



Northwest Justice Project

Responding to a Petition for Dissolution (Divorce)

**Instructions and Forms
January 2009**

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This publication provides general information concerning your rights and responsibilities. It’s not intended as a substitute for specific legal advice. This information is current as of the date of its printing, January 2009.

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Section 1: Introduction and Important Information

This packet is to help you fill out, file and serve the forms and papers you need to respond to a divorce filed by your spouse. Read the information carefully. Follow the instructions. You may be able to respond to the divorce action on your own.

This packet doesn't cover other types of claims for child custody/visitation that a person who's not a biological or adoptive parent might make, such as a petition for recognition as a "de facto" parent¹.

◆ 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.

Before using this packet, try to talk with a family law attorney. Even if you can't afford to pay an attorney to represent you, try to meet with an attorney once for advice. Many important legal rights can be affected in a marital dissolution case, including the amount of time you may spend with your children, and rights you may have to a share of your spouse's pension or other property. See [What if I Have Questions That Aren't Answered by This Packet](#), below, for possible resources. For general information, visit the Washington LawHelp web site (www.washingtonlawhelp.org) and read our publication called [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children - The Basics](#).

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

When you're served with legal papers, 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. **If your spouse has served you with a motion, you may have a much shorter time after you receive the papers to file your response.** It may take time to locate legal resources and to read through this packet. **Begin as soon as you receive the papers.** If you can't respond in time, you must file a *Notice of Appearance* and ask for a *continuance* (explained below).

¹ See *In re Parentage of L.B.* 155 Wn. 2d 679, 122 P.3d 161 (2005), cert denied, 547 U.S. 1143 (2006) and *In re Parentage of J.A.B.* 146 W. App.417 (2008).and *In re Parentage of M.F.* 141 Wn. App. 558 (2007).

B. What if I don't think Washington has jurisdiction over me?

In general, Washington may grant your spouse a divorce if your spouse lives in Washington, even if you've never lived in Washington. However, if you've never lived in Washington, Washington may not have personal jurisdiction over you. If Washington lacks jurisdiction over you, the Washington court may not be able to order you to do certain things, such as pay child support and maintenance, obey restraining orders, or divide property and debts that aren't in Washington. **If you think that Washington lacks jurisdiction over you, challenge Washington's jurisdiction before filing anything with the court.** For help deciding whether Washington has jurisdiction over you, talk with an attorney, or read our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).

C. What If I don't think Washington has jurisdiction over my children?

If another state has already entered a custody order about your children, or your children haven't lived in Washington for very long before your spouse files for divorce, Washington may not have jurisdiction over your children. If Washington lacks jurisdiction, then the court here shouldn't decide custody. However, you usually need to raise this issue yourself. For more information about UCCJEA jurisdiction, talk with an attorney, or see our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#). Also see our publication [Which Court Has the Right to Enter A Custody Order: Frequently Asked Questions and Answers About Whether A Washington Court Has Jurisdiction](#).

D. What if I agree with the divorce?

If you agree that you and your spouse should divorce, but you don't agree with everything your spouse asked for in the legal papers you received, follow the instructions in this packet for filing a Response.

If you agree with EVERYTHING your spouse is asking for, see the section "What If I Agree with Everything in the Petition?"

E. 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 you don't live in King County, call CLEAR at 1-888-201-1014. If you live in King County, contact the King County Bar Association's Neighborhood Legal Clinics by calling (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) and read our legal information publications about your particular family law case and information about legal aid programs in your area.

F. What if I'm 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, get legal advice about your rights. Talk with your JAG office or an attorney who knows about the federal and state Service Members Civil Relief Acts. For general information, see the section on military service members and their dependents later in this packet.

Section 2: Words You May Need to Know

This list of words is in our parentage, dissolution, and parenting plan modification self-help materials. You may not need every definition in this section.

Adequate Cause Hearing: (sometimes called a threshold hearing) a hearing required before trial in some kinds of cases, such as parenting plan modifications. The purpose of the hearing is to decide whether or not the requesting party has presented enough basis to allow the case to go to trial.

Affidavit: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington. Instead, the courts use Declarations. (See definition of Declaration, below.)

Alleged father - The man (or men) who might be the father of a child, but whose paternity hasn't been legally established. See [RCW 26.26.011\(3\)](#).

Appearance: Informing the court and the parties of your whereabouts and your desire to participate in your case, either in person at a Court hearing, or in writing, usually by filing and serving a Notice of Appearance. Certain informal actions, such as negotiating, telephoning about the case, or writing a letter, that show a knowledge of the claims in the case and an intent to defend, might also be considered an appearance.

Attachment: a document stapled to a court form and referred to in the form. Attachments should follow any format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Bailiff: A member of the judge's staff who's in charge of courtroom procedure and security. The bailiff may sometimes be the same person as the clerk.

Calendar: The court's schedule of cases to be heard. Also called a Docket.

Caption: The heading of each legal document, containing the name of the court, the names of the parties, the case number, the name of the document itself, and, sometimes, the type of case.

Case Schedule: A printed schedule issued by the court in some counties, showing major dates and deadlines in your case.

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating it's a true copy. Usually, you pay for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's office staff is also usually in the courtroom during hearings.

Commissioner/Court Commissioner: This person's similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases².

² Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use "judge."

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing or trial scheduled in your case. The way to confirm your hearing or trial differs from county to county, and isn't required in all counties. Often a phone call to the court a few days before the hearing or trial is required. Local rules explain each county's requirements. If notice is required and not given, the hearing or trial may be cancelled.

Conformed Copy: A copy of any court document that has been filed with the clerk. It must be stamped with the date filed. If the document is an order, it must also have the name of the judge who signed it written or stamped on it.

Contested Case: A case in which opposing parties participate and disagree about the outcome of the case.

Continuance: Delaying your court hearing to a later date. In some counties, the judge must approve any request for a continuance.

Custodian: The person the children live with most of the time.

Custody Decree: a court order, other than a parenting plan or residential schedule, that decides custody of a child. Since the law changed in 1987, most court orders in Washington dissolution and parentage cases are called "residential schedules" or "parenting plans," not custody decrees. (The final order in a nonparental custody case is still called a decree.) Orders from other states may still be called custody decrees, and in some circumstances, a Washington court has the right to modify another state's custody decree.³

DCS: Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes modifies child support obligations in many cases. DCS used to be called CSD, OSE and SED.

Declaration: A written statement made to the court under oath.

Decree: One type of final court order.

Default: The failure to respond to court papers within the legal deadline.

Default Order: An order that can be requested if

- the respondent (or in modification cases, the nonmoving/nonrequesting party) fails to file a Response before the deadline, or,
- if s/he's appeared in the case, if s/he fails to file a Response after being served with a Motion for Default.

Dispute Resolution: the part of the parenting plan that states how the parties will try to resolve disagreements about the parenting plan (examples: mediation, counseling, court action). A Residential Schedule form usually has no dispute resolution provision.

Dissolution: The legal word in the state of Washington for divorce.

Docket: the court's schedule of cases to be heard on a particular day.

³ Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it doesn't.

Domestic Partner: When a court form refers to “domestic partner,” it usually means a domestic partnership registered with the Secretary of State under [RCW Ch. 26.60](#).

Ex Parte: Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.

Ex Parte Restraining Order: An order signed by the judge if emergency circumstances require protection before a temporary hearing can be held.

Exhibit: Documents, records, and photographs introduced into evidence at trial or hearing. Attachments to legal forms might also be called exhibits. If so, they should follow the format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Filing: Giving court papers to the Court Clerk to place in the case file.

Guardian ad Litem (GAL): a person the court appoints in some cases to investigate the issues and make recommendations to the court about the children’s best interests. If a GAL is appointed, you must serve him/her with any papers filed. The GAL may be considered a party, and his/her signature may be required on court orders.

Hearing: Going before a judge to request a court order or to defend against another party’s request. Hearings usually take place before the trial date and concern specific issues (example: temporary relief). Hearings on important issues (example: motions to dismiss) may end the case. In many counties, the court doesn’t allow live witness testimony at hearings. Instead, the parties must file and serve materials in advance in writing. In some counties, the outcome of certain types of modification cases may be decided by hearing rather than by full trial.

In Forma Pauperis (IFP): A Latin term, meaning the judge may allow you to file your papers in court without paying the filing fee if you’re low income and can show you can’t afford the fee.

Judgment: One type of final court order.

Jurisdiction: The court’s authority to make decisions regarding certain people and issues. If a court doesn’t have jurisdiction, it has no authority to make orders over the person or subject affected.

LEIS: abbreviation for Law Enforcement Information Sheet.

Maintenance: (used to be called “alimony”): The amount one spouse is ordered to pay for the support of the other spouse while the case is pending and/or after it’s over. [RCW 26.09.090](#) lists some factors to use when deciding if maintenance is to be ordered and, if so, in what amount and for how long. [RCW 26.09.060](#) authorizes the court to order temporary maintenance, where appropriate.

Mediation: A meeting between the parties to a court case and a neutral third party (examples: a mental health professional, judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to mediate, or reach an agreement, about all of the legal issues in their case.

Modification/adjustment case: a court case for a major or minor modification or an adjustment of a parenting plan/residential schedule/custody decree. Modification/adjustment cases are also sometimes filed to change child support.

Motion: A formal request to the court for an order, usually about a specific issue.

Motion Docket: The court's schedule of motions to be heard.

Moving Party:

- in modification/adjustment cases, the moving party is the person who files the petition for modification/adjustment.
- in motions, the moving party is the person who filed the motion.

The moving party can be either a Petitioner or the Respondent in the original case. *Note*: Some court forms have been changed to say "requesting party" rather than "moving party."

Nonmoving party:

- in modification/adjustment cases, the nonmoving party is the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonmoving party is the person who **didn't** file the motion.

The nonmoving party can be either a Petitioner or the Respondent in the original case. Depending on the case, there could be one or more nonmoving parties, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case. *Note*: Some court forms use "nonrequesting party" rather than "nonmoving party."

Nonrequesting party:

- in modification/adjustment cases, the nonrequesting party is the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonrequesting party is the person who **didn't** file the motion.

The nonrequesting party can be either a Petitioner or the Respondent in the original case. Depending on the case, there could be one or more nonrequesting parties, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case.

Note/Notice of Hearing/Note for Motion Docket: A form which lets the clerk know to schedule a hearing and tells the other parties the subject of the hearing and when and where the hearing will take place.

Notice of Appearance: A paper filed with the court and served on the other parties showing that a party wants to participate in the case and where to send papers filed about the case in the future.

