



Washington
LawHelp

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Unmarried Couples: File a Complaint to Divide Your Property and Debts



Instructions and Forms



Northwest Justice Project



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Part 1. Important Info

This will help you start a Washington State Superior Court case asking the court to divide property and debts from your long-term, stable, marriage-like relationship. The legal term for this relationship is “Committed Intimate Relationship.” You are the “Petitioner.” Your ex is the “Respondent.” [Unmarried Couples: Washington Property Law](#) (available at [WashingtonLawHelp.org](#) or from CLEAR at 1-888-201-1014) has info on property law for unmarried couples.

Use this only if you believe you meet the standards for this type of relationship AND you do not want to make other claims. (See Part 2, No. 3, below.)

Use this packet only if both of these are true:

- You are NOT registered domestic partners ([RCW 26.60](#)). Registered Domestic Partners should use [File to End Your Domestic Partnership](#), available at [WashingtonLawHelp.org](#).
- You have lived together in Washington or acquired property together in Washington.

❖ **Get advice from a lawyer.** This packet is not a substitute for a lawyer’s advice and representation. This area of law is always changing. Our forms are samples only. We cannot promise that our forms, instructions, or info about this area of law will work for you. Use this at your own risk.

If you have a low income and live outside 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 (206) 340-2593 to ask for a free half-hour of legal advice (ask for the family law clinic).

❖ We do not discuss other legal claims you might make. If you file a case to divide property but do not make other claims now, you might not be able to make them later.

A. How much does it cost to file a case?

The costs include a filing fee of \$200-\$350, copying fees, and (possibly) fees for service (delivering the papers to your ex). If you cannot afford the filing fee, you can ask court permission to file without paying it. See Section III for more info. Use [Ask a Court to Waive](#)





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[Your Filing Fee](#). Or use our do-it-yourself interview program, [Washington Forms Online](#), to complete the forms at WashingtonLawHelp.org.

B. Where should I file my case?

You should usually file the case in the county where you lived as a couple.

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

Your county Superior Courthouse may have a family law facilitator who can help. Some counties have free or low-cost clinics or lawyer referral services. If you have a low income and live outside 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 (206) 340-2593 to ask for a free half-hour of legal advice. (Ask for the family law clinic.)





Part 2. Checklist of steps

Here are the steps, in order. This is a very general description. Use this checklist as you go through your case. Make sure you are doing what you should at the right times.

-
- ❖ Many counties have case schedules you must also follow. Some require mediation or a settlement conference before you can finalize your case. Ask a local lawyer, the clerk, or facilitator (if there is one) about case schedules and local court rules.
-
- 1. Learn About the Law in Washington.** Visit WashingtonLawHelp.org. Read [Unmarried Couples: Washington Property Law](#).
 - 2. Check for Special Local Rules and Forms. Some counties treat this type of case as a general civil case. Others treat them as family law cases.** This can affect scheduling, forms to use, the handling of motions, and other important details. It may affect if the facilitator can help you.
 - 3. Get legal advice.** Try to speak with an experienced family law attorney in the county where you will file about
 - local practice in this type of case
 - if you meet the standard for a “Committed Intimate Relationship”
 - any claims you could make that this packet does not cover
 - what to ask the court about how to divide the property and debt in your case
 - if you should ask your ex to accept service
 - if you have a state registered domestic partnership ([RCW 26.60.010](#)) (if so, **do not use this packet**)
 - whether and how to ask for emergency or temporary orders and/or file a Lis Pendens (See No. 10 below)

This packet does **not** cover different legal claims such as partnership or constructive trust to help your request for division of property and debts. If you could make those claims, but do not, you will probably lose the chance to bring them up later in a different case.

This packet **does not** cover children you have with your ex.

It **does not** include any claims based on a written “Cohabitation Agreement” between you and your ex about ownership and division of property and debts. It **does not** describe how the court ends a state-registered domestic partnership and divides the partners’ property and debts.

Survivors of Domestic Violence: If your ex has a history of physically harming you or your children, or has threatened to, you can file for an Order for Protection for immediate protection. Orders for Protection offer strong safety restraints. The cops may take them more seriously than a restraining order. See [Domestic Violence: Can the Legal System Help Protect Me](#), contact your local domestic violence program, or call the National Domestic Violence Hotline at 1.800.799.7233.

- 4. Make Sure you Know Your Ex’s Address.** You must find them to serve your Complaint.
- 5. Fill out the Forms.** See Parts 5 and 6.
- 6. Make Copies of Each of the Completed Forms you are filing with the court.**
- 7. File the Original of Your Complaint and related documents with the Court Clerk’s office in the Superior Court of the appropriate county.**
- 8. Serve your Ex.**
 - a. Consider asking them to accept service. If you decide not to, or they refuse, then
 - b. Try to get personal service on them. If you cannot personally serve your ex and they will not accept service, then

- c. Serve by other means. You might be able to use service by publication. [RCW 4.28.100](#). Read [Service by Certified Mail or Publication](#); or talk with a lawyer.

