).** Compare each set with the checklists of forms in this packet to make sure each set has the appropriate forms (remember: the LEIS and Confidential Information sheet aren't served on any party.).
- Call the Superior Court clerk's office** or family law facilitator to find out where you go to get your Ex Parte Restraining Order and Order to Show Cause signed, and during what hours or on what specific days you may do that.
- Notify the other party or their attorney if you're giving them notice of the ex parte order.** Tell the other party or the attorney the date/time you're going to get your order signed. It's best to do this in writing so that you have proof, which could be by fax or email. If you can't do it in writing, call. Write on the last page of the Motion form when you gave this notice. If you gave written notice, attach a copy of your email or fax or letter to the Motion. If you're not giving notice, have a good reason and write it on the motion, as explained in the instructions. If the other party comes to court when you request your ex parte order, give them a set of your motion papers (but not the Law Enforcement Information Sheet). If you don't give advance notice, or if the party doesn't come to court at this time, have them served with this set, as explained below.

If you're not giving notice, remember: your Motion/Declaration needs to explain why.

- ❑ **Go to the courthouse courtroom number at the time the clerk's office gave you.** Look for a clerk or bailiff so you can sign in (usually someone sitting at a desk near the judge). Give the clerk the set of the originals of your papers. Sit down to wait for your turn. When your case is called, tell the court that you are present. When told to come forward, tell the court that you want an Ex Parte Restraining Order and Order to Show Cause. The court may ask you why you need the restraining order and, if you didn't notify the other party, why the other party shouldn't be notified before signing it. (If you think you'll be nervous, write out a list of the things you plan to say at the hearing beforehand. Take it with you when you talk with the judge.) You'll have only 5-10 minutes to explain why you need the order, so be prepared. The judge may make changes to your order, and then may sign it. The judge should then give you all of your papers back, including the signed order. **Caution: Don't make any changes to the Ex Parte Order the judge signed and don't leave the courthouse with the original order. If the judge made changes to the Ex Parte Order you requested, and you prepared a proposed temporary order that checked the box keeping the previous restraining order in effect,** write a new proposed temporary order. In the new proposed order, check the box that replaces the restraining order with a new order and then show the restraints you want the court to order at the show cause/temporary orders hearing.
- ❑ **Go to the court clerk's office to file your papers.**
  - Make copies of the signed Ex Parte Restraining Order/Order to Show Cause showing the judge's signature. If your Ex Parte Order includes safety restraining orders, ask the clerk to make two certified copies of the Ex Parte Restraining Order (one for you to keep with you at all times, in case you need to call the police to enforce the order, and one to be served on the restrained party). You'll pay for certified copies. Note: many clerk's offices don't take personal checks.
  - Ask the clerk to file the originals of all of your papers (Motion, declarations, Ex Parte Restraining Order/Order to Show Cause, etc.) except ask the clerk what to do with any proposed orders you've prepared (Temporary Order, Temporary Parenting Plan, Temporary Order of Child Support, and Order Appointing Guardian ad Litem, if you've completed these forms). Usually, you'll keep the original proposed orders and bring them to the show cause/temporary orders hearing for the judge to sign then. Make sure by asking the clerk. If working papers are required in your county, provide the judge copies of these proposed orders as part of the working papers.
  - Ask the clerk to stamp your copies of the papers you filed (motion, declarations, etc.) to show the date that you filed the originals of your other forms and to show the judge's signature on any order(s) s/he signed. Take the stamped copies back from the clerk. The clerk will keep the originals.
- ❑ If you need to deliver working papers to the judge for your show cause/temporary orders hearing, do so before you leave the courthouse.

## **B. Preparing to Serve Your Ex Parte Order/Order to Show Cause and Related Papers**

### **After the judge has signed your ex parte order:**

In addition to filing your papers, **you** must have them properly served on (delivered to) the other parties. **The court doesn't serve the other parties.** You must arrange for service and make sure your server delivers the papers properly. **You can't serve the papers on another party yourself.** The following paragraphs explain the rules for service. **Carefully follow the rules. If you don't do service properly, your court orders could be set aside, even years later.**

**Who to serve.** Every other party in the case. Have the other party served now, even if you gave no advance notice before the judge signed the Ex Parte Restraining Order/Order to Show Cause. If there are parties besides your spouse, each needs to be served.

**What to serve.** All the papers you filed must be served, **except don't serve** the Confidential Information form and addendum and Law Enforcement Information Sheet, if you've prepared these forms. The forms to be served include at least the following: Ex Parte Order and Order to Show Cause, Motion /Declaration, any proposed orders that you prepared (Temporary Order, Parenting Plan, Order of Child Support, Order Appointing Guardian ad Litem), Declarations of Witnesses, if you've filed them, and other documents filed with your motion.

**When to serve.** Your papers must be served in time to give the other party the amount of advance notice of the show cause/temporary orders hearing legally required in your county. The civil rules require five court days (not counting the date of service, weekends, or holidays) before the hearing date. Many counties require more than 5 days notice. Serve all the parties before the deadline you calculated in setting the date for the show cause/temporary orders hearing when you filled out the Ex Parte Order form.

**How to Serve.** You can't serve the papers yourself. Arrange to have the papers personally served, as explained below.

- **If you're filing the petition with your motion, and having both served at the same time,** follow the instructions for personal service in the *Filing* packet you're using. If the judge has signed your Ex Parte Order, have it and the related papers (motion, proposed orders, etc.) served with the petition, summons, and other starting paperwork. Remember: you must have the petition and summons delivered personally to the other party, so just add the emergency orders paperwork in with the rest of the papers to be delivered personally. Make sure the Ex Parte Restraining Order/Order to Show Cause you serve is a certified copy (and make sure the Return of Service also includes this paperwork on the list of documents served).
- **Even if you've already had the petition personally served upon the other party, or if you're the respondent,** you should have the other party personally served with this motion. Otherwise, the other party may not be forced to obey the Ex Parte Restraining Order.<sup>14</sup> Follow the instructions below.

### **How to copy and organize your papers for service**

Make any additional necessary copies of the papers. You'll need:

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<sup>14</sup> [CR 65\(d\)](#) states that temporary restraining orders are effective when the other party is given "actual notice of the order by personal service or otherwise."

- \_\_\_\_\_ one set for you
- \_\_\_\_\_ one set for each other party (1 x \_\_\_\_\_ number of other parties = \_\_\_\_\_)(except you won't serve the Confidential Information Form and addendum or LEIS (if you have a restraining order) on any other parties.) Make sure the Ex Parte Restraining Order and Order to Show Cause show the date the order was filed in court and the judge's signature.
- \_\_\_\_\_ one for the judge ("working papers")<sup>15</sup>
- \_\_\_\_\_ one for the State (if you're serving the State)
- \_\_\_\_\_ one for the Guardian ad Litem if there is a Guardian ad Litem in your case
- \_\_\_\_\_ Total = This is how many copies you need of each document

Organize the papers:

- Organize the forms into sets. Each set should have a copy of each form you've filled out, except for any Confidential Information form and addendum and Law Enforcement Information Sheet.
- Compare each set with the checklists in this packet to be sure you have the forms you need.
- Put one certified copy of the Ex Parte Order in the set for the restrained party and keep the other copy with you at all times.
- Keep a full set of copies for yourself. Put any Confidential Information form, addendum and Law Enforcement Information Sheet into the set you'll be keeping, and don't serve these forms.
- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address.

**C. Instructions for Personal Service and the Return of Service**

**1. Instructions for personal service in Washington**

- **You must properly follow the rules when you're having the other parties personally served. Don't serve the documents on the other parties yourself.** Find a person who is over age 18 to serve the papers for you.
- **Consider hiring a professional process server.** If you can afford it, think about hiring a professional process server or the sheriff to serve the papers for you. It usually costs \$30-\$80. Using a professional process server may be best because the sheriff may not be willing to try more than once to serve the other party who may not be at home when the sheriff tries to serve him/her. Process servers are listed in the yellow pages of the telephone book.
- **Ask an adult friend to be your process server.** If you can't afford a process server or the sheriff, any adult over age 18, who is not a party in the case and who has no mental disability

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<sup>15</sup> We recommend you always make a copy for the judge. Even if the local court doesn't require you to give the judge a copy (sometimes called "working papers"), take the papers with you to your hearings. Sometimes the judge doesn't have the case file in the courtroom, or papers you've filed in the clerk's office haven't yet been placed in the court file.

making that person incompetent, may serve the papers for you. That person must understand how important it is to serve the papers and fill out the return of service form correctly. If you don't serve the other parties properly, then your court orders could be set aside, even years later.

