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3134EN | March 2021

Get an Ex Parte Order to Move with Your Children

Instructions and Forms



Northwest Justice Project

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Part 1. Important Info

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

It asks for a court order that takes effect right away, **with little or no notice to the other parent**. A judge usually does not want to enter an order before the other parent has a chance to tell their side of the story.

❖ We refer here to the other party as the other parent. Your case may have more than two parties. For example, sometimes the State is a party.

B. Should I use this?

Yes, if one of these describes your situation:

- 1) **Ex Parte Motion to Limit Notice of Intent to Move with Children:** You need to move with your child. Giving the other parent some or any of the required info about where you are moving in the notice would unreasonably risk your health or safety, or the child's
- 2) **Ex Parte Motion for Immediate Order Allowing Move with Children – Before Objection Deadline:** You have given the other parent notice of your plan to move. The 30-day period has not yet run. You have urgent reasons for moving before the 30 days are up. You can file this motion without further notice to the other parent, **if** it does not affect the other parent's rights under the parenting plan. **Do not use this motion** if you need to change the parenting plan as well. See the next option.

If the other party has already objected and requested a hearing, a judge probably will not give you an emergency order without hearing the other parent's side of the story.

- 3) **Ex Parte Motion for Final Order Changing Parenting Plan due to Relocation:** You have given notice of your plan to move and a proposed new parenting plan. The other parent has not objected in the period to do so. You are moving outside of the child's school district. The move will not affect the other parent's rights. You can file this motion with no further notice to the other parent.



Note: If

- you have given the other parent notice of your plan to move AND
- the other parent has not objected within the thirty-day period allowed AND
- you do not need to change the parenting plan

THEN you do not have to file any motion at all. You automatically have permission to move after the objection period has run. **You must keep following your existing parenting plan.**

-
- ❖ **Survivors of Domestic Violence or Harassment:** If the other parent has a history of physically harming you or the children, or has threatened to, or if you are a victim of unlawful civil harassment by the other parent, you can file for an Order for Protection for immediate protection. Orders for Protection offer strong safety restraints. [Domestic Violence: Can the Legal System Help Protect Me?](#) has general information.
 - ❖ **Protection order forms are available from** the court clerk or your local domestic violence program, or call the National Domestic Violence Hotline 1.800.799.7233. Or use our do-it-yourself interview program, [Get a Domestic Violence Protection Order](#), to fill out the forms at WashingtonLawHelp.org.
 - ❖ Talk to a lawyer before filing for an Order for Protection if the court has entered a temporary parenting plan or custody order very recently.
-

Getting an Order of Protection does not allow you to skip the relocation process. It might allow you to delay notification 21 days when you are entering a domestic violence shelter or moving to avoid clear, immediate, and unreasonable risk. [RCW 26.09.460\(3\)](#).

C. What if the other parent is in the military or the dependent of someone who is?

If the other parent is on active military duty,¹ or the dependent of a Washington resident on active duty, talk with a lawyer before filing your request with the court. Special rules for

¹ Service members protected by the federal Service Members Civil Relief Act, 50 U.S.C. App. Sections 501 et seq. include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air



members of the military and certain dependents may limit the court's ability to make any orders adversely affecting the rights of the service member or protected dependent.

D. What if I have questions that this packet does not answer?

Talk to a lawyer familiar with family law before filing anything with the court. Some counties have family law facilitators who can help you fill out forms or free legal clinics where you may get legal advice about your case.

- **Do you live in King County? Call 211.** 211 is open weekdays 8:00 a.m. - 6:00 p.m. From a pay or public phone, call 1-800-621-4636. They will refer you to the appropriate legal aid provider.
- **Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - nwjustice.org/get-legal-help**
- **Call the CLEAR Legal Hotline at 1-888-201-1014**

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. For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](https://leg.wa.gov/RCW/default.aspx?cite=38.42.010).





Part 2. Checklist of Steps

Use this checklist as you go through your case. We explain many of the steps in more detail later.