9. File the Completed Service Accepted or Proof of Personal Service Form.

10. File a Motion for Temporary Orders or for Emergency Orders, if needed.

Just filing your Complaint does not get you a court order dividing your property or debts, keeping your ex from getting rid of or selling property, or making them pay bills. It does not decide who can live in the home, who must move out, and/or who can use personal property. You must ask for **temporary orders** to cover these matters between the time you file the Complaint and the court's final decision. You may be able to get emergency orders. There is no packet for filing temporary or emergency orders in this type of case. You can try changing our divorce packets to meet your needs.

❖ A domestic violence protection order under [Ch. 26.50 RCW](#) might be appropriate in some cases.

If real estate is an issue, and you think your ex will try to sell or borrow money on it, talk with a lawyer about getting a temporary or emergency order keeping the ex from doing so. You might have to file a money bond first. If you get this order, and your case involves real property, talk with a lawyer about recording a "Lis Pendens" with the county auditor where the property is located. A "Lis Pendens" gives legal notice of your case to people who look at the auditor's records in preparation for buying or loaning money against the property.

The court could award a big judgment plus court costs and attorney's fees against you if it determines you have no interest in the real estate. We strongly recommend first getting a favorable court order and then recording a Lis Pendens.

- 11. Ask for Discovery, if you want.** Discovery is the process of gathering info to settle or present your case at trial. You can learn how your ex views the case. You can ask for info and documents that could help you prove your case at trial. Talk with a lawyer or the family law facilitator. Read ["Doing Discovery" in Family Law Cases: Help with Interrogatories and Requests for Production](#).





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- 12. Finalize your case.** You can finalize by agreement, default (if your ex is served and does not take part in the case), dismissal (ending the case without a court order dividing the property or debts) or trial. **This packet does not discuss finalizing.**



Part 3. Court forms in this packet

This has blank forms and instructions for each form.

A. Forms to start the case in this packet:

Court Form Title	Court Form Number
Complaint	Non-mandatory Form
Summons	Non-mandatory Form
Proof of Personal Service	FL All Family 101

B. Forms you *may* need in this packet:

Court Form Title	Court Form Number
Service Accepted	FL All Family 117
Declaration: Personal Service Could Not be Made in Washington	FL All Family 102



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

We only help with filing. You need other documents to finalize or ask for temporary orders.

- [Ask the Court to Waive Your Filing Fee](#) - blank forms to print and fill out on your own, with how-to instructions for completing and filing. Use this to ask the court to waive (not ask for) the filing fee required to file court papers in a civil case because you cannot afford to pay it. Or use our do-it-yourself interview program, Washington Forms Online, to fill out forms online.
- Immediate Restraining Orders and Temporary Family Law Orders, Finalizing Your Case** – you can try to modify the packets for divorces, available at [WashingtonLawHelp.org](#). Some counties may require you to post a bond, prove the nature of your relationship, and/or follow procedures not required in divorce cases.
- If you and your ex have children**, you will probably need other packets. It depends on the facts of your case. There are many packets at [WashingtonLawHelp.org](#). We do not tell you how to combine cases concerning children and property. Practice differs around the state.
- If your county treats “committed intimate relationship” cases as family law cases**, you may need other forms, such as a Confidential Information Form. The General Instructions sections of our family law self-help packets summarize confidentiality rules in family law cases. Get other forms from [WashingtonLawHelp.org](#) (click on “Family Law”) or, if you have a low income, from CLEAR at 1-888-201-1014.



Part 5. General instructions for filling out forms

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:

This is the case type.

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.

Superior Court of Washington, County of _____

In re parentage:

Petitioner (*person who started this case*):

Jane Doe

And Respondents:
(*parent / presumed parent / possible genetic parent*)

Joe Smith

No. _____

Notice of Hearing (NTHG)

Clerk's action required: **1**

The caption includes the case name and number, court's name, title of the court paper, and, sometimes, type of case. It appears at the top of the first page of every form. Put the county where you are filing your case after "Superior Court of Washington County of _____."

Case Number. When you file your papers, the court clerk assigns a case number. As soon as you get one, put it near the top on the right-hand section of the page after "No." The case number is on the right, above the title.

Case name.

- On the next blank, below "petitioner," put your name.
- On the next blanks, below "respondent", put the other person's name.

-
- ❖ If you do not put your case number on the first page of **every** form you file with the court, your form may be lost, or the clerk may return it to you. Some courts will fine you for filing incorrect forms.
-

Title. Each form has a title. The title of our sample form is "Note for Motion Docket." It is on the right-hand side of the form under the case number.

The Contents. Fill out each form according to its instructions. Print or type the info. It must be readable. Use **DARK BLUE or BLACK INK**. After filling out each form, re-read it. Make sure you have correctly filled in all blanks as needed. If you must make corrections, use a new, blank form. If the correction is only one or two words, use "white-out." The correction must be neat and readable.