Give your server (the sheriff, a process server, or the adult friend who has agreed to serve the papers for you) the envelope of papers you prepared for service on the other party, together with the other party's home and work address, a physical description of the other party, and any other information that will help the server locate the other party for service.

Give your server a Return of Service form to fill out and return to you once service is complete. (Some process servers have their own Return of Service form that they'll fill out and give to you instead.)

## **2. Instructions for the Return of Service form – WPF DRPSCU 01.0250**

Your server will need to complete a separate Return of Service for each party s/he serves. After your server has completed service and signed the Return of Service form(s), file it with the court.

### **Caption.**

Fill out the caption.

### **Paragraph 2.**

Write the name of the party being served in the blank. Read the list of forms and check the box to the left of each form served on that party. Sometimes you must fill in a blank to better describe a form (example: if you check the box after "declaration," write in the name of the person who wrote the declaration). If you had the other party served with any forms that aren't listed, check the box marked "other." Then write in the names of those additional forms. List ALL the forms that were served on the other party. If you leave a form off your list, you'll have no proof that the other party received it.

### **Paragraph 3.**

The server should fill in the date, time (show a.m. or p.m.) and address where the papers were served.

### **Paragraph 4.**

If the server gave the papers directly to the other party, check the first box. If the server did abode service<sup>16</sup>, check the second box and fill in the name of the person to whom the papers were given.

### **Paragraph 5.**

If your server didn't include this form, skip this paragraph.

### **Paragraph 6.**

In the "Other" section, your server may write additional information. Example: if your server tries several times to serve the other party but s/he is never home or can't be found, the server should write the dates and times and descriptions of each time the server tried to serve the other

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<sup>16</sup> If you don't know what "abode service" means, look back at the explanation for abode service in the instructions for personal service section

party. Or, if the server gave the papers to an adult living with the other party who wouldn't give his/her name, the server should write what the person who received the papers looks like.

**Signature.**

The server should write the city and state where s/he signed the form, write in the date, and sign where it says "Signature" and then print or type his/her name where it says "Print or Type Name."

Usually, only professional servers will use the box for fees and mileage.

### **3. Filing Your Proof of Service**

Gather your original signed Return(s) of Service. Have one for each of the other parties. Make one copy of each original. Take the originals and the copies to the court clerk's office. Give the originals to the clerk, and ask the clerk to stamp the date of filing on your copies. Keep the copies in a safe place and take them with you to your hearing(s). You may need them to prove to the judge that you served the other party.

#### **D. If You Don't Serve the Other Parties on Time**

**If you don't correctly serve the papers on the other party in time**, still prepare for and go to the hearing. If the other party appears and doesn't object to holding the hearing on that date, the court may go ahead with the hearing. If the other party fails to show up, or shows up and objects to the hearing, ask the court to postpone or "continue" the hearing to a later date. Ask the judge to enter an order continuing the hearing date and extending your ex parte order until the new hearing date. In this situation, you'll still need to complete proper service.

## Section 8: Preparing for and Going to Your Show Cause/Temporary Orders Hearing

### A. Judge's Working Papers/Confirmation

In many counties, you must:

- deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. This set of copies is called Working Papers.
- confirm the hearing a few days before the hearing date. “Confirming the hearing” means telling the court that the hearing will take place as scheduled.

To learn the rules for working papers and confirming the hearing in your county, read local court rules, and check with the Family Law Facilitator or court clerk.

◆ If you don't give the judge working papers and don't confirm your hearing in a county where required, the court may cancel your hearing, or the judge might not consider any of your papers.

### B. Replying to the Other Party's Response

The other party must respond in writing to your motion before the hearing. In most counties, the other party must deliver his or her response to you and the court no later than one court day before the hearing. However, some counties require that the response be delivered to you more than one day before the hearing.<sup>17</sup>

**If the other party sends no response**, still go to the hearing. If the other party doesn't show up, ask the judge to sign your proposed orders. (See *Going to the Hearing*, below and the checklists at the end of this packet). If the other party comes to the hearing, make sure to tell the judge that the other party didn't send you a written response on time. The judge may decide not to consider the other party's papers, or may reschedule the hearing to a later date. If the judge reschedules your hearing, ask him/her to sign an order extending your Ex Parte Order until the new hearing date.

**If the other party sends a response**, read the other party's response carefully. If you get no chance to file a reply, then be prepared to tell the judge what you disagree with in the other party's response.

**Filing a Reply.** In some counties, you'll have a chance to file a written Reply to the other party's response. However, in most counties (which follow the general Civil Rules), you'll have no chance to file a reply.<sup>18</sup>

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<sup>17</sup> [CR 6\(d\)](#).

<sup>18</sup> [CR 6\(d\)](#).

If your local court rules give you a chance to reply, use the Declaration form to write your reply. Write *Declaration of (Petitioner or Respondent) In Reply* under the title of the declaration form. In the declaration, explain what you disagree with in the other party's response, and why. Don't bring up new issues in the reply. Respond only to things that the other party talks about in their response. If you need to, give the court additional papers or declarations from other witnesses.

When you've completed your declaration, make a copy of it (and every other paper that you need to respond to the other party's response) for each of the other parties, yourself, and the judge (if you need working papers).

File the original papers with the court clerk. Have the clerk stamp the copy that you keep, so you can prove when you filed it.

Deliver a set of the papers to each of the other parties (and to the judge if you need working papers – see the instructions for working papers). **You must file and serve the papers by the deadline for your reply.** Check with your Family Law Facilitator, court clerk, or local rules for the reply deadline. If you don't serve your reply by the deadline, the judge may not read it. If the reply's personally served, the server can prepare another Return of Service. If it's mailed, the server can use a Certificate of Mailing or Personal Delivery form to show that the reply has been properly served. The Certificate form is in our dissolution Responding and Finishing packets and in all modifications packets.

### **C. Going to the Hearing**

- **If the Other Party Gets an Attorney.** If at any time before the hearing another party's attorney contacts you or shows up at a hearing, you may decide to get an attorney yourself. If so, tell the attorney and the court that you need to postpone (continue) your hearing. Don't panic. The attorney may ask you to sign some documents. Don't sign any documents you don't understand. If the judge reschedules your hearing, ask him/her to sign an order extending your Ex Parte Order until the new hearing date.
- **Prepare for the Hearing.** Try to go to court before the day of your hearing and watch how the hearings are generally done. Also try to make some notes to yourself about the main points that you want to make when you have a chance to talk during the hearing.
- **Get to Your Hearing Early.** Try to dress neatly and bring a pad of paper and black pen to write notes with. Bring your set of the papers, as well as your copies of any papers the other parties gave you in response. It's better not to bring your children if you can help it – the judge will usually not let them sit in the courtroom. If you're not there on time, the hearing will be cancelled (or the other party may win).
- **When You Get to the Courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks in the room, stand. When your case name is called, tell the court that you're present. Remain in court until your case is called for hearing.

When you're told to come forward, do so and give the court the originals of your orders. You'll have a Temporary Order, and you may also have an Order Appointing GAL, a Temporary Parenting Plan, and Order of Child Support and child support worksheets.

- **Getting an order.** If the other party fails to appear, show the judge your Return of Service. Fill out the service section (in Paragraph 3.1) of the order. Ask the judge to sign your orders. Tell the clerk or bailiff that you need a copy of them.
- **Presenting Your Case.** If the other party shows up at the hearing, each of you will have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. In some counties, you have only five minutes to speak. Try to keep your argument short. Only outline your main points. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers.

