

# **Finalize Your Divorce (without Children or Restraining Orders) by Agreement**



Instructions and Forms



Northwest Justice Project

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## Part 1. Important Information

### A. Should I use this?

- 
- ❖ You should use this *only* if you are getting divorced in a Washington State Superior Court.
  - ❖ You can find all the fact sheets and Do It Yourself packets we link to here at WashingtonLawHelp.org.
- 

Yes, if you would like to how know to finalize a divorce when you and your spouse have an agreement (or settlement), and there are no children of the marriage.

**If you have children, do not use this.** Use our [Finalize Your Divorce \(with Children\) by Agreement](#) packet.

To use this, you must have already filed your petition for divorce and served your spouse with the papers. You should also have already reached an agreement.

Read [Mediation: Should I Use It](#) for more about how to try to get your spouse to settle. Also, try to find out if you can schedule a settlement conference with the other party. Check with the family law facilitator or court clerk.

This will help you get signed final orders ending your marriage, dividing property and debts, changing your name, awarding one spouse maintenance (alimony), and entering a restraining order or order for protection.

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- ❖ This packet is **not a substitute for legal advice**. Talk with a lawyer about your situation.
- 

### B. 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.

Many 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 2-1-1** weekdays 8:00 a.m. to 6:00 p.m. From a pay or public phone, call 1-800-621-4636. They will refer you to a legal aid provider.
- **Apply online with [CLEAR\\*Online](https://nwjustice.org/get-legal-help)** -[nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
- **Call the CLEAR Legal Hotline at 1-888-201-1014.**

Read [Divorce and Other Options for Ending Your Marriage in Washington State](#) to learn more about state divorce law.



## Part 2. Checklist of steps

We explain many of these steps in more detail later.

**1. Check for Special Local Rules and Forms.**

Some counties have local rules you must follow. Ask the clerk or facilitator about special local timelines (called case schedules) and local court rules for divorces. Some facilitators have their own packets for finalizing a divorce by agreement. If yours has one, use theirs instead of ours. If you use our packet, get any other local forms you need.

**2. Get any other packets or forms you need.**

**3. Wait for 90 days after service** on the responding spouse to enter final orders. This is true even if you and your spouse agree.

During the 90-day waiting period:

- **You may** file a motion for Temporary Family Law Orders and/or for Immediate Restraining Orders. See our [File for Temporary Family Law Orders](#) and [File for Immediate Restraining Orders](#) packets.
- **You should** complete any locally required procedures, such as settlement conferences.

**4. Follow the general instructions for the forms.**

**5. Complete the note for hearing and final divorce papers** including:

- Notice of Hearing *or* Note for Motion Docket
- Findings and Conclusions about a Marriage
- Final Divorce Order

You and your spouse must each sign all the papers above (except for the Notice of Hearing/Note for Motion Docket) in order to finalize by agreement.

**6. Follow the instructions for filing and serving the notice of hearing** or note for motion docket and proposed final papers.



□ **7. Go to the hearing. Ask the judge to sign your final papers.**

- 
- ❖ If both spouses have signed every final order, only one of you must go to the final hearing. However, it is better if you both go. If one of you is not there and the judge has questions or wants to change the orders, you may need to come back for another hearing, to give the other spouse a chance to review and agree to any changes.
- 

□ **8. Last Steps**

Do these after the judge has signed your orders, and you have filed the originals with the clerk and gotten copies for yourself and the other party. You need conformed copies of your orders.

- Keep your court papers in a safe place.
- Have your server mail copies of the signed final orders to your spouse at their last known address, fill out a Proof of Mailing or Hand Delivery, and file it with the clerk.

□ **9. Keep your copies of the final divorce papers in a safe place.**

□ **10. Complete After-Divorce Tasks** such as the following, where appropriate:

Change your will if you have one. Also, change beneficiaries on your life insurance, bank accounts, and so on, if applicable.

If you changed your name, update your:

- Driver's license
- Social Security card
- Passport or immigration documents

If you get Social Security, inform them about your divorce.

Deal with necessary issues about converting health insurance.

Make sure you change title to any property the court awarded.

Follow the court's orders.

**Part 3. Court forms in this packet**

<b>Court Form Title</b>	<b>Court Form Number</b>
Proof of Mailing or Hand Deliver	FL All Family 112
Notice of Hearing	FL All Family 185
Findings and Conclusions about a Marriage	FL Divorce 231
Final Divorce Order	FL Divorce 241





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

Read the below carefully. Check the boxes by the other packets or forms you need. Then get what you need from [WashingtonLawHelp.org](http://WashingtonLawHelp.org). If you have a low income and have no internet access, call CLEAR at 1-888-201-1014.

Check with the court clerk or facilitator to see if your county has its own Notice of Hearing form that you need to use instead of the form here.

Some counties have special rules for where and when to schedule a motion to enter final divorce orders. Your county might let you get your final orders signed and entered without filing a Notice of Hearing. Check with the court clerk or facilitator.

[Divorce and Other Options for Ending Your Marriage in Washington State](#): To learn more about your legal rights.

[Mediation: Should I Use It?](#): If you have not yet reached agreement and would like help trying to settle your divorce.

[Community Debt and Bankruptcy](#): If you are concerned about being able to pay your debts.

