

How to Withdraw a Joinder in a Family Law Case

Who's this publication for?

Parties to a family law court case may sign a form called a Joinder to show the court that they're in agreement as to all the issues that a court must rule on in that case. If you agree with everything the other party asked for in the petition and in every related paper, and you don't think it necessary to sign the final orders before they're presented to the judge, you can sign a Joinder. Signing the form can make it easier and quicker to finish the case.

However, signing a Joinder also has risks. In doing so, you may be giving up legal rights you would otherwise have, such as:

- The right to review any orders entered with the court, including final orders that end the case
- The right to contest any issues before the court
- The right to be notified of any hearings that are scheduled in the case
- The right generally to be notified of what's going on in the case

Some people sign a Joinder under pressure from the other party in their case, without understanding what legal rights they may be giving up. Some people sign the Joinder because they don't understand what they're agreeing to. If you've signed a Joinder but feel strongly that it was a mistake for you to do so, this publication is for you.

What does it mean to withdraw a Joinder?

When you rescind or withdraw something, you're taking it back. When you file a Withdrawal of Joinder, you're taking back or withdrawing your signature so that it's as though you never signed it in the first place. Doing so restores the rights listed above that you gave up when you signed the Joinder.

How do I fill out the Withdrawal of Joinder 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. Check with the county where your case is filed to be sure of the rules.

Caption. Fill in the caption by copying the caption from the first page of any other of the court papers you have.

Case number. In the blank after “NO.,” write in the same case number that appears in the upper right-hand corner of the first page of all the other court papers you have.

◆ If you don’t write or stamp the case number on the first page of the joinder, it may be lost, or it may be returned to you. Some courts will also fine you for filing an incorrect form.

The contents. Each paragraph is numbered.

I. WITHDRAWAL: Write your name in the first blank. Write in the type of case this is in the second blank.

II. DECLARATION RE: WITHDRAWAL: Fill in the blanks with the reason/s you wish to withdraw the joinder.

III. NOTICE OF FURTHER PROCEEDINGS: Write in the address that you want to have all further notice of court proceedings sent to.

After you fill out the form, re-read it to be sure everything is correct. If you have to make corrections, be sure the correction is neat and readable. Don’t write in the margins of any page or the clerk may reject your form.

Your signature. After you fill out the form, you’ll sign and date on the second page.

How do I file and serve the form?

In addition to your signed original of the Withdrawal of Joinder, you’ll also need to make a copy for each other party in your case to serve on those parties. You’ll need proof of service for each party. A blank Return of Service form is included here for your use. Fill out one for each party. Then make one copy of each original.

Take the originals and the copies to the court clerk’s office. Give the originals to the clerk. Ask the clerk to stamp the date of filing on your copies.

Keep the copies in a safe place. Take them with you to hearing(s). You may need them to prove to the judge that service was done correctly.

3298EN

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, May 2010.

© 2010 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

**Withdrawal of Joinder and Declaration
Re: Withdrawal**

(No Mandatory Form Developed)

I. Withdrawal

I, _____ hereby withdraw my joinder to the petition and any other pleadings filed in this case. I seek to convert this action to a CONTESTED

_____ [type of case].

II. Declaration Re: Withdrawal

I am filing this withdrawal of the joinder because _____

For all these reasons I want to withdraw my joinder and do so with this document.

III. Declaration Re: Notice of Further Proceedings

I demand notice of all further proceedings in this matter. Further notice should be sent to the following address:

I declare under the penalty of perjury that the factual statements contained herein are true and correct and I do hereby WITHDRAW MY JOINDER.

Dated: _____

Signature of Respondent

Print Name

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

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

I Declare:

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

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

Date: _____ Time: _____ a.m./p.m.

Address: _____

4. Service was made pursuant to Civil Rule 4(d):
- by delivery to the person named in paragraph 2 above.
 - by delivery to (name) _____, a person of suitable age and discretion residing at the respondent's usual abode.
 - by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)
 - (check only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on (date) _____. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Tape return receipt below.) The copies were mailed on (date) _____.

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

6. Other:

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

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

Signature Print or Type Name

Fees:
 Service _____
 Mileage _____
 Total _____

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

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