IF YOU ARE FILING EX PARTE MOTION FOR A FINAL ORDER CHANGING YOUR PARENTING PLAN:

State law says the court must

- ❖ check the judicial information system and databases to identify any info 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

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 in this packet.

1. Gather Your Evidence. If you are filing to waive (get out of) some or all notice requirements to the other parent because of risks to your health/safety or your child's, you should include evidence to support your claims. Think carefully about whether there is information that will help show what you are telling the court is correct. Your evidence could include:

- **Declarations of Witnesses** – Declarations (sworn written statements) by you and from other people who have personal knowledge about you, the other parent, or the child.
- **Records** – examples include bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records.
- **Photos** – if they help prove your claim/s.

2. Gather any other Forms You Need.





- 3. Follow the General Instructions.** Fill out the captions of all forms.
- 4. Complete all of the Forms You Need from this and other packets.**
- 5. Make the Needed Copies of Each of the Completed Forms** and Other Documents you are filing with the court.
- 6. Go to the courthouse.** Ask the Judge to Sign Your Ex Parte Order.
- 7. Get Certified Copies of the Ex Parte Order** for yourself and the other party after the Judge Has Signed It. Get conformed copies for any other parties. You cannot leave the courthouse with the original of the order. You may need to pay for the certified copy (often \$2-5 for the first page, and \$1-3 for each extra page). Regular (noncertified) copies usually cost much less (15 – 50 cents a page).
- 8. File Your Papers with the Court Clerk’s Office** in the Superior Courthouse where your family law case was filed. Conform the copies.
- 9. Organize your papers for service. Make any needed extra copies. Mail the Ex Parte Order & any other papers to the Other Parent.** (If the Order was to move without providing some or all notice requirements, you should serve the other parent either personally or by return receipt mail. See below at “Getting Ready to Serve Your Ex Parte Order.”)





Part 3. Court forms in this packet

This packet has many of the forms you need to file one of the Motions this packet covers. Part 8 has a list to help you figure out which forms you need. Read the next section to decide what else you will need.

Blank forms in this packet:

Court Form Title	Court Form Number
Motion to Limit Notice of Intent to Move with Children (Ex Parte)	FL Relocate 702
Declaration of:	FL All Family 135
Order on Motion to Limit Notice of Intent to Move with Children	FL Relocate 703
Motion for Immediate Order Allowing Move with Children – Before Objection Deadline (Ex Parte Relocation)	FL Relocate 704
Immediate Order on Motion to Move with Children – Before Objection Deadline (Ex Parte Relocation)	FL Relocate 705
Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (Relocation)	FL Relocate 706
Ex Parte Order on Motion for Final Order Changing Parenting Plan – Moving with Children (Relocation)	FL Relocate 707
Proof of Personal Service	FL All Family 101





Part 4. Other court forms and documents you may need to get

It depends on:

- **Where your case is filed.** Your county may have its own forms you should use instead of or as well as ours. Ask the clerk or family law facilitator (if your county has one) or check www.courts.wa.gov/court_rules/?fa=court_rules.local&group=local.
- **If you want to change your parenting plan.** If so, get the parenting plan form from the courts website (www.courts.wa.gov/forms/?fa=forms.static&staticID=14).
- **If you need to pay a filing fee** if you are filing for an order to waive some or all notice. If you cannot afford the filing fee, you can file a motion to have it waived (forgiven). Check with the court clerk's office or family law facilitator in your county. They may have developed their own forms for you to use. Otherwise, use [Ask the Court to Waive Your Filing Fee](#).



Part 5. General instructions for filling out forms

Read these before you start filling out any forms

THE CAPTION. The caption is the name of your case. It is a section appearing at the top of the first page of every form. See the sample below:

<p style="text-align: center;">↓ Superior Court of Washington, County of _____</p> <p>In re <u>the marriage of:</u></p> <p>Petitioner (<i>person who started this case</i>):</p> <p style="padding-left: 40px;"><u>Jane Brown</u></p> <p>And Respondent (<i>other spouse</i>):</p> <p style="padding-left: 40px;"><u>John Brown</u></p>	<p>No. _____</p> <p>Notice of Hearing (NTHG)</p> <p><input checked="" type="checkbox"/> Clerk's action required: 1</p>
--	---

This **case type** is for a divorce.