[What are Working Copies?](#): If your court rules require you to serve working papers or working copies. You may want to do this even if not required.

[Pregnancy and Divorce](#): If true in your case.

[Divorce and Future Retirement Benefits](#): If you or your spouse may be entitled to retirement benefits (such as a pension) that one or both of you earned during the marriage.

[Notice of Address Change, FL All Family 120](#): If you move during or after your case, you must fill out and file this form, and get all other parties a copy. You can get this form at [courts.wa.gov/forms](http://courts.wa.gov/forms).



## Part 5. General instructions for filling out forms

Read these before you start filling out any 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:

<p style="text-align: center;"><b>Superior Court of Washington, County of _____</b></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: <b>1</b></p>
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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

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

**The caption** includes your case name and number, court 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 name of the county where your case is filed after "Superior Court of Washington, County of \_\_\_\_."

**Case name.** Copy this from the petition.

**Case number.** When the petitioner starts the case by filing the initial papers and paying the filing fee (or having it waived), the court clerk assigns a case number. You must put that number on every paper you file with the court and serve on other parties.

Put it near the top on the right-hand section of the first page of every form after "No." (abbreviation for "number")

Petitioner in filing the case may be able to use a special stamp at the court clerk's counter to put the case number on each paper. You can print or stamp the number.

- 
- ❖ If you do not put the case number on the first page of everything you file with the court and copies for other parties, your papers may be lost, or the clerk may return them to you. Some courts will fine you for filing incorrect forms.
- 

**Title.** Each form has a title directly under the case caption. You may have to add more to it. (**Example:** On a declaration, you put the name of the person filling out the declaration.)

- 
- ❖ **Format:** Pleadings (legal forms) you file with the court and attachments to them must follow court rules about size and margins. You must use regular size (8 ½ x 11") white paper. You may write on only one side of the paper. The first page of each paper you file must have a 3-inch margin (three inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one inch wide. Use black or dark blue ink. If your forms 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 its instructions. In most counties, you may print or type. It must be readable. After filling out each form, re-read it. Make sure you have correctly filled in all blanks you need to. Any corrections must be neat and readable.

Do not write in the margins of any page. The clerk may reject your form.

**Dates.** The last page of most forms (not orders) has a space for the person who filled it out to put the date they signed it. The judge puts dates in orders when the judge signs the order.

### **Signatures:**

- **Your Signature:** After filling out a form, look for the place(s) to sign your name:
  - Some forms have one signature line for "petitioner" or "respondent." After filling out a form such as the petition, sign at the place that applies to you. **Look carefully.** You may have to sign in more than one



place. You may have to put the date and place (city, state) you signed the form.

- When you file motions, you are the moving party. On the last page of the motion, you must fill out the section **Person asking for this order (or making this motion) fills out below**. When filling out an order to present to the judge to sign, look for the place at the end for your signature. Check **is presented by me**.
- **Judge's Signature:** Leave the judge's signature line and the date blank.
- **Other party's signature:** Some forms have a place for other parties to sign. You cannot force another party to sign a court paper. If you have prepared an order after a hearing, your spouse may be willing to sign it if they agree it accurately states the judge's decisions, or the judge may require your spouse to sign.
  - *Agreed orders.* A party who agrees with the orders you have written, should sign in the right place on each court order they agree to.
  - *May be signed by the court without notice to me.* If you are the respondent or nonmoving party, or you did not prepare the order, your spouse may ask you to check this box and sign underneath. If you do, you are agreeing the judge should sign the order as written **and** your spouse can give the order to the judge to sign without letting you know when they are going to do it.
- **Other signatures:** A witness or person serving papers who must sign a form must fill out all information correctly and sign in the right space.

**Identifying Information.** Court rules try to protect privacy but also allow public access to some information in court files. The next three boxes discuss these rules.

**Box #1 - Things you should *not* put in most court papers:**

Almost all pleadings, orders and other papers filed with the court are available to the public. They may also be available publicly online.

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

**Address (Where you Live) and Phone Number:** Put an address where you can get mail from the court. (It does not have to be your home address.) You should also give the court a phone number where they can reach you.

**Social Security/Driver's License, ID Numbers of Adults and Children:** Put only 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 of the account number.



**Box #2 - Private information you *should* file with sealed cover sheets:**

If you use a sealed cover sheet, this information is usually available to your spouse and the court. It is **not** available to the public.

**Financial Information:** You must attach any paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders you file to a Sealed Financial Source Documents form.

**Medical or Mental Health Records or Information:** You must attach anything you file with information about someone's past, present, or future physical or mental health, including insurance or payment records to a Sealed Personal Health Care Records form.

**Confidential Reports:** Reports intended for court use must have public and private sections. You should attach the private section to a Sealed Confidential Reports Cover Sheet.

**Retirement Plan Orders:** Certain retirement information belongs in the public file. "Retirement Plan Orders" do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See a lawyer if this affects your case.

**Other kinds of confidential or embarrassing information not mentioned above.** If the paper you want kept confidential is not in the above list, you may need to file a motion asking to have that paper, or part of it, sealed. Talk to a lawyer.

**Box #3 - When to put private information in court forms:**

These forms are not in the public file. Information in them is **usually** not available to the other party.