Dates. The last page of most forms (not including orders) has a space for the date. For most forms, you put the date you sign it. All Declaration forms require a date and place of signature. (**Example:** Signed this 10th day of October, 2015 at Seattle, WA.)

Petitioner's Signature. You must sign many of the forms. The sample Notice of Hearing form has a place for signing.

Other Signatures. Someone your ex or the person serving papers on your ex must fill out all info correctly and sign in the proper space. Your ex can sign off on your form if they agree.

Place signed. Declarations and Proof of Personal Service forms must include date and place signed. (**Example:** Signed this 10th day of October 2015 at Seattle, WA.)

Things You Should Not Put in Most Court Papers: Almost all pleadings, orders, and other papers you file with the court are available to the public. They may also be available to the public online. Court rules try to protect privacy of certain types of info in court cases:

- **Address (where you live) and Phone Number:** Do give an address where you can get mail from the court and a phone number where you can be reached.
- **Social Security/Driver's License, ID Numbers:** Put just the last four digits.
- **Bank Account, Credit Card Numbers:** Put the bank name, type of account (savings, checking, and so on), and last four digits only of the account number. If you file bank statements or other documents showing account numbers, you should redact (whiteout) all but the last four digits of the account number.



Part 6. How to fill out each form

A. Complaint

Caption. Fill out the caption as shown in Section 5.

Section I. Jurisdiction and Venue

1. Put the county where you live.
2. Put the county where your ex lives.
3. Put the county where you lived together. (You can list more than one county if you lived in more than one together.)
4. Do not make any changes to this section.

Section II. Committed Intimate Relationship

5. Put the date you and your ex started living together.
6. In the first blank, put the year your relationship became a Committed Intimate Relationship. In the second, put the year your relationship ended. In the third, put the county where you lived during your Committed Intimate Relationship.
7. Check this box if true for you and put the town and county where you lived when you were in your Committed Intimate Relationship. If this is not true, skip to 8.
8. Check this box if true for you and fill in the blank. If this is not true, skip to 9.
9. Check this box if true for you. If this is not true, skip to 10.
10. Check this box if true for you. If this is not true, skip to 11.
11. Check this box if true for you. In the blank, put which relative you cared for. If this is not true, skip to 12.
12. Check this box if true for you. If this is not true, skip to 13.
13. Check this box if true for you. If this is not true, skip to 14.





14. If you used both your incomes when you were living together to support your household and/or the children, check the first box. Then check the box or boxes that apply. If this is not true for you, skip to 15.

15. Check this box if true for you. “Sweat equity” means work you did on the home in exchange for a share in its ownership. If this is not true, skip to 16.

16. Check this box if true for you and put the county where your home was. If this is not true, skip to 17.

17. Do not make any changes to this section.

III. Property

18. Do not make any changes to this section.

19. Check this box if true for you and put in the blank what you used your earnings for. Otherwise, skip to 20.

20. Put the address of the home you owned together. Put the tax ID#. (If you do not have it, call the county assessor’s office.) Put the legal description. You can copy it from the deed. If you do not have a copy of the deed, call the assessor.

21. **Personal property includes things like** bank accounts, pensions, 401(k) plans, IRAs, stock, cars and household items. If you list accounts, put the institution holding the account, the account type, and “Account number ending in___.” Give only the last four digits. List very valuable household items (**example:** “Petitioner’s mother’s diamond ring”). If you have separated, do not list every item of clothing or dish you have.

22. Plaintiff’s Recommendation for Division of Property:

In **a)**, list every item of property you already have possession of and want to keep. (**A judge cannot award you your partner’s property if your partner got such property before the relationship or inherited it or got it as a gift during the relationship.**) If you do not have enough room, put, “See attached Exhibit A.” Make a list on a separate paper. At the top of that paper, put “Exhibit A- property the court should let Plaintiff keep”. Staple it to your Complaint.

In **b)**, list every item of property you want the judge to award you. If you do not have enough room, put, “See attached Exhibit B.” Make a list on a separate paper. At the top of that paper, put “Exhibit A- property the court should award Plaintiff”. Staple it to your Complaint.



In **c)**, list every item of property you want the judge to award your partner. If you do not have enough room, put, “See attached Exhibit B.” Put a list on a separate paper. At the top of that paper, put “Exhibit C – property the court should award Defendant”. Staple it to your Complaint.

If the property includes real estate, include at least the address, and the tax ID # if you have it.

If you are separated and happy with how you have split up your household items, put “All personal and household items currently in their possession” in the spaces saying what the court should award each of you. **If the judge will award one of you a vehicle**, you must list the vehicle’s info: its make, model, year, and Vehicle Identification Number.

❖ [Unmarried Couples: Washington Property Law](#) has more about property and debts. The section of [Divorce and Other Options for Your Marriage or Domestic Partnership in Washington](#) that deals with community property (property you got during the relationship) might help. Community property law does not directly govern Committed Intimate Relationships.