Order: A court document signed by a judge that requires someone to do (or not do) something. Examples: restraining orders, orders re adequate cause, Residential Schedules or decrees. The judge must have signed them for them to take effect. If you disobey an order of the court, you may be held in contempt of court. *Note*: An order isn't in effect until a judge has signed it. Check if an order you're served with is only a proposed order or if the judge has actually signed it. (See "proposed order" definition.)

Order to Show Cause: A court order scheduling a hearing and requiring a person to come to court at the time and place set for the hearing.

Other party: Every party to the case, other than yourself. In court forms, the “other party” can also mean one particular party. Example: when the Motion for Default says “other party,” it means the party you believe is in default.

Parent the child lives with most of the time: Many people would say this means the parent who has “custody.” However, the law doesn’t usually use the words “custody” and “visitation” between parents anymore. The “parent the child lives with most of the time” is usually the one the parenting plan/residential schedule in paragraph 3.1 or 3.2 says the child “resides” with.

Parent the child does not live with most of the time: Many people would say this is the parent who has “visitation.” However, the law doesn’t usually use the words “custody” and “visitation” between parents anymore. The parent the child doesn’t live with most of the time is usually the parent whose residential time is shown in paragraphs 3.1 or 3.2 of the parenting plan/residential schedule after the words “except for the following days and times when the child(ren) will reside with or be with the other parent:”

Paternity (or Parentage): A legal determination of who the father of a child is, generally either through a court order in a paternity case, or with a valid paternity affidavit or by an un rebutted presumption of paternity (the presumption usually appears where a man and woman were married to each other when the child was born or shortly before or after the child’s birth). See [RCW 26.26.101\(2\)](#) for a complete definition.

Parentage Case: A court case to determine parentage (paternity) of a child of unmarried parents, or a court case to establish a parenting plan/residential schedule for a child whose paternity was established by paternity affidavit, or a modification of a parenting plan/residential schedule order in one of these types of cases.

Parenting Plan: A proposal or, if signed by a judge, a court order which states when the child will be with each party, who’ll make major decisions about the child, and how future disputes about the child will be resolved. In parentage cases, the parties may ask the court for either a parenting plan or a residential schedule. (The residential schedule form has no dispute resolution or decision-making parts. A parenting plan form does.)

Party: A Petitioner or Respondent. GALs and the State of Washington may also be parties.

Paternity Affidavit: A special form, also known as an Acknowledgment of Paternity or Paternity Acknowledgment, typically used by unmarried parents to state who the father of the child is. In Washington, these forms are often offered to the mother in the hospital right after a child’s birth. The form must be signed by the mother and the father (and presumed father) of a child, and must have been filed after July 1, 1997, to be a conclusive legal determination of paternity. For more information, see our publication [Parentage and Parenting Plans for Unmarried Parents in Washington](#). Signed paternity affidavits may be rescinded or challenged for a limited time.

Petition: The document that starts a case and asks the court for a decree, judgment, or final order. (Parentage cases filed by the State of Washington are often filed as “the State of Washington on behalf of” the child.)

Petitioner: The person who first files a legal case. The petitioner in the caption of a form doesn’t change, even when motions are filed later by the other party.

Presumed father: A man who's presumed by law to be the father of a child. The legal definition of presumed father is in [RCW 26.26.116](#). In general, a man is the presumed father of a child if:

- The child was born while the man was married to the child's mother; OR
- The child was born within 300 days after the man's marriage to the child's mother was ended by divorce, separation, annulment, declaration or invalidity, or death. In general, if the man and the woman thought they'd gotten married, even if the marriage is found to be invalid, the child is presumed to be the man's child.
- The man and the child's mother married each other after the child was born, the man has voluntarily said he was the child's father AND the man agreed to be on the child's birth certificate, or signed an affidavit of paternity, or promised (in writing or another record) to support the child as his own.⁴

Pro Se: Acting without an attorney; representing yourself in court.

Process: Written notice to appear in court.

Proposed Order: A document one party will be asking the judge to sign. It won't yet have the judge's signature on it. Many counties require the parties to file and serve proposed orders with motions or responses to motions, to show how that party wants the court to decide the motion. Even where proposed orders aren't required, we recommend that you prepare and serve them and deliver copies to the court. A proposed order becomes an order if the judge signs it.

Requesting Party:

- in modification/adjustment cases, the requesting party is the person who files the petition for modification/adjustment.
- in motions, the requesting party is the person who filed the motion.

The requesting party can be either a Petitioner or the Respondent in the original case.

Residential Schedule: A proposal or, if signed by a judge, a court order which states when the child will be with each party.

- In dissolution cases, the Residential Schedule is one part of the Parenting Plan.
- In parentage cases, the parties may have a Residential Schedule without the decision-making or dispute resolution parts of a Parenting Plan, or the parties may have a full Parenting Plan.

Respondent: The person against whom a legal case was originally filed.

Response: A formal written answer to a Petition filed with the court. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. Here, "Response" with a capital "R" refers to the Response form. We'll say "response" with a small "r" for all types of responses, including for example, responses to motions as well as to petitions.

⁴ This definition of presumed father has been simplified to try to make it easier to understand. It's current as of the date of this publication. If you have questions about whether there is a presumed father in your case, read [RCW 26.26.116](#), and consult an attorney.

Restraining Order: A court order to prevent a party from doing some act that may harm the other party or child.

Ruling: A decision by the court.

Service: Giving court papers to the other party. The law defines ways of service that are legally acceptable. When a petitioner starts a case, such as dissolution or parentage case, or files a petition to modify a parenting plan/residential schedule, s/he must arrange for the Summons and Petition and other papers that begin the case to be properly hand-delivered or, in some cases, and with advance court permission, sent by certified mail or published in a newspaper. After the initial Summons and Petition have been served, many later papers can be served by first class mail, with legally sufficient advance notice.

Settlement Conference: A formal meeting between the parties to a court case and a neutral third party (such as a judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to settle, or reach an agreement, about all of the legal issues in their case. Some counties require parties to family law cases to have a settlement conference before going to trial. Some counties have programs to provide family law settlement conferences available free of charge.

Summons: A written notice that a case has been started.

Temporary Order: An order entered after a case is filed and before it's finished, which is only in effect while the case is going on. Some temporary orders may end at a fixed time, even before the case ends.

Time to Respond (or deadline to respond): The length of time a party has to respond to something filed by another party. The length of time to file a Response to a Summons is 20 to 90 days after service, depending upon the type and location of service. The length of time to respond to motions is usually much shorter.

Transfer Payment: the amount of money one parent is ordered to pay as that parent's share of basic child support.

Trial: The proceeding at which the judge listens to live testimony from parties and witnesses, considers evidence properly introduced, hears argument, and decides the outcome of the case.

Venue: The county where the case should be filed. Proper venue depends upon the type of case.

Working Papers: A copy of papers filed with the court, delivered in advance of the hearing for the judge to review. Local rules differ as to whether working papers are required or, if they're required, when and where they're delivered. Some counties require working papers to be delivered at or near the time you file a motion or response.

Section 3: Steps to Take to Respond to a Petition for Dissolution

Following are the steps to follow to file a Response to a Petition for Dissolution of Marriage. Many of the steps listed in the paragraphs below are explained in more detail later in this packet. Check the boxes as you go through the process.

1. Calculate How Much Time You have to Respond.

Look at all of the papers that you received. The Summons should tell you how much time that you have to file your Response, but also look at the rules in the “deadlines” section to be sure of your deadline. Also, look carefully through all of the papers to find out if you were served with a motion (sometimes called a Motion for Temporary Orders or Ex Parte Restraining Order/Order to Show Cause) as well as a petition. If you were, get the packet called [Responding to a Motion for Temporary or Emergency Orders in a Dissolution Cases](#).

- **Petition:** My deadline to Respond to the Petition 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 _____.
- **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 _____.
- I do don't need to deliver working papers to the judge.
- **Write other deadlines here:**

If you can't respond on time, file and serve a Notice of Appearance and try to get a continuance of any upcoming hearings. If you can't get a continuance, file and serve a Notice of Appearance and prepare for the hearings. (See information in this packet in the section called, “Deadlines and Some Legal Issues to Consider,” and the instructions about the Notice of Appearance form.)

2. Read the Papers Carefully.

Read the papers carefully to find out what your spouse is asking for. Use a yellow highlighter pen to mark things that your spouse wrote in the papers that you want to respond to. Try to take the papers

and ask an attorney (NOT Petitioner’s attorney) to read through them and get advice about what to write in your response.

❑ 3. Gather Your Evidence and other Forms not in this Packet.

Try to get the evidence you’ll need now, for use when you’re filling out your forms. Think carefully about whether there is information that will help show that what you’re telling the court is correct or that what the other party is telling the court isn’t true. Your evidence could include:

- Declarations of Witnesses – Declarations (sworn written statements) by you and from other people who have personal knowledge about you or the other parties or the children. See the section on Declarations below.
- Records – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are among the types of records to include.
- Photographs – if they help prove or disprove one of the issues in the case.
- Financial Information – if financial issues are included, provide evidence of your income and assets, and perhaps evidence of the other party’s income and assets. This could include: federal income tax returns, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.

❑ 4. Check for and use Special Local Forms, Procedures and Rules.

Local court requirements will affect how to handle your case. Many counties have special forms, or have other local rules you must follow. Many counties require case schedules, classes, or settlement conferences. **You must learn and follow local court requirements.**

Call the court clerk’s office or family law facilitator for the court where your case is taking place to find out about these local requirements. Tell them the kind of family law case you have (examples: dissolution with or without children, nonparental custody petition, parentage case, contempt, modification of child support or parenting plan, a motion for _____). Requirements may differ, based upon the type or stage of your case.

Read your local court rules. They’re available at your county’s law library and often online at http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

Look at the “*Words You may Need to Know*” section of this packet if you don’t know any words used here.

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any additional local forms that you’ll need.
- whether case schedules are used (and whether the court requires the person filing the case to serve the schedule on the other parties)
- whether parenting classes, mediation, or settlement conferences are required
- what the deadlines are for filing and serving motions and responses to motions

- whether there is a limit on the number or length of documents you file with motions or responses
- whether you need to confirm hearings a few days beforehand and give working papers to the judge before the hearing
- if your case involves children and a party wants a GAL to be appointed, whether there's any program allowing a GAL or evaluator to be appointed at no or reduced cost, and whether there are special local forms to have a GAL or evaluator appointed
- if your dissolution case involves children, procedures for the court to check the judicial information system and databases before entering a permanent parenting plan to identify any information relevant to placing the child⁵ and
- in cases where a limiting factor such as domestic violence or child abuse is claimed, local court procedures for having 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 ⁶
If you've been served with a motion, you must learn any special deadlines for responding to family law motions in the county where your dissolution is filed. (Also see the section of this packet: "Deadlines and Some Legal Issues to Consider.")

❑ 5. Make any challenges to the court's jurisdiction or other legal motions.

This packet doesn't describe jurisdiction or motions in detail, because the reasons for legal challenges are too varied. The section called "Deadlines and a Few Legal Issues to Consider" lists a few issues that might be raised in appropriate cases. Talk with an attorney about these issues.

❑ 6. Get Any Additional Packets That You Need.

If you have children, get our packet called [Parenting Plans and Child Support in Dissolution \(Divorce\) Cases and Modifications of Dissolution](#). If you've been served with a motion, get our packet called [Responding to Motions for Temporary or Emergency Orders](#). They're on our website.

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 for 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](#).

⁵ [RCW 26.09.182](#)

⁶ [RCW 26.09.191\(4\)](#).

Orders of Protection may also sometimes be combined with final court orders in dissolution cases. If you need to ask for a permanent Protection Order or a Protection Order covering the child/ren for longer than one year, see the instructions later in this packet for how to make this request in your Petition form.

Also, talk to an attorney before filing for an Order for Protection if the court has entered a temporary parenting plan or custody order very recently.

- 7. Follow the General Instructions** and fill in the captions of all of the forms.
- 8. Complete All of the Forms You Plan to Use, from this and other packets.**
- 9. Make the Necessary Copies of the Completed Forms.**
- 10. File Your Response with the Court Clerk’s Office** in the Superior Courthouse of the county where your dissolution was filed.
- 11. Serve the Papers on the Other Parties.**
- 12. File a Motion for Temporary Orders or a Motion for Emergency Orders, if you want one.**

If you need help deciding whether to file a motion for temporary or emergency orders, read our publication called [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#). In general, file a motion for emergency orders only if you need a court order immediately (example: your spouse is harassing you, is endangering the children, or might take all the money out of your bank accounts). If you decide to file a motion for temporary orders, get the forms and instructions to do this in our packet called [Filing a Motion for Temporary Orders](#). If you decide to file a motion for emergency orders, get the forms and instructions to do this in our packet called [Filing a Motion for Emergency Orders](#).

- 13. File a Motion to Appoint a Guardian ad Litem (GAL), if you want one.**

If you need help deciding whether to file a motion to appoint a GAL, read our publication called [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#). If you decide to file a motion to appoint a GAL, get the forms and instructions for how to do this in our packet called [Filing a Motion for Temporary Orders](#).

- 14. Ask for Discovery, if you want it.**

Discovery is the process of gathering information that may be needed to reach a settlement or be able to present your case at trial. Through the discovery process, you can learn about how the petitioner views the case, and you can ask the other parties or witnesses for information and documents that could help you prove your case if you go to trial. To find out about discovery and how to request it, see an attorney. The family law facilitator may be able to give basic information.

- 15. Participate in locally required conferences, classes, or mediations.**

Many counties require the parties to attend parenting classes. Some counties require mediation, settlement conferences, or status conferences. Find out the procedures in your county and follow them.

❑ 16. Follow court orders entered during the case.

This may for example, include temporary orders, orders appointing a GAL, orders requiring genetic testing.

❑ 17. As the case goes on, make sure you give other parties proper notice of other papers you file in your case.

❑ 18. Keep a copy of all documents that you file with the court or that you receive from other parties for your own records. Create your own file folder for these papers. Take them with you when you have hearings in your case.

If your dissolution case involves children, a 2007 law⁷ 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.

❑ 19. Finish your Dissolution.

Review our packets. Choose the one that fits your situation. Note: The Petitioner is usually the party who writes the final orders, but either party can do so if the parties agree or after a trial.

- [*Finishing Your Dissolution of Marriage with Children by Agreement*](#)
- [*Finishing Your Dissolution of Marriage without Children by Agreement*](#)
- If you file a Response and you or the petitioner want to complete your dissolution, but can't finish it by agreement, then prepare for trial. The section called "If You and the Other Party Don't Agree" has very basic information about trial.

⁷[Ch 496, Laws of 2007](#)

Section 4: What's in this Packet?

This packet contains many of the forms you'll need to respond to the petition for dissolution. Also read the next section to decide what additional forms and packets you'll need.

This packet contains the following instructions and blank forms:

Forms That You'll Need to Respond to a Divorce that are in This Packet:

Form Title	Form Number
Response to Petition	WPF DR 01.0300
Confidential Information Form and Addendum	WPF DRPSCU 09.0200 & WPF DRPSCU 09.0210
Pro Se Notice of Appearance	WPF DRPSCU 01.0320
Certificate of Mailing or Personal Delivery	Non-Mandatory Form ⁸

◆ If your case involves children, you'll also need forms from the packet [Parenting Plans and Child Support for Dissolution Cases and Modifications of Dissolution Cases](#).

Forms That You May Also Need that are in this Packet:

Form Title	Form Number
Joinder	WPF DRPSCU 01.0330
Waiver of Rights Under Service Members Civil Relief Act	Non-Mandatory Form
Notice of Military Dependent	Non-Mandatory Form

Form that you'll need to show that copies of your responding papers have been served upon the other party.

Form Title	Form Number
Certificate of Mailing or Personal Delivery	Non-Mandatory Form

⁸ A mandatory form's a legal form produced by the Washington State Office of the Administrator of the Courts (AOC). In family law cases, there are mandatory forms that must be used in every case. However, in some situations, no mandatory form exists. We've created some of these forms for your use. You'll see just below the title of the form the words "No Mandatory Form Available" or "Non-Mandatory Form."

If you file certain confidential information any time during the case, use the following forms to protect the private information from being included in the public court file.

Sealed Personal Health Care Records (Cover Sheet)	WPF DRPSCU 09.0260	In the packet Responding to Motions for Temporary or Emergency Orders for Dissolution Actions
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270	In the packet Responding to Motions for Temporary or Emergency Orders for Dissolution Actions
Sealed Financial Source Documents Cover Sheet	WPF DRPSCU 09.0220	In the packet Parenting Plans and Child Support

Section 5: What other Packets or Forms Will I Need that aren't In this Packet?

You'll need more than just this packet to respond to and finish your divorce. How many other packets you need depends on your case. Read the information below carefully. Check the boxes by the other packets you need before filling out your forms. Get the other packets you need at www.washingtonlawhelp.org or, if you're low-income and don't have internet access and a printer, by calling CLEAR at 1-888-201-1014.

- [Parenting Plans and Child Support in Dissolution \(Divorce\) Cases and Modifications of Dissolution](#)** - if you have children with your spouse who are under the age of 18, in high school, or still dependent on you for support, get this packet. The Sealed Financial Source Documents Cover Sheet is in this packet, if needed.
- [Responding to a Motion for Temporary Orders or Emergency Orders in a Dissolution](#)** – if you've been served with a motion for temporary orders or an ex parte restraining order/order to show cause, get this packet. The Sealed Confidential Reports Cover Sheet and the Sealed Personal Health Care Records Cover Sheets are in this packet, if needed.
- Petition for Order for Protection (Domestic violence: WPF DV 1.015)** – Complete this form, and perhaps related forms, if you're asking for an Order for Protection as part of your dissolution, or if you're asking the court to change your Order for Protection as part of the dissolution. Get the forms from your county clerk's office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. **Important: attaching a Petition for an Order of Protection to your dissolution Response doesn't give you any immediate protection order. It only asks the court to enter a protection order at the end of your case.** (Note: the "Petitioner" on the Protection Order form is always the protected person, even if s/he's the respondent in the family law case.)
- Declaration Regarding Public Assistance - WPF SRPSCU 01.0600:** We don't include this form in our packets, because it's an optional form, 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. Get it at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- [Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. Include the state as a party and serve them with papers you file.
- [Filing a Motion for Temporary Orders](#) or [Filing a Motion for Emergency Orders in a Dissolution](#)** - to file a motion for temporary orders or for an ex parte restraining order, use one or both of these packets. Or use these packets to obtain appointment of a **Guardian Ad Litem** if you'll be asking the court to appoint someone to investigate the situations of all parties and make a recommendation about the children's best interests. For help deciding whether you need

temporary or emergency orders, talk with an attorney, or see our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).

- ❑ **County Local Court Forms and Rules** – Some counties have special rules for dissolutions, which aren't in this packet. 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 online at the OAC website <http://www.courts.wa.gov/rules/local.cfm?group=superior>.

- ❑ [How to Subpoena Witnesses and Documents](#) –to make sure important witnesses or documents are available for your trial.
- ❑ [Finishing Your Dissolution of Marriage](#) – these packets may help you finish your divorce by agreement. There are no packets about having a trial to finish your dissolution case. Some publications can help prepare for some aspects of trial. See the complete list at www.washingtononlawhelp.org.

Section 6: Deadlines and Some Legal Issues to Consider

◆ If the other party didn't give you all of the legal papers s/he should have, you can ask the court not to give him/her the relief s/he's asking for. You should first write a letter to the other party or his/her attorney, and list the legal papers that you believe you should've received but didn't. If you get the papers late, or still don't get them, write in your responses that you didn't get all of papers as required. Attach a copy of your letter.

A. Figure Out How Much Time You Have To Respond

1. **Deadline for Response to Petition.**

Find the form called a "Summons," which you should've received with the Petition for Dissolution. It should say how many days you have to file and serve a Response after the date you received the papers, or look at the deadlines that follow.

- IF you were personally served with the divorce papers in Washington (someone who's not your spouse handed them to you, or an adult handed them to a teenager or adult who lives with you), you have 20 DAYS from the date you received the papers to file and serve your Response.⁹
- IF you were personally served outside Washington state, you have 60 DAYS from the date you received the papers to file and serve your Response.¹⁰
- IF you were served by publication (a copy of the summons was published in the newspapers) in or outside of Washington, you have 60 DAYS from the first date the summons was published in the newspapers to file and serve your Response.¹¹
- IF you were served by certified mail in or outside of Washington, you have 90 days from the date you received the papers to file and serve your Response.¹²

2. **The Deadline for Motions is Different**

a. Responding to Motions other than a Motion for Default. If you were served with a Motion for Temporary Orders or an Ex Parte Restraining Order/Order to Show Cause when you received the Petition for Dissolution, remember: you'll have much less time to file and serve a response to the motion than you have to file the Response to the petition. You may have only a few days (or for emergency motions, perhaps even less). You must find out the deadline for responding to the motion, and you must not miss your hearing date. For non-emergency motions, the moving party (also called the requesting party) must give you notice as many days before hearing as is required by your county's local

⁹ [Civil Rule \(CR\) 4\(a\)\(2\)](#).

¹⁰ [Revised Code of Washington \(RCW\) 4.28.180](#).

¹¹ [RCW 4.28.110](#).

¹² [CR 4\(d\)\(4\)](#).

rules. For some counties, you must receive the papers for a motion at least five court days before the hearing, not including weekends or the date that the papers are given to you.¹³ For some counties or some motions, you must get longer notice. **Make Sure You Received Enough Notice. If the notice doesn't state your deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadlines.** In most counties, you must file and serve your response to a motion no later than one court day before the hearing on that motion.¹⁴ In some counties, however, the response must be filed and served four or more days before the hearing. For information about how to file a response to a motion, see our packet called [Responding to Motions for Temporary or Emergency Orders](#). Read on More information about deadlines and responding is below.

b. Responding to a Motion for Default. If you're served with a Motion for Default, you must file and serve your declaration in response to the motion and your Response to the petition before the deadline on this motion, or all the moving party's requests may be granted. If you're served with a Motion for Default and haven't yet appeared in the case, in addition to preparing a Declaration and a Response, you may also need to get court permission to file and serve your Response.¹⁵

Also see the information on dealing with deadlines, below.

◆ If you don't respond on time, the moving party may get an order in which the judge automatically gives that party everything s/he asks for. And even if you file and serve a Response, if you don't attend a hearing, the court may give the other party what s/he has asked for at that hearing.

B. Jurisdiction

1. Does the court in Washington have jurisdiction over me (personal jurisdiction)?

The court in Washington may be able to grant a dissolution and decide custody, even if you've never lived in Washington or had significant contacts with this state. However, if you haven't lived here or had significant contacts with this state, Washington may lack personal jurisdiction over you. If so, the Washington Court may not be able to order you to do certain things, such as pay child support.¹⁶ **If you think that Washington may not have jurisdiction over you, you must challenge Washington's jurisdiction before you file anything with the court.** For help deciding whether Washington has jurisdiction over you, talk with an attorney.

¹³ [CR 6\(d\)](#).

¹⁴ [CR 6\(d\)](#).

¹⁵ [See CR 55\(a\)\(2\)](#). This packet doesn't tell you how to request court permission. If you can't file a formal motion for court permission before the hearing on the motion for default, at least prepare your Response and declaration, file and serve both, go to court for the default hearing, and ask the judge for permission to participate at the hearing.

¹⁶ A child support obligation may, however, still be established through interstate procedures.

2. Does the court have jurisdiction to decide custody of my child/ren (subject matter jurisdiction)?

If another state or tribal court has already entered a custody order about your child/ren, or your child/ren haven't lived in Washington for very long before the petition is filed, the Washington court may not have jurisdiction to decide custody of your child/ren. (Washington might still be able to dissolve the marriage, divide property and debts, and decide other issues.) Whether Washington has jurisdiction to decide custody (subject matter jurisdiction) is determined by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), [RCW Ch. 26.27](#).

If Washington lacks jurisdiction, then the court here shouldn't decide custody. For more information about the UCCJEA, talk with an attorney. Our publication [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether a Washington Court has Jurisdiction](#) has only basic information.

3. What should I do if I think the court lacks jurisdiction?

If you think the court in Washington doesn't have personal or subject matter jurisdiction, talk to a lawyer. If you're low income, call CLEAR at 1-888-201-1014 or, in King County, call the King County Bar Association Neighborhood Legal Clinics program at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday to ask for an appointment with a free family law clinic.

If you think the court lacks personal jurisdiction, don't do anything that could give the court jurisdiction, such as signing agreed orders, requesting something from the court, filing papers that fail to raise your jurisdiction defense, or showing up at a hearing WITHOUT CONTESTING JURISDICTION AT THE BEGINNING OF THE HEARING. If you don't tell the court that you think it lacks personal jurisdiction right at the beginning, you'll probably lose your chance to object.¹⁷ Although you can object to jurisdiction over your children (subject matter jurisdiction) at any time, it's best to do so early on.¹⁸

You may decide to file a motion to dismiss for lack of jurisdiction. Talk with an attorney for more information about motions to dismiss. This packet doesn't have such information.

C. Decide Whether to File Your Own Motions

You may need or want to file your own motions if, for example:

- you believe the court lacks jurisdiction or
- you're on active duty in the military or are the protected dependent of a service member on active duty or
- you want emergency or temporary orders, or a custody evaluation/appointment of a GAL.

If you decide to file motions, it may make sense to file them before the hearing on motions scheduled by another party. If you do that, you may be able to schedule your motions to be heard on the same day as the other party's.

¹⁷ [CR 12 \(b\),\(g\),\(h\)](#).

¹⁸ [CR 12\(h\)\(3\)](#).

If you don't know whether to file a motion, talk with an attorney. (See also the list of self-help publications in this packet for resources on emergency and temporary orders and GALs.)

D. Dealing with Deadlines

◆ If you're in the military service, or if you're the dependent of a military service member, you may have special legal rights. This packet doesn't describe those rights in detail. A later section of this packet contains some very basic information. If this is your situation, get individual legal advice before filing any papers with the court, and well before your legal deadline to respond to the legal papers you received.

◆ If you deny that the court has jurisdiction, make sure to contest jurisdiction before filing and serving your court forms. Or, if that is not possible, at least contest jurisdiction at the beginning of your responses.

1. Meet your Deadlines

Review the deadlines you calculated. Make sure you file and serve papers before those deadlines. Remember: the deadline for responding to a motion is often shorter than the deadline to file a Response to the Petition. If hearings are coming up in your case, you must deliver working papers in advance for the judge, if required in your county.¹⁹

◆ Check with the court clerk or family law facilitator about the deadlines and the need for working papers. If you miss a deadline, file and serve your papers anyway, and go to the hearing. If the other party objects at the hearing, try asking for a continuance of the hearing so that the court will consider your papers.

2. What to Do If You Need More Time

To respond to the Petition: If you don't have your Response to the Petition prepared, at least file and serve a Notice of Appearance and respond to motions that have been filed. If you file and serve a Notice of Appearance, or if you file and serve motions, or if you appear at hearings, the petitioner should give you notice before asking the court for an order of default against you. Then file your Response as soon as possible. **If you're served with a Motion for Default, see the section "to respond to a Motion for Default."**

¹⁹ "Working papers" are described in packets describing upcoming hearings, such as the packet [Responding to Motions for Temporary or Emergency Orders in Dissolution Cases](#)

To respond to motions (other than a Motion for Default): Make sure you've filed and served a Notice of Appearance. Don't ignore a hearing, even if you were given short notice! If you didn't get legally adequate notice of the hearing on a motion, 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, so explain this in a declaration you file in response to the motion, and in person at the hearing. You can ask for a continuance (delay) of the hearing, but still be as ready as possible for the hearing in case the court denies your request for a continuance.

If you did get enough notice according to the rules but you simply don't have enough time to respond, you may still try to get a continuance. As soon as you know that you want a continuance, contact every other party if possible (or their attorney, if they have one). You may 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 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 and ask there, the judge may order you to pay the other party for having to waste time appearing for the hearing if you could have asked for a continuance in advance. This is especially true if another party has an attorney, because the other party will need to pay the attorney for his/her time whether or not there is a hearing.

If the moving party agrees to the continuance, ask for a letter, fax, or e-mail stating that they've rescheduled the hearing. If you don't receive this written confirmation, assume the hearing is still taking place, and prepare for it and attend it. In a few counties, the court might need to approve any continuance.

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

- a. **Respond as best you can, and prepare for the hearing.** Respond in some way, if possible. Say in your declaration, right off, that you want a continuance. If you didn't get enough notice, say that too. If you got enough notice, but you need more time, say that. Describe your efforts to get an agreement for the continuance. Also file and serve a Notice of Appearance if you haven't already done this.
- b. **Make a Motion for Continuance.** In many cases, you may not have enough time to give the other parties 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 cover this type of motion. However, your family law facilitator may have more information about how to ask for a continuance or an order shortening time in your county court.

- c. **Ask for a continuance at the hearing.** Go to the hearing. When your case is called, stand up. State your name and that you'd like a continuance. The judge may ask for your reasons, and may listen to the other party's reasons why s/he objects. If you tried to get the other party to agree before the hearing, let the judge know that.

◆ The court won't always allow a continuance. Be as ready as you can be to have the hearing on the original date.

To respond to a Motion for Default. You may try to get a continuance of the hearing date as described above. However, if the hearing is not continued (postponed), you must:

- a. file and serve your Response to the petition before the deadline to respond to the motion for default and
- b. file and serve your declaration in response to the motion before the deadline to respond to the motion for default, and
- c. if the motion for default was filed before you appeared in the case, you may need to get court permission (called "leave of court") to Respond. This packet contains no forms for requesting leave of court.
- d. attend the hearing, or verify that it's been cancelled.

If you don't do these things, a default judgment may be entered against you. Your declaration should request that the motion be denied, explain that a Response to the Petition is now filed and served, and any explanation for the late filing of your Response.

3. What to do if you're already late in filing a Response to the Petition

If your deadline for filing your Response to the petition has passed, you might still be able to Respond to the **Petition**. Check with the court clerk's office to see if there is a Motion for Default, an Order of Default or final orders in your court file.

If no order of default has been signed by the judge, you should file and serve a Notice of Appearance (or file and serve your jurisdictional defenses) immediately. Then file your Response as soon as possible.

If you're served with a Motion for Default, or if a Motion for Default has been filed with the court, filing a Notice of Appearance isn't enough. See the information above, called "to respond to a motion for default."

However, when you check with the clerk's office, if you learn that an order of default or final orders have already been entered against you, act very quickly to ask the court to cancel those orders. See our packet called [Filing a Motion to Vacate](#) and get individual legal advice.

4. What to do if the hearing on a motion has already happened.

If you find out that a hearing on a motion already happened, or that orders have been entered against you, for example on a motion for temporary orders, talk with an attorney

as soon as possible. If you can't afford an attorney and live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County, contact the King County Bar Association Neighborhood Legal Clinics program. You may be able to ask the court to vacate (cancel) the orders. However, do so very quickly. The longer you wait, the harder it may be for you to vacate the orders.

Even if you missed the hearing on a motion, you can still file and serve a Response to the Petition unless an Order of Default has been entered against you. (See the additional caution above if a motion for default has been filed but you haven't appeared in the case.)

Section 7: General Instructions

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 case was filed in the blank space where the form reads "Superior Court of Washington County of _____."

Case name. Copy the case name for the petition. It's under the words "In re" on the top left side of page 1.