You must fill in your personal information completely (including home address, social security number, and so on):

Confidential Information Form

Vital Statistics Form

Domestic Violence Information Form



## Part 6. How to fill out each form

### A. Findings and Conclusions about a Marriage (“Findings”) - FL Divorce 231

You should have a copy of the Divorce Petition and any Response handy when filling out this form. It will be easier if you copy some of the information from those forms.

#### 1. Basis for findings and conclusions.

Check the first box.

**The court makes the following findings of fact and conclusions of law:**

#### 2. Notice.

- Check the first box. Put the date you had your spouse served.
- Then, check the box showing how you had your spouse served.

**Example:** If your spouse was served by hand delivery, put “by personal service in the state of Washington.”

#### 3. Jurisdiction over the marriage and the spouses.

- In the first paragraph, check the boxes showing if each spouse lived in Washington at the time of the filing of the petition.
- Then, check at least one of the next boxes that follow. You should check whichever apply to your case. If there is an unlisted reason Washington has personal jurisdiction over the respondent, check **Other** and explain.

**Example:** Washington can have jurisdiction over your spouse if they are joining in the petition. You would put, “Respondent joined in the Petition and consents to personal jurisdiction in Washington.”

**Conclusion:** You will want to check that the court “**has**” jurisdiction in both spots.

#### 4. Information about the marriage.

- Check the first box. Put the date and place of your marriage.

- If you had a Washington State domestic partnership before you married, check the second box. Put the date and place you registered it. Check the first box underneath if the partnership automatically converted. Check the second box if you later had a marriage ceremony.

#### **5. Separation Date.**

- You should either copy the information about your date of separation from the Petition **or** put the date of separation you and your spouse agree on.

#### **6. Status of the Marriage.**

- Check the first box only.

**Conclusion:** Check approved.

#### **7. Separation Contract.**

- Check the first box if you have no separation contract. (Most couples do not have one.)
- Check the second box if there is a separation contract. Fill in the blank. Check the appropriate indented box. If you have signed a separation contract or you do not know if you have signed one, talk to a lawyer.

#### **8. Real Property.**

- Check the first box and skip to 9 if you have no real property, otherwise:
- Check the second box if you already listed your real property in a separate Exhibit. Put the Exhibit letter or number.
- Check the third box and skip to 9 if your separation contract covers real property.
- If you could not check the second or third box, check the fourth box. Give the information requested about your real property. Check to show how the court should treat the property.

**Community property** generally is all property you acquired between date of marriage and date of separation, except for gifts or inheritances.



**Separate property** generally is property (including money) acquired before the marriage or after separation, as well as gifts or inherited items.

## 9. Community Personal Property.

- 
- ❖ **If you have a retirement plan** (like a pension or military retirement benefit): ask a lawyer to at least advise you about the retirement issues, and to prepare the retirement papers you need when you finalize your case (such as a Qualified Domestic Relations Order, called a QDRO or “quadro,” and the retirement division portion in your final divorce order). We do not describe retirement benefits and property here.
  - ❖ **If the court will award a vehicle to a spouse**, you must check the right box *and* list the vehicle’s make, model, year, and Vehicle Identification Number.
- 
- Check the first box and skip to 10 if you have no community property at all (including money, clothes, and household items).
  - Check the sixth box in this section and skip to 10 if you agree that the court does not have jurisdiction to divide your personal property.

*Otherwise:*

- Check the second box if you have already divided your personal property.
- Check the third box if you already listed your real property in a separate Exhibit. Put the Exhibit letter or number.
- Check the fourth box and skip to 10 if your separation contract covers community personal property.

If you could not check the second, third, or fourth box, check the fifth if the court will award either of you any property separately. Give the information requested about your personal property. **Follow the instructions to protect account information.** Check to show how the court should treat the property.

## 10. Separate Personal Property.

- Check the first box and skip to 11 if neither of you has separate property.

- Check the second box if the Petitioner has no separate property. Check the third box if the Respondent has no separate property.
- Check the fourth box if you have already divided your personal property.
- Check the fifth box if you already listed the Petitioner's separate personal property in a separate Exhibit. Put the Exhibit letter or number.
- Check the sixth box if you already listed the Respondent's separate personal property in a separate Exhibit. Put the Exhibit letter or number.
- Check the seventh box and skip to 11 if your separation contract covers separate personal property.
- Check the eighth box to list the separate personal property the court will award the Petitioner. Give the information requested about that personal property. **Follow the instructions to protect account information.**
- Check the ninth box to list the separate personal property the court will award the Respondent. Give the information requested about that personal property. **Follow the instructions to protect account information.**
- Check only the tenth box only if you both agree this is true.

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❖ Look back at the Petition and Response. Make sure the Findings form covers all the property.

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## 11. Community Debt.

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❖ If you incurred debts during the marriage, they are nearly always community debts, even if only one of you actually created or knew about it. (**Example:** Your spouse was the only one who ever used the VISA card. The debt happened during the marriage. It is still a community debt.)

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- Check the first box and skip to 12 if there are no community debts.
- Check the second box and skip to 12 if you have already divided your community debt.

