



Northwest Justice Project

Responding to Motions for Temporary or Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases

**Instructions and Forms
November 2009**

Table of Contents

Section 1 : Introduction and Important Information	1
A. Remember: You must respond on time!	1
B. What's the difference between a Motion for a Temporary Custody Order and an Ex Parte Restraining Order/Order to Show Cause?.....	2
C. What if I have questions that aren't answered in this packet?	3
D. What if I am in the Military or am the Dependent of a Military Service Member?	3
Section 2 : Steps to Take to File Your Response	4
Section 3 : What's In This Packet?	9
Section 4 : What Other Forms And Documents Will I Need That Aren't In This Packet?	10
Section 5 : Getting Ready To Respond	12
A. Figure Out How Much Time You Have To Respond And Whether The Motion is Filed In The Right Place.....	12
B. Read the Papers That Have Been Given To You	14
C. Gather Your Evidence	15
D. Make Sure You Have All of the Forms You Need to Respond	15
E. Decide Whether to File Your Own Motion for Temporary Orders	15
Section 6 : Follow These General Instructions Before You Begin To Fill Out the Forms	16
Section 7 : Instructions for Filling Out Individual Forms	21
A. Notice of Appearance – WPD DRPSCU 01.0320.....	21
B. Declaration – WPF DRPSCU 01.0100	21
C. Financial Declaration – WPF DRPSCU 01.1550	25
D. Sealed Financial Source Documents (Cover Sheet) – WPF DRPSCU 09.0220	28
E. Sealed Personal Health Care Records (Cover Sheet) – WPF DRPSCU 09.0260	29
F. Sealed Confidential Reports (Cover Sheet) – WPF DRPSCU 09.0270.....	29
G. Temporary Order – WPF DR 04.0250	30
H. Order Appointing Guardian ad Litem – WPF DR 04.0200	33

Section 8 : Filing and Serving Your Responsive Papers	35
A. Preparing to File and Filing Your Papers with the Court.....	36
B. Filing your papers in court	37
C. Serving the other parties	37
Section 9 : Preparing For and Going to Your Hearing	40
A. Judge's Working Papers/Confirmation	40
B. Responding to the Other Party's Reply	40
C. Going to the Hearing	41
D. Getting an Agreed Temporary Order.....	43
E. If You Disagree with the Court's Order.....	43
Section 10 : Blank Forms	45

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Section 1: Introduction and Important Information

This packet will help you fill out and file the forms and papers needed to respond to a Motion for Temporary Orders or a Motion for an Ex Parte Restraining Order/Order to Show Cause.

Use this packet only where the parties are in the process of obtaining a divorce (called a dissolution), or where they're already divorced but one party has filed a petition to modify an existing parenting plan or custody decree. Before you use this packet, make sure that this is the right packet for you. For help deciding whether the court papers you received are a Motion for Temporary Orders or a Motion for an Ex Parte Restraining Order, talk with an attorney or, for general information, read one of our legal information publications about family law cases. (Example: our publication called [Ending Your Marriage in Washington - The Basics](#) talks about Motions for Temporary and Emergency Orders in your divorce.)

◆ **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.

A. **Remember: You must respond on time!**

When you're served with legal papers, you must take steps right away to figure out how to respond. In many cases, if you don't respond on time, the other party will automatically win what they're requesting. **For a motion, you may have as few as four business days after you receive the papers to file your response (and even less time if the other party is asking for an emergency order).** It may take time to find legal resources and to read this packet. Begin as soon as you receive the papers.

For the court to enter an Ex Parte Restraining Order/Order to Show Cause and for a party to file a Motion for Temporary Orders, there must be a case for dissolution or modification already filed in court (or the case must be filed at the same time the motion/order is filed). If you're a respondent, you should receive a summons and a petition. You could receive the summons and petition with the motion papers, or before. You'll need to file a separate Response to the petition, and will usually have more time to Respond to the petition than to respond to the motion.

In cases where one party has asked to modify a final parenting plan, you may also have received or may soon receive a Notice of Adequate Cause Hearing. This hearing decides whether the petitioners have a strong enough case to take the case to trial. It's a very important stage in the case. It's described in our packet [Responding to a Petition to Modify/Adjust a Parenting Plan](#).

Your response time for the adequate cause hearing can also be quite short. Sometimes this hearing takes place on the same day as the show cause/temporary orders hearing.

Unless you think that Washington shouldn't have jurisdiction over you, filing some kind of response is better than not filing a response or appearing at all.

◆ If you don't file a response in time and you don't show up to any hearing, the moving party may get a "default" order in which the judge automatically gives that party everything s/he asks for.

B. What's the difference between a Motion for a Temporary Custody Order and an Ex Parte Restraining Order/Order to Show Cause?

Look at the papers you've received:

1. A **Motion for a Temporary Order** requests a Temporary Order but doesn't ask the court to enter an ex parte restraining order before the temporary orders hearing (called the show cause/temporary orders hearing in this packet). If you received a Motion for Temporary Orders, the court will decide at the show cause/temporary orders hearing whether to grant the requests stated in the motion. If you disagree with the motion, respond and also attend the hearing.
2. In contrast, a **Motion for Ex Parte Restraining Order/Order to Show Cause** requests a hearing for a Temporary Order but also asks the court for an emergency Ex Parte Restraining Order immediately. An Ex Parte Restraining Order approved by a judge ¹ might be issued without any advance notice to the other parties, or sometimes after very short notice, such as a phone call giving the nonmoving party a few hours advance notice. The Ex Parte Restraining Order/Order to Show Cause is usually issued only in cases of emergency (example: risk of immediate harm to child/ren).
 - If you've been served with an **Ex Parte Restraining Order already signed by a judge**, you must obey it unless the court changes it. Go to the show cause/temporary orders hearing, or the other party may get all they've requested in their motion.
 - If you receive notice that the moving party is **going to court to ask the judge to sign an Ex Parte Restraining Order/Order to Show Cause**, go to court at the time this order is requested, and object. When you receive very short notice, the court may allow you to respond to the request for an Ex Parte Restraining Order/Order to Show Cause orally rather than in writing. (However, you'll still need to do written responses for the show cause/temporary orders hearing and go to that hearing.)

¹ Many decisions in family law cases are made by court commissioners instead of judges. To make this packet simpler, in most places we just use "judge."