**DON'T INTERRUPT THE JUDGE.**

- **Hearing the Judge's Decision.** After the judge has heard both sides, s/he'll decide on your requests. Listen carefully and make notes. The judge may make changes to the orders you prepared, or s/he may direct you, the other party, or the other party's attorney to do it. If the other party's attorney makes changes to the orders, read them carefully and make sure that they say what the judge said. If you're not sure about any of the changes, don't sign the orders but ask the attorney to go back before the judge to make sure that the order says what the judge said. Make sure that you finish filling out the Service part of paragraph 3.1 of the Temporary Order by checking one of the boxes to show whether or not the other party appeared at the hearing. **Usually you want to have your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.**
- **DON'T LEAVE THE COURTHOUSE WITH (OR CHANGE OR DESTROY) COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the court clerk's office
- **Getting Copies of the Orders.** You'll need copies of the orders as signed by the judge. You need certified copies of any order with a safety restraint (get one certified copy for yourself, and one certified copy for each restrained party that you need to serve.) Get conformed copies of other orders.
- Ask the clerk how to get the conformed and certified copies you need and follow those instructions.
  - For certified copies, the clerk will need to make them and may charge you a fee (example: \$5 for the first page and \$1 for every additional page)
  - For conformed copies,
    - The clerk may allow you to take the original orders and make copies in the library or at the clerk's office.
    - Or, if the copies of proposed orders you brought to court are exactly the same as the orders the judge signed, the clerk may tell you to stamp those copies with the date filed stamp and the judge's signature stamp.
- If the judge signed the orders you presented, make sure all parties get copies of the orders showing the judge's signature as follows:

- If your orders have no safety restraints, or if the restrained party or his/her attorney appeared and/or signed the orders, then mail conformed (not certified) copies of the orders the judge signed to the other party/ies. Also mail conformed copies to any additional parties against whom there are no restraints. Use the Certificate of Mailing or Personal Delivery procedure explained in our Filing a Motion for a Temporary Order packets
- You must have the other party personally served if all of the following are true:
  - the order includes safety restraints and you're the protected party;
  - neither the restrained party nor attorney appeared for the hearing; and
  - neither the restrained party nor attorney signed the order.
- You must serve a certified copy of the order containing safety restraints. Conformed copies of any other orders will do. File a new Return of Service with the court showing service of these orders. Deliver a copy of the Return of Service to the law enforcement agency named in the order.

◆ **WARNING:** The safety restraints may not be effective until the other party is personally served with the order.

#### **D. Getting an Agreed Temporary Order**

If you've reached an informal agreement with the other party, try to get an Agreed Temporary Order. In cases with children, you may also need an agreed Temporary Parenting Plan, Temporary Order of Child Support, and Child Support Worksheets. Be sure that you and the other party/parties agree about what should happen to any children, your property, child support, and any other issues discussed in your paperwork before getting your Agreed orders. If your Temporary Order includes any kind of restraining orders, finish filling out the Service part of paragraph 3.1 of the Temporary Order.

If you're entering agreed temporary parenting plan modification orders, you may also need an Agreed Order re: Adequate Cause.

Write the word "AGREED" in the caption of the Orders you're using.

**ALL PARTIES MUST SIGN THE ORDER(S). THEY ALSO MUST BE SIGNED BY A JUDGE.**

After you and the other parties have signed all the agreed orders, you may strike (cancel) your hearing. Call the clerk or (whomever you call to confirm your hearing), tell them you've reached agreement, and would like to strike your hearing.

Ask the court clerk's office how to have agreed orders signed by the judge.

Be sure to get a copy of the order(s) as signed by the judge for your records. Provide the other party with a copy of the order showing the date filed and the judge's signature.

## **E. If You Disagree with the Court's Order**

If you disagree with the court's show cause/temporary orders hearing decisions, you may have a chance to appeal. There are three possibilities, listed below. Try to talk with an attorney before deciding what to do.

- **Motion for Reconsideration**. If a court commissioner or judge decided the motion, and you believe that there is new evidence or another legal reason that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See CR 59(a). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.<sup>19</sup> Local court rules may require you to also serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren't usually easy to win. We recommend that you consult with an attorney, if possible, before filing one.
- **Motion for Revision**. If a court commissioner decided the motion, and you don't want to try to give the commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge. That judge can hold a "new hearing" on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.<sup>20</sup> Local court rules may require you to also serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren't usually easy to win. We recommend that you consult with an attorney, if possible, before filing one.

If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the court signed the order to do this.<sup>21</sup> However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review

◆ We don't yet have packets on how to file a Motion for Reconsideration, a Motion for Revision, or a Notice of Appeal. Check with your local court clerk or Family Law Facilitator to see if they have a packet.

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<sup>19</sup> [CR 59\(b\)](#).

<sup>20</sup> [RCW 2.24.050](#).

<sup>21</sup> [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

## Section 9: Checklists of Forms According to Your Specific Needs

### A. If you want to file a Motion for Emergency Orders with No Children:

- Motion and Declaration for Ex Parte Restraining Order/Order to Show Cause
- Declaration(s)
- Ex Parte Restraining Order/Order to Show Cause
- Proposed Temporary Order
- Law Enforcement Information Sheet (LEIS) – if you asked for safety restraints (don't serve this form on the other party)
- Return of Service
- Any locally required forms

*If you're asking for Financial Relief, also include:*

- Financial Declaration
- Sealed Financial Source Documents Form
- Financial Documents

### B. If you want to file a Motion for Emergency Orders with Children:

- Motion and Declaration for Ex Parte Restraining Order/Order to Show Cause
- Declaration(s)
- Ex Parte Restraining Order/Order to Show Cause
- Proposed Temporary Order
- Any locally required forms
- Law Enforcement Information Sheet (LEIS) – if you asked for safety restraints (don't serve this form on the other party)
- Return of Service

*If you're asking for a Temporary Parenting Plan or custody order, also include: (located in our packet [Parenting Plans and Child Support](#))*

- Declaration in Support of Proposed Temporary Parenting Plan
- Proposed Temporary Parenting Plan

*If you're asking for a Guardian ad Litem (GAL), also include:*

- Order Appointing Guardian ad Litem on Behalf of Minor

*If you're asking for financial relief or child support, also include:*

- Financial Declaration (if asking for child support or financial relief)

- Sealed Financial Source Documents Form
- Financial Documents

*If you're asking for child support, also include: (located in our packet [Parenting Plans and Child Support](#))*

- Child Support Worksheets
- Proposed Temporary Order of Child Support & Child Support Summary Report

**C. If you want to have your Motion for Emergency Orders and Adequate Cause Hearing on the Same Day (Parenting Plan Modifications only.** The adequate cause forms are in the modifications packets.):

- Motion and Declaration for Ex Parte Restraining Order/Order to Show Cause
- Declaration(s)
- Notice of Hearing for Adequate Cause Determination or Note for Motion Docket
- Motion for Adequate Cause (required in some counties)
- Ex Parte Restraining Order/Order to Show Cause
- Proposed Order re: Adequate Cause
- Proposed Temporary Order
- Law Enforcement Information Sheet (LEIS) – if you asked for safety restraints (don't serve this form on the other party)
- Return of Service
- Any locally required forms

*If you're asking for a Temporary Parenting Plan or custody order, also include: (located in our packet [Parenting Plans and Child Support](#))*

- Declaration in Support of Proposed Temporary Parenting Plan
- Proposed Temporary Parenting Plan

*If you're asking for a Guardian ad Litem (GAL), also include:*

- Order Appointing Guardian ad Litem on Behalf of Minor

*If you're asking for financial relief or child support, also include:*

- Financial Declaration (if asking for child support or financial relief)
- Sealed Financial Source Documents Form
- Financial Documents

*If you're asking for child support, also include: (located in our packet [Parenting Plans and Child Support](#))*

- Child Support Worksheets
- Proposed Temporary Order of Child Support & Child Support Summary Report

**D. If you're filing confidential information, you'll need one or more of the following sealed records cover sheets:**

- Sealed Financial Source Documents Form
- Sealed Personal Health Care Records (Cover Sheet)
- Sealed Confidential Reports (Cover Sheet)

**E. After the show cause/temporary orders hearing, if the judge signs your temporary orders, if they don't include safety restraints, you'll need the following to show proof the order was delivered to the other party:**

- Certificate of Mailing or Personal Delivery (can be used if there is no safety restraining order or if the party to be restrained signed the Temporary Order or was present in court when the judge signed it). This form is in our Temporary orders packets.