- Check the third box if you already listed the spouses' community debt in a separate Exhibit. Put the Exhibit letter or number.
- Check the fourth box and skip to 12 if your separation contract covers community debts.
- Check the fifth box to list your community debt. Give the information requested. **Follow the instructions to protect account information.**
- Check only the sixth box only if you both agree this is true.

## 12. Separate Debt.

Check the first box and skip to 13 if neither of you has any separate debt, otherwise:

- Check the second box if only the Petitioner has no separate debt.
- Check the third box if only the Respondent has no separate debt.
- Check the fourth box and skip to 13 if you have already divided your separate debt.
- Check the fifth box if you already listed the Petitioner's separate debt in a separate Exhibit. Put the Exhibit letter or number.
- Check the sixth box if you already listed the Respondent's separate debt in a separate Exhibit. Put the Exhibit letter or number.
- Check the seventh box and skip to 13 if your separation contract covers separate debts.
- Check the eighth box to list the separate debt the court will award the Petitioner. Give the information requested. **Follow the instructions to protect account information.**
- Check the ninth box to list the separate debt the court will award the Respondent. Give the information requested. **Follow the instructions to protect account information.**
- Check the tenth box only if true.

**13. Spousal Support.**

Check the first box and skip to 14 if no one asked for spousal support, otherwise:

- Check the second box and skip to 14 if your separation contract covers spousal support.
- Check the third box if one of you asked for spousal support. Check the box underneath to show if you agree the court should or should not award spousal support.

**14. Fees and Costs.**

- Check the first box and skip to 15 if you do not want either spouse to pay for court costs and attorney's fees.

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❖ This packet does not describe who may request attorney fees or how to do so.

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- Check the second box and skip to 15 if your separation contract covers fees and costs.
- Check the third box if one spouse is paying the other's attorney fees and costs. Then check the box to show who will pay.
- Check the fourth box if the court appointed a Guardian ad Litem in this case.

**15. Protection Order.**

Check the first box and skip to 16 if no one asked for a Protection Order, otherwise:

- Check the second box if one of you asked for a new protection order. Check the box showing which one of you asked for it.

**Conclusion:** Check the box showing what you agree to. Explain why in the blank.

**16. Restraining Order.**

- Check the first box and skip to 17.

**17. Pregnancy.**

Check the first box and skip to 18 if neither of you is pregnant. Otherwise:

- Check the second box.
- Then check the box showing which of you is pregnant.

**Conclusion:** Read the first paragraph. Then check the appropriate box.

**18. Children of the marriage.**

- Check the first box. Skip to 19.

**19. Jurisdiction over the children.**

- Check the first box. Skip to 20.

**20. Parenting Plan.**

- Check the first box. Skip to 21.

**21. Child Support.**

- Check the first box. Skip to 22.

**22. Other findings or conclusions (if any).**

- Look at the **Other** section of the petition for divorce and Response. Copy any information from there into this section.

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❖ **Do not** put the date or sign on the line that says **Judge or Commissioner**. The Judge will do that when you have your Findings signed.

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**Petitioner and Respondent or their lawyers fill out below.**

There are two columns of boxes to check, one column for each party. You should check **presented by me** and **is an agreement of the parties**.

You should each also check whichever other boxes in your column that applies to you. You should each sign and print your name and the date where it says.

## B. Final Divorce Order - FL Divorce 241

**Caption.** Fill out the Caption. Check the box for **Final Divorce Order** under the case number and again under the caption.

Check the box next to **Clerk's Action Required** if the court will be awarding one or both spouses' real property or money and make sure you fill out sections 1, 2, 6, 13, 14, 15, and 16 properly.

**1. Money Judgment Summary.** Come back to this section after you filled out sections 6 and 14.

- Check the first box and skip to 2 if the court will **not** award one or both of you money.
- Check the second box if the court **is** awarding one or both spouses' money. Put the information requested.

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❖ Most money judgments will have a 12% interest rate.

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**2. Summary of Real Property Judgment.** Come back to this section after you have filled out section 7.

- Check the first box and skip to 3 if you checked the first box in section 12 of your Petition.
- Otherwise, check the second box and put the information requested.

If you do not know the tax parcel number or legal description of a piece of real property, try to get it from the county assessor's office in the county where the property is located, or from a title company.

**Have a lawyer look at your final papers before asking the judge to sign them.**

**3. Marriage.** Check the first box.

**4. Name Changes.**

- Check the first box if true and skip to 5.
- Otherwise, check the second.

Fill out the rest of this section to show who is getting a name change and what it is.

### 5. Separation Contract.

- Check the first box and skip to 6 if you do not have any written agreements with your spouse.
- Check the second box and put the date you signed the separation contract if you do have one. Under that, check to show if you are attaching the separation contract to the final divorce order or not, or filing it separately.

### 6. Money Judgment.

- Check the first box and skip to 7 if you agree neither spouse will be ordered to pay the other for any reason.
- Check the second box if you agree one spouse will pay the other fees **or** for personal or real property. Check the boxes showing which of you owes the other. Put the amount owed.

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❖ Most money judgments will have a 12% interest rate.

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- Check the third box if there was a temporary order in this case about one spouse paying the other money.
- Check the first box immediately under that if that temporary order is still valid. Check the second immediately under if it isn't and explain how this final order changes that temporary order.

**7. Real Property.** Check the first box and skip to 8 if neither of you owns real property.

- Check the second box and skip to 8 if you agree the court should follow your separation contract when it comes to your real property.
- Check the third box if you put who you agree should get which real property you own together in a separate exhibit. Put the Exhibit letter or number.  
**Make sure you attach that Exhibit to the end of this Order.**
- Check the fourth box if you want to put your agreement about who gets which real property here, instead of as a separate Exhibit. Put the

information requested. Check the box immediately below that if one spouse is giving up ownership to the other in real property. The judge will put the date.

- Check the fifth box only if you agree the court does not have authority (jurisdiction) to decide who should get which property.

**8. Petitioner’s Personal Property.** Check the first box and skip to 9 if you agree you do not need the court to divide up your personal property.

- Check the second box and skip to 9 if you agree the court should follow the separation contract.
- Check the third box if you put who you agree should get which personal property in a separate exhibit. Put the Exhibit letter or number. **Make sure you attach that Exhibit to the end of this Order.**
- Check the fourth box if you want to put your agreement about who should get which personal property here, instead of a separate Exhibit. Put the information requested.
- Check the fifth box only if you agree that the court does not have authority (jurisdiction) to decide who should get which property.

**9. Respondent’s Personal Property.**

- Check the first box and skip to 10 if you agree that you do not need the court to divide up your personal property.
- Check the second box and skip to 10 if you agree the court should follow the separation contract.
- Check the third box if you put who you agree should get which personal property in a separate exhibit. Put the Exhibit letter or number. **Make sure you attach that Exhibit to the end of this Order.**
- Check the fourth box if you want to put your agreement about who should get which personal property here, instead of a separate Exhibit. Put the information requested.
- Check the fifth box only if you agree that the court does not have authority (jurisdiction) to decide who should get which property.





## 10. Petitioner's Debt.

- Check the first box and skip to 11 if you agree that Petitioner has no debt.
- Check the second box and skip to 11 if you agree that Petitioner should pay the debts in Petitioner's name.
- Check the third box and skip to 11 if you want the court to follow the separation contract when it comes to Petitioner's debt. Make sure you filled out section 5 here to show that you want the court to follow the separation contract.
- Check the fourth box if you put which debt you agree Petitioner should pay in a separate exhibit. Put the Exhibit letter or number. **Make sure you attach that Exhibit to the end of this Order.**
- Check the fifth box if you want to put your agreement about which debt Petitioner should pay here, instead of a separate Exhibit. Put the information requested.
- Check the sixth box only if you agree that the court does not have jurisdiction (authority) to decide who should pay which debt.

## 11. Respondent's Debt.

- Check the first box and skip to 11 if you agree that Respondent has no debt.
- Check the second box and skip to 11 if you agree that Respondent should pay the debts in Respondent's name.
- Check the third box and skip to 11 if you want the court to follow the separation contract when it comes to Respondent's debt. Make sure you filled out section 5 here to show that you want the court to follow the separation contract.
- Check the fourth box if you put which debt you agree Respondent should pay in a separate exhibit. Put the Exhibit letter or number. **Make sure you attach that Exhibit to the end of this Order.**
- Check the fifth box if you want to put your agreement about which debt Respondent should pay here, instead of a separate Exhibit. Put the information requested.



- Check the sixth box only if you agree that the court does not have jurisdiction (authority) to decide who should pay which debt.

## 12. Debt collection.

- 
- ❖ Your Final Divorce Order may make each of you alone responsible for some debts. This may not stop creditors from trying to collect from both you and your spouse.
- 

If you agree to check the second box and your spouse does not pay one of the debts they are ordered to, and the creditor goes after you, you can sue the other spouse for the amount of the debt, attorney's fees and costs.

**The other spouse could sue also you if you do not pay debts you are responsible for under the Final Order.**

## 13. Spousal Support.

- Check the first box and skip to 14 if you agree no one will get spousal support.
- Check the second box if you agree the court should follow your separation contract when it comes to spousal support.
- Check the third box if you put how you agree one of you should pay spousal support in a separate exhibit. Put the Exhibit letter or number. **Make sure you attach that Exhibit to the end of this Order.**
- Check the fourth box if you want to put your agreement about spousal support here, instead of a separate Exhibit. Put the information requested.

**Make all payments to:** Check the first box if the paying spouse will pay the other directly. Check the box underneath showing how the paying spouse shall make those payments. Check the third box if you want the clerk to collect spousal support.

- Check the fifth box if true in your case. Check the box immediately underneath showing what you have agreed to.

## 14. Fees and Costs.



- Check the first box and skip to 15 if you agree no one will reimburse the other for fees and costs.
- Check the second box if you want the court to follow what your separation contract says about fees and costs.
- Check the third box if you don't have a separation contract and have an agreement about fees and costs. Check the boxes and fill in blanks showing your agreement. Put the amounts and any interest.

---

❖ Most money judgments will have a 12% interest rate.

---

**15. Protection Order.** Check the first box and skip to 16.

**16. Restraining Order.** Check the first box and skip to 17.

**17. Children.** Check the first box and skip to 18.

**18. Parenting Plan.** Check the first box and skip to 19.

**19. Child Support.** Check the first box and skip to 20.

**20. Other Orders (if any).** The judge may put something here.

---

❖ **Do not** put the date or write on the **judge/commissioner** line. The Judge does that.