◆ If the moving party obtains an Ex Parte Restraining Order, with or without advance notice to you, there should still be a show cause/temporary orders hearing within a few weeks. The Ex Parte Restraining Order lasts only a short while (usually not more than two weeks). At the show cause/temporary orders hearing, the judge will decide whether to extend the emergency order and whether to grant other temporary orders requested in the motion.

All cases: The temporary orders issued at the show cause/temporary orders hearing might last until the court makes a final decision in the case, or until other temporary orders are entered.

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) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

D. What if I am in the Military or am the Dependent of a Military Service Member?

If you're on active duty in the military or are the dependent of certain active duty service members, you may have special legal protections. Before you file any papers with the court and well before your deadline for filing, see your JAG office or a private attorney familiar with the Service Members Civil Relief Acts for legal advice about protections under these laws. This packet doesn't describe special protections that may be available to service members or their dependents.

Section 2: Steps to Take to File Your Response

Following are the steps to follow in responding to the motion. Use it as a list as you go through your case. Many of the steps are explained in more detail later in this packet.

1. Figure Out How Much Time You Have to Respond²

- **Petition** (if you received one):
 - My deadline to Respond to the Petition is _____
- **Adequate Cause Hearing** (if your case is a modification of a final parenting plan).
 - The date of the adequate cause hearing is _____.
 - The deadline to respond to the Notice of Adequate Cause Hearing is _____.
- **Temporary Orders/Orders to Show Cause (If you received, or later receive, a Motion for Temporary Order or an Ex Parte Restraining Order/Order to Show Cause).**
 - The Temporary Orders/Show Cause hearing date is _____.
 - The deadline to respond to a Motion for Temporary Orders or an Ex Parte Order/Order to Show Cause is _____.
- I do don't need to deliver working papers to the judge.
- **Notice re: Dependent of a Person in Military Service**

If you received this notice and are the dependent of a military service member as explained in the notice, notify petitioner and the court within 20 days after you received the notice.

 - The deadline to respond to this notice is _____.
- **Write other deadlines here:** _____

2. Read the Papers That Have Been Given to You

² You may also have received papers from the other party that start a legal case for a dissolution (divorce) or custody modification. Those papers would include a Summons and a Petition. You'll need to file a separate response to those papers, and will usually have more time to respond to them than you'll have to respond to the motion. We have separate response packets to help you respond to the underlying petition **in addition to** responding to the motion for temporary orders. If you were served in person in Washington, you have 20 DAYS to file your response. [CR 4\(a\)\(2\)](#). If you were served in person in another state, you have 60 DAYS to file your response. [RCW 4.28.180](#). If you were served by publication, you have 60 DAYS from the date of first publication to respond. [RCW 4.28.110](#). If you were served by certified mail, you have 90 DAYS to respond. [CR 4\(d\)\(4\)](#).

A. **If you've been served with a Motion for Temporary Orders**, the party filing the motion should have given you the following forms for the motion:

- Note for Motion Docket (Notice of Hearing)
- Motion and Declaration for Temporary Order
- Declaration(s) – although not required, they are often included in a motion
- Proposed Temporary Order (in some counties)
- Sealed Personal Health Care Records Cover Sheet (with attachments) and/or Sealed Confidential Reports Cover Sheet (with attachments)—used only if certain private information is filed.

If the other party is asking for financial relief of any kind (child support, maintenance, attorney's fees), you should also have received:

- Financial Declaration
- Federal income tax returns (usually last two years)
- Paystubs (at least one month; Some counties require more)
- Proof of any expenses being claimed
- Other financial information or local forms required in your county.

If the other party is asking for child support, you should also have received:

- Child Support Worksheets
- Proposed Order of Child Support (in some counties)

If the other party is asking for a custody order, you should also have received:

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

If the other party is asking for a Guardian ad Litem (GAL), you should also have received:

- Proposed Order Appointing Guardian ad Litem/Investigator/Attorney on Behalf of Minor Child (in some counties)

If your case is a Modification of a permanent Parenting Plan, you may also receive:

- Notice of Hearing re: Adequate Cause and related adequate cause papers

B. **If you've been served with a Motion for Emergency Orders (an Ex Parte Restraining Order/Order to Show Cause)**, the party filing the motion should have given you the following forms for the motion:

- Ex Parte Restraining Order/Order to Show Cause showing the judge's signature
- Motion/Declaration for Ex Parte Restraining Order/Order to Show Cause

- Declaration(s) – although not required, they are often included in a motion
- Proposed Temporary Order (in some counties)
- Sealed Personal Health Care Records Cover Sheet (with attachments) and/or Sealed Confidential Reports Cover Sheet (with attachments)—used only if certain private information is filed.

If the other party is asking for financial relief of any kind (child support, maintenance, attorney’s fees), you should also have received:

- Financial Declaration
- Federal income tax returns (usually last two years)
- Paystubs (at least one month; some counties require more)
- Proof of any expenses being claimed
- Other Financial Information and local forms required by your county.

If the other party is asking for child support, you should also have received:

- Child Support Worksheets
- Proposed Order of Child Support (in some counties)

If the other party is asking for a custody order, you should also have received:

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

If the other party is asking for a Guardian ad Litem (GAL), you should also have received:

- Proposed Order Appointing Guardian ad Litem/Investigator/Attorney on Behalf of Minor Child (in some counties)

If your case is a Modification of a final Parenting Plan, you may also receive:

- Notice of Hearing re: Adequate Cause and related adequate cause papers

◆ If the other party didn’t give you all of the legal papers s/he should have, you have the right to ask the court not to give the other party the relief s/he is asking for in the motion. First, write a letter to the other party (or his/her attorney) and list the legal papers that you believe you should have received but didn’t. If you get the legal papers late or don’t get them, write in your responsive declaration that you didn’t get all of the required papers, and attach a copy of your letter.

- ❑ **3. If you received an Ex Parte Restraining Order/Order to Show Cause signed by a judge, you must follow the court order.** An ex parte restraining order is effective immediately, without advance notice to you. Until it ends or the court changes it, you must follow the order. Example: if the order tells you to stay away from the other party, you must

do so even if the other party invites you to come over. If you have questions about what the order says, talk with an attorney.

❑ 4. Check for Special Local Rules and Forms. Check with your county court clerk or family law facilitator or court rules to see:

- If the county has its own packets for responding to a Motion for Temporary or Emergency Orders. If so, use that packet instead of ours. If you use our packet, get any additional local forms that you'll need.
- Local special deadlines for filing and serving motions and responses to motions.
- Whether your county requires you to prepare proposed orders with any Motions you file or respond to.
- Any local case schedule requirements
- Local requirements for you to participate in parenting seminars, settlement conferences, mediation
- Any limitations on the number or length of declarations you may file
- Look back at the list of local practice issues in the main filing and responding packet you're using
- If your case is a parenting plan modification, how the local procedures for adequate cause hearings may affect the scheduling of hearings on emergency and temporary orders.³

◆ If your case involves children, a 2007 law⁴ 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.