**F. After the show cause/temporary orders hearing, if the judge signs your temporary orders, if the court enters your temporary order containing safety restraints against the other party, you'll also need:**

- Law Enforcement Information Sheet (LEIS). This form is available at the court clerk's office and it's not served on the other party.
- Return of Service form (if the judge signed the order you presented and the restrained party was not present in court and did not sign the temporary order). This form (WPF DRPSCU 01.0250) is available from the Administrator of the Courts website at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. The forms and instructions for it are also in our packets on filing for emergency orders.

## **Section 10: Blank Forms**

The rest of this packet contains blank forms for you to complete. Make a copy of each form so that you have an extra in case your first draft needs lots of changes. You may need forms from other packets, and you may not need all the forms in this packet. Alternatively, you may download court forms in Microsoft Word format at <http://www.courts.wa.gov/forms>.

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and  
Petitioner,  
Respondent.

**No.**

**Motion/Declaration for Ex Parte  
Restraining Order and for Order  
to Show Cause  
(MTSC)**

**I. Motion**

Based upon the declaration below, the undersigned moves the court for a temporary order and order to show cause.

**1.1 Ex Parte Restraining Order**

A temporary restraining order should be granted without written or oral notice to the other party or the other party's lawyer because immediate and irreparable injury, loss, or damage will result before other party or the other party's lawyer can be heard in opposition. This order should restrain or enjoin:

the  petitioner  respondent from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

the  petitioner  respondent from disturbing the peace of the other party or of any child.

(Name) \_\_\_\_\_ from going onto the grounds of or entering the  parties' shared residence  residence of (name) \_\_\_\_\_.  
(Name) \_\_\_\_\_ waives confidentiality of the address which is (address) \_\_\_\_\_.

the  petitioner  respondent from going onto the grounds of or entering the home, work place or school of the other party or the day care or school of these children:

\_\_\_\_\_  
 the  petitioner  respondent from knowingly coming within or knowingly remaining within (distance) \_\_\_\_\_ of the home, work place or school of the

other party or the day care or school of these children: \_\_\_\_\_

- (Name) \_\_\_\_\_ from molesting, assaulting, harassing, or stalking (name) \_\_\_\_\_. (If the court orders this relief and the parties are intimate partners as defined under federal law, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)
- the  petitioner  respondent from removing any of the children from the state of Washington.
- the  petitioner  respondent from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.
- other:

The other party should be required to appear and show cause why these restraints should not be continued in full force and effect pending final determination of this action.

## 1.2 Other Ex Parte Relief

- Order that the  petitioner  respondent shall be the parent with whom the child(ren) reside until the hearing.
- Other:

## 1.3 Surrender of Deadly Weapons

- Does not apply.
- (If This Box Is Checked, Clear and Convincing Reasons for This Request Must Be Presented in Paragraph 2.3 Below.)** The court should require the  petitioner  respondent to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court.

## 1.4 Other Temporary Relief

- Does not apply.
- The  petitioner  respondent should also be required to appear and show cause why the court should not enter a temporary order which:
- orders temporary maintenance.
- orders child support as determined pursuant to the Washington State child support statutes.
- approves the parenting plan which is proposed by the  petitioner  respondent.

- approves the Temporary Residential Time re Military Parents proposed by the  
 petitioner  respondent pursuant to RCW 26.09.260(11), (12).
- makes each party immediately responsible for their own future debts whether  
incurred by credit card or loan, security interest or mortgage.
- divides responsibility for the debts of the parties.
- authorizes the family home to be occupied by the  petitioner  respondent.
- orders the use of property.
- requires the  petitioner  respondent to vacate the family home.
- requires the  petitioner  respondent to pay temporary attorney's fees, other  
professional fees and costs in the amount of \$ \_\_\_\_\_ to:
  
- appoints a guardian ad litem on behalf of the minor children.
- other:

**1.5 Other**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requesting Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

**II. Declaration**

**2.1 Injury to be Prevented**

The ex parte restraining order requested in paragraph 1.1 and 1.2 above is to prevent the following injury (define the injury):

## **2.2 Reasons why the Injury may be Irreparable**

This injury may be irreparable because:

## **2.3 Clear and Convincing Reasons why Weapons Should be Surrendered**

- Does not apply.
- The  petitioner  respondent should be required to surrender any deadly weapons as requested in paragraph 1.3 above because of following clear and convincing reasons:

## **2.4 Reasons for a Temporary Order**

- Does not apply.
- It is necessary that the court issue a temporary order with the relief requested in paragraph 1.4 above for the reason set forth below:

- If a Temporary Residential Time re Military Parents is requested, and I request delegation of residential time or visitation rights to a nonparty, to the best of my knowledge, that

person  
[ ] would [ ] would not  
be subject to limitations on residential time under RCW 26.09.191. (See paragraph 2.1  
and 2.2 of the parenting plan.)

## 2.5 Service Member or Dependent of Service Member

- [ ] If the other party is not present and:
- a) is on active duty and is a National Guard member or Reservist residing in Washington, or
  - b) is a dependent of a National Guard member or Reservist residing in Washington on active duty,
- list the reasons why this temporary order should be granted despite the absence of the other party:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

***Do not attach financial records, personal health care records or confidential reports to this declaration. Such records should be served on the other party and filed with the court using one of these cover sheets:***

- 1) Sealed Financial Source Documents (WPF DRPSCU 09.0220) for financial records***
- 2) Sealed Personal Health Care Records (WPF DRPSCU 09.0260) for health records***
- 3) Sealed Confidential Report (WPF DRPSCU 09.270) for confidential reports***

***If filed separately using a cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22(C)(2).***

### III. Efforts to Give Other Party Notice

The following efforts have been made to give the other party or other party's lawyer notice and the following reasons exist why notice should not be required:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requesting Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:  
 In re the Domestic Partnership of:

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent.

No. \_\_\_\_\_

**Ex Parte Restraining Order/  
Order to Show Cause  
(TPROTSC/ORTSC)**

Clerk's Action Required  
 Law Enforcement  
Notification, ¶ 4.1

Restraining Order Summary:

Does not apply.  
 Restraining Order Summary is set forth below:

Name of person(s) restrained: \_\_\_\_\_ Name of  
person(s) protected: \_\_\_\_\_ **See paragraph 4.1.**

***Violation of a Restraining Order in paragraph 4.1 below with actual knowledge of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.***

**I. Show Cause Order**

***It is Ordered*** the  petitioner  respondent appear and show cause, if any, why the restraints below should not be continued in full force and effect pending final determination of this action and why the other relief, if any, requested in the motion should not be granted. A hearing has been set for the following date, time and place:

Date: \_\_\_\_\_

Time: \_\_\_\_\_ a.m./p.m.

Place: \_\_\_\_\_

Room/Department: \_\_\_\_\_

**If you disagree with any part of the motion, you must respond to the motion in writing before the hearing and by the deadline for your county. At the hearing, the court will consider *Written* sworn affidavits or declarations. Oral testimony may *Not* be allowed. To respond you must: (1) file your documents with the court; (2) provide a copy of those documents to the judge or commissioner's staff; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more**

information, you are advised to consult an attorney or a courthouse facilitator.

**Failure to appear may result in a Temporary Order being entered by the court that grants the relief requested in the motion without further notice.**

**II. Basis**

A motion for a temporary restraining order without written or oral notice to the [ ] petitioner [ ] respondent or that party's lawyer has been made to this court.

**III. Findings**

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF DR 04.0150) as its findings, except as follows:

[ ] Further, the court finds that the nonrequesting party is absent and a) is on active duty as a National Guard member or Reservist residing in Washington, or b) is a dependent of a National Guard member or Reservist residing in Washington on active duty. Despite the service member's or dependent's absence, failure to enter the temporary orders below would result in manifest injustice to the other interested parties.