Put the **county** where you are filing this form.

Put the **case number**. The court clerk assigns this number when the Petitioner files the case.

This is the form's **title**.

The caption includes your case name and number, the court's name, the title of the court paper and, sometimes, the type of case.

Name of the court: Put the name of the county where the case is filed in the blank space where the form reads "Superior Court of Washington County of _____."

Name of the case: Copy the case name from the petition.

Case number. Your current parenting plan will have its own case number near the top on the right hand section of the first page after "No." (That's the abbreviation for "number.")

Copy that case number into the same space on the first page of each of the forms you are filling out.

You must write 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 the other parent. Otherwise, your papers may be lost, or the clerk may return them to you. Some courts will also fine you for filing incorrect forms.

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

❖ **Format:** Pleadings (legal forms) you file with the court and attachments to those pleadings must follow 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 you file must have a three-inch margin (three inches of space) at the top. The left, right and bottom margins (and the top from the second page on) must be at least one-inch wide. Use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

The contents. Fill out each form according to the form’s instructions. In most counties you may print or type, but it must be readable. You must use BLACK OR DARK BLUE INK. After filling out each form, re-read it. Be sure you have correctly filled in all blanks needed. Any corrections you make must be neat and readable. Do not write in the margins of any page: 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. The judge will put dates in orders when the judge signs it.

Signatures.

- **Your Signature**

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

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you.



Look carefully. Some forms require you to sign in more than one place. Some forms also require a date, and the place (city, state) that you signed the form.

- When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked **person making this motion fills out below**. Look carefully. Some forms require you to sign in more than one place. Some forms also require a date, and the place (city, state) that you signed the form.
- When you prepare an order and plan to present it for the judge to sign, look for each place marked **is presented by me**. Sign in the space underneath.
- **Judge's Signature:** Leave the judge's signature line and the date blank.
- **Other party's signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper. They can choose to sign, or not. If you have prepared an order after a hearing, the other party may be willing to sign it if they agree it accurately states the judge's decisions (or the judge may require the other party to sign), even if the party is not happy with the decision itself.
 - Agreed orders. If the other party agrees with the order you have written, that party should check **is an agreement of the parties** in their column before signing the agreed court order. They can also check **may be signed by the court without notice to me** if they agree to this.
- **Other signatures/Declarant's Signature:** If someone else must sign a form (such as a witness or the person serving papers), make sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the "declarant" is the person writing the declaration.

Place signed. Declarations and Returns of Service must include the place you signed them and the date. **Example:** Signed this 10th day of October 2012 at Seattle, WA.

Identifying Information. Court rules try to protect privacy but also allow for public access to certain information in court files. There may be important information you want the court to consider in your relocation case that is also private in nature. See below for how to protect your privacy in those instances.

If you use a sealed cover sheet, the information you are looking to protect will usually be available to the other parent and the court. It will **not** go in the public file.

Medical or Mental Health Records or Information. If you file papers that have health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records), you must attach the papers to





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a Sealed Personal Health Care Records form so that they will not be available to the public. Get the form, (form number FL All Family 012) at www.courts.wa.gov/forms.

Confidential Reports. Reports intended for court use, such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports, must have public and private sections. Attach the private section to a Sealed Confidential Reports Cover Sheet. Get the form (form number FL All Family 013) at www.courts.wa.gov/forms.

Other Kinds of Confidential or Embarrassing Information Not Mentioned Above. If the paper you want to keep confidential is not in the above list, you may need to file a motion asking to seal that paper, or part of it, under General Rule [\(GR\) 15](#). Talk to a lawyer.





Part 6. How to fill out each form

A. Motion to Limit Notice of Intent to Move with Children (Ex Parte) -FL Relocate 702

Caption. Fill out the caption.

1. Put your name.

2. **Children.** In the table, list names and ages of all children the parenting plan² covers and who you want to relocate. (Do not list any children your custody order does not cover.)