❑ 5. Gather Your Evidence and other Forms that Aren't in this Packet, if Necessary.

❑ 6. Decide what you want to ask for. Decide whether you agree with the other party's requests, or which parts you deny or disagree with. Decide if you want to file your own motions.

³ See the main filing or responding packet for an explanation of the Adequate Cause process.

⁴[Ch 496, Laws of 2007](#)

◆ **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 that the "petitioner" in the protection order forms is always the protected person, even if s/he is the respondent in the dissolution.

- 7. Follow the General Instructions** and fill in the captions of all of the forms.
- 8. Complete All of the Forms You're Using** from this and other packets.
- 9. Make the Necessary Copies of Each of the Completed Forms and other documents** that you're filing with the court.
- 10. File Your Papers with the Court Clerk's Office** in the Superior Courthouse where your family law case was filed.
- 11. Arrange to Deliver the Papers to the Other Parties.**
- 12. Deliver a Set of Working Papers⁵ to the Judge, if Necessary.**
- 13. Fill Out and File the Certificate of Mailing or Personal Delivery.**
- 14. Review the Other Party's Reply, if one is filed.**
- 15. Prepare for your Hearing.**
- 16. Go to Your Hearing.**
- 17. 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 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 and deliver a copy of the Return of Service to the law enforcement agency named in the order.
- 18. File a Motion for Revision, or other appeal of the order if necessary.**

⁵ If you don't understand a term used in this packet, see the Words You May Need to Know section in the Filing or Responding packet you're using

Section 3: What's In This Packet?

This packet contains many of the forms you'll need to respond to the motion.

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

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

Form Title	Form Number
Pro Se Notice of Appearance	WPF DRPSCU 01.0320
Declaration of Witness	WPF DRPSCU 01.0100
Financial Declaration	WPF DRPSCU 01.1550
Sealed Financial Source Documents Form (Cover Sheet)	WPF DRPSCU 09.0220
Sealed Personal Health Care Records (Cover Sheet)	WPF DRPSCU 09.0260
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270
Order Appointing Guardian Ad Litem on Behalf of Minor	WPF DR 04.0200
Temporary Order	WPF DR 04.0250
Certificate of Mailing or Personal Delivery	No Mandatory Form Developed

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

You may need other packets and forms to respond to the motion. How many other packets you need depends on the facts of your case. Read the following list. 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 before filing your forms for this packet.

- Parenting Plans and Child Support** - If there are any children involved in your case, and the other party is asking the court to enter a temporary order about custody and visitation (a parenting plan) and/or child support, get this packet.
- Filing a Motion for Temporary Orders or Filing a Motion for Emergency Orders** - If there are things that you want to ask the court to decide (examples: where the children will stay, how property will be used or protected) until final orders are signed and those things aren't covered at all in the other party's motion, consider filing your own Motion for Temporary Orders or Motion for Emergency Orders. If you file your motion before the hearing on the other party's motion, you may be able to get a continuance of the other party's hearing so that the court can decide both of your motions at the same time.
- Responding and Finishing** – If you also received papers from a party starting a legal case for dissolution (divorce) or custody modification, we have separate response packets to help you respond to the underlying case **in addition to** responding to the motion. We have packets to respond to and finish cases for dissolution (divorce) and custody modification. Also get one of those packets if you've been served with a Summons and Petition at the same time as the motion.
- Declaration Regarding Public Assistance: WPF SRPSCU 01.0600: We don't include this form in our packets. It's optional. 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 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. You can get this form 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. You must include the state as a party and serve them with papers you file.
- Return of Service Form, WPF DRPSCU 01.0250.** If your temporary order includes a safety restraining order, you're the protected party, and the restrained party wasn't in court when the order was signed and s/he didn't sign the order, then you must have the restrained party served with a certified copy of the order after the judge signs it. **WARNING:** law enforcement won't enforce the restraining or protection order until they receive proof that the order was served on the restrained party. Use the Return of Service form to show the court and law enforcement that the restrained party was served. Download the form, WPF

DRPSCU 01.0250, at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. The forms and instructions for personal service and for completing the form are also in our packet *Filing a Motion for Emergency Orders for Dissolution Cases*.

- ❑ **Law Enforcement Information Sheet. (LEIS) WPF All Cases 01.0400.** If your temporary order includes a restraining order and you're the protected party, use this form when you file the signed order. Don't serve this form on the other parties. Get this form at <http://www.court.wa.gov/forms> or from the court clerk.
- ❑ **Local County Court Forms and Rules.** Some counties have other special forms that you'll 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 the other party's motion is asking for child support, maintenance or attorney's fees, or includes any financial issues, in general you'll need:
 - Your federal income tax returns from the last two years.

◆ If you don't have copies of your income tax returns, you can request copies from the IRS. There's 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 not as good as photocopies, they're better than not having your tax returns. Go to your local IRS office for more information. If you didn't file income tax returns, explain that in your declaration and give the court other papers verifying your income.

- Your paystubs. (Provide them for at least the previous month; it is best to give the last six months or back to January 1st, whichever's longer.)
- If you receive some type of benefits, you'll need 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 don't have pay stubs or tax returns, get papers proving what your income is. Examples include:
 - 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 (examples: 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 if your county requires more information.

In addition to these packets, we also offer many other publications, both in family law and other areas of law, at www.washingtonlawhelp.org.

Section 5: Getting Ready To Respond

◆ If you're a military service member or a service member's dependent, talk with your JAG office and see the main Responding packet you're using for a warning and a general description of special protections that may be available to you.

A. Figure Out How Much Time You Have To Respond And Whether The Motion is Filed In The Right Place

When you get the papers, look at the Notice for Hearing (sometimes also called Note for Motion, Note for Calendar Hearing, Note for Motion Docket) or the Ex Parte Restraining Order/Order to Show Cause. You must file your response by the date stated in the notice. If the notice doesn't state a deadline, immediately call the court clerk or your family law facilitator, or check your local court rules, to find out the deadline.