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

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

Title. Each form has a title. It's 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 (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\(a\)](#)). Use regular size (8 ½ x 11") white paper. Write on only one side of the paper. The first page of each paper that you file must have a 3 inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. Use black or dark blue ink. If your forms don't follow these rules, the court clerk may refuse to file them, or may make you pay a fine.

The contents. Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use **BLACK OR DARK BLUE INK**. A few counties require that all documents be typed. After filling out each

form, re-read it to be sure you've correctly filled in all the blanks needed. Be sure any corrections are neat and readable. Don't write in the margins of any page, or the clerk may reject your form.

Dates. On the last page of most forms (not including orders), there 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 filling out a form, look for the place(s) requiring your signature:

- Some forms have one signature line for “petitioner” or “respondent.” After filling out a form such as the petition, sign at the place that applies to you. Look carefully: some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by.” Sign in the space underneath.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.
 - **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You can’t force another party to sign a court paper. He/she can choose to sign, or not. However, if you’ve prepared an order after a hearing, the other party may be willing to sign the form you’ve 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 unhappy with the decision itself.
 - Agreed orders. If the other party agrees with the orders you’ve written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
 - Approved for entry/Notice of Presentation Waived. If you’re the respondent or nonmoving party, or if you didn’t prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you’re agreeing that the judge should sign the order as it’s written. If “Notice of Presentation Waived” is checked, that means that you’re agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.
 - **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who’s writing the declaration.

Place signed. Declarations and Returns of Service must include the place they are signed and 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 Shouldn't Write in Most of Your Court Papers:

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

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

Residence Address (Where you Live) and Telephone Number: If you don't write these in court papers, write in an address where you can get mail from the court, and give the court a phone number where you can be reached.

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

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

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

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

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

Financial Information: If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them to a Sealed Financial Source Documents form to ensure that they won't be available to the public.

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

Confidential Reports: Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and GAL Reports that are intended for court use must have two sections, a public section and a private section. Attach the private section of the report to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement information belongs in the public file, but “Retirement Plan Orders” don’t. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition. 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 isn’t in the above list, try 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 have no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

Box #3

When You Should Write Private Information In Court Forms:

These forms aren’t placed in the public file, and information in them is usually not available to the other party. You must fill in your personal information completely (including children’s full names, dates of birth, your residence address, social security numbers, etc.): Confidential Information Form, Vital Statistics Form, Domestic Violence Information Form, Foreign Protection Order Form, and Law Enforcement Information Sheet. If you’re afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

SAMPLE FORM

Fill in the name of the Petitioner here.

**Superior Court of Washington
County Of Evergreen**

In re the Marriage of:
JANE DOE,

and

JOE DOE,

Petitioner,

Opposing party.

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

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

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

Form title.

NO. 08-3-99999-9

Note for Motion Docket

(No Mandatory Form Developed)

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

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

HEARING DATE: **Monday, October 4, 2008**

HEARING TIME: **10:00 a.m.**

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**
Treelane, WA 98000

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

Date: **9-25-08**

Jane Doe
Jane Doe, pro se

Section 8: Instructions for Filling Out Individual Forms

A. Response to Petition – WPF DR 01.0300

The “Response,” for short, is your chance to answer what your spouse says in his or her Petition for Dissolution. Look at the Petition for Dissolution you got from your spouse when filling out the Response form.

Caption. Fill out the caption as shown in the General Instructions. If you’re attaching a petition for an Order for Protection to your Response (see the “request for relief” section of the Response), check the box showing which type of petition you’ve attached.

Part I. Response

Section 1.1. Admissions and Denials.

While completing this part of the Response, read through each corresponding paragraph of the Petition for Dissolution. If you agree with the statement in the Petition, check the box to the left of the word "Admitted." If you disagree, check the "Denied" box. If you don't know, check the "Lacks Information" box. Do this for each paragraph of the petition. If you disagree with ANY PART of the information in a paragraph, check the “Denied” box for the whole paragraph. For any paragraphs you’re marking "Denied," explain why you’re denying them in the space provided at the end of part 1.1.

Listed below are the paragraphs of the petition that you’re responding to.

Paragraph 1.1. Identification of Petitioner.

Look at paragraph 1.1 of the Petition for Dissolution. If the information about your spouse’s name, birth date, and the county and state where he or she lives is correct, check the “Admitted” box next to 1.1. If it’s not correct, check the “Denied” box next to 1.1. Then go to the sentence on the Response form that says “The allegations of the petition which are denied, are denied for the following reasons.” Write the number of the paragraph denied (1.1). Then write in the reasons you checked the denied box. If you don’t know whether it’s correct or not, check the “lacks information” box.

Paragraph 1.2. Identification of Respondent.

If the information written in the petition is correct, check the “admitted” box next to 1.2. If it’s not correct, check the “denied” box next to 1.2. Then go to the sentence on the Response form that says “The allegations of the petition which are denied, are denied for the following reasons.” Write the number of the paragraph denied (1.2). Then write in the reasons you checked the denied box. If you don’t know whether it’s correct or not, check the “lacks information” box.

Continue filling out the rest of Section 1.1 Admissions and Denials in the same way.

Paragraph 1.3. Children of the Marriage Dependent Upon Either or Both Spouses.

List in the petition the names and ages of each of the children that you and your spouse had together, including any children you both adopted. Children that are dependent on one of you

should also be listed. Don't list children who are over age 18 or emancipated, unless they're still dependent on you (example: children who are disabled).

Paragraph 1.5. Date and Place of Marriage.

Paragraph 1.6. Separation.

This states whether or not you're separated and, if you are, the date of separation, and the reason your spouse identified that date.

Paragraph 1.7. Jurisdiction.

Read Paragraph 1.7 of the Petition carefully. Make sure that all of the boxes that are checked are correct. If any boxes shouldn't have been checked, then mark this paragraph "Denied" on your Response. Explain which isn't correct.

◆ If you've never lived in Washington, talk with an attorney and see our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#) to read about the things that the court may not be able to do in your marital dissolution if Washington lacks jurisdiction over you.

Paragraph 1.8. Property.

Read this paragraph of the petition carefully. If your spouse checked the box asking the court to divide the property "at a later date," check "admitted," unless there is some reason you believe that Washington lacks jurisdiction to divide your property.

If your spouse wrote in his/her proposed division of property, read it carefully. If you disagree with any of your spouse's proposal, check the "denied" box. Then explain why.

Make sure that the list of property your spouse wrote in the petition is complete. If it's not, check the "denied" box. Explain in writing on your Response that petitioner's list of property isn't complete. Remember: "property" includes things like bank accounts, IRAs, stock, and pensions as well as your home, real estate, cars and household items. For more information about dividing property in a dissolution, see our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).

Paragraph 1.9. Debts and Liabilities.

Read this paragraph of the petition carefully. If your spouse checked the box asking the court to divide the debts "at a later date," check "admitted," unless there is some reason you believe that Washington lacks jurisdiction to divide your debts.

If your spouse wrote in a division of debts, read it carefully. If you disagree with any of your spouse's proposal, check the "denied" box. Then explain why.

Make sure that the list of debts your spouse wrote in the petition is complete. If it's not, check the "denied" box. Explain in writing on your Response that petitioner's list of debts isn't complete. For more information about debts, consult an attorney or see our publication [Ending](#)

[Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).

Paragraph 1.10. Maintenance.

In deciding whether to ask for spousal maintenance (or whether your spouse will be awarded maintenance if he or she asks for it), talk with an attorney, or read our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).

Paragraph 1.11. Continuing Restraining Order.

This paragraph shows whether your spouse has asked for a restraining order to be entered at the end of the case. If either you or your spouse asks for a restraining order during the case, it's necessary to file and serve separate motions.

Paragraph 1.12. Protection Order.

This paragraph of the petition states whether any protection order is in place now, and/or whether one is requested at the end of this case.

If the other party asks for a new protection order or changes to an existing protection order in this paragraph of the petition, read the Petition for a Protection Order, if it's attached to the Petition for Dissolution, before deciding how to respond to this paragraph.

If the other party asks for a protection order to be in effect during the case, you should also receive a separate RCW 26.50 or RCW 10.14 Petition for a Protection Order with a notice of hearing.

- ◆ If you want your own restraining order **before** trial, file a motion for an ex parte restraining order/order to show cause. For more information, see our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).
- ◆ If you want your own protection order or a restraining order **after** trial, or if you want the judge at your dissolution trial to change an existing protection order, see below.

Paragraph 1.13 - Pregnancy.

If the wife's pregnant, and the child belongs to the husband, fill out a Parenting Plan for the child. When you're filling out the parenting plan, simply refer to the "unborn child" in the Plan. The parenting plan is in our packet called [Parenting Plans and Child Support in Dissolution \(Divorce\) Actions and Modifications of Dissolution](#).

- ◆ If the wife is pregnant and you believe it's not the husband's child, talk with an attorney. You may also be able to ask your local prosecuting attorney's family support section for help. For general information, read our

publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#). If the wife is pregnant, the law presumes that the husband is the father. If the husband is not the father, there is a specific procedure and usually only a limited time for challenging this legal presumption. The following steps are not enough to reverse the legal presumption that the husband is the father:

- *Denying the husband’s paternity in the dissolution papers;
- *Leaving the unborn child out of the parenting plan and child support orders;
- *Naming a different man as the father in the dissolution papers.

If the wife is pregnant and the husband is not the father, talk with an attorney. The court shouldn’t stop you from getting a decree of dissolution if you’re pregnant, but the court may keep part of your case open until the paternity of your child can be established. If the wife is pregnant and the husband is the father, the court can still end your marriage and complete most of the parts of your dissolution, but you won’t be able to enter child support and a parenting plan for this child until after s/he’s born.

Paragraph 1.14. Jurisdiction Over the Children. For more information on deciding whether Washington has jurisdiction over your children, talk with an attorney. Or, for basic information, read our publications [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#) and [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether a Washington Court has Jurisdiction](#).

Talk with an attorney for advice if there has been any custody order in another state or country involving the children. Also speak with an attorney if Washington is not the “*home state*” (box 4) of the children.

◆ If you and your spouse have children age 18 or under, fill out and file a Parenting Plan, Child Support Worksheets, and related forms. The forms and instructions are in our packet called [Parenting Plans and Child Support in Dissolution \(Divorce\) Cases and Modifications of Dissolution](#).

Paragraph 1.15. Child Support and Parenting Plan for Dependent Children.

Read this paragraph carefully. It’s long. Check the “denied” box if you disagree with ANYTHING in paragraph 1.15 of the Petition for Dissolution.

If you have no children with your spouse who are under age 18 or still dependent upon you for support, then it’s okay for your spouse to have checked the first box on the Petition. Check “Admitted.” Skip the rest of this paragraph.

If you and your spouse have children under age 18 or dependent on you for support, or if the wife is pregnant with the husband’s child, your spouse should’ve checked the second box on the

Petition (“A parenting plan and an order of child support...”) and should’ve filled in each child’s name. If she/he didn’t, check “Denied,” on your Response form.

The petitioner’s proposed parenting plan for these children: If you disagree with your spouse’s proposed parenting plan, check “denied.” Explain this.

During the last five years, the children have lived: Make sure all information listed is correct and complete. If not, mark “denied.”

Claims to custody and visitation: If anyone other than you and your spouse might have a legal claim to custody of or visitation with any of the children listed in this paragraph of the Petition,²⁰ then your spouse should’ve indicated this and listed those people’s names. If your spouse failed to do this, check “Denied” on your Response form. Write on your Response who might have a claim to custody or visitation. If only you and your spouse claim a right to custody or visitation with your children, your spouse should’ve checked the first box on the Petition.

Involvement in any other proceedings concerning the children: If your spouse has never been involved in any other court cases about custody of your children in Washington or any other state or country, it’s okay for your spouse to have checked the first box in the Petition for Dissolution. If there have been ANY legal proceedings about your children that your spouse has been involved in that aren’t listed in the Petition, check the “denied” box on your Response form. List the legal proceedings that have been left out. This includes protection orders, juvenile criminal proceedings, dependency actions (CPS), parentage actions, administrative child support proceedings, or cases in other states.

Other legal proceedings concerning the children: If there have been any other court cases about your children that aren’t listed in the petition (including cases that didn’t involve your spouse), check the “denied” box and then write on your Response the court cases that were left out.

Paragraph 1.16. Other.

If your spouse filled in paragraph 1.16 of the petition, respond to it. If s/he left paragraph 1.16 of the Petition blank, then mark a line through line 1.16 on your Response and write “Does not apply.”

The allegations of the petition, which are denied, are denied for the following reasons. In the blank space after this sentence, write a sentence or two about why you denied each paragraph of the petition for which you marked “denied” on your Response. Write the number of the paragraph denied (for example, 1.1), and then write in the reasons you checked the denied box.

Section 1.2. Notice of Further Proceedings.

Write the address where you want to get mail from the court (and the other party) about this case. You’re not required to use your home address, but use an address where you can reliably and immediately get your mail, such as a post office box, or the address of a friend who’s responsible and will give you mail as soon as it arrives.

²⁰ In most cases, no one else will have a claim to custody or visitation with your children. However, if you’ve had other legal cases in which someone had custody of your children, such as a non-parental custody case or a dependency, make sure to write about those cases, and who had custody or visitation, in your Response form. If you think someone might have a claim to custody or visitation but have questions, talk with an attorney.

- ◆ 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 and 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. You must also complete and file with the clerk (but not serve) an updated Confidential Information form.

Section 1.3. Other.

Leave this blank, unless you need the space.

Part II. – Request for Relief

Complete this section to tell the court what you want the court to order in your marital dissolution.

If you don’t want to ask the court for anything, check the first box: “Does Not Apply.” If you want the court to enter a divorce, check the second and the third boxes. Thereafter, check each box that applies.

Example: if you want the court to order maintenance, check the box providing for maintenance. Then check the box next to either “husband” or “wife,” depending on who you want to receive maintenance. If you and your spouse have children, and you disagree with the other party’s parenting plan, or you disagree with the other party’s child support worksheets, in addition to checking the parenting plan and child support boxes, you must also prepare and file your own proposed parenting plan and child support worksheets. If you’re asking for a restraining order to be in effect after your dissolution case is finished, check that box in the Request for Relief. If you’re asking for an order about day care, tax exemptions, or attorney fees and costs, check the appropriate box(es), and fill in any blanks.

Information about Protection Order item:

- ◆ The law allows domestic violence survivors and victims of unlawful civil harassment to request a long-term Order for Protection as part of their dissolution case. Protection orders can cover yourself and your children. However, the procedures for combining protection orders with family law cases can be confusing.
- ◆ Requesting a protection order in your dissolution response doesn’t give you any protection before your case is final. If you need an immediate protection order, complete the appropriate protection order forms and start a separate protection order case and go to the hearings associated with that case. For information on requesting an immediate Order for Protection, call the WA State Domestic Violence Hotline at 1-800-562-6025.
- ◆ The main benefit of combining protection orders with family law cases is that a judge in a family law case can enter an Order for Protection that restrains a person from contact with his/her minor children for more than

one year.²¹ Orders for Protection issued outside a family law case can only restrain contact between a parent and his/her minor child for one year at a time, although those orders can be renewed.

If there is already a protection order between you and another party to this case, check the box, “there is a protection order.” Fill in the requested details about that protection order. Inform the court about any existing protection order, whether or not you want to make any changes to it.

If you want the judge in the dissolution case to issue a new protection order, or to extend or make changes to an existing protection order, at the end of the dissolution case, check the box, “the court should grant ... the petition for an order for protection.” The main reason to request a protection order in this case, rather than in a separate protection order case, is if you need a protection order that restrains a parent’s contact with his/her children for longer than one year. Another reason to combine the protection order with your dissolution case is if the other parent will be in prison until the case is finalized, so you’re not worried about getting immediate protection. If you check this box, check the text box showing what kind of protection order you’re asking for. Then check one of the indented boxes.

- To get a new protection order at the end of your dissolution case, check the first indented box, “attached to this petition.” Fill out and attach a petition for a protection order showing what you want and how long you want the protection order to be in effect. Protection order forms are available from the court clerk or from a local domestic violence program (call 1-800-562-6025 for more information). Name yourself as the petitioner on the protection order petition even if you’re the respondent in the parentage case.
- To extend or change your existing protection order, check the second indented box, “filed separately under,” also check the second box in the middle of the sentence, “case number,” and fill in the case number of the separate protection order case you now have. Follow the additional instructions under the “other” and the “requests for relief” paragraphs below to describe the specific extension or changes you want the court to make to your existing protection order. **Caution:** there is no settled state-wide procedure for combining a protection order you have in another case into your dissolution case, so if possible, ask about the procedure in your county before you begin.

◆ Requesting a protection order in your dissolution response doesn’t give you any immediate order. If you want to request an immediate Order of Protection or an Order to be in effect during your dissolution case, file a separate protection order case and follow the hearing procedures under RCW 26.50 (domestic violence) or RCW 10.14 (unlawful harassment). Our packets give no instructions on combining a protection order you obtain after the dissolution case is filed into your dissolution case. Adding a protection order request to your dissolution case after the dissolution case has been filed may require amending the dissolution response and re-serving the other party.

²¹ [RCW 26.50.060\(2\)](#).

If you do request a new protection order as part of your dissolution, or if you're asking the judge in the dissolution to change the protection order you now have, arrange to have the Response form, the Petition for a Protection Order and your other papers personally served upon the other party (the person to be restrained), rather than served as described in the service section of this packet. Instructions on personal service are in the packet [Filing a Petition for Dissolution](#).

Other. Most people can skip this item and leave it blank. However, if you're applying for a permanent or changed protection order, explain your request.

- If you have a Protection Order that was entered under a different case number, and you want to change it or extend the expiration date, write in what you want the court to do. Example: "The Protection Order entered on [date] under Case No. XXXX should be consolidated under this case and should be modified: 1) The custody provisions should be changed to follow the Final Parenting Plan; and 2) the expiration date should be changed so that the Protection Order is permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2)."

Signature. Date the form and sign where it says "Signature of Respondent or Lawyer." Then print or type your name and mailing address in the blank below that.

B. Instructions for the Confidential Information Form and Addendum - WPF DRPSCU 09.0200 and 09.0210

In family law cases, you must give the court information about your address and telephone number, your social security number, date of birth, driver's license, and the name and address of your employer, as well as certain information about the other people involved in the case.²²

Complete this form. File it with the court clerk. Keep a copy for yourself. **Don't serve the Confidential Information Form and Addendum upon the other parties.**

The Confidential Information Form is normally not available to the other parties or the other parties' attorneys. However, note: the form could be provided to DCS (Division of Child Support) and to other divisions of DSHS (Washington State Department of Social and Health Services). Under some circumstances, they may release information in this form to another party. In addition, another party could get access to the Confidential Information Form by following certain court procedures.

◆ Update the court by filing a new Confidential Information Form when your address changes, even after your case is finished. If you don't, legal papers may be sent to you at your old address and orders may be entered against you without actual notice to you.²³

1. Write in the county where the case is filed and the case number. If you have no case

²² [RCW 26.23.050\(5\)\(l\) & \(7\); GR 22\(g\) & \(h\)](#).

²³ [RCW 26.23.055\(2\) & \(3\)](#).

number yet, write in the case number when the clerk gives it to you.

2. Check the first box (*divorce/separation...nonparental custody/paternity/modification...*). If you're updating a form you filed earlier in the same case number, check the box "Information Change."
3. If restraining orders or protection orders are in place, check the related boxes on the form. Show who's protected. If they go into effect later, file a revised and updated form.
4. If you believe the safety of an adult or child would be in danger by giving out address information, even if you don't have a restraining order or a protection order, check the box "[t]he health, safety, or liberty..." Explain the risk of harm.
5. The law requires a residential address on page 2 of the Confidential Information Form. If you're afraid to give your residential address, try to give an alternate address and see if the court clerk will accept it. If the court clerk won't accept your Confidential Information Form, talk with an attorney, your local domestic violence program, or call CLEAR at 1-888-201-1014.
6. Write in the information requested on the form concerning the petitioner and respondents and the child/ren. Fill in the information about yourself, including your driver's license number and social security number (if you have one). If you're filing this form as part of a nonparental custody case, list the other adults in petitioner's household on page 2 in the place indicated.
7. Fill out the information requested about the adults the child/ren have lived with in the last 5 years (and the current address of each of those adults), and the names and current addresses of people besides petitioners and respondents who have custody or who claim rights to custody or visitation with the children.
8. If there is any information you don't have, explain why you couldn't provide it in the space after "This information is unavailable because..." right above the signature line.
9. If there are more than 2 children in your case, or there is more than one petitioner or more than one respondent, write the information about those children or parties in the Addendum. Check the box near the bottom of the second page of the Confidential Information form next to "Addendum to Confidential Information Form Attached."
10. Sign and date the form and write in the place it was signed.

◆ If you're afraid to fill in any of the information requested in this form, talk with an attorney about what to do.

C. Pro Se Notice of Appearance – WPF DRPSCU 01.0320

◆ If you're in the military or the protected dependent of a military service-member, talk with an attorney or the JAG office before filing and serving a Notice of Appearance, and before your deadline to Respond to the petition.

Use this form to tell the court that you're going to participate in the court case and you want to get notice of what is happening.

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 and 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.

Caption. Fill out the caption as shown in the General Instructions.

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 reliable address, such as a PO box, your work address, or a friend or relative's address, where you're sure to get mail very quickly after it arrives.

Signature. Sign and date the form. Print your name.

◆ **Before You File Your Papers:** If you and the other parent have children in common who are age 18 or younger, or who still depend on you for support, and you disagree with the other parties' parenting plan or child support worksheets, you must fill out a parenting plan and child support worksheets. Get our packet called [Parenting Plans and Child Support in Dissolution \(Divorce\) Cases and Modifications of Dissolution](#) and fill out those forms. Then, follow the directions below for filing and serving your papers.

Section 9: Filing and Serving Your Papers

A. Preparing to File and Serve

After you've filled out forms, follow the steps in this section to file them with the court, serve them on the other parties, and prove that service has been made.

- Make sure you know who must be served or is a party to the case. Arrange to serve the other party (parties).**

Usually, the petitioner is the only other party. The caption should list other individual parties by name. In addition, if the child/ren have ever received public assistance (TANF) or Medicaid, or if they're in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet called [Serving Papers on the State](#).) If a GAL's been appointed, you must serve him/her, too.

- 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,²⁴ 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's 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

²⁴ 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.

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.)

B. Filing Your Papers in Court

1. **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.
2. **Ask the clerk to stamp the copies to show the date that you filed the originals.** Take the conformed (stamped) copies back from the clerk. The clerk keeps the originals.
3. **If you must deliver working papers** for any upcoming hearings²⁵, do so before leaving the courthouse. If you have proposed orders, include them with the working papers.
4. **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. You need to keep them at least until your case is finished, but 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.

²⁵ See the Words You May Need to Know section for a definition of "working papers." Our packets containing information about hearings also have a section on Judge's Working Papers/Confirmation.

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.²⁶ 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.

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 office²⁷; or,

²⁶ [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.

²⁷ 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.

- 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.²⁸

D. **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.

1. **Caption.** Fill in the caption.
2. **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 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.
3. **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.

E. **Filing the Certificates of Mailing or Personal Delivery**

1. **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.

²⁸ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) with no mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

2. **Take the originals and the copies to the superior court clerk's office** in the courthouse where your case was filed. Give the clerk the originals of the Certificate of Mailing or Personal Delivery forms.
3. **Ask the clerk to stamp your copies** to show the date that you filed the Certificates. Take each stamped copy back from the clerk. The clerk keeps the originals.
4. **Keep your copies of the Certificates in a safe place.** You may need them.

Section 10: What if I Agree with Everything in the Petition?

If you agree with everything that your spouse has asked for in the Petition for Dissolution and in any related papers such as the parenting plan and child support worksheets, you may want to complete the Joinder form included in this packet.

If you don't agree with everything in the petition and related documents, but do think you and your spouse could work out an agreement, **don't** sign the joinder form. Look at the section on agreed cases in our packet *Finishing Your Dissolution by Agreement* ([with children](#)) or ([without children](#)). It has final dissolution forms and some suggested resources for reaching agreement.

- ◆ **You're never required to sign a joinder form.**
- ◆ If you disagree with any requests in the petition or any related paper, or if you agree with all the requests but want to be sure the court doesn't approve final agreed papers until you sign them, **don't** sign the joinder form.
- ◆ By signing the joinder form, you give the other party permission to enter final papers without your further approval or your signature on the papers.

In most cases, we recommend that, even if you agree to everything requested, instead of signing the joinder form, ask to see and read the proposed final papers before the other party takes them to the judge. (The final papers may include, for example, depending upon the type of case, Decree, Order on Modification, Parenting Plan or Residential Schedule, Order of Child Support, etc.) If the proposed final papers correctly show your agreement, sign them. That way you can reduce the chance of misunderstanding and be more confident the final papers accurately show your agreement.

However, if you agree with everything the other party asked for in the petition and in every related paper, and don't think it necessary to sign the final orders before they're presented to the judge, complete the Joinder form included in this packet. Signing the form can make it easier and quicker to finish the case. However, it also has risks. Talk with an attorney (NOT THE OTHER PARTY'S ATTORNEY) before signing a Joinder so you fully understand any legal rights you're giving up.

1. **Instructions for the Joinder form - (WPF DRPSCU 01.0330) if you decide to use it.**

The signed joinder form gives the other party permission to enter final papers without your further approval or your signature on the final papers. It also tells the judge you agree that final orders can be entered as requested in the petition and related papers. **Read the information above before deciding to sign this form.**

1. **Caption.** Fill out the caption.
2. **Paragraph 1.** Read the paragraph carefully.
3. **Paragraph 2.** You should check the second box, so that the other party must send you the notice of hearings to finish your case. Checking this box doesn't mean the

petitioner/requesting party must get your signature on the final papers. It only means you're asking him/her to send you notice. Write your address in the blank space. You don't need to give your home address, but make sure you use a reliable mailing address where you'll immediately learn of papers arriving for you. If you're sure that you don't want the other party to give you notice before final orders are entered, check the first box.

4. **Other.** Write in other information here.
5. **Signature.** Date the form and sign where it says "Signature of Joining Party." Print or type your name on the line below it.

2. How to file the Joinder form, if you chose to sign it.

If you signed the joinder form, follow the same steps to file and serve it as described for filing your Response and other forms. Mail or deliver a copy of the Joinder form to the other parties. Keep a copy for yourself.

Section 11: If you're in the Military or If you're the Dependent of a Military Service Member

If you are on active duty²⁹ in the United States Armed Forces, or if you are the dependent (usually the spouse or minor child of a resident of Washington who is on active duty and is a National Guard Member or Reservist, or a person receiving over half his/her support from that service member³⁰), you have special protections under the Service Members' Civil Relief Acts. Protections under the law can include protection against being defaulted in some circumstances, the right to ask for a stay (delay) of a court case if the active military duty limits ability to participate in the case, and other rights.

Before you do anything else in this case, you should contact an attorney or your JAG (Judge Advocate General) right away to get advice about how to protect your rights under the SCRA. You must act quickly as your time to respond is limited – for example, if you received a Notice re: Dependent of a Person in Military Service, you must respond to it within 20 days. To find your JAG, you may want to go to the U.S. Armed Forces Legal Assistance website: <http://legalassistance.law.af.mil/content/locator.php>. Note that your JAG will know military law, but you may also need to consult a Washington attorney about your family law issues.

The form called a *Waiver of Rights Under the Service Members Civil Relief Act* can be used to give up the rights under these laws. Instructions are below, if you decide to use this form.

The form called *Notice by Military Dependent* can be used if you qualify under the law as a military dependent to notify the court and the petitioner that you are the dependent. Instructions for this form are also below

A. Waiver of Rights Under Service Member's Civil Relief Acts Form

You are not required to fill out this form. It is your choice. If you are concerned that you will not be able to participate in the case because of military duties, or you are thinking about signing the waiver form, you should see an attorney or the JAG office. If you sign the waiver form, you are giving up protections under this law.

²⁹ The Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501 et seq.](#) protects service members including: All members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage. For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](#) et seq.

³⁰ [RCW 38.42.010](#).

1. Instructions for filling out the Waiver form, if you choose to sign it.

Caption. Fill in the Caption.

In the first blank, write your full name.

If you decide to sign this form fill out the rest of the form with the date that you were served with the Summons and Petition, the service member's name, rank, serial number and unit. If you sign this form, do so in front of a notary public.

◆ **Finding a Notary:** Often, your local bank has a notary. If you have a bank account there, the bank will sometimes provide the notary service for free. You may also look up notary public in the yellow pages of your telephone book.

2. File the Waiver Form

If you sign this form you can then give the form to petitioner to file, or you can file it with the court clerk's office. You should keep a conformed copy for yourself and give the other parties a copy.

B. Notice by Military Dependent

If you have not yet appeared in the case, and

- you receive a form called Notice re: Dependent of a Person in Military Service, and
- you are a qualified dependent of a military service member (see definition in the Notice re: Dependent of a Person in Military Service) and
- the service member is a member of the National Guard or a military reserve component under a call to active duty service for 30 days in a row or more, and
- you want to inform the court and petitioner/moving party of your status to prevent them from assuming you are not a military dependent, then
- you may file and serve a Notice by Military Dependent form.

You must notify the court and the other party of your dependent status within 20 days after you receive the Notice re: Dependent of a Person in Military Service. If you do not, the court may presume you are not a dependent of a person in military service and may enter an order of default against you.

If you are the dependent of a person in the military, we recommend that you get talk to an attorney about

- whether you are entitled to the protections of the law concerning military service members' dependents, and,

- if you are protected, whether you should or should not file a Notice of Appearance and a Response to the Petition and other documents in this packet

You may use the form in this packet or you may create your own form or letter to give notice that you are a military dependent.

1. Instructions for filling out the form.

Caption. Fill in the Caption.

Check the box that explains why you are a dependent of a service member.

Write in the name of the service member you are the dependent of, and fill in the other information about the service member that is requested by the form.

Signature. Date the form and sign where it says “Signature of Party” and then print or type your name on the line below it and show the place signed (e.g. Yakima, Washington).

Service Address. Write in your mailing address. If you are afraid to give your address to the other parties, use an address at which you will **reliably and immediately** learn about mail that arrives for you.

2. File and serve the form.

File your original form with the court clerk’s office and keep a conformed copy for your records. Serve the other the other parties with a copy. Make sure that you file and serve notice of your military dependent status within 20 days after you receive the Notice re: dependent of a Person in Military Service. Complete and file a Certificate of Mailing or Personal Delivery (see the general instructions for the Certificate of Mailing).

Section 12: If You and Another Party Don't Agree, Get Ready to Go to Trial

If

- you file a Response contesting the petition and
- the court doesn't dismiss the case for another reason, and
- you reach no agreement about final orders, then
- both the Petitioner(s) and Respondent(s) must prepare to go to trial.

You must follow the court's rules about trial preparation. In some counties, you have a case schedule or other notice that tells you about some of the things to do to prepare for trial. Talk with your family law facilitator for more information about those deadlines. If you don't have a case schedule, don't wait until the last minute to get ready for trial. Start weeks, if not months, in advance. Find out about how your trial is scheduled. Sometimes a case schedule or the court announces the trial date. Sometimes the parties must ask for a trial date.

If child custody or visitation is an issue in your case and if there is a GAL or other custody evaluator in your case, you should receive a report from him/her before the trial.

If you have a trial, each party will have the chance to tell the judge why the judge should rule in that party's favor. Each party will be required to present the judge with evidence (examples: admissible documents or testimony) to prove that party's claims.

We have no packet with detailed information about how to prepare for trial. However, we have some other publications that may help you prepare for trial. Examples: see our publications called [How to Subpoena Witnesses and Documents](#), and [Basic Tips on How to Prepare for a Court Hearing or Trial](#). See an attorney for specific advice about what to do to prepare for trial in your case.

At the end of your trial, the judge will announce his/her decision and give reasons for it. However, the case isn't finished until the judge signs final papers: Findings of Fact and Conclusions of Law, a Decree, and, in some cases, additional papers. Where there are dependent children, the final papers include a parenting plan and an Order of Child Support and Child Support Worksheets, if the court has jurisdiction to decide these issues. The judge will usually ask one of the parties, or his/her attorney, to prepare the final papers for the judge to approve.

Those papers will be presented to the judge at a "presentation" hearing. Sometimes the judge at the end of the trial will tell the parties the date of the presentation hearing. If the judge doesn't set a date, then the person who prepares the final papers must give the other parties advance notice of the time and place of this hearing. The person who prepares the paper must provide the other parties with copies of the papers s/he wants the judge to sign. S/he must prepare the final papers to say exactly what the judge ordered – not what that party wanted. Any party who doesn't think the proposed final papers say what the judge ordered can come to the hearing and explain the objection. In some counties, the person who disagrees is required to prepare and provide final papers that s/he believes more accurately show the judge's decision.

After the judge signs the final papers, the party who prepared them must ensure the other party receives a copy of the papers as signed by the judge. If the final papers contain a restraining order, and the person to be restrained wasn't present in court and didn't sign the order, the protected party must have a certified copy of the order personally served on the restrained party. The protected party must also, in some cases, arrange for service of a protection order entered as part of a dissolution. Look at the service item in the protection order to be sure.

If you must have an order containing safety restraints personally served, or service of a protection order entered in the dissolution, you must have a Return of Service prepared, filed with the clerk of court, and a copy delivered to the law enforcement agency named in the order. (The personal service procedure and the Return of Service form are in the packet [Filing for Dissolution](#). Additional details are in our packets [Finishing Your Dissolution by Agreement \(with children\)](#) or [\(without children\)](#)).

Where there is no safety restraining order in the final papers, and where the protected party is not required to serve a protection order, conformed copies of the final papers can be provided by mail, using the Certificate of Mailing or Personal Delivery procedure above.

◆ If another party has prepared final papers after trial and asks you to sign them, read each paper carefully to see if it accurately states what the judge decided at your trial. If you believe any paper doesn't show the judge's decision correctly, or if you're unsure, **insist that the other party set a "presentation" hearing** and give you notice of that hearing. Attend the presentation hearing and explain why you believe the language in the final papers doesn't show the judge's decision. You might have to prepare your own proposed final papers.

Section 13: Checklists of Forms and Documents

Use the following lists of documents as checklist when you prepare your dissolution responses. You'll need additional papers at the end of your case.

List A: Use these forms to respond to the petition:

- Notice of Appearance (in this packet)
- Response (In this packet)
- Confidential Information Form & Addendum (In this packet) (Don't serve this form on the other party.)
- Locally required forms

List B: Use these forms if you have children of the marriage. They're in the [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#) packet.

- Proposed Parenting Plan
- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents Coversheet, plus required proof of income (examples of proof of income are listed in the [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#) packet)

List C: Use these forms if a party requests financial relief such as maintenance, attorney fees, or payment of a GAL fee.

- Financial Declaration (found in the [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#) packet).
- Sealed Financial Source Documents Coversheet with Required proof of income
- Proof of the expenses you claim (example: bills from your attorney)

List D: If you're requesting a protection order (for protection from domestic violence or civil harassment) as part of this case, you'll also need the appropriate Petition for Order for Protection, and perhaps related protection order forms, available from the court clerk. Or, go to a domestic violence advocacy program for help – call 1-800-562-6025 for more information.

List E: Use this form to prove service on the other parties of your Response and other papers:

- Certificate of Mailing or Personal Delivery

List F: If you file any confidential reports, financial records, or health care records during your case, use one or more of the following forms:

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

List G: If you're a military service member or the dependent of a service member, you **MAY** also need the following forms:

- Waiver of Rights under the Service Members' Civil Relief Act
- Notice by Military Dependent

List H: If you and the other party agree about everything in the Petition, see our packets on Finishing Your Dissolution by Agreement ([with children](#)) or ([without children](#)).

List I: If you file or respond to motions for temporary or emergency orders, use forms from our packets on these motions: [Filing a Motion for Temporary Orders](#), [Filing a Motion for Emergency Orders in a Dissolution](#) or [Responding to a Motion for Temporary or Emergency Orders in a Dissolution Cases](#).

List J: If your case goes to trial, you may need additional papers not covered here.

Section 14: 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. _____

Response to Petition

(Marriage)

(RSP)

Check box if petition is attached for:

Order for protection DV (PTORPRT)

Order for protection UH (PTORAH)

To the Above-Named Petitioner:

I. Response

1.1 Admissions and Denials

The allegations of the petition in this matter are **Admitted** or **Denied** as follows (check only one for each paragraph):

Paragraph of the Petition

1.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.4	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.5	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.6	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

1.7	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.8	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.9	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.10	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.11	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.12	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.13	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.14	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.15	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.16	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

Each allegation of the petition that is denied, is denied for the following reasons (List separately):

1.2 Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below.

1.3 Other

II. Request for Relief

- Does not apply.
- The respondent requests the court to grant the relief requested below.
- Enter a decree.
- Provide reasonable maintenance for the husband wife.
- Approve my parenting plan for the dependent children.
- Determine support for the dependent children pursuant to the Washington State Child Support Schedule.
- Approve the separation agreement.
- Dispose of property and liabilities.
- Change name of wife to (first, middle, last): _____.
- Change name of husband to (first, middle, last): _____.

Protection Order:

- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the domestic violence antiharassment petition for order for protection:
 - attached to this response.
 - filed separately under this case number case number _____.

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.

- Enter a continuing restraining order.
- Order payment of day care expenses for the children.
- Award the tax exemptions for the dependent children as follows:

- Order payment of attorney fees, other professional fees and costs.
- Other:

Dated: _____

Signature of Respondent or Lawyer/WSBA No.

Notice to party: You may list an address that is not your residential address where you agree to accept legal documents. 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.

Print or Type Name

(Address)

Confidential Information Form (INFO)

County:	Cause Number:	Do not file in a public access file.
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Court Clerk: This is a Restricted Access Document

- Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications
 Sexual Assault
 Other
 Domestic Violence
 Antiharassment
 Information Change (Check if you are updating information)

A restraining order or protection order is in effect protecting the petitioner the respondent the children.

The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because: _____

**The following information about the parties is required in all cases:
(Use the Addendum To Confidential Information Form to list additional parties or children)**

Petitioner Information	Type or Print Only	Respondent Information
Name (Last, First, Middle)		Name (Last, First, Middle)
Race	Sex	Birthdate
Driver's Lic. or Identocard (# and State)		Driver's Lic. or Identocard (# and State), (or, if unavailable, residential address)
Mailing Address (P.O. Box/Street, City, State, Zip)		Mailing Address (P.O. Box/Street, City, State, Zip)
Relationship to Child(ren)		Relationship to Child(ren)

The following information is required if there are children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

1) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

2) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):

<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:</u>	
Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):	

Additional information: _____

Addendum(s) To Confidential Information Form attached. List other parties or children in Addendum(s).

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because _____
 _____.

Signed on _____ (Date) at _____ (City and State).

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

County:	Cause Number:	Do not file in a public access file.
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Court Clerk: This is a Restricted Access Document

The following information about additional parties is required in all cases.

Additional Petitioner Information	Type or Print only	Additional Respondent Information
Name (Last, First, Middle)		
Race Sex Birthdate		
Drivers Lic. or Identicard (# and State)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		
Name (Last, first, Middle)		
Race Sex Birthdate		
Drivers Lic. or Identicard (# and State), (or, if unavailable, residential address)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		

The following information is required if there are additional children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

3) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
4) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts

Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:

Additional Petitioner Information	Additional Respondent Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()

**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. _____

**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

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

**Joinder
(JN)**

1. Joinder

I have read the petition and join in it. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

2. Notice of Further Proceedings

I waive notice of entry of the decree.

I demand notice of all further proceedings in this matter. Further notice should be sent to the following service address: [You may list an address that is not your residential address where you agree to accept legal documents.]

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.

3. Other

Dated: _____

Signature of Joining Party

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

NO. _____

**Waiver Of Rights Under
Service Members Civil
Relief Act And Admission
Of Service**

(No Mandatory Form Available)

My name is _____. I am the respondent/nonmoving party in the above-entitled action. The petitioner/moving party has requested a dissolution of marriage. I am a member or the dependent of a member of the United States military and I am informed of my rights under the Service Members Civil Relief Act of March 4, 1918, as amended and the Military Service Members' Civil Relief Act, RCW Ch. 38.42. I waive my rights under the Service Members Civil Relief Act and the Military Service Members' Civil Relief Act, RCW Ch. 38.42 and I request the court to determine whether to grant the relief requested by the petitioner/moving party.

I received a copy of the Summons and Petition for Dissolution and Proposed Parenting Plan and Proposed Order of Child Support (if applicable) and other documents listed in the Return of Service or Acceptance of Service in this matter on _____.

Name of Service member: _____

Rank: _____
Serial No.: _____
Unit: _____

Signed at _____, on _____.
[Place] [Date]

Signature of Nonmoving Party

Print or Type Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

NOTARY PUBLIC in and for
the state of _____,
residing at _____.
My Commission Expires: _____.

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

Notice of Military Dependent

**(No Mandatory Form
Developed)**

I declare under penalty of perjury under the laws of the State of Washington that I am the dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty consecutive days. I am filing this Notice to inform the court that I believe I am entitled to protections under the Servicemembers' Civil Relief Acts and that I do not waive those protections.

I am:

the service member's spouse

the service member's minor child

an individual for whom the service member provided more than one-half of my support for the last

180 days.

I am the dependent of the following service member:

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

Signed at _____, _____ (city and state) on _____ (date).

Signature

Print or Type Name

**Responding to a Dissolution of Marriage 1/09
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
[*\$1100 per month for household of 1; \$1400 for 2; \$1700 for 3; \$20000 for 4; \$2200 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
If yes, what mistakes were found? _____

10. Today's Date: _____
11. Other Comments or Suggestions: _____