**IV. Order**

**It is Ordered:**

|                          |   |
|--------------------------|---|
| <b>4.1</b>               | <b>Restraining Order</b>  |
|                          | <b><i>Violation of a Restraining Order in paragraph 4.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.</i></b>   |
| <input type="checkbox"/> | Does not apply.   |
| <input type="checkbox"/> | The [ ] petitioner [ ] respondent is restrained and enjoined from disturbing the peace of the other party or of any child.  |
| <input type="checkbox"/> | The [ ] petitioner [ ] respondent is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the other party or the day care or school of the following named children:<br>_____.  |
| <input type="checkbox"/> | The [ ] petitioner [ ] respondent is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of the other party or the day care or school of these children:<br>_____.  |
| <input type="checkbox"/> | (Name) _____ is restrained and enjoined from molesting, assaulting, harassing, or stalking (name) _____.<br>(If the court orders this relief after the hearing and the parties are intimate partners as defined under federal law, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception |

exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

- Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to (name of the appropriate law enforcement agency) \_\_\_\_\_ which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. **(A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)**

### **Service**

The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

### **Full Faith and Credit**

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

## **4.2 Other Restraining Orders**

- The  petitioner  respondent is restrained and enjoined from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.
- The  petitioner  respondent is restrained and enjoined from removing any of the children from the state of Washington.
- The  petitioner  respondent is restrained and enjoined from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.
- The  petitioner  respondent shall be the parent with whom the child(ren) reside until the hearing.
- Other:

## **4.3 Surrender of Deadly Weapons**

- Does not apply.
- It is ordered that (name) \_\_\_\_\_ surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:
- the (name of county) \_\_\_\_\_ County sheriff.
- (name) \_\_\_\_\_.

The court finds that irreparable injury could result if an order is not issued until the time for response has elapsed. (See RCW 26.09.060(2)(b).)

**4.4 Expiration Date**

This order shall expire on the hearing date set forth above or 14 days from the date of issuance, which ever is sooner, unless otherwise extended by the court.

**4.5 Waiver of Bond**

- Does not apply.
- The filing of a bond or the posting of security is waived.

**4.6 Other**

Dated: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. \_\_\_\_\_  
**Judge/Commissioner**

Presented by:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name                      Date

**LAW ENFORCEMENT INFORMATION**

**Do NOT serve or show this sheet to the restrained person!**  
**Do NOT FILE in the court file. Give this form to law enforcement.**

**Type or print clearly!** This completed form is **required** by law enforcement. This information is **necessary** to serve, enforce and enter your order into the state wide law enforcement computer. Fill in the following information as completely as possible.

|        |              |
|--------|--------------|
| Court: | Case Number: |
|--------|--------------|

|  |  |
|--|--|
| <input type="checkbox"/> Domestic Violence   | <input type="checkbox"/> Dissolution/Separation/Invalidity/Nonparental Custody/Paternity |
| <input type="checkbox"/> Unlawful Harassment | <input type="checkbox"/> Vulnerable Adult  |
|  | <input type="checkbox"/> Sexual Assault  |

**Restrained Person's Information** (This is the person that you want the court to restrain.)

|              |       |        |      |          |                                  |
|--------------|-------|--------|------|----------|----------------------------------|
| <b>Name:</b> | First | Middle | Last | Nickname | Relationship to Protected Person |
|--------------|-------|--------|------|----------|----------------------------------|

|               |  |      |        |        |           |            |           |       |
|---------------|--|------|--------|--------|-----------|------------|-----------|-------|
| Date of Birth | <input type="checkbox"/> Male<br><input type="checkbox"/> Female | Race | Height | Weight | Eye Color | Hair Color | Skin Tone | Build |
|---------------|--|------|--------|--------|-----------|------------|-----------|-------|

|                    |  |        |      |                      |                                    |
|--------------------|--|--------|------|----------------------|------------------------------------|
| Last Known Address |  |        |      | Phone(s) w/Area Code | Need Interpreter? <b>Yes or No</b> |
| Street:            |  |        |      |                      | Language:                          |
| City:              |  | State: | Zip: |                      |                                    |

|          |                    |                           |
|----------|--------------------|---------------------------|
| Employer | Employer's Address | WORK Hours:<br>Phone: ( ) |
|----------|--------------------|---------------------------|

|                        |                        |               |              |                              |       |
|------------------------|------------------------|---------------|--------------|------------------------------|-------|
| Vehicle License Number | Vehicle Make and Model | Vehicle Color | Vehicle Year | Drivers License or ID number | State |
|------------------------|------------------------|---------------|--------------|------------------------------|-------|

**Does the restrained person have a disability, brain injury, or impairment requiring special assistance** when law enforcement serves the order?  No  Yes. If yes, describe (continue on back, if needed):

**Hazard Information** Restrained Person's History Includes:  
 Involuntary/Voluntary Commitment  Suicide Attempt or Threats  
 Assault  Assault with Weapons  Alcohol/Drug Abuse  Other:  
**Weapons:**  Handguns  Rifles  Knives  Explosives  Other:  
**Location of Weapons:**  Vehicle  On Person  Residence Describe in detail:

**Current Status** (Circle Yes, No or N/A.) Is the restrained person a current or former cohabitant as an intimate partner? **Y N**  
 Are you and the restrained person living together now? **Y N** Does the restrained person know he/she may be moved out of the home? **Y N N/A**  
 Does the restrained person know you're trying to get this order? **Y N** Is the restrained person likely to react violently when served? **Y N**

**Protected Person's Information** (This is the person you want the court to protect.)

|              |       |        |      |
|--------------|-------|--------|------|
| <b>Name:</b> | First | Middle | Last |
|--------------|-------|--------|------|

|               |  |      |        |        |           |            |           |       |
|---------------|--|------|--------|--------|-----------|------------|-----------|-------|
| Date of Birth | <input type="checkbox"/> Male<br><input type="checkbox"/> Female | Race | Height | Weight | Eye Color | Hair Color | Skin Tone | Build |
|---------------|--|------|--------|--------|-----------|------------|-----------|-------|

If your information **is not confidential**, you must enter your address and phone number(s).

|                 |  |        |      |                      |                                    |
|-----------------|--|--------|------|----------------------|------------------------------------|
| Current Address |  |        |      | Phone(s) w/Area Code | Need interpreter? <b>Yes or No</b> |
| Street:         |  |        |      |                      | Language:                          |
| City:           |  | State: | Zip: |                      |                                    |

If your information **is confidential**, you must provide the name, address and phone number of someone willing to be your "contact."

|              |                 |               |
|--------------|-----------------|---------------|
| Contact Name | Contact Address | Contact Phone |
|--------------|-----------------|---------------|

If you filed for someone else, list your name, phone number and address:

| Minor's Information |        |      | Describe the minor's relationship using terms such as: child, grandchild, stepchild, nephew, none. → |      |            |              | Minor's Relationship to Protected Person |        |
|---------------------|--------|------|--|------|------------|--------------|--|--------|
| Name: First         | Middle | Last | Sex  | Race | Birth date | Resides With | Person                                   | Person |
|                     |        |      |  |      |            |              |  |        |
|                     |        |      |  |      |            |              |  |        |

|   |             |             |
|---|-------------|-------------|
| <b>Victim's Household Members or Adult Children Protected</b> | Name:       | birth date: |
| Name:   | birth date: | Name:       |
|   | birth date: | birth date: |

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_

Petitioner(s),

and

\_\_\_\_\_

Respondent(s).

**No.** \_\_\_\_\_

**Declaration of**

\_\_\_\_\_  
**[Name]**  
**(Optional Use)**  
**(DCLR)**

This declaration is made by:

Name: \_\_\_\_\_

Age: \_\_\_\_\_

Relationship to the parties in this action: \_\_\_\_\_

***I Declare:***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_



**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner(s),

and

\_\_\_\_\_  
Respondent(s).

No. \_\_\_\_\_

**Sealed Personal Health Care  
Records  
(Cover Sheet)  
(SEALPHC)  
Clerk's Action Required**

---

**Sealed Personal Health Care Records**

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

Records or correspondences that contain health information that:

- Relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care.
  
- Involves genetic parentage testing.

Submitted by:

\_\_\_\_\_

**Notice:** The other party will have access to these health care records. If you're concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner(s),

and

\_\_\_\_\_  
Respondent(s).

No. \_\_\_\_\_

**Sealed Confidential Reports  
(Cover Sheet)  
(SEALRPT)  
Clerk's Action Required**

**Sealed Confidential Reports**

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

This cover sheet shall be used to file the sealed portion of the following reports:

- Parenting evaluations
- Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court
- Risk Assessment Reports created by Family Court Services or a qualified expert
- CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services
- Sexual abuse evaluations
- Reports of a guardian ad litem or Court Appointed Special Advocate
- Other:

The sealed portion of these reports include: 1) Detailed descriptions of material, or information gathered or reviewed; 2) Detailed descriptions of all statements reviewed or taken; 3) Detailed descriptions of tests conducted or reviewed; 4) Analysis to support the conclusions and recommendations.

Submitted by:

\_\_\_\_\_

**Notice: The other party will have access to these confidential reports. If you're concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

**Superior Court of Washington**  
**County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_

Petitioner,

and

\_\_\_\_\_

Respondent.

No. \_\_\_\_\_

**Financial Declaration**

Petitioner

Respondent

**(FNDCLR)**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**I. Summary of Basic Information**

Declarant's Total Monthly Net Income (from § 3.3 below) \$ \_\_\_\_\_

Declarant's Total Monthly Household Expenses (from § 5.9 below) \$ \_\_\_\_\_

Declarant's Total Monthly Debt Expenses (from § 5.11 below) \$ \_\_\_\_\_

Declarant's Total Monthly Expenses (from § 5.12 below) \$ \_\_\_\_\_

Estimate of the other party's gross monthly income (from § 3.1f below)  \$ \_\_\_\_\_

unknown

**II. Personal Information**

2.1 Occupation:

2.2 The highest year of education completed:

2.3 Are you presently employed?  Yes  No

a. If yes: (1) Where do you work. Employer's name and address must be listed on the Confidential Information Form.

(2) When did you start work there (month/year)? \_\_\_\_\_

- b. If no: (1) When did you last work (month/year)? \_\_\_\_\_  
 (2) What were your gross monthly earnings? \$ \_\_\_\_\_  
 (3) Why are you presently unemployed? \_\_\_\_\_

### III. Income Information

If child support is at issue, complete the Washington State Child Support Worksheet(s), skip Paragraphs 3.1 and 3.2. If maintenance, fees, costs or debts are at issue and child support is **Not** an issue this entire section should be completed. (Estimate of other party's income information is optional.)

#### 3.1 Gross Monthly Income

If you're paid on a weekly basis, multiply your weekly gross pay by 4.3 to determine your monthly wages and salaries. If you're paid every two weeks, multiply your gross pay by 2.15. If you're paid twice monthly, multiply your gross pay by 2. If you're paid once a month, list that amount below.

|   | Name     | Name     |
|---|----------|----------|
|   | _____    | _____    |
| a. Wages and Salaries                                       | \$ _____ | \$ _____ |
| b. Interest and Dividend Income                             | \$ _____ | \$ _____ |
| c. Business Income  | \$ _____ | \$ _____ |
| d. Spousal Maintenance Received                             |          |          |
| From _____  | \$ _____ | \$ _____ |
| e. Other Income   | \$ _____ | \$ _____ |
| f. Total Gross Monthly Income (add lines 3.1a through 3.1e) | \$ _____ | \$ _____ |
| g. Actual Gross Income (Year-to-date)                       | \$ _____ | \$ _____ |

#### 3.2 Monthly Deductions From Gross Income

|  |          |          |
|--|----------|----------|
| a. Income Taxes  | \$ _____ | \$ _____ |
| b. FICA/Self-employment Taxes  | \$ _____ | \$ _____ |
| c. State Industrial Insurance Deductions                               | \$ _____ | \$ _____ |
| d. <b>Mandatory</b> Union/Professional Dues                            | \$ _____ | \$ _____ |
| e. Pension Plan Payments   | \$ _____ | \$ _____ |
| f. Spousal Maintenance Paid  | \$ _____ | \$ _____ |
| g. Normal Business Expenses  | \$ _____ | \$ _____ |
| h. Total Deductions from Gross Income<br>(add lines 3.2a through 3.2g) | \$ _____ | \$ _____ |

3.3 Monthly Net Income (Line 3.1f minus line 3.2h or line 3 from the Child Support Worksheet(s)) \$ \_\_\_\_\_

#### 3.4 Miscellaneous Income

- a. Child support received from other relationships \$ \_\_\_\_\_
- b. Other miscellaneous income (list source and amounts)

|     |   |          |          |
|-----|---|----------|----------|
|     | _____   | \$ _____ | \$ _____ |
|     | _____   | \$ _____ | \$ _____ |
|     | _____   | \$ _____ | \$ _____ |
|     | _____   | \$ _____ | \$ _____ |
| c.  | Total Miscellaneous Income (add lines 3.4a through 3.4b)  | \$ _____ | \$ _____ |
| 3.5 | Income of Other Adults in Household   | \$ _____ | \$ _____ |
| 3.6 | If the income of either party is disputed, state monthly income you believe is correct and explain below: |          |          |

**IV. Available Assets**

|     |  |          |
|-----|--|----------|
| 4.1 | Cash on hand                                   | \$ _____ |
| 4.2 | On deposit in banks                            | \$ _____ |
| 4.3 | Stocks and bonds, cash value of life insurance | \$ _____ |
| 4.4 | Other liquid assets:                           | \$ _____ |

**V. Monthly Expense Information**

Monthly expenses for myself and \_\_\_\_\_ dependents are: (Expenses should be calculated for the future, after separation, based on the anticipated residential schedule for the children.)

**5.1 Housing**

|  |          |
|--|----------|
| Rent, 1st mortgage or contract payments                  | \$ _____ |
| Installment payments for other mortgages or encumbrances | \$ _____ |
| Taxes & insurance (if not in monthly payment)            | \$ _____ |
| Total Housing  | \$ _____ |

**5.2 Utilities**

|                       |          |
|-----------------------|----------|
| Heat (gas & oil)      | \$ _____ |
| Electricity           | \$ _____ |
| Water, sewer, garbage | \$ _____ |
| Telephone             | \$ _____ |
| Cable                 | \$ _____ |
| Other                 | \$ _____ |

Total Utilities \$ \_\_\_\_\_

**5.3 Food and Supplies**

Food for \_\_\_\_\_ persons \$ \_\_\_\_\_

Supplies (paper, tobacco, pets) \$ \_\_\_\_\_

Meals eaten out \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

Total Food Supplies \$ \_\_\_\_\_

**5.4 Children**

Day Care/Babysitting \$ \_\_\_\_\_

Clothing \$ \_\_\_\_\_

Tuition (if any) \$ \_\_\_\_\_

Other child-related expenses \$ \_\_\_\_\_

Total Expenses Children \$ \_\_\_\_\_

**5.5 Transportation**

Vehicle payments or leases \$ \_\_\_\_\_

Vehicle insurance & license \$ \_\_\_\_\_

Vehicle gas, oil, ordinary maintenance \$ \_\_\_\_\_

Parking \$ \_\_\_\_\_

Other transportation expenses \$ \_\_\_\_\_

Total Transportation \$ \_\_\_\_\_

**5.6 Health Care (Omit if fully covered)**

Insurance \$ \_\_\_\_\_

Uninsured dental, orthodontic, medical, eye care expenses \$ \_\_\_\_\_

Other uninsured health expenses \$ \_\_\_\_\_

Total Health Care \$ \_\_\_\_\_

**5.7 Personal Expenses (Not including children)**

Clothing \$ \_\_\_\_\_

Hair care/personal care expenses \$ \_\_\_\_\_

Clubs and recreation \$ \_\_\_\_\_

Education \$ \_\_\_\_\_

Books, newspapers, magazines, photos \$ \_\_\_\_\_

Gifts \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

Total Personal Expenses \$ \_\_\_\_\_

**5.8 Miscellaneous Expenses**

Life insurance (if not deducted from income) \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

Total Miscellaneous Expenses \$ \_\_\_\_\_

**5.9 Total Household Expenses** (The total of Paragraphs 5.1 through 5.8) \$ \_\_\_\_\_

**5.10 Installment Debts Included in Paragraphs 5.1 Through 5.8**

| <u>Creditor</u> | <u>Description of Debt</u> | <u>Balance</u> | <u>Month of Last Payment</u> |
|-----------------|----------------------------|----------------|------------------------------|
| _____           | _____                      | _____          | _____                        |
| _____           | _____                      | _____          | _____                        |
| _____           | _____                      | _____          | _____                        |
| _____           | _____                      | _____          | _____                        |

**5.11 Other Debts and Monthly Expenses not Included in Paragraphs 5.1 Through 5.8**

| <u>Creditor</u> | <u>Description of Debt</u> | <u>Balance</u> | <u>Month of Last Payment</u> | <u>Amount of Monthly Payment</u> |
|-----------------|----------------------------|----------------|------------------------------|----------------------------------|
| _____           | _____                      | _____          | _____                        | \$ _____                         |
| _____           | _____                      | _____          | _____                        | \$ _____                         |
| _____           | _____                      | _____          | _____                        | \$ _____                         |
| _____           | _____                      | _____          | _____                        | \$ _____                         |
| _____           | _____                      | _____          | _____                        | \$ _____                         |
| _____           | _____                      | _____          | _____                        | \$ _____                         |
| _____           | _____                      | _____          | _____                        | \$ _____                         |

Total Monthly Payments for Other Debts and Monthly Expenses \$ \_\_\_\_\_

**5.12 Total Expenses (Add Paragraphs 5.9 and 5.11)** \$ \_\_\_\_\_

**VI. Attorney Fees**

6.1 Amount paid for attorney fees and costs to date: \$ \_\_\_\_\_

6.2 The source of this money was:

6.3 Fees and costs incurred to date: \$ \_\_\_\_\_

6.4 Arrangements for attorney fees and costs are:

6.5 Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, [City] \_\_\_\_\_ [State] on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Print or Type Name

The following financial records are being provided to the other party and filed separately with the court.

Financial records pertaining to myself:

Individual  Partnership or Corporate Income Tax returns for the years \_\_\_\_\_ including all W-2s and schedules;

Pay stubs for the dates of \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Do not attach these financial records to the financial declaration. These financial records should be served on the other party and filed with the court separately using the sealed financial source documents cover sheet (WPF DRPSCU 09.0220). If filed separately using the cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22 (C)(2).*

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner(s),

and

\_\_\_\_\_  
Respondent(s).

No. \_\_\_\_\_

**Sealed Financial Source  
Documents  
(Cover Sheet)  
(SEALFN)  
Clerk's Action Required**

---

**Sealed Financial Source Documents**

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

- Income Tax records
- Pay Stubs
- Credit Card Statements
- Bank statements
- Checks or the equivalent
- Check registers
- Loan application documents
- Retirement plan orders
- Other

Submitted by: \_\_\_\_\_

**Notice: The other party will have access to these financial source documents. If you're concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and  
Petitioner,  
  
Respondent.

**No.**

**Temporary Order  
(TMO/TMRO)**

Clerk's Action Required  
 Law Enforcement Notification, ¶ 3.1

**I. Judgment/Order Summaries**

**1.1 Restraining Order Summary**

Does not apply.  Restraining Order Summary is set forth below:

Name of person(s) restrained: \_\_\_\_\_ Name of person(s)  
protected: \_\_\_\_\_ **See paragraph 3.1.**

***Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.***

**1.2 Money Judgment Summary**

Does not apply.  
 Judgment Summary is set forth below.

- A. Judgment creditor \_\_\_\_\_
- B. Judgment debtor \_\_\_\_\_
- C. Principal judgment amount \$ \_\_\_\_\_
- D. Interest to date of judgment \$ \_\_\_\_\_
- E. Attorney fees \$ \_\_\_\_\_
- F. Costs \$ \_\_\_\_\_
- G. Other recovery amount \$ \_\_\_\_\_
- H. Principal judgment shall bear interest at \_\_\_\_\_% per annum

- I. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_ % per annum
- J. Attorney for judgment creditor \_\_\_\_\_
- K. Attorney for judgment debtor \_\_\_\_\_
- L. Other: \_\_\_\_\_

## II. Basis

A motion for a temporary order was presented to this court and the court finds reasonable cause to issue the order.

- Further, the court finds that the nonrequesting party is absent and a) is on active duty as a National Guard member or Reservist residing in Washington, or b) is a dependent of a National Guard member or Reservist residing in Washington on active duty. Despite the service member's or dependent's absence, failure to enter the temporary orders below would result in manifest injustice to the other interested parties.

## III. Order

***It is Ordered:***

### 3.1 Restraining Order

***Previous Order***

- The prior temporary restraining order dated \_\_\_\_\_ remains in full force and effect.

- The prior temporary restraining order dated \_\_\_\_\_:

- Is terminated.

- Is terminated and replaced by the following:

This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to (name of appropriate law enforcement agency) \_\_\_\_\_ which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

***The protected party or the protected party's attorney must complete a law enforcement information sheet and provide it with this order before this order will be entered into the law enforcement computer system.***

***Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.***

- Does not apply.

- The  petitioner  respondent is restrained and enjoined from disturbing the peace of the other party or of any child.

- The  petitioner  respondent is restrained and enjoined from going onto the grounds of

or entering the home, work place or school of the other party, or the day care or school of the following named children: \_\_\_\_\_

The  petitioner  respondent is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) \_\_\_\_\_ of the home, work place or school of the other party, or the day care or school of these children:

(Name) \_\_\_\_\_ is restrained and enjoined from molesting, assaulting, harassing or stalking (name) \_\_\_\_\_.  
(The following firearm restrictions apply if this box is checked and the parties are intimate partners as defined under federal law: Effective immediately and continuing as long as this restraining order is in effect, the restrained person may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issue firearms. 18 U.S.C. § 925(a)(1).)

**Clerk's Action/Law Enforcement Action**

This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to (name of appropriate law enforcement agency) \_\_\_\_\_ which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

***The protected party or the protected party's attorney must complete a law enforcement information sheet and provide it with this order before this order will be entered into the law enforcement computer system.***

**Service**

- The restrained party or attorney appeared in court or signed this order; service of this order is not required.
- The restrained party or attorney did not appear in court; service of this order is required. The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

**Expiration Date**

This restraining order will expire in 12 months and shall be removed from any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants, unless a new order is issued, or unless the court sets forth another expiration date here: (month/day/year) \_\_\_\_\_.

**Full Faith and Credit**

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

**3.2 Temporary Relief**

The  petitioner  respondent shall pay the other party \$\_\_\_\_\_ per month maintenance.

Starting Date: \_\_\_\_\_

Day(s) of the month payment is due: \_\_\_\_\_

Payments shall be made to:

- the Washington State Child Support Registry (if child support is ordered).
- directly to the other spouse or domestic partner.
- the clerk of this court as trustee for remittance to the other spouse or domestic partner (if there are no dependent children).
- Other:

Child support shall be paid in accordance with the order of child support, signed by the court.

The parties shall comply with the Temporary Parenting Plan signed by the court.

The parties shall comply with the Temporary Residential Time Re Military Parents signed by the court.

The  petitioner  respondent is restrained and enjoined from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

The  petitioner  respondent is restrained and enjoined from removing any of the children from the state of Washington.

The  petitioner  respondent is restrained and enjoined from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.

The  petitioner  respondent shall surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:  
(name or agency) \_\_\_\_\_.

Each party shall be immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.

Responsibility for the debts of the parties is divided as follows:

The family home shall be occupied by the  petitioner  respondent.

Use of property shall be as follows:

- The  petitioner  respondent shall vacate the family home. You have a right to keep your residential address confidential.  (name) \_\_\_\_\_ waives confidentiality of the address which is: \_\_\_\_\_
- The  petitioner  respondent shall pay temporary attorney fees, other professional fees and costs in the amount of \$\_\_\_\_\_ to:
- Other:

**3.3 Bond or Security**

- Does not apply.
- The filing of a bond or the posting of security is waived.
- Other:

**3.4 Other**

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Petitioner or petitioner's attorney:  
A signature below is actual notice of this order.  
 Presented by:  
 Approved for Entry:  
 Notice for presentation waived:

Respondent or respondent's attorney:  
A signature below is actual notice of this order.  
 Presented by:  
 Approved for Entry:  
 Notice for presentation waived:

\_\_\_\_\_  
Signature of Petitioner or Lawyer/WSBA No.

\_\_\_\_\_  
Signature of Respondent or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and  
Petitioner,  
Respondent.