For most counties, you must respond (the other parties and the court clerk and judge must receive your papers) no later than 4:30 p.m. the *court* day before the hearing.⁶ Some courts require you to respond earlier. Court days are all business days (not weekends or federal and state holidays).

1. Make Sure the Motion is Filed in the Right County and State

If you've never lived in Washington, Washington might not have jurisdiction to enter orders telling you to do certain things. If another state (or tribal court) has entered orders about your children, or your children haven't lived in Washington for six months or more, it's possible that Washington lacks jurisdiction over the children. If you think Washington may not have jurisdiction over you or your children, talk to a lawyer. Don't do anything which could give Washington jurisdiction, such as responding, signing agreed orders, or showing up at a hearing WITHOUT CONTESTING JURISDICTION.

◆ If you think the court may not have authority over you or to decide custody of the child/ren, see the description of jurisdiction in the packet [Responding to a Petition for Dissolution](#) or [Responding to a Petition to Modify/Adjust a Parenting Plan in a Dissolution Case](#), and talk with an attorney.

Family law motions must also be filed in the right county. For more information about jurisdiction, venue, and what to do to contest it, see our publication titled [Ending Your Marriage in Washington - The Basics](#).

⁶ [Civil Rule \(CR\) 6\(d\)](#).

2. Make Sure You Received Enough Notice

The person who files the motion must give you enough notice of the hearing. You must receive the papers (in person or at your home) as many days before the hearing as is required by your county's local rules. For most counties, you must receive the papers for a motion at least five court days before the hearing, not including the date that the papers are given to you. However, in some counties, you're entitled to more notice. If the other person mails the papers to you by first class mail, you should receive an additional three days to respond after the date the papers were mailed.

Exception: if the moving party is asking for an immediate Ex Parte Restraining Order/Order to Show Cause, you might get only a few hours notice or even no notice. However, you should still have several days notice of the next hearing: the show cause/temporary orders hearing.

3. What to Do If You Need More Time for the Show Cause/Temporary Orders Hearing

Make sure you've filed and served a Notice of Appearance. Don't ignore a hearing, even if you were given short notice!

Try to get a continuance. If you don't get a continuance, do your best to prepare for the hearing, and go to the hearing.

If you didn't get adequate notice, the court shouldn't enter an order against you on the hearing date. However, the court won't always know that you received short notice. Say so in a declaration you file in response to the motion, and in person at the hearing. Ask for a continuance (delay) of the hearing, but be as ready as possible for the hearing in case the court denies a continuance.

You may also ask for a continuance if you did get enough notice according to the rules, but you simply don't have enough time to respond, or you need more time to try to get legal help. But be as ready as possible for the hearing in case the court denies a continuance.

◆ For more information on dealing with deadlines, and for other kinds of deadlines, see the main *Responding* packet for your type of case.

As soon as you know that you want a continuance, contact the other party, if possible (or the other party's attorney, if they have one). You should call if there isn't much time until the hearing, but contacting the person in writing (by email or fax) is best. State that you need more time to respond to the papers and ask for a new date for the hearing. Depending on your reasons for asking for the delay, you could ask for a week or longer.

◆ You must ask the other party for a continuance before the hearing if you know that you need one. If you don't, and you just show up for the hearing, sometimes the judge will make you pay the other party for having to waste time appearing for the hearing, if the judge believes that you could've asked for a continuance in advance. This is especially true if the other party has

an attorney, because the other party will need to pay the attorney for his/her time, whether or not the hearing goes forward.

If the other person agrees to the continuance, ask for an e-mail, fax, or letter stating that they've moved the hearing. If you don't receive written notice that the hearing has been postponed to a new date (or cancelled), assume the hearing date hasn't been changed. Go to court on the originally scheduled date.

If the other person won't agree to the continuance, you have a few options:

1. **Go ahead and respond as best you can and prepare for the hearing.** You should respond in some way if you possibly can. First, say in your declaration that you want a continuance. If you didn't get enough notice, say that. If you did, but you need more time, say that. Describe your efforts to get the other person to agree to the continuance. Also file a Notice of Appearance.
2. **Make a Motion for Continuance.** In many cases, you may not have enough time to give the other party the amount of notice required for a motion for continuance. You may need to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). This packet doesn't address this type of motion. Your Family Law Facilitator or court clerk may have more information about how to ask for a continuance or an Order Shortening Time in your county court.
3. **Ask for a Continuance at the Hearing.** Go to the hearing. When your case is called, stand up and state your name and that you would like a continuance. The judge may ask you to give your reasons, and may listen to the other party's reasons why s/he doesn't want to agree to a continuance. If you tried to get the other party to agree before the hearing, let the judge know that as well.

4. What If the Hearing Already Happened?

If you find out that a hearing already happened, but you didn't get any notice in advance, talk with an attorney as soon as possible. You may be able to ask the court to vacate (cancel) the orders. However, you must act very quickly. The longer you wait, the harder it may be for you to vacate the orders. For court orders that are over one year old, it can be extremely difficult to vacate the order.

B. Read the Papers That Have Been Given To You

Next, carefully read each paper you received. When you're reading the papers, highlight the main points (and those you disagree with) with yellow highlighter pen, or write notes on a separate piece of paper. Look for:

- The date, time and place of the hearing
- What the other party is asking for

- Whether the other party provided all the required forms and proof of his/her income
- Claims the other party has made about you or the case

You must understand what the papers say, so that you can write a good response to what's been filed and prepare for your hearing.

C. Gather Your Evidence

If possible, get the evidence you'll need first, for use when filling out your forms. Think about whether there's information that you can gather to help show that what you're telling the court is correct, or that what the other party is telling the court isn't true. Examples include:

- Declarations of Witnesses – Declarations of other people who have personal knowledge about you or the other party or your children. See the section on Witness 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 include in your response.
- Photographs – of injuries to you or the children, or of damage to your home or other property.
- Financial Information – if financial issues are included in the motion, get evidence of your income and assets, and evidence of the other party's income and assets. Examples include: Your federal income tax return forms from the last two years, pay stubs, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business tax returns or records, or 1099 forms.

D. Make Sure You Have All of the Forms You Need to Respond

Because this packet is designed to be used along with our other packets, some of the forms that you may need to respond to the other party's motion for temporary or emergency orders may not be in this packet. Go through the lists of forms and the checklists in this packet to make sure you have all of the forms that you need to respond to the motion. The forms you use will be the same, whether the motion is for temporary orders or for an emergency order.