3. **Request to Limit Notice.** This asks you to identify all the information you cannot disclose because of the risk to your health/safety or your child's. Check all boxes that apply and fill out any blanks where needed.

4. **Unreasonable risk to health or safety.** Put what you are afraid will happen if you do not get the ex parte order. **Examples:** destruction of property, getting hit or hurt by the other parent, or your child being taken away or hurt by the other parent.

Person planning to move fills out below. Date the form and sign where it says to. Print or type your name in the next blank.

B. Declaration of: – FL All Family 135

If you want an order waiving some or all of the notice requirements due to personal risk, you should provide evidence with your motion. You can do this by submitting the declaration of a witness. We strongly recommend use of declarations.

Skip this section if you are filing one of the other motions.

² "Parenting plan" here can mean either a parenting plan or residential schedule.



A **Declaration** is a statement, sworn to be the truth under penalty of perjury, by any person who has direct knowledge about the issues in your motion. A Declaration of Witness should be used for people who are making statements on your behalf, such as:

- family members
- friends
- teachers
- counselors
- other people who have directly seen, heard or otherwise witnessed important events that impact your situation

You can attach relevant documents to anyone's Declaration, such as copies of:

- bills
- school records
- medical or treatment records
- police records

The attachments must follow the court's format rules. (See section 5, above.) You will call the papers that you attach to your declaration **Exhibits**. You will either number them (1,2,3) or letter them (A,B,C). If the declarant³ refers to private health or financial information in a declaration or wants to put it in the declaration, do not attach the exhibit directly. Read Section 5 for more information about sealed cover sheets.

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

1. **Instructions for filling out Declaration of, FL All Family 135:**

Caption. Fill out the caption and make as many copies of this form as you will need before adding any other information. This way, you will have blank forms with just the caption on them. You may give a copy to each witness to fill out and have one for you to use, where needed.

³ The **declarant** is the person who writes and signs a declaration.





On the right side of the caption, after the words “declaration of...,” put the witness’s name.

Declaration of. The witness puts their name here.

1. In the first blank, the witness puts their name again. Then they put their age and check the box showing what they are.
2. This is where the witness tells her/his story.

Signed at (*city and state*). The witness must sign, date, and print their name in the appropriate blanks.

C. Order on Motion to Limit Notice of Intent to Move with Children - FL Relocate 703

Caption. Fill out the caption.

1. Put your name.
2. Check **would**.
3. Check **approved**. Then check the box immediately underneath and the boxes for all the information you want to keep out of the notice to the other parent.

Ordered. LEAVE THIS BLANK FOR THE JUDGE.

Presented by. Check the box showing which party you are. Sign and print your name, and put the date.

D. Motion for Immediate Order Allowing Move with Children – Before Objection Deadline (Ex Parte Relocation) - FL Relocate 704

Caption. Fill out the caption.

1. Put your name.
2. Do not make any changes to this section.
3. **Any Objection to Move.** Check the box that applies. If you check **yes**, put the date you got the Objection.





4. Any Motion to Prevent Move. Check the box that applies. If you check **yes**, put the hearing date on the Motion. Then check the box on the top of page 2 showing when the hearing is scheduled.

5. Notice about this Motion for Immediate Order. Check the box that is true. If you notified the other people in the case, explain how in the blank. If you did not notify them, explain why you should not have to.

6. Reason to move before deadline. Check the box that applies. Then, in the blank, put all the reasons you need an emergency order letting you move with the child before the thirty-day objection period is up.

- **Example 1:** The cops arrested the other parent for aggravated assault against you. You fear for your health and safety if you stay in your current location.
- **Example 2:** You are about to lose your housing. You cannot wait the full thirty days to move. The other party probably will not object.

7. Active duty military. Check the first box and skip to 8 if this does not apply to the other party.

Check the second box if the other party is on active duty in the military, or the dependent of someone who is, and might not be at the hearing because of this. Then check the box immediately underneath that if you believe the judge must grant the things you are asking for before the other party can return. Explain why in the blank.