**No.**

**Order Appointing Guardian ad  
Litem on Behalf of Minor  
(ORAPGL)**

**I. Basis**

**1.1 Basis for the Appointment**

This appointment is being made pursuant to

- RCW 26.09 Dissolution
- RCW 26.26 Parentage Act
- RCW 26.50 Domestic Violence

**1.2 Children to Whom the Order Applies**

The  petitioner  respondent  court moved for appointment of a guardian ad litem for the following minor child(ren) in this action:

| <u>Name</u> | <u>Age</u> |
|-------------|------------|
| _____       | _____      |
| _____       | _____      |
| _____       | _____      |
| _____       | _____      |

**II. Findings**

After reviewing the case record to date and the basis for the motion, the court ***finds*** that the motion should be granted because appointment of a guardian ad litem is in the best interest of the child(ren).

**III. Order**

**It is Ordered:**

### **3.1 Appointment of Guardian ad Litem**

\_\_\_\_\_ is appointed as guardian ad litem for the above-named minor child(ren) of the parties and shall receive copies of all pleadings and notice of all court proceedings regarding the child(ren).

### **3.2 Duties of the Guardian ad Litem**

The guardian ad litem shall investigate and report factual information regarding the issues ordered to be reported or investigated to the court. The guardian ad litem shall always represent the child(ren)'s best interests. The guardian ad litem may make recommendations based upon his or her investigation. The guardian ad litem shall report the child(ren)'s expressed preferences regarding the parenting plan to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child(ren)'s understanding.

The guardian ad litem shall make a full and complete written report to the court and counsel/parties on or before (date) \_\_\_\_\_ and at least 60 days before trial provided that an extension may be granted by the court. This report shall include recommendations and bases for those recommendations.

Issues ordered to investigate and report:

- all issues relating to development of a parenting plan
- substance abuse of  mother  father  other \_\_\_\_\_
- domestic violence of  mother  father  other \_\_\_\_\_
- mental health issues of  mother  father  other \_\_\_\_\_
- physical health issues of  mother  father  other \_\_\_\_\_
- sexual abuse allegations of  mother  father  other \_\_\_\_\_
- criminal history of  mother  father  other \_\_\_\_\_
- abandonment or neglect by  mother  father \_\_\_\_\_
- integration into the non-primary parent's home
- other:

- The guardian ad litem shall also report to the court on any other issues discovered that could affect the safety of the child(ren).

### **3.3 Other Duties**

Other duties of the guardian ad litem include appearing at all court hearings and pretrial conferences within the scope of appointment unless excused by the court and assisting the parties and counsel in reaching a resolution of the matters involving said child(ren).

### **3.4 Guardian ad Litem Access to Child(ren), Records and Information**

To facilitate reasonable investigation of information pertaining to the best interest of the child(ren), the guardian ad litem shall have access to the child(ren) and to all records and information, including authorization to speak with interested persons, from the following sources: law enforcement agencies; Child Protective Services (or the equivalent out-of-state agency); health care providers;

mental health care providers; child care providers; the Department of Social and Health Services (or the equivalent agency in another state); and educational institutions.

These agencies may withhold or blackout portions of requested information as warranted by law or by court order. The guardian ad litem shall maintain the confidentiality of information except as necessary to fulfill his or her duties as guardian ad litem.

Within the scope of appointment, the guardian ad litem shall have access to all Superior Court and Juvenile Court files, including any sealed/confidential portions thereof, other than records sealed pursuant to RCW 13.50.050(7). All information obtained from sealed or confidential files shall remain sealed or confidential, and the guardian ad litem shall inform the court if the guardian ad litem report contains sealed or confidential information.

The court clerk shall provide certified copies of this order to the guardian ad litem upon request and without charge.

Upon good cause shown, the guardian ad litem or the parties may move that the court make confidential any reports or documents placed in the court file by the guardian ad litem.

### 3.5 Payment of Fees and Costs

The guardian ad litem fee is \$\_\_\_\_\_ per hour up to \$\_\_\_\_\_, the maximum the guardian ad litem may charge without additional court review and approval.

The fees and costs of the guardian ad litem shall be paid as follows:

- \_\_\_\_\_ % by petitioner and \_\_\_\_\_ % by respondent
- \_\_\_\_\_ % by other: \_\_\_\_\_
- Other: \_\_\_\_\_

If the guardian ad litem has been appointed at public expense, the court may assess this cost against the parties if there is a change in financial circumstances.

The total amount awarded shall be at the discretion of the court up to the maximum amount allowed after the guardian ad litem files an itemized statement of time with the court, along with a specific request for fees and a proposed Order. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

### 3.6 Consent of Children Over Twelve to Investigation

- Does not apply.
- \_\_\_\_\_  
has/have reached the age of twelve. Written consent for the guardian ad litem to consult with and obtain information from medical, psychiatric, or other experts who have served the child(ren) in the past  has  has not been given by the child.

### 3.7 Authorization for Release of Information

- Does not apply.
- Each party's signature hereunder constitutes an authorization for release of information by that party to the agencies listed in paragraph 3.4, above.

**3.8 Termination of Appointment**

The appointment terminates:

- Upon entry of the final parenting plan or residential schedule.
- Other:

**3.9 Other**

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Presented by:

Approved for entry:  
Notice of presentation waived:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Print or Type Name

***Accepted upon approval by  
the court***

\_\_\_\_\_  
Guardian Ad Litem

Signatures of the Parties:

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Child's Signature  
(See Paragraph 3.6)

\_\_\_\_\_  
Child's Signature  
(See Paragraph 3.6)

**Superior Court of Washington  
County of**

In re:

and

Petitioner,

Respondent.

**No.**

**Return of Service  
(Optional Use)  
(RTS)**

***I Declare:***

1. I am over the age of 18 years, and I am not a party to this action.
2. I served the following documents to (name) \_\_\_\_\_:
  - summons, a copy of which is attached
  - petition in this action
  - proposed parenting plan or residential schedule
  - proposed child support order
  - proposed child support worksheets
  - sealed financial source documents cover sheet and financial documents
  - financial declaration
  - Notice Re: Dependent of a Person in Military Service
  - notice of hearing for \_\_\_\_\_
  - motion for temporary order
  - motion for and ex parte order
  - motion for and order to show cause re: \_\_\_\_\_
  - declarations of \_\_\_\_\_
  - temporary order
  - other:

|   |
|---|
| 3. The date, time and place of service were (if by mail refer to Paragraph 4 below):<br><br>Date: _____ Time: _____ a.m./p.m. |
|---|

Address: \_\_\_\_\_

4. Service was made:

- by delivery to the person named in paragraph 2 above.
- by delivery to (name) \_\_\_\_\_, a person of suitable age and discretion residing at the respondent's usual abode.
- by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)
- (check this box only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on (date) \_\_\_\_\_. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Tape return receipt below.) The copies were mailed on (date) \_\_\_\_\_.
- (check this box only if there is a statute authorizing service by mail) by mailing a copy postage prepaid to the person requiring service by any form of mail requiring return receipt. (Tape return receipt below.) The copy was mailed on (date) \_\_\_\_\_.

5. Service of Notice on Dependent of a Person in Military Service.

- The Notice to Dependent of Person in Military Service was  served on  mailed by first class mail on (date) \_\_\_\_\_.
- Other:

6. Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
Signature Print or Type Name

Fees:  
Service \_\_\_\_\_  
Mileage \_\_\_\_\_  
Total \_\_\_\_\_

(Tape Return Receipt here, if service was by mail.)

File the original Return of Service with the clerk. Provide a copy to the law enforcement agency where protected person resides if the documents served include a restraining order signed by the court.

**Filing a Motion for Emergency Orders for Dissolution Cases Packet 4/11**  
**EVALUATION FORM**

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar  
Northwest Justice Project  
500 W. 8<sup>th</sup>, Suite 275  
Vancouver, WA 98660

1. Where did you get this packet? \_\_\_\_\_
2. What's your primary language? \_\_\_\_\_
3. Are you a \*low-income person?  yes  no  
[\*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
4. What's the last grade you completed in school? \_\_\_\_\_
5. Did you read the instructions?  yes  no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?  
 yes  no  
6a. If yes, what agency or individual helped you? \_\_\_\_\_
7. Did you use the legal forms?  yes  no
8. Did you find anything difficult to understand?  yes  no  
8a. If yes, please tell us what. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Did you find any mistakes?  yes  no
10. Today's Date: \_\_\_\_\_  
Other Comments or Suggestions:  
\_\_\_\_\_