E. Decide Whether to File Your Own Motion for Temporary Orders

If there's an order that you want the court to make before your trial that isn't included in the other party's motion, you may need to file your own Motion for Temporary Orders. It may make sense to file one before your hearing on the other party's motion. If you do that, you may be able to get the other party (or the court) to hold a hearing on both motions on the same (later) date. If you don't know whether you need to file a motion, talk with an attorney.

Section 6: 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. Write in the name of the county where the petition was filed in the blank space where the form reads "Superior Court of Washington County of _____."

Case name. Copy the case name from the petition.

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 does not matter if the case number is written or stamped. If you are filing a modification/adjustment case in the same court that entered the order you are asking to modify/adjust, you may 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 do not, 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, and sometimes you must add more information to complete it (for 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. You should use black or dark blue ink. If your forms do not 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 have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not 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 is 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. Some forms require you to sign in more than one place, so look carefully. 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.” Some forms require you to sign in more than one place, so look carefully. 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,” and 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 – he/she can choose to sign, or not. However, if you have 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 is not happy with the decision itself.
 - Agreed orders. If the other party agrees with the orders you have 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 did not 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 are 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 is writing the declaration.

Place signed. Declarations and Returns of Service must include the place they are 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 (for 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 do not have to write these in court papers; however, you do need to write in an address where you can get mail from the court, and it is 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 are not required to write these in court papers; if you do, you should write only the last four digits, not the whole number.

Dates of Birth of Children: Do not 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 it 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 will not 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 will not 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” do not. 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](#). We do not have a packet that tells you how to do this and there are presently no mandatory forms for this type of motion; you will need to talk to an attorney.

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 are 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 are 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.

or Court of Washington
County Of Evergreen

In re the Marriage of:
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.

NO. 08-3-99999-9

Note for Motion Docket

(No Mandatory Form Developed)

Fill in the name of the Petitioner here.

Fill in Respondent's name.

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

Form title.

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

Section 7: Instructions for Filling Out Individual Forms

A. Notice of Appearance – WPD DRPSCU 01.0320

This form tells the court that you're going to participate in the court case and you want to get notice of what's happening.

Caption. Fill in the caption.

Address. After the words *service address*, write in the name and full address where you want the court or other parties to send you legal papers. If you don't use your home address, use a PO box, your work address, or a friend or relative's address. Make sure that you get mail at that address very quickly after it arrives.

Signature. Date the form, sign it, and print your name.

◆ If the mailing address you use in the Response or Notice of Appearance later changes, prepare an updated Notice of Appearance. Use the Notice of Appearance form in this packet. Write "Amended" above "Notice of Appearance." State the new address the court and other parties should use. File this notice with the court. Provide a copy to the other parties. Use the Certificate of Mailing or Personal Delivery form and procedure to show that notice has been given.

B. Declaration – WPF DRPSCU 01.0100

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

1. **Your Declaration:**

The main form for responding to a Motion for Temporary Orders or a Motion for an Emergency Order is a Declaration form. Declarations are sworn statements you, and maybe other witnesses, write and give the court and the other party. Your declaration tells the court whether you agree or disagree with each request in the other party's motion. Use it to present the facts that you think are important, and to answer, deny or explain any of the claims or statements that the other party may have made about you in the motion.

Example: if the other party asked the court to order that your children will live with him/her on a temporary basis, you may agree with that, or you may ask for something different (for the children to live with you, for you to have more residential time, etc.). If the other party has asked to drive the family car, but you need it, ask the court to allow you to drive the family car on a temporary basis.

Attach supporting evidence to your declarations, such as medical or treatment records, police records, bills, pay stubs, or school records. Number them (1,2,3), or mark them with letters (A,

B, C). The attachments must follow the format rules for court pleadings. (The format rules are summarized in the “General Instructions” section.)

If you refer to private health or financial information in a declaration or want 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.

Depending on the specific needs of your case, your declaration may cover some or all of the following areas:

- A. Child Residential Arrangements - Custody and Visitation.** If the other party has asked for a parenting plan, custody or visitation, and you want something different, you must convince the court to rule in your favor. Also, you must file your own proposed temporary parenting plan and Declaration in Support of Temporary Parenting Plan. These forms, as well as instructions, are in our [Parenting Plans and Child Support](#) packet.

In your declaration:

- Describe your relationship with the children. Tell the court what you do on a daily basis to take care of them, and what you and the other parent have done to care of their daily needs for the past year.
- Describe the other parent's relationship with the children. If the other parent hasn't helped in the daily care of the children, explain that to the court.
- If appropriate to your case, explain why you think restrictions should be placed on the other parent's contact with the children. Reasons could include physical or emotional abuse of you or the children or drug or alcohol abuse.

Courts don’t like to deny a parent visitation with their children. If you want restrictions to be placed on the other parent's time, you must present the court with facts to show that time with that parent will be harmful to the best interests of the children. If you want the other parent to have custody, or reasonable visitation (like alternating weekends and holidays), tell the court so.

- B. Deny or Explain the Other Party's Statements About You.** The declaration is your chance to tell your side of the story. If the other party has said things in their papers that you disagree with, you must tell the court that you think what they are saying is wrong. Then give the court the correct version of what happened.

- C. Asking for Specific Temporary Orders.** Generally, when you respond to a motion for temporary orders, you can’t ask the court to make orders about things that weren’t included in the other party’s motion. **If you want the court to order something that WASN’T covered in the other party’s motion, or you want restraining orders against the other party, file your own Motion for Temporary Orders** (we have packets on filing for [Temporary Orders](#) and for [Emergency Orders](#)). In the meantime, you may ask the court to enter orders that you want about subjects that were already included in the other party’s motion. Example: if the other party asked the court for a temporary custody order, you may ask the court to make a different order, on who will make decisions about the children on a temporary basis, and whether the other parent’s contact with the children should be restricted. If you’re confused about whether you need to file your own motion, talk with an attorney.

- D.** A Temporary Order form is included here to fill out and bring with you to the hearing, if needed. Some counties require you to file and serve a proposed order in advance if you disagree with the motion. Don't check any boxes on the Temporary Order form that you haven't requested in your declaration. Each order that you request should be supported and explained by the facts stated in your declaration.