---

**Petitioner and Respondent or their lawyers fill out below:**

There are two columns of boxes to check, one for each party. One of you should check is presented by me. You both will check is an agreement of the parties, and sign and print your names and the date where it says.



## Part 7. How to file forms with the court

Ask the court clerk or facilitator when to schedule entry of final divorce orders. Tell the clerk you want to ask the judge to sign **agreed** final divorce orders. The court might let you appear in court to have your final orders signed **without** scheduling a hearing or filing a Notice of Hearing.

Motions for entry of final orders in divorce cases may be scheduled in the “ex parte” department, on the family law calendar or with a judge. Some counties schedule hearings to enter final divorce orders only on certain days or certain times.

You might be able to use the Notice of Hearing form to set up a hearing to ask the court to sign your final orders for a divorce.

**Many** counties require you to use their own Notice of Hearing form, or a different form, called a “Note for Motion Docket,” “Notice of Issue,” “Note for Hearing” or “Notice of Hearing.” **Ask the facilitator or clerk if your county has a special form.** If not, use the form here.

### A. How much notice to give your spouse

You must give your motion and other legal papers to the other parties and the court at least **5 court days** (business days) **before the hearing date**. Some counties require more than 5 court days’ notice. Ask the court clerk or facilitator how much notice to give. You must count Day 1 as the day **after** you delivered or mailed the papers.

**Add Days for Mailing:** If the papers are mailed, instead of personally delivered them, add at least 3 days to the number of days’ notice required by your county’s rules.

**Example:** If you mail a document on a Monday, the law presumes you had it served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so they arrive on a business day that is not a legal holiday or weekend.

Try to give more than the minimum notice.

If for some reason your spouse does not get enough notice of the hearing, you must reschedule it, even if your spouse does not show up and object.

## B. Instructions for the Notice of Hearing Form – FL All Family 185

**Caption.** Fill out the caption.

1. Fill in the hearing date and time, the court address and courtroom or judge name.
2. Put **Final Agreed Divorce Orders**.

**Signature.** Sign the form on the line that says, **Person asking for this hearing signs here**. Put your name. Put the date. Put your mailing address or an address where you can reliably receive mail.

**Examples:** A post office box, or a friend’s address.

## C. Filing the Notice of Hearing

**Before going to the courthouse, copy and organize your papers.** Make one copy of every paper (see the list in this packet): for yourself and one for every other party. Make one more copy for the judge if you need working papers. See the section “Working Papers” below.

**Do not make a copy of the law enforcement information sheet (if you are using it) for any other party.**

Organize the copies into sets so each set has a copy of every paper you are filing (except for the Proof of Mailing or Hand Delivery and Law Enforcement Information Sheet).

Make sure you have your papers filed in time to give the court enough notice before the hearing date. See “Getting a Hearing Date” and “How Much Notice to Give the Other Party,” above.

Take your completed papers (originals and copies) to the court clerk. Give the clerk your original Notice of Hearing (or other local form). **Ask the clerk to file the originals of all your papers except** the originals of your proposed orders (that the judge signs at the final hearing). Usually, you bring the originals to the hearing for the judge to sign then. Ask the clerk if you should file the originals of the proposed orders, too.

If your county requires working papers, you must provide the judge copies of your proposed orders as part of the working papers.



## Part 8. Serving the Notice of Hearing and presentation of final orders

To serve your spouse (and any other party) with your final orders and the Notice of Hearing, Note for Motion Docket or form your county requires, use mail or hand delivery as described below.

**You must have your motion served in time to give your spouse enough notice before the hearing date.** See the Instructions in the “How Much Notice to Give” section. You must serve all parties on time.

**You must have a complete set of papers for each party and, if your county requires working papers, one set for the judge.** (See the Working Papers section below.) Compare the sets to the lists in this packet. Make sure everything is included. (Do not give the other parties the Proof of Mailing or Hand Delivery.)

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. You will use these sets for service.

Follow the instructions below for giving the papers to the other parties.

### A. Giving the papers to your spouse by mail or hand delivery

While the case is going on, if the party you are serving has given an address for receiving legal papers in the case, send the papers to them there. (The other party’s address may be, for example, at the end of the Response form, the Summons, a Notice of Appearance, or Notice of Address Change.) If the party has a lawyer in this case, serve the lawyer.

Do not deliver or mail the papers yourself. Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have them fill out the Proof of Mailing or Hand Delivery the same day. Your friend should fill out a separate form for each person they mail or deliver papers to, and then file the original certificates with the clerk. Keep a conformed copy for your records.

**You must have papers mailed or delivered before your deadline.** When counting, do not count the day of delivery or mailing, weekends, or court holidays.

**Add Days for Mailing.** If your friend mails the papers, rather than hand-delivering them, add at least three days to the number of days' notice your county's rules requires.

**Example:** If you mail a document on a Monday, the law presumes you had it served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so they arrive on a business day that is not a legal holiday or weekend.

Try to give more than the minimum days' notice. If for some reason your spouse does not get enough notice of the hearing, you must reschedule it, even if your spouse does not show up and object.

If you have a document sent by mail, and you think another party will not show up at a hearing, have an extra copy sent by certified mail, return receipt requested. Then you have more proof of mailing. Staple the green return receipt card to the Certificate.