8. Other requests. Most people will not put anything here.

Person planning to move fills out below. Date the form and sign where it says to. Print or type your name in the next blank.

E. Immediate Order on Motion to Move with Children – Before Objection Deadline (Ex Parte Relocation) - FL Relocate 705

Caption. Fill out the caption.

1. Do not change this section. If you served the Notice of Relocation on the other parent with a proposed parenting plan, check the first box.

2. Notice of Move: Check the boxes that are true in this case.





If you did not serve a Notice of Relocation on the other parent, stop here. **YOU CANNOT USE THIS MOTION.**

3. Any Objection to Move: Check the box that is true in this case. If you check **yes**, put the date you got the Objection.

4. Any Motion to Prevent Move: Check the box that is true in this case. If you check **yes**, check the box immediately underneath that which is true in this case.

5. Any Special Circumstances: Check **no** and skip to 6 if you did not check the first box in section 6 of your motion. Check **yes** if you checked the first box in section 6 of the motion.

6. Check approved. In the blank, put your name. Then check the box that applies.

7. Other orders, if any. The judge may put something here, especially if you checked **no** in section 6 of your motion.

Ordered. LEAVE THIS BLANK FOR THE JUDGE.

Presented by: Check the box showing which party you are. Sign and print your name, and put the date.

F. Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (Relocation) - FL Relocate 706

Caption. Fill out the caption.

1. Put your name.

2. Do not change this section.

3. No objection. Check the box that fits your situation. If you check the second box, make sure you have proof that there will be no objection.

IF YOU CANNOT CHECK EITHER BOX IN SECTION 3, YOU CANNOT FILE THIS MOTION.

4. Active duty military. Check the first box if the other party is not in the military or a dependent of someone who is. Check indented boxes underneath and fill in blanks showing how you know this is true.

Check the second box if the other party is in the military or a military dependent and all the other things listed under this box are true.





Check the third box if you still do not know if the other party is in the military or a military dependent. In the blank, explain how you tried to find out.

5. Other information, if any. Most people will leave this blank.

Person making this motion fills out below. Date the form and sign where it says to. Print or type your name in the next blank.

Agreement. Have the other parent check this box, put their name, and sign, print and date if they do not object to your move and changing the parenting plan.

G. Ex Parte Order on Motion for Final Order Changing Parenting Plan – Moving with Children (Relocation) - FL Relocate 707

Caption. Fill out the caption.

1. Read this section.

2. Documents filed and served. Check the box that is true in this case.

3. Objection status. Check the first box and then whichever box immediately underneath that is true in this case.

If you could not check **yes** in section 2 AND the first box in section 3, YOU CANNOT USE THIS MOTION.

4. Active duty military. Check the first box if the other party is not in the military or the dependent of someone who is. Check the second box if the other party is in the military or a military dependent. The judge will fill out the rest.

5. Other findings, if any. The judge may put something here. **6. Check approved.** In the blank, put your name.

7. Other orders, if any. The judge may put something here.

Ordered. LEAVE THIS FOR THE JUDGE.

Presented by. Check the box showing which party you are. Sign and print your name, and put the date.





Part 7. How to file forms with the court

After filling out the forms, you must file and serve them. This section explains how.

Before filing and serving your papers, make sure you have completed all the forms you need, including any local forms.

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

- Make at least two copies of every paper**, including the proposed order. One copy is for the other parent. One is for you. If there is more than one other party to your case, make extra copies.
- Organize your forms into three full sets: one set of originals and two sets of copies.** Compare each set with the checklists of forms here. Make sure each set has the appropriate forms.
- Call the Superior Court clerk's office** or family law facilitator to find out where you go to get a judge to sign your Ex Parte Order, and what hours and/or days to do that.
- Notify the other parent** (or their lawyer) if you are giving them notice of the ex parte order. Refer back to the section on your specific Motion for more information.
- Go to the courthouse courtroom number at the time the clerk's office gave you.** Look for a clerk or bailiff so you can sign in. This is usually someone sitting at a desk near the judge. Give the clerk the set of originals of your papers. Wait for your turn. When they call your case, tell the court you are there. When told to come forward, tell the court you want an Ex Parte Order. The court may ask why you need the ex parte order and, if you did not notify the other party, why the other party should not get notice before the judge signs. Try to write out beforehand a list of the things you plan to say at the hearing. Take it with you when you talk with the judge. You will have only five or ten minutes to explain why you need the order. The judge may make changes to your order before signing. The judge should then give you all your papers back, including the signed order. Do not make any changes to the Ex Parte Order the judge signed. **Do not leave the courthouse with the original order.**



☐ Go to the court clerk's office to file your papers.