2. Declarations of Other Witnesses

It's important to file declarations from other people who can tell the court facts that support your position. The declarations should be from people who have direct, personal knowledge about you and your care for the children, or about other contested issues. Possible witnesses:

- **Batterers' treatment providers or domestic violence advocates** can make statements regarding domestic violence issues.
- **Teachers** can make statements about the children's school behavior and grades, and about which parent is more involved with the children's school work or school activities.
- **Child care workers** can make statements about the children's behavior at daycare, and about which parent is more involved with respect to daycare.
- **Doctors and nurses** can make statements about the children's health or about abuse suffered by the children, and can comment as to which parent is more involved with the children's health care.
- **Neighbors** can make statements about what they've seen regarding the daily life of the children and the rest of the family.
- **Coaches, scout leaders, religious leaders, parents of your children's friends** or family members may also be able to make helpful statements.

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

In their declarations, your witnesses should explain the following:

1. Full name and address. Professionals should give information about their degree (M.D., Ph.D., M.S.W.) and profession.
2. The nature of her/his relationship with you, the other parent and the children.
3. How long s/he has known you, the other parent and the children.

You and your witnesses are free to put whatever factual information you want to in your declarations, but the format and filing of the declarations are very important.

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.

C. 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 packet also tells you how to fill out a Financial Declaration. Fill out just one Financial Declaration for this motion.

◆ If there's more than one other party for whom you must give the court financial information, make at least one more copy of page 2 & 3 (paragraphs 3.1 & 3.2) 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 3.1.⁷ 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).

⁷ [RCW 26.19.071\(4\)](#).

- **Deductions From Income.** If you include deductions from income other than income tax, FICA, and L&I payments, provide documents that prove each deduction.⁸ 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.

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

⁸ [RCW 26.19.071\(5\)](#).

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).

Go back and fill in Section I, based upon the total net income, expenses, debt expenses, and total expenses that you filled in on lines 3.3, 5.9 and 5.11 and 5.12. Fill in the estimate the other party’s income from 3.1f.

D. 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.”

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. Temporary Order – WPF DR 04.0250

The Temporary Order is a court order that you’ll ask the judge to sign after your show cause/temporary orders hearing. This is your proposal, but the judge may change it after your hearing. The proposed order should list all the requests you want the judge to grant at your show cause/temporary orders hearing.

In addition to the Temporary Order, you may also need a Temporary Parenting Plan and Order of Child Support if you have children and, in some cases, an Order appointing a GAL. You may also need an Order re Adequate Cause if you’re filing a Petition for Modification of Parenting Plan.

Remember: if you’re making requests yourself, not just responding to what the other party has asked for, you may need to file and serve your own motions.

Some counties require you to prepare a proposed order. If your county requires this, or if you choose to write a proposed order before the hearing, write it to show the order you’d like the judge to make. If you’re writing a proposed order, look back at the requests you made in your response to make sure you included everything you want in both the response and the order.

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.⁹ 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.

⁹ This packet doesn't tell you how to request attorney's fees or when the court might award them.

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 following¹⁰.”
 - 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.

¹⁰ 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.

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 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.

H. Order Appointing Guardian ad Litem – WPF DR 04.0200

Use this form if you want the judge to appoint a Guardian Ad Litem (GAL) for your minor children. The judge may appoint a GAL if there are concerns about the safety and well-being of the children, and the court believes that a GAL is necessary to make recommendations about what's in the children's best interests. In some counties, a GAL may be appointed upon a party's motion. In other counties, the judge orders a custody evaluation/investigation routinely.

Use this form only if you want the judge to appoint a Guardian Ad Litem for your minor children, and the other party has asked for a GAL.

If you don't want a GAL, skip this form.

If you want a GAL but the other party hasn't asked for one, file your own Motion for Temporary Orders and ask that a GAL be appointed.

◆ Note: If the court orders a CASA or a Family Court Services social worker to be assigned 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, use the form in our packet [*Filing a Motion for Temporary Orders in a Dissolution Case*](#).

Section 8: Filing and Serving Your Responsive Papers

After you've filled out the forms, you must file them with the court, serve the other parties, and prove that service has been made. Instructions follow.

Re-check Your Deadlines. Make sure to file your response with the court and serve the other party far enough before your hearing date. In most counties, you must file and complete service of your response no later than one court day before the hearing,¹¹ but some counties require an earlier response. Check with the court clerk or family law facilitator to make sure you're filing by the deadline.

If you miss the deadline, file and serve your papers anyway. If the other party objects at the hearing, ask for a continuance of the hearing so that the court will consider your papers. But try to be ready to go ahead with the hearing on the original date if the court denies a continuance.

Make sure you know who must be served or is a party to the case. The caption should list the other individual parties by name. You must serve each other party. Usually, your spouse is the only other party. However, if any minor children in your case have ever received public assistance (TANF), or Medicaid, or if they're in foster care or out of home placement, you must include the State of Washington as a party and serve them. For more information, see the packet [Serving Papers on the State](#).

If a GAL has been appointed, you also must serve him/her.

If you're not sure who to serve, or if someone not named in the caption has or claims a right to custody or visitation with the children, talk with an attorney.

Make sure you have all the forms and documents you need. You must have the other party served with every paper you want the court to consider, including any witness declarations, your own Declaration, and all of your proposed orders, **except** don't serve any Confidential Information Sheet and Addendum forms or any LEIS. You might have child support worksheets, a proposed parenting plan, a financial declaration, and other forms. Review the checklists of forms in this packet to make sure you have copies all the forms you need to serve on the other party.

Remember: you may need forms from other packets, such as the [Parenting Plans and Child Support in Dissolution Cases](#) packet.

How to serve. Don't serve the papers yourself. Arrange to have the papers delivered in person or mailed, as explained below.

When to serve. Your papers must be served on all the parties before the deadline in your county. For some counties, this is one day before the hearing. **In many counties, the deadline's earlier.** If you're mailing your responding papers, add at least three additional days, as explained below.

If the papers you receive don't state your deadline, ask the family law facilitator or the court clerk, or check your local court rules.

¹¹ [CR 6\(d\)](#).

A. Preparing to File and Filing Your Papers with the Court

Figure out how many copies of each form you'll need. Make the copies.

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows: (**except**, if you've prepared the Confidential Information Form and addendum and/or LEIS,¹² make just make one copy, for yourself, of these 3 forms).

_____ one copy of each form for yourself

_____ one copy of each form for the other party

_____ if there are additional individual parties one copy of each form for each of these parties (1 x _____ number of additional parties)

_____ one for the State (if you're serving the State)

_____ one for the GAL if a GAL has been appointed in your case

_____ one copy as working papers, if your local court requires you to give the judge "working papers" before a hearing and if you have upcoming hearings.

_____ : **total.** This is how many copies to make of each document (except just make one copy, for yourself, of the Confidential Information Form and addendum and any LEIS. These forms aren't served on any other party).