IV. Debts and Liabilities.

23. Check the first box if you and your ex have no debts and skip to 24. Check the second box if you do have debts. List those debts in the blank space.

24. Do not make any changes to this section.

Section II. - Relief Requested

Do not make any changes to this section.

Signature. Date the form and sign where it says **Petitioner’s Signature**. Print or type your name in the blank below that. You must also put the place (city, state), date, and your signature under, “I declare under penalty of perjury...”

B. Summons

This packet has the form and instructions for filling out a Summons for **personal service** in a civil case, in Washington or another state. You must try to have your ex personally served (by hand delivery), unless they have signed a Service Accepted form. In a few cases, if you have tried hard but been unable to have them personally served, you might be able to have them served by publication. You need a different summons for that. You must also follow a different procedure. See [Service by Certified Mail or Publication](#). Talk to a lawyer.





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Caption. Fill out the caption.

Signature. Date the form and sign where it says. Print or type your name below that.

Check **Petitioner**.

Put your address. If you do not want your ex to know where you live, put the address of someone you trust to tell you immediately if you get any legal papers. Local rules may require you to give a physical street address. You should list a phone number unless you are concerned about harassment. You do not have to give your own home or work number. Use another, reliable phone number.

“File Your Original Answer with the Clerk of the Court at:” Put the name and complete address of the courthouse where you are filing your case.

“Serve a Copy of your Answer on:” Check the first box. Put your name. Repeat the address you listed above for yourself.

❖ If you are a domestic violence survivor and want to keep your address secret, find out about the Address Confidentiality Program. Call 1-800-822-1065.



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Part 7. How to file forms with the court

- 1. Make copies of every form you filled out.** Make two copies of all pleadings you are filing (original for the court, one for you, one for your ex). Make an extra copy of the Summons to attach to the Proof of Personal Service later on.
- 2. Make full sets of your forms** (one set of originals and two sets of copies). Organize your forms into sets. Put all originals in one set. Make two complete sets of copies, each containing one copy of each form you have filled out.
- 3. Take the originals and copies to the county court clerk's office in the superior courthouse where you are filing your case** (the county where you and your ex lived together). Give the clerk the originals of the Complaint, and Summons.
- 4. Pay the Filing Fee.** If you cannot afford it, ask the court to waive it (allow you not to pay it). Use [Ask a Court to Waive Your Filing Fee](#), or contact the court clerk or family law facilitator (if there is one).
- 5. Ask the clerk to stamp your copies to show the date you filed the originals.** The clerk will also give you a case number. Ask the clerk to stamp the case number on your copies. (The clerk may hand you the case number stamp for your use on the copies.) Before you leave the clerk's office, make sure the case number is on page 1 of each of your copies.
- 6. The clerk will keep the originals.** Take the copies with you. One set of copies will be for you. One set will be for service on your ex.

❖ **Case Schedule:** In some counties, the clerk will give you a case schedule when you file your complaint. **The case schedule is very important.** It lists your trial judge's name and most important dates and deadlines in your case, including your trial date. The clerk will ask you to sign a statement saying you will give your ex a copy of the case schedule. You must serve any case schedule you get on your ex.



Part 8. How to serve forms

You must arrange to serve copies of your forms on your ex.

Copy and Organize Your Papers. Organize the copies you made (see paragraph “A” above) into one complete set of each paper for your ex and one for you. Compare each set to your checklist. Make sure you included everything. Put your ex’s set of papers into an envelope, addressed to your ex, with your return address. Use the instructions below to make sure your ex gets proper notice.

A. Acceptance of Service and the Service Accepted form

Consider asking your ex to accept service of the papers. They may agree to let you give them the papers directly and sign for them. This does not mean they agree to what your Complaint asked for. It only means they agree they received the Summons, Complaint, and other documents listed in the Service Accepted form.

If they will not accept service of the papers, or agree but then do not sign the Service Accepted form, or you decide not to ask them to accept service, skip to section 7 D.

Instructions for the Acceptance of Service Form - FL All Family 117

Fill this out only if your ex agrees to sign saying they have received the Summons, Complaint, and other documents listed on the Service Accepted form. If your ex fills this out and files it (or gives it to you for filing), you do not need a Proof of Personal Service. You must give your ex copies of the Summons, Complaint, and other documents you have filed (and the case schedule if the court gave you one), and list every document on the Service Accepted form before they sign it.

Caption. Fill in the caption.

1. Put your ex’s name. Read the list of forms. You must check the box to the left of every form you give them. Check **other** if a form is not listed. In the blank, put that form’s title. (**Examples:** if you are giving your ex the Notice to Military Dependent, check **other** and that title. If you gave them a Declaration, check **other**, and put “Declaration of ___ (name of the person who signed the declaration.)” **You must list every form you are giving your ex.** If you do not list something here, you will have no proof your ex received it.

2. Personal Jurisdiction. Check the first box if your ex will not agree that Washington has jurisdiction over them. For more info about personal jurisdiction issues, talk with a lawyer.



Check the second box if your ex agrees Washington has personal jurisdiction over them. Put your ex's name.

Signature. Your ex (or their lawyer) should date the form and sign where it says. Put their name and address in the blank. If your ex has a lawyer, the lawyer should check the very last box and put your ex's name in the blank.

-
- ❖ If you get a signed Service Accepted form from your ex, skip to the section on Filing Proof of Service.
-

B. Instructions for Personal Service and the Proof of Personal Service

If your ex has not signed a Service Accepted form (or you decide not to ask them), you must arrange to have them personally served.

Personal Service in Washington

You must carefully follow the rules when having your ex personally served. Do not serve the documents yourself. Find someone age 18 or over to do it.

- **Consider Hiring a Professional Process Server or the Sheriff**, if you can afford it. Using a professional process server is usually better. The sheriff may not be willing to try more than once to serve.
- **Ask an Adult Friend to be Your Process Server.** If you cannot afford to pay a process server or the sheriff, a competent adult friend who is not a party to the case can do it. Your friend must understand how important it is to correctly serve the papers and fill out the Proof of Personal Service. If you do not serve your ex properly, a court could set your orders aside, even years later.

If possible, your server should hand your ex the papers directly. Your server may hand the papers to your ex at home, work, or anywhere else they find your ex.

If your ex is not home, your server may do **abode service** by delivering the papers at your ex's home to any competent adult who lives there with your ex. The server should

- Ask the person they leave the papers with for their name and age.
- Confirm that both your ex and the person they are leaving the papers with live at that address.

Instructions for Proof of Personal Service - FL All Family 101

Your server must complete a Proof of Personal Service. After they have completed service and signed the Proof of Personal Service, follow our instructions for filing it with the court.

Caption. Fill out the caption.

1. Put your server's name here.

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

3. Date, time, and address of service. The server should put the date, time (checking 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. You might have to fill in a blank to describe a form. (**Example:** if you check **declaration**, put the name of the person who wrote the declaration.) Check **other** if you had your ex served with any forms not listed. Put the names of those other forms. You **MUST** list all the forms you had served on your ex. If you leave a form off your list, you will have no proof your ex 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 info.

- **Example 1:** Your server tries several times to serve your ex. Your ex is never home or the server cannot find your ex. The server should put the dates, times and descriptions of each time they tried to serve your ex.
- **Example 2:** The server gave the papers to an adult living with your ex. The person would not give their name. The server should put 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 and 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 ex in Washington state.

-
- ❖ 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.
-

C. Out-Of-State Personal Service

You may serve your ex outside of Washington using the same general directions as for personal service in Washington (see Sections 7.D.1 & D.2). You must also fill out a Declaration: Personal Service Could Not be Made in Washington.

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

Caption. Fill out the Caption.

1. Check **Petitioner**.
2. Put your ex's name.
3. Put the reason the papers cannot be served on your ex in the State of Washington. (**Example:** your ex lives out of state)

Signed at: Print the date and place (city and state) where you are signing the form. Sign it. Print your name.

D. Filing Your Proof of Service

Gather your original signed proof(s) of service (*Service Accepted* or *Proof of Personal Service*). You will need one for each party. If your ex is served in another state, you will also need the *Declaration: Personal Service Could Not be Made in Washington* for that party. 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.

If the papers served included a protection order or restraining order (**examples:** an Immediate Restraining Order, or a Temporary Family Law Order with restraining order paragraphs), you must also deliver a copy of the Proof of Service to the law enforcement agency covering the place where you (the protected person) live. The order names this agency.

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

If your ex is in the military, follow the instructions in the Section "If another Party is in the Military." Otherwise, you are done filing your petition.





Part 9. Next Steps

If your ex is in the military, follow the instructions in Part 10. If your ex was served in the state of Washington, they have 20 days to provide an answer, sixty days if personally served outside the state.

If your ex does not answer by their deadline, you should ask for an order of default. Ask a lawyer or facilitator how.

If your ex **does** answer, what you do next depends on what county your case is in. Some counties have case schedules listing your deadlines. You may have to file a **note for trial** to get a trial date. You also need to get ready for trial by gathering documents and arranging for witnesses to testify as needed. Read [Getting Ready for a Hearing or a Trial](#). Talk to a lawyer.

To ask the court to enter orders before your trial (or before you get final orders), you can ask for temporary or emergency orders.



Part 10. If Your Ex is in the Military

If your ex is or soon may be on active military duty or is a military dependent (see definition of dependent at [RCW 38.42.010](#)), include a copy of the Waiver of Rights Under Service Member's Civil Relief Acts and Admission of Service form with the other papers when you have them served. Ask if they will sign the form and return it to you or file it with the court. If they will not, see a lawyer.



Part 11. Words and Expressions You Should Know

Answer: Respondent's written answer to a Complaint filed with the court and given to the other party. It shows what parts of the complaint Respondent dis/agrees with and gives notice of defenses.

Caption: The heading of each legal document. It has the court's and parties' names, case number, and name of the document itself.

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

Clerk of the Court: Officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Usually, there is one head clerk. Many people who work in the Clerk's Office are also clerks.

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

Default Order: An order you can get if Respondent does not respond on time.

Respondent: The person against whom you file your legal case.

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

Hearing: Going before a judge to ask for a court order.

Judgment: The final court order issued after trial or in default cases. It may also be issued in agreed cases.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. A court that does not have jurisdiction does not have the power to make orders.

Lis Pendens: A paper filed with the Auditor's office in the county where real estate is located. It explains a lawsuit has been filed that may affect title to the property the Lis Pendens describes.

Motion: A formal request to the court for an order.





www.WashingtonLawHelp.org

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

Note/Notice of Hearing: A written request to the clerk to schedule your case for hearing.

Order: A court document signed by a judge requiring someone to do or not do something.

Petitioner: The person who first files a legal case. The Petitioner in the caption of a form does not change, even when the other party files motions later.

Pro Se: Acting without a lawyer's aid; representing yourself in court.

Service: Giving court papers to the other party.

Venue: The county where the case should be filed.





Part 12. Blank Forms

The rest of this packet has blank forms for your use. Make a copy of each form so 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 in this packet.

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of some of these forms at www.courts.wa.gov/forms.

The Northwest Justice Project would like to thank attorney Ron Steingold for his generous assistance in creating this publication.

Superior Court of Washington, County of _____

In re:

Petitioner (*person who started this case*):

And Respondent (*other party*):

No. _____

Complaint to End Committed Intimate
Relationship and Divide Property and Debts
– Unmarried Couple

(No Mandatory Form Developed)

I. JURISDICTION AND VENUE

1. Plaintiff lives in _____ County, Washington.
2. Defendant lives in _____ County, Washington.
3. During their relationship, the parties lived together in _____
County, Washington.
4. This is an action to divide real and personal property the parties acquired when they lived together in a committed intimate relationship.

II. COMMITTED INTIMATE RELATIONSHIP

5. The parties began living together in about [year] _____.
6. From the period of about [year] _____, until about [year] 20____, the parties lived together in [county] _____, Washington in a committed intimate relationship continuously.

7. The community of [town, county] _____, Washington knew the parties as a couple.
8. Defendant referenced Plaintiff to third parties as [any terms used to describe as spouse, better half, etc.] _____.
9. Defendant bought Plaintiff a ring that s/he wore on his/her left fourth finger.
10. Plaintiff bought Defendant a ring that s/he wore on his/her left fourth finger.
11. Plaintiff cared for Defendant's [relative] when she was unable to care for herself.
12. Plaintiff performed parental duties for Defendant's son/daughter.
13. Plaintiff acted as a parent to Plaintiff's adult son/daughter.
14. During the majority of the period that the parties lived together, the parties used both their incomes to pay the expenses of the parties' common household and support the children.
15. Plaintiff contributed sweat equity to the improvement of the home the parties lived in in [county] _____.
16. Plaintiff contributed money s/he earned to the improvement of the home the parties lived in [county] _____.
17. The parties' intent in starting and maintaining the committed intimate relationship was intimacy, affection, companionship, friendship, mutual support and caring, making a stable long term home together, raising a child, providing for their mutual retirement and future wellbeing.

III. PROPERTY

18. The parties own community-like property. The court should make a fair and equitable division of all the property pursuant to the principles laid out in *Connell v. Francisco*, 127 Wn.2d 339 (1995) and subsequent cases.
19. During the committed intimate relationship, Plaintiff used his/her community-like earnings to _____.
20. During the committed intimate relationship, the parties acquired the real property at [street address] _____, [town or city] _____, Washington. The property is identified as tax parcel number _____. The

property is further identified by this legal description:

21. During the committed intimate relationship the parties acquired the following personal property with their joint earnings, including:

22. The Plaintiff's recommendation for the division of property is as follows:

a. Plaintiff should keep

b. The Court should award Plaintiff the parties' interest in this personal property:

c. The Court should award Defendant the parties' interest in this personal property:

IV. DEBTS AND LIABILITIES

23. There are no community debts known to Plaintiff. The parties incurred these community debts:

24. Each party should be ordered to pay the debts he or she has incurred since separation.

V. RELIEF REQUESTED

25. The Plaintiff requests the court to enter an order granting the relief below:
- A. Find and conclude that there was a committed intimate relationship between the parties.
 - B. Divide the property and liabilities according to the Plaintiff's recommendations in provision III above.
 - C. Award judgment in favor of Plaintiff in such amount as the Court deems just and equitable to compensate for an otherwise inequitable division of property and debt.
 - D. That each party be ordered to execute and deliver to the other party all documents necessary, desirable or convenient to transfer title to the other party in accordance with any order of the court entered herein.

For such other and further relief as the court deems just and equitable in the premises.

Dated this ____ day of _____, _____.

Petitioner's Signature

Petitioner's typed or printed name

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 _____, _____ at _____ [city],
Washington.

Petitioner's Signature

Petitioner's typed or printed name

Superior Court of Washington, County of _____

In re:

Petitioner *(person who started this case)*:

And Respondent *(other party)*:

No. _____

Summons:
Notice about an Action to Divide the Property
of a Relationship

(No Mandatory Form Developed)

Summons:
**Notice about an Action to End a Committed Intimate
Relationship and Divide Property**

To the Respondent: (Petitioner) started a case asking the court to divide your property and debts. You **must** respond in writing for the court to consider your side.

Deadline! Your Response must be served on the Petitioner within 20 days of the date you were served this Summons (60 days if you were served outside of Washington State). If the case has been filed, you must also file your Response by the same deadline. If you do not file and serve your Response or a Notice of Appearance by the deadline:

- No one has to notify you about other hearings in this case.
- The court may approve the Petitioner's requests without hearing your side (called a default judgment).

Follow these steps:

1. Read the Petition and any other documents you receive with this Summons. These documents explain what the Petitioner is asking for.
2. File a Response or Notice of Appearance (FL All Family 118).
3. Serve (give) a copy of your Response to the Petitioner at the address below. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

4. File your original Response with the court clerk at this address: Superior Court Clerk, County address city state zip

If there is no "Case No." listed on page 1, this case may not have been filed and you will not be able to file a Response. Contact the Superior Court Clerk or check www.courts.wa.gov to find out.

-
- ❖ If the case was not filed, you must still serve your Response, and you may demand that the Petitioner file this case with the court. Your demand must be in writing and must be served on the Petitioner or his/her lawyer (whoever signed this Summons).
 - ❖ If the Petitioner does not file papers for this case within 14 days of being served with your demand, this service on you of the Summons and Petition will not be valid. If the Petitioner does file, then you must file your original Response with the court clerk at the address above.
-

5. Lawyer not required: It's a good idea to talk to a lawyer, but you may file and serve your Response without one.

Petitioner or his/her lawyer fills out below:

▶ _____ Date
Signature of Petitioner or lawyer

Print name of Petitioner or lawyer and WSBA No.

Petitioner agrees to accept legal papers for this case at (*check one*):

Petitioner's lawyer's address:

lawyer's address *city* *state* *zip*

Email (*if applicable*): _____

the following address (*this does not have to be your home address*):

address *city* *state* *zip*

(Optional) email: _____

*(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)*

This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the State of Washington.

Superior Court of Washington, County of _____

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Proof of Personal Service
(AFSR)

Proof of Personal Service

Server declares:

1. My name is: _____. I am **not** a party to this case.
I am 18 or older.

2. Personal Service

I served court documents for this case to (*name of party*): _____
by (*check one*):

giving the documents directly to him/her.

giving the documents to (*name*): _____,
a person of suitable age and discretion who lives at the same address as the party.

3. Date, time, and address of service

Date: _____ Time: _____ [] a.m. [] p.m.

Address:

Number and street

city

state

zip

4. List all documents you served (check all that apply):

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

<input type="checkbox"/> Petition to/for _____	
<input type="checkbox"/> Summons (Attach a copy.)	<input type="checkbox"/> Notice of Hearing _____
<input type="checkbox"/> Order Setting Case Schedule	<input type="checkbox"/> Motion for Temporary Family Law Order <input type="checkbox"/> and Restraining Order
<input type="checkbox"/> Notice Re: Military Dependent	<input type="checkbox"/> Proposed Temporary Family Law Order
<input type="checkbox"/> Proposed Parenting Plan	<input type="checkbox"/> Motion for Immediate Restraining Order (Ex Parte)
<input type="checkbox"/> Proposed Child Support Order	<input type="checkbox"/> Immediate Restraining Order (Ex Parte) and Hearing Notice
<input type="checkbox"/> Proposed Child Support Worksheets	<input type="checkbox"/> Restraining Order
<input type="checkbox"/> Sealed Financial Documents	<input type="checkbox"/> Motion for Contempt Hearing
<input type="checkbox"/> Financial Declaration	<input type="checkbox"/> Order to Go to Court for Contempt Hearing
<input type="checkbox"/> Information for Temporary Parenting Plan	<input type="checkbox"/> Motion for Adequate Cause Decision
<input type="checkbox"/> Declaration of: _____	<input type="checkbox"/> Notice of Intent to Move with Children (Relocation)
<input type="checkbox"/> Declaration of: _____	<input type="checkbox"/> Objection about Moving with Children and Petition about Changing a Parenting/ Custody Order (Relocation)
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

5. Fees charged for service

Does not apply.

Fees: \$ _____ + Mileage \$ _____ = Total: \$ _____

6. Other Information (if any): _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): _____ Date: _____

Signature of server

Print or type name of server

To the party having these documents served:

- File the original *Proof of Personal Service* with the court clerk.
- If you served a *Restraining Order* signed by the court, you must also give a copy of this *Proof of Personal Service* and a *Law Enforcement Information Sheet* to law enforcement.
- If the documents were personally served outside of Washington state, you must fill out and file form FL All Family 102 (*Declaration: Personal Service Could Not be Made in Washington*).

To the Server: check here if you personally served the documents *outside* Washington state. Your signature must be notarized or sworn before a court clerk.

*(For personal service in Washington state, your signature does **not** need to be notarized or sworn before a court clerk.)*

Signed and sworn to before me on *(date)*: _____.

Signature of notary or court clerk

Print name of notary or court clerk

I am a notary public in and for the state of: _____

My commission expires: _____

I am a court clerk in a court of record in *(county)*: _____

(state): _____

(Print seal above.)

Superior Court of Washington, County of _____

In re:

Petitioner/s *(person/s who started this case)*:

And Respondent/s *(other party/parties)*:

No. _____

Service Accepted
(ACSR)

Service Accepted

1. I am (name): _____ . I accept service of the following documents *(check all that apply)*:

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document served that is not already listed.)

<input type="checkbox"/> Petition to/for _____	
<input type="checkbox"/> Summons <i>(Attach a copy.)</i>	<input type="checkbox"/> Notice of Hearing _____
<input type="checkbox"/> Order Setting Case Schedule	<input type="checkbox"/> Motion for Temporary Family Law Order <input type="checkbox"/> and Restraining Order
<input type="checkbox"/> Notice Re Military Dependents	<input type="checkbox"/> Proposed Temporary Family Law Order
<input type="checkbox"/> Proposed Parenting Plan	<input type="checkbox"/> Motion for Immediate Restraining Order (Ex Parte)
<input type="checkbox"/> Proposed Child Support Order	<input type="checkbox"/> Immediate Restraining Order (Ex Parte) and Hearing Notice
<input type="checkbox"/> Proposed Child Support Worksheets	<input type="checkbox"/> Restraining Order
<input type="checkbox"/> Sealed Financial Documents	<input type="checkbox"/> Motion for Contempt Hearing
<input type="checkbox"/> Financial Declaration	<input type="checkbox"/> Order to Go to Court for Contempt Hearing
<input type="checkbox"/> Declaration of: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Declaration of: _____	<input type="checkbox"/> Other: _____

<input type="checkbox"/> Declaration of: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

2. Personal Jurisdiction (check one):

- I **agree** this court has jurisdiction over me (or my client) for this case.
 I **do not agree** this court has jurisdiction over me (or my client) for this case because:

Signing this form means you agree that you have *received* the court papers for this case. It does not mean that you *agree* with the papers.

If you sign below, you must also list an address where you agree to accept legal papers for this case. This may be a lawyer's address or any other address.

▶ _____
 Sign here Print name (if lawyer, also provide WSBA #) Date

 street address or P.O. box city state zip

(Optional) email: _____

*(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information form (FL All Family 001) if this case involves parentage or child support.)*

I am the lawyer for (name): _____

Superior Court of Washington, County of _____

In re:

Petitioner/s (person/s who started this case):

And Respondent/s (other party/parties):

No. _____

Declaration: Personal Service Could Not be
Made in Washington
(DCLR)

**Declaration: Personal Service
Could Not be Made in Washington**

For personal service outside Washington to be valid, you must explain why you could not personally serve the other party inside Washington. RCW 4.28.185(4).

1. I am the (check one): Petitioner. Respondent.

2. The other party (name): _____
was personally served **outside** Washington state.

3. This person could **not** be personally served inside Washington state because:

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): _____ Date: _____

▶

Sign here

Print or type name

3920EN – FILE A COMPLAINT TO DIVIDE PROPERTY AND DEBTS UNMARRIED COUPLE

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:

LeeAnn Friedman

Northwest Justice Project

500 W. 8th, Suite 275

Vancouver, WA 98660

Or email to webmaster@nwjustice.org

1. Where did you get this packet?
 CLEAR [washingtonlawhelp.org](http://www.washingtonlawhelp.org) Court Clerk or Facilitator
 Other: _____
2. What is your primary language? _____
3. Are you low-income? yes no
4. What is the last grade you finished in school? _____
5. Did you read the instructions? yes no
6. Did you need the help of an agency, court facilitator, or advocate to complete your case? yes no
If yes, what agency or individual helped you? _____
7. Did you find anything hard to understand? yes no
If yes, please tell us what. _____

8. Did you find any mistakes? yes no
Describe mistakes. Include the page #. _____

9. Additional Comments [use back if you need to]: _____

10. Today's Date: _____