- Make copies of the signed Ex Parte Order showing the judge's signature. You must pay for certified copies. **Many clerk's offices do not take personal checks.**
- Ask the clerk to file the originals of all of your papers (motion, declarations, Ex Parte Order).
- Ask the clerk to stamp your copies of the papers you filed (motion, declarations, and so on) to show the date you filed the originals of your other forms and the judge's signature on any order(s) they signed. Take the stamped copies back from the clerk. The clerk keeps the originals.



Part 8. How to serve forms

After the judge has signed your ex parte order, you should mail a copy of your signed Order to the other parent (and any other parties to the case).

How to copy and organize your papers for mailing to the other parent:

Make any extra copies of the papers you will need:

___ one set for you

___ one set for each other party (1 x ___ number of other parties =) Make sure the Ex Parte Order shows the date the order was filed in court and the judge's signature.

Organize the papers:

- Organize the forms into sets. Each set should have a copy of each form you have filled out.
- Compare each set with the checklists here. Make sure you have the forms you need.
- Put one certified copy of the Ex Parte Order in the set for the other parent. Keep the other copy with you at all times.
- Keep a full set of copies for yourself.
- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address.

A. Instructions for personal service in Washington

You must properly follow the rules when you are having the other parties personally served. **Do not serve the documents on the other parties yourself.** Find someone over age 18 to serve the papers for you.

Consider hiring a professional process server. If you can afford it, think about hiring a professional process server or the sheriff to serve the papers for you. It usually costs \$30-

\$80. It may be best to use a professional process server. The sheriff may not be willing to try more than once to serve the other party. Look up process servers on the web. **Ask an adult friend to be your process server.** If you cannot afford a process server or the sheriff, any adult over 18, who is not a party in the case and who has no mental disability making them incompetent, may serve the papers for you. That person must understand how important it is to serve the papers and fill out the Proof of Personal Service form correctly. If you do not serve the other parties properly, then your court orders could be set aside, even years later.

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

If you are using an adult friend as server, let the friend know hand-to-hand service is best. This means putting the papers in the other party's hand.

The other party may refuse to accept the papers. Let your server know they must use her best judgment about how to leave the papers. Here are some common situations in service.

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- ❖ **Example 1:** The other party may be expecting you to serve them, and is avoiding people who look like servers. Here, it is okay for your server to, for example, pretend to be delivering an innocent package.
 - ❖ **Example 2:** The other party may let your server in, but refuse to take the papers. There have been times when it is okay for the server to leave the papers on the floor in the other party's home. Your server should always try to hand the papers to the server, unless it would be unsafe to try to do so.
 - ❖ **Example 3:** The other party opens the door for your server. The other party does not let your server in. The other party refuses the papers. Your server can leave the papers in the doorway or just outside.
 - ❖ **Example 4:** The other party may be home, but refuse to get the door when your server knocks. Your server may have to make a few such visits to the other party's home before you can ask the court for help. Tell your server **NOT TO LEAVE THE PAPERS OUTSIDE.**
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Give your server a Proof of Personal Service form to fill out and return to you once service is complete. (Some process servers have their own Proof of Personal Service form that they will fill out and give to you instead.)

B. Instructions for Proof of Personal Service – FL All Family 101

Your server must complete a separate Proof of Personal Service for each party they serve. After your server has completed service and signed the Return of Service form(s), follow the instructions here for filing it with the court.

Caption. Fill out the caption.

1. Put your server's name.

2. Personal Service. In the blank, put Respondent's name. The server must check the box showing how they delivered the papers to Respondent. If they check the second box, the server should put in the blank the name of the person they gave the papers to.