Organize Your Papers.

Make a set of the papers for the court and for each party. Put all the original forms into the set for the court. Put the copy of the Confidential Information Form and addendum and the LEIS (if you're using these forms) into your own set. Compare each set to the checklists in this packet to be sure you have what you need.

Put each of the other parties' sets of papers in an envelope addressed to that party at the legal address they have provided.

Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

¹² The Confidential Information Sheet and addendum are in our basic Responding packets. They're filed with your first court papers and must be updated when the information in it, such as your address, changes. The LEIS isn't in this packet. Use it with restraining orders and Orders for Protection. Get it at the court clerk's office.

B. Filing your papers in court

Take the originals and the copies to the superior court clerk's office in the courthouse where the case has been filed. Give the clerk the original copies of your documents for filing. (The clerk doesn't put the Confidential Information form or any LEIS in the public file.) If you have any proposed orders for upcoming hearings, ask the clerk what to do with the original proposed orders and follow the clerk's instructions.

1. **Make sure that you keep your own set of copies** organized and in a safe place. Start a file folder for all your court papers. Keep them at least until your case is finished. It's better to keep them for several years after the case is completed.

C. Serving the other parties

In addition to filing your papers with the court, you must have them properly served on (delivered to) the other parties, except **don't** serve the Confidential Information form and addendum and any LEIS.

1. **Make sure service is completed before the deadline for your response.**

Service is required because the other parties have the right to know your response to the papers you've received.

The court doesn't serve the other parties for you. You must arrange for service and make sure your server delivers the papers properly.

After the Summons and Petition have been properly served, most papers prepared by either the petitioner or the respondent can be served on the other party by mail or personal delivery, as explained below.¹³ Carefully follow the rules about service.

After service is completed, file proof of service with the court, explained below.

2. **Mail or deliver your papers to the other parties or their attorneys.**

Because you're responding, your papers can be given to the other parties by regular mail or by personal delivery. While the case is going on, if a party has given you an address for service of legal papers (for example in the Summons form, a Notice of Appearance, or a Response), serve him/her at that address. If a party is represented by an attorney, the papers are delivered to the attorney, not the party.

¹³ [CR 5\(b\)\(1\)-\(2\)](#). However, if you prefer, you may have a party personally served (using the same procedures as described in our Filing packets for serving the Summons and Petition), and have a Return of Service prepared and filed. This packet tells you if a form needs to be personally served.

3. Service must be completed before your deadline.

Although many county courts allow you to do your own service, other counties don't. To be safe, **don't deliver or mail the papers yourself**. Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have your friend fill out the Certificate of Mailing or Personal Delivery the same day. Your friend should fill out a separate form for each person s/he mails or delivers the papers to. You then file the original certificates. Keep a conformed copy for your records.

- **Mailing.** If your friend mails the papers, make sure s/he adds three (3) days to the number of days' notice required for your response. When counting, don't count the day of service (or mailing), weekends, or court holidays. **Example: if a document is mailed on a Monday, it's considered served on Thursday.** This is important when setting up or responding to hearings. There are deadlines by which papers must be served. If the third day is on a weekend or holiday, the document is not considered to have been "served" until the next court day.

If a document is sent by regular first class mail, have an additional copy sent by certified mail, return receipt requested, for additional proof of mailing. Staple the green return receipt card to the Certificate.

- **Personal Delivery.**

The papers may be delivered to the other party, instead of mailed. "Delivering" the papers to another party or his/her attorney means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office¹⁴; or,
- if no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk); or,
- If the office is closed or the person has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.¹⁵

4. Instructions for the Certificate of Mailing or Personal Delivery (no mandatory form)

Make some blank copies of this form. You may need to fill it out and file it several times. Use this form to show that copies of papers you file in court have been given to the other parties. Use a separate form for each party to whom papers were mailed or delivered.

¹⁴ Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you NOT serve other parties at their offices, unless they've used that as their service address in a Notice of Appearance, Petition, or Response form.

¹⁵ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who is an adult (or at least an older teenager) who does not have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

- **Caption.** Fill in the caption.
- **In the first paragraph,** write the date the papers were mailed or delivered in the first blank, and the name of the party served in the second blank. (If you're serving an attorney for a party, write in the party's name here and information about the attorney in the paragraphs below.) After "*with the following documents:*" write the name of **every form** sent/delivered to that person. If you leave out a form, you'll have no proof it was served. If the papers were served by mail, check the first box. Add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box. Fill in the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.
- **Signature.** The person who delivered or mailed the papers should sign and date the form, state the place signed (city and state), and print his/her name in the places indicated.

5. Filing the Certificates of Mailing or Personal Delivery

Make one copy of each completed Certificate. Don't give copies of this form to the other parties. If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the original receipt to the Certificate of Mailing you file with the clerk. Make a copy for your records. If you used certified mail but don't have the green receipt back when filing the Certificate, file the receipt later, attached to a page labeled with your case caption.

Section 9: Preparing For and Going to Your Hearing

A. Judge's Working Papers/Confirmation

In some counties, you may have to give the judge an extra copy of all of your responding papers and proposed orders for the judge to read before your hearing.

◆ If you don't give the judge working papers in a county where required, the judge might not consider any of your papers.

If you need working papers for the judge, make one copy of your papers (including the proposed orders) for the judge. Make sure you have one copy for yourself. (Look at the form checklist. Make sure you have a copy of each form for the judge.)

Make an index for the judge that lists the title of each paper in the working papers and that numbers each paper.

Write the date, time and room number of the hearing, and “family law motion” in the upper right-hand corner of the first paper. Deliver it to the correct place. Ask the clerk's office where to deliver the papers.

Find out if Your Hearing's Happening. Call the Court Clerk one day before the hearing to be sure it's scheduled to happen (“on the docket”). Tell the clerk or leave a message on the answering machine which states: your case number, your name, the scheduled date of your hearing, that you want to ask if the hearing is taking place, and your phone number.

Striking (Cancelling) Your Hearing If you and the other party agree on the temporary orders before the hearing, you may want to cancel your hearing. In most cases, the person who filed the motion must call the court to cancel the hearing (or must fail to confirm it).

Call the court one day before the hearing date to make sure your hearing was cancelled. If it wasn't, go to the hearing, even if you think you and the other party have an agreement.

If your hearing was cancelled, you must still take the agreed temporary orders to a judge to have them signed. To learn how to do this, contact your Family Law Facilitator or court clerk.