**Hand Delivery.** Your friend may deliver the papers to your spouse rather than mail them. "Delivering" the packet of papers to another party (or the other party's lawyer) means one of these:

- Handing it to the lawyer or party.
  - Leaving it at their office with their clerk or other person in charge of the office.
- 
- ❖ **You should not** serve other parties at their offices unless they have used that as their service address in a Notice of Appearance, Petition, Response, or Notice of Address Change form.
- 
- If there is no one in charge, leaving it in a place in the office where someone can easily find it (**Example:** On top of the front desk).
  - If the office is closed or the person to be served has no office, leaving it at his home with a competent adult living there.

## B. Instructions for the Proof of Mailing or Hand Delivery – FL All Family 112

Make some blank copies of this form. You may need to fill it out and file it several times. Use this form to show that copies of papers you file in court have been delivered to your spouse.

**Caption.** Fill in the caption.

1. Have your server check the third box and put their name.
2. In the first blank, the server should put the date the server delivered the papers. In the second blank, the server should put who the server delivered the papers to. Then the server should check the boxes and fill out any blanks as needed to show how the server delivered the papers to your spouse.
3. **List all documents you served:** Your server must check the box for **every form** the server delivered to your spouse. If the server leaves out a form, you will have no proof it was served.

**I declare under penalty of perjury:** Your server should sign and date the form, state the place signed (city and state), and print their name where it says.

**Caption.** Fill in the caption.

**In the first paragraph,** put the date you had the papers mailed or delivered in the first blank. Put the name of the party served in the second blank. (If you are serving a party's lawyer, put the party's name here and information about the lawyer in the paragraphs below.) After "*with the following documents:*" put the name of **every form** sent or delivered to that person. If you leave out a form, you will have no proof you had it served.

If you had the papers served by mail, check the first box. Add the name and address of the person you had the papers mailed to. If you mailed an extra copy by certified mail, put that. If the papers were hand delivered, check the second box. Put the time and address of delivery, and the name of the person to whom you had the papers delivered.

**Signature.** The person who delivered or mailed the papers should sign and date the form, state where signed (city and state), and print their name where it says.



### C. Filing the Proof of Mailing or Hand Delivery form/s

**Make one copy of each completed Proof of Mailing or Hand Delivery form.** Do not give copies of this form to the other parties.

If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the original receipt to the Proof of Mailing or Hand Delivery you file with the clerk. Make a copy for your records.

If you used certified mail but do not have the green receipt back when filing the Proof of Mailing or Hand Delivery, file it later, attached to a page labeled with your case caption.

### D. Working Papers and confirming your hearing

In many counties, you must:

- **Deliver an extra copy of all of papers** (including proposed orders) for your hearing for the judge to read. We call this set of copies Working Papers or Working Copies. Read [What are Working Copies](#) to learn more.
- **Confirm the hearing** a few days before the hearing date. This means telling the court the hearing will take place as scheduled.

To learn the rules for working papers and confirming the hearing in your county, read local court rules, and check with the facilitator or clerk.

- 
- ❖ If you do not give the judge working papers or confirm the hearing in a county requiring this, the judge may cancel your hearing or not read your papers.
- 

### E. Going to the hearing

**Take your court papers with you.** Bring along all proposed orders and other original papers you want the judge to approve.

If you have already delivered the original proposed orders to the court, bring an extra copy in case the judge needs it. Bring your own copies of those papers, your hearing papers, and copies of your proofs of service (Proof of Personal Service and/or the Proof of Mailing or Hand Delivery forms). Also, bring your own copy of

all the papers you filed and served on the other parties earlier in the case. The judge may have a question about them and not have the court file.

**Get to your hearing early.** Try to dress neatly. Bring a pad of paper and black pen to write notes with. Bring your set of the papers and the originals of your final papers. Try not to bring your children. The judge will usually not let them sit in the courtroom. If you are not there on time, the court may cancel the hearing.

**When you get to the courtroom.** When you get there, tell the person in charge in the courtroom (the clerk or bailiff) your name and that you are there to enter final divorce orders by agreement. Take a seat. When the judge walks in the room, stand. When they call your case name, tell the court you are present. Stay in court until they call your case for hearing.

**Presenting your case:** When they tell you to come forward, do so. Give the court the originals of the Findings and Final Order. The judge will usually ask if any other party is present. The judge may ask you to explain what you are asking the judge to sign, and why. Be brief. Speak directly to the judge.

If any other party appears at the hearing, the judge may allow him/her to speak, and may ask if they agree with the final orders.

**Do not interrupt the judge.** The judge may ask about your final papers. The judge may also swear you in and go through the Findings, asking about each paragraph.

**Examples:** The judge may ask what county you live in, where your spouse lives, if a spouse is pregnant, if there are children, and so on. This is “formal proof.” It shows the court there is evidence to support the judge signing the final orders. If you do not understand what the judge is asking, ask the judge to explain the question.

**Do not leave the courthouse with, change, or destroy court orders the judge has signed.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the clerk’s office. If you do not know what to do with the original orders, ask at the clerk’s office for help.

**Getting copies of the orders:** Get conformed copies of the signed orders.

Ask the clerk how to get the conformed copies you need. Follow those instructions.

For conformed copies:

- The clerk may let you take the original orders and make copies in the library or at the clerk's office.
- If the copies of proposed orders you brought to court are the same as the signed orders, the clerk may tell you to stamp those copies with the date filed stamp and the judge's signature stamp.

Return to the "Checklist of steps" section of this packet for important info. If the judge signed your order(s), you must properly deliver copies of the orders to the other parties. This section explains how.



## Part 9. Words and expressions you should know

**Appearance:** Informing the court and the parties of your whereabouts and your desire to take part in your case. You can do this in-person at a hearing or in writing. Most people file and serve a Notice of Appearance. Certain informal actions, such as negotiating, phoning about the case, or writing a letter, might count as an appearance.

**Assets:** Things of value you own. **Examples:** cash; bank accounts; stocks; real estate; valuable personal belongings (antiques, jewelry, and so on).

**Attachment:** A document stapled to a court form and referred to in the form. Attachments should follow any format rules for court forms. (The General Instructions section of this packet has more about format rules.)

**Bailiff:** Member of the judge's staff in charge of courtroom procedure and security. Can be the same person as the clerk.

**Calendar:** The court's schedule of cases it will be hearing. Also called a Docket.

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

**Case Schedule:** A printed schedule some courts use. It shows major dates and deadlines in your case.

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

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

**Commissioner/Court Commissioner:** Like a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases. In this packet, in most places we just use "judge."

**Confirm a Hearing:** Notifying the court that you still plan to have the hearing scheduled in your case. How to confirm varies by county. Not all counties require it. You may have to call the court a few days before the hearing. Local rules explain each county's requirements. If notice is required and you do not give it, the clerk may cancel the hearing.

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

**Debts:** What you owe – can be unpaid or late bills or other payments.

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

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

**Docket:** the court's schedule of cases it will hear on a particular day.

**Ex Parte:** Going before the court without notifying the other party, or giving very little notice beforehand. Can also refer to the courtroom where you see a judge without notifying the other party.

**Exhibit:** Documents, records, and photos introduced into evidence at trial or hearing. Attachments to legal forms that are exhibits should follow format rules for court forms. (See the General Instructions section of this packet for more about format rules.)

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

**Hearing:** Going before a judge to request a court order or defend against another party's request. Hearings usually take place before the trial date and concern specific issues (**Example:** temporary relief). Hearings on important issues (**Example:** motions to dismiss) may end the case. In many counties, the court does not allow live witness testimony at hearings. Instead, you must file and serve materials in advance in writing.

**Jurisdiction:** The court's authority to make decisions regarding certain people and issues. A court that does not have jurisdiction has no authority to make orders over the person or subject affected.

**Maintenance** (used to be "alimony"): The amount a court orders one spouse to pay for the support of the other during the case and/or after it is over.

**Mediation:** A meeting between the parties to a court case and a neutral third party (**Examples:** a mental health professional, judge, retired judge, or lawyer not otherwise involved in the case), where you try to reach agreement about the issues.

**Note/Notice of Hearing/Note for Motion Docket:** A form letting the clerk know to schedule a hearing and telling other parties the hearing time, place, and reason.

**Order:** A court document a judge signs requiring someone to do (or not do) something. **Examples:** restraining orders, orders on adequate cause, parenting plans, or Findings and Conclusions. If you disobey an order of the court, the judge may hold you in contempt. **An order is not in effect until a judge has signed it.** (See “proposed order” definition.)

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

**Party:** A Petitioner or Respondent.

**Petitioner:** The person who files a legal case. The petitioner in the caption of a form does not change, even when your spouse later files motions.

**Proposed Order:** A document you will ask the judge to sign. It will not yet have the judge’s signature on it. Many counties require you to file and serve proposed orders with motions or responses to motions, to show how you want the court to decide the motion. Even if your county does not require it, you should do this anyway. A proposed order becomes an order if the judge signs it.

**Real property:** Land and any buildings on the land.

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

**Response:** A formal written answer to a Petition filed in court. Can also describe the papers you file in response to a motion. It can be confusing. Here, “Response” with a capital “R” refers to the Response form. We say “response” with a small “r” for all types of responses. **Example:** responses to motions as well as to petitions.

**Separate household:** where you live and what you own when you and your spouse are no longer together.

**Service:** Giving court papers to the other party. The law defines how to serve. When a petitioner starts a case, petitioner must arrange for the Summons and Petition and

other papers that begin the case to be properly hand-delivered or, in some cases, sent by certified mail or published in a newspaper. After service of the initial Summons and Petition, many later papers can be served by mail.

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

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

**Working papers/working copies:** Local court rules may require you to deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. We call this set of copies Working Papers. To learn the rules about this, read [What are Working Copies](#) and local court rules, and check with the facilitator or court clerk.



## 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 many 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 many of these forms at [courts.wa.gov/forms](https://courts.wa.gov/forms).



**Evaluation Form:** How was this packet? 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. 8<sup>th</sup>, Suite 275  
Vancouver, WA 98660  
Or email to [WLHTeam@nwjustice.org](mailto:WLHTeam@nwjustice.org)

1. Where did you get this packet?  
 CLEAR    [WashingtonLawHelp.org](http://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: \_\_\_\_\_