3. Date, time, and address of service. The server should put the date, time (and check a.m. or p.m.) and address where they served the papers.

4. List all documents you served. Read the list of forms. Check the box to the left of each form served on that party. Sometimes you must fill in a blank to better describe a form. (**Example:** if you check the box after "declaration," put the name of the person who wrote the declaration.) Check the box marked "other" if you had Respondent served with any forms not listed. Put the names of those other forms. You **MUST** list all the forms you had served on your partner. If you leave a form off your list, you will have no proof that your partner received it.

5. Fees charged for service. Usually, only professional servers will use the second box for fees and mileage.

6. Other information. Your server may put here other information. **Examples:**

- Your server tries several times to serve Respondent. Respondent is never home or cannot be found. The server should write the dates and times and descriptions of each time they tried to serve Respondent.

- The server gave the papers to an adult living with Respondent who would not give their name. The server should write what the person who received the papers looks like.

Signature. The server should put the city and state where they signed the form and the date, and sign where it says to and then print or type their name where it says.

To the Server. The server should check this box and fill it out in front of a notary public or court clerk **ONLY** if they served your partner outside Washington state.

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- ❖ The server should staple a copy of the summons to the completed Proof of Service form and give it to you for filing with the court.
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C. Personal service in another state

If you must, you may have the other party personally served in another state using the same general directions as for personal service in Washington. You must fill out a Proof of Service **and** a *Declaration: Personal Service Could Not be Made in Washington*.

A person served outside the state has a longer deadline for responding to the petition.

1. Instructions for Declaration: Personal Service Could Not be Made in Washington - FL All Family 102

Use this form if any party is served outside the State of Washington.⁴

Caption. Fill out the Caption.

1. Check the first box.
2. Put the name of the person you served outside Washington State.
3. Explain why you could not serve the other party in Washington. (**Example:** The other party lives and works out of state. You would put that “____ (name of person served outside state) lives and works in ____ State and _____ (other details showing the person cannot be served within Washington).”

⁴ If you are serving any other party out of state, you must complete and file this form before the judge will sign the final order. The party personally served out of state has **60 days** to Respond if the papers are personally handed to them.



www.WashingtonLawHelp.org

Signature. The person who signs this form prints their date and place (city and state), signs the form, and prints their name.

If you use this form, file it with the court clerk. Keep a conformed copy for your records.

D. Filing Your Proof of Service

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

The safety restraints may not take effect until the other party is personally served with the order.



Part 9. Checklists of Forms According to Your Specific Needs

A. If you want to file a Motion for an Ex Parte Order Waiving the Notice Requirements for Moving with Children:

Use:

- Motion to Limit Notice of Intent to Move with Children (Ex Parte)
- Order on Motion to Limit Notice of Intent to Move with Children
- Proof of Personal Service

You might also use:

- Declaration(s)
- Financial Documents

If you are filing confidential information, you will need one or more of the following sealed records cover sheets:

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

B. If you want to file a Motion for an Ex Parte Order for Permission to Move during the objection period:

Use:

- Motion for Immediate Order Allowing Move with Children – Before Objection Deadline (Ex Parte Relocation)
- Immediate Order on Motion to Move with Children – Before Objection Deadline (Ex Parte Relocation)



You might also use:

- Declaration(s)
- Financial Documents

If you are filing confidential information, you will need one or more of the following sealed records cover sheets:

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

C. If you want to file an Ex Parte Motion for an Order Granting Permission to Move and Changing your Parenting Plan:

- Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (Relocation)
- Ex Parte Order on Motion for Final Order Changing Parenting Plan – Moving with Children (Relocation)
- Parenting Plan or Residential Schedule. Or use our do-it-yourself interview program, [Washington Forms Online](https://www.washingtonlawhelp.org/forms), to complete this form at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).



Part 10. Blank Forms

The rest of this packet has blank forms for your use. 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. You may not need all the forms here.

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of many of these forms available on their web site at www.courts.wa.gov/forms.