B. Responding to the Other Party's Reply

In some counties, the other party will have a chance to file a written Reply to your response. However, in most counties (which follow the general Civil Rules), the other party has no chance to file a reply.¹⁶

If your local court rules give the other party a chance to reply, read it carefully. Be ready to respond to it at the hearing. The other party can't bring up new issues in the reply. S/he may only reply to things that you talked about in your response.

¹⁶ [CR 6\(d\)](#).

If the other party brings up new issues, or serves you with lots of declarations and other evidence for the first time with the reply, then tell the judge at the hearing that you object to the judge considering that evidence, or you want a continuance and a chance to file a response to the reply.

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 try to get an attorney yourself. If so, tell the attorney and the court that you need to postpone (continue) your hearing. Don't panic. Unless all parties have agreed in advance to a continuance, and you have an agreed order signed by the parties and the judge showing the hearing has actually been postponed, you must still go to the court at the original time and place scheduled. At the hearing, ask the court to continue the hearing. But be prepared to go forward with the hearing if the judge says no. If the attorney for another party asks you to sign some documents, don't sign anything you don't understand.
- **Prepare for the Hearing.** Try to go to court before the day of your hearing. 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. 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.

Come forward when you're told to. Give the court the originals of your proposed orders: a Temporary Order, and , in some cases, an Order Appointing GAL, a Temporary Parenting Plan, and Order of Child Support and child support worksheets, or an Order re: Adequate Cause.

- **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. The other party gets to speak first. When it's your turn, stand while speaking. Tell the judge briefly what you want, and why. 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. Try to make notes to use at the hearing.

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. Make notes. The judge may make changes to the orders one party 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. Make sure that they say what the judge said. If you're not sure about any of the changes, don't sign the orders. Ask the attorney to go back before the judge to make sure that the order says what the judge said. If you're asking for a restraining order, make sure that you check the box in Paragraph 3.1 of the Temporary Order form indicating whether the other party appeared for the hearing or not. **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. Get certified copies of any order with a safety restraint: 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.
 - For certified copies, the clerk may charge you a fee (example: \$5 for the first page, \$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 have you 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:
 - If your orders don't have safety restraints, or if the restrained party or his/her attorney appeared and/or signed the orders, you can mail conformed copies of the orders the judge signed to the other party/ies. Even if your order has some safety restraints, you can just mail conformed copies to any parties against who aren't affected by the restraints. Use the Certificate of Mailing or Personal Delivery procedure explained in our [Filing a Motion for a Temporary Order](#) packet.
 - You must have the other party personally served if all of the following are true:
 - the order has safety restraints, and you're the protected party;
 - neither the restrained party nor their attorney appeared for the hearing; and
 - neither the restrained party nor their attorney signed the order.
 - You must serve on the affected party a certified copy of the order containing safety restraints. Conformed copies of any other orders will do. File a new

Return of Service 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 and, in cases with children, an agreed Temporary Parenting Plan, Temporary Order of Child Support, and Child Support Worksheets. But before getting this Order, you and the other party/parties must agree about what should happen to any children, your property, child support, and any other issues discussed in your paperwork.

Write the word "AGREED" in the caption of the orders you're using. Then, fill in the blanks showing what orders you want.

If you're entering agreed temporary parenting plan modification orders, you may also need an Agreed Order re: Adequate Cause. However, if you oppose the modification, you may refuse to sign an Agreed Order re Adequate Cause and demand that the judge decide whether adequate cause exists. If you agree that a GAL should be appointed, prepare that order as well.

ALL PARTIES MUST SIGN THE ORDER. IT ALSO MUST BE SIGNED BY A JUDGE.
Ask the court clerk's office how to have an agreed order signed.

If you and the other party agree on the temporary orders before the hearing, you should cancel your hearing. In most cases, the person who filed the motion must call the court to strike the hearing (or must fail to confirm it). Call the court one day before the hearing date to make sure your hearing was cancelled. If not, you must go to the hearing, even if you think you and the other party have an agreement.

Get a copy of the order for your records. Provide the other party with a copy of the order showing the date filed and the judge's signature. Use the Certificate of Mailing for proof you've provided a copy.

E. If You Disagree with the Court's Order

If you disagree with the court's show cause/temporary orders decisions, you may have a chance to appeal. Your three possibilities are 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.¹⁷ 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

¹⁷ [CR 59\(b\)](#).

earlier. Motions for Reconsideration aren't usually easy to win. 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 that 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.¹⁸ 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. 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.¹⁹ 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.

¹⁸ [RCW 2.24.050.](#)

¹⁹ [Rules of Appellate Procedure \(RAP\) 5.2\(a\).](#)

Section 10: Blank Forms

The rest of this packet contains blank forms for you to complete. You may want to 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.

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

**Pro se Notice of Appearance
(APPS)**

The undersigned enters an appearance in this action, and demands notice of all further proceedings. The Clerk of the Court and the opposing party will be informed of any change in address. Any notices may be sent to [You may list an address that is not your residential address where you agree to accept legal documents.]

Service Address:

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Phone Number: Listed on Confidential Information Form.

Dated: _____

Signature of Party Appearing

Print or Type Name

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 are paid on a weekly basis, multiply your weekly gross pay by 4.3 to determine your monthly wages and salaries. If you are paid every two weeks, multiply your gross pay by 2.15. If you are paid twice monthly, multiply your gross pay by 2. If you are 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. Mandatory Union/Professional Dues	\$ _____	\$ _____
e. Pension Plan Payments	\$ _____	\$ _____
f. Spousal Maintenance Paid	\$ _____	\$ _____
g. Normal Business Expenses	\$ _____	\$ _____
h. Total Deductions from Gross Income (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 \$ _____

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 are 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 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 are 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 are 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.

**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)

- 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

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,
and

Respondent.

No. _____

**Certificate of Mailing or Personal
Delivery**

(No Mandatory Form Developed)

I hereby certify that I am over the age of 18 and competent to be a witness.

On _____, I served _____, with the following documents: _____

_____ in the following
manner

Via first class U.S. Mail, postage prepaid; to
(Name & Address of Party Being Served):

Hand Delivery

At the following address:

by handing to and leaving with _____(name) a true and correct copy of said pleadings at ____ a.m./p.m.

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

DATED this _____ day of _____, 20_____ at
_____(city), _____(state).

Signature

Print or Type Name

Responding to Temporary or Emergency Orders for Dissolution Cases 11/09
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. 8th